
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
ANNAPOLIS, MARYLAND

April 27, 2022
10:05 a.m.

PRESENT

HONORABLE BOYD RUTHERFORD

Lieutenant Governor

HONORABLE DERECK DAVIS

Treasurer

HONORABLE PETER FRANCHOT

Comptroller

JOHN GONTRUM

Secretary, Board of Public Works

ELLINGTON CHURCHILL

Secretary, Department of General Services

JAMES PORTS

Secretary, Department of Transportation

JEANNIE HADDAWAY-RICCIO

Secretary, Department of Natural Resources

MIKE LEAHY

Secretary, Department of Information Technology

LISA GRIGSBY

Recording Secretary, Board of Public Works

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CONTENTS

Subject	Agenda	Witness	Page
Resolution in Honor of Sheila McDonald, Esquire	SEC 19, p. 31	John Gontrum Sheila McDonald	8, 54
New Germany State Park – Water and Sewer System Improvements	SEC 11, p. 20	John Gontrum	10
Release of Lien on 1222 Mosher Street, Baltimore City	SEC 18, p. 30	John Gontrum	11
Program Open Space Acquisition Projects in Anne Arundel County	DNR 2A, p. 35	Jeannie Haddaway-Riccio	11, 65
On Call Construction Management at Risk for the School of Nursing Expansion at Universities at Shady Grove	USM 2-C-BP, p. 62	Tom Hickey	13
Communications Facility Maintenance at BWI Thurgood Marshall and Martin State Airports	DOT 3-M, p. 63	James Ports	15
Mechanical Cleaning and Sweeping of Paved Surfaces at Various Locations in Allegany County	DOT 14-M, p. 91	James Ports	15
Median and Roadside Mowing, Trimming and Litter Pickup at Various Locations in Northern Anne Arundel County	DOT 15-M, p. 93	James Ports	15
Sport Litter Pickup at Various Locations Along I-695 and I-83 for the Hereford Shop Area in Baltimore County	DOT 16-M, p. 95	James Ports	15

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Full Width Litter Pickup at Various Locations for the Owings Mills Shop Area in Baltimore County	DOT 17-M, p. 97	James Ports	15
Grant to the Board of Trustees of The National Great Blacks in Wax Museum	DGS 14-CGL, p. 120	Ellington Churchill	17
<i>The Baltimore Sun</i> Statewide Job Recruitment Advertising Services	DGS 22-S, p. 130	Ellington Churchill	17
Financial Management and Counseling Services	DGS 30-S, p. 165	Withdrawn	18
Modification of Contract for Infectious/Biological Waste Pickup & Disposal	DGS 37-S-MOD, p. 183	Ellington Churchill Webster Ye	37
Web-Based Adult Literacy System for the Department of Labor	DGS 39-IT, p. 187	Ellington Churchill Latesa Thomas	40
Managed Security Services Provider for the State Board of Elections	DGS 42-IT, p. 193	Ellington Churchill Linda Lamone Nikki Charlson	40, 42
Renewal of Lease to Crabby Pig	DGS 54-LL, p. 226	Ellington Churchill	46
Various General/Miscellaneous Contracts	DGS 60-GM, p. 233	Ellington Churchill	47
Various Task Orders/Purchase Orders Under Previously-Approved Master Contract	DGS 49-IT, p. 208	Ellington Churchill Michael Leahy	48
New Regulations and Amendments to State Procurement Regulations	SEC 2, p. 5	John Gontrum	55

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State Property Tax Rate	SEC 4, p. 8	John Gontrum	56
Payment of Settlement in <i>In the Matter of the Wrongful Conviction of Kirk Bloodsworth v. Board of Public Works</i>	SEC 17, p. 29	John Gontrum David Beller Kirk Bloodsworth	57
Approval of MDOT MTA Abandonment of Real Property	DOT 11-RP, p. 83	James Ports	66

PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Good morning, everyone. We're going to get started probably. The Comptroller is handling a car matter and he'll be here shortly, but I don't want to delay those who are both here, as well as coming in electronically.

Of course, it is always a pleasure for me to be here and to chair the Board of Public Works, and in years past to sit where the Secretary of the Department of General Services is sitting now. And let me say good morning to Treasurer Davis.

TREASURER DAVIS: Good morning, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And Treasurer Emeritus Kopp, who happens to be here.

TREASURER DAVIS: She's doing an evaluation today.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Before we go into the main part of the Agenda, I just want to point out a couple of major victories for the State over the last week.

First, the Interstate Counseling Compact, a milestone for mental and behavioral health services, as the Interstate Counseling Compact was officially enacted with ten states, which will allow it to formally take effect. Our Commission to Study Mental and Behavioral Health, which I chaired, recommended legislation that would allow Maryland to be one of the first states to enter into this compact. And legislation was passed last year and signed into law back in 2021. And now that the compact has ten members signed on, it will enable professionally licensed counselors and therapists to practice across state

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lines and to provide services in other compact participating states. Now, while there are ten that have signed up, several additional states have legislation pending to join the compact and thereby allowing professionally licensed counselors and therapists to continue to serve patients even if those patients move from out of state, move to or travel to another state. And it will increase access to vital mental and behavioral health services and substance use disorder services for those who are in desperate need of this treatment. And this is particularly a challenge, and that can address some of the challenges in areas close to our borders, our State borders, as well as those that are outside the Baltimore-Washington corridor where the need is particularly acute.

The second area is on the same day that the compact was announced, the Baltimore, Maryland and Washington, D.C. joint bids for the 2026 World Cup made headlines and was announced. Joining forces with D.C. set Baltimore up to be in a prime position to host games, matches, at M&T Stadium, as well as other soccer related activities, including training sites and practice sites in the area. As the co-chair of the Maryland, Baltimore bid, and previously I was the chair, now I know how much that bringing the beautiful game to Baltimore will affect the City in a very positive way. And we should get final word on location selection in mid-May. This puts us in a very good situation, because the World Cup has not held matches outside of the nation's capital and we would be considered as part of a joint bid, the Capital Region. And so we're looking forward to that. And so that will be wonderful.

So with that, I'll turn to the Treasurer for opening comments.

TREASURER DAVIS: Thank you, Governor. Again, I welcome everyone. It's good to see you all here. I won't be long. I just wanted to take the opportunity, I see it's up as Item 4 on the Agenda. I chaired my first Commission on State Debt meeting. Secretary -- it went really fast. Secretary Brinkley

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warned me not to get used to that.

(Laughter.)

TREASURER DAVIS: But I'm pleased to report that we were able to keep the rate consistent, as it has been I guess the last 14 years. And I believe next week we have Employee Appreciation Day. I think that's, what, the fourth? The fourth. So for our State workers. So I certainly wanted to take an early opportunity to thank them, their managers, and everybody that keeps Maryland moving forward, for all that you do. It's certainly not an easy job and, you know, and the public has a right to critique us as they deem appropriate. I do know how hard everyone works. And you know, I just wanted to express my thanks for all that you do.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Very good. Very well said. Now, we have a couple of special guests joining us today. I mentioned the Treasurer Emeritus. But we have also a very special guest. For many of us, we have known her for quite a while, the former Executive Secretary for the Board of Public Works Sheila McDonald. We're very happy to have her here. You know, she retired back in 2019. Unfortunately, the pandemic forced us to postpone this long overdue recognition of her amazing career.

Sheila began as an Assistant Attorney General at what was then known as the Department of Economic and Employment Development. It's now the Commerce Department. I wouldn't have guessed that. Her service to the Board of Public Works began as General Counsel and later as Executive Secretary, and she has served four Governors, three Comptrollers, and four Treasurers. That's a long time. I mean, because these Comptrollers sit here forever it seems like.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: (Indiscernible) all

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three Board offices as an example of the highest ideals of public service. She ensured the Board of Public Works operations, including these meetings, were efficient and accessible to all Marylanders and served as a wise mentor to liaison staff of all three offices. And I would say to many of us who were secretaries in various departments, that she was a mentor to us as well, a wise sage, as I would say.

Today we are proud to recognize Sheila's great service to the Board of Public Works and of course to the State of Maryland. And we have a citation, and I believe from all three of the offices this morning, as well as Item 19 on the Secretary's Agenda, officially memorializes in the official record recognition of her outstanding service. So with that, I think she deserves a round of applause.

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: We'll do this again when the Comptroller comes. And we have a Governor's Citation for you.

(Citation presented.)

(Photographs were taken.)

SECRETARY MCDONALD: Thank you (indiscernible) --

(Applause.)

SECRETARY MCDONALD: And I'm very happy to meet you, Treasurer Davis. Now I can say I've appeared in front of another Treasurer --

(Laughter.)

SECRETARY MCDONALD: -- It is great to see Treasurer Kopp. And let me just quickly acknowledge the Board of Public Works staff also, Missy Hodges, who sat next to me and Marion Boschert --

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Okay.

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All right. Mr. Secretary, I think we're ready for your Agenda.

SECRETARY GONTRUM: Good morning, Governor, Mr. Treasurer. There are 19 items on the Secretary's Agenda this morning and one report of an emergency procurement. Item 4 was revised as anticipated following, as the Treasurer mentioned, the Commission on State Debt meeting. Item 10 was revised to provide information on MBE participation compliance and correct the MCCBL year. Item 11 was revised to provide information on MBE participation compliance. And Items 18 and 19 are supplemental items. Item 18 is the DHCD lien release request deferred at the February 16th meeting. And Item 19, as just discussed, is a very special resolution of the Board honoring former Executive Secretary Sheila McDonald, who on a personal note I would like to count myself as one of her many mentees and certainly a good friend. So thank you.

LIEUTENANT GOVERNOR RUTHERFORD: And I guess --

SECRETARY GONTRUM: -- answer any questions.

LIEUTENANT GOVERNOR RUTHERFORD: -- I guess we'll get a copy of the item to Ms. McDonald.

SECRETARY GONTRUM: Once it's approved, I intend to do that personally, Governor (indiscernible) --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: All right. I keep looking back. Any questions on the Secretary's Agenda? No questions? I will mention, though, that Item 11 is a water and sewer system improvement at one of my favorite parks, the New Germany State Park. So it's good to see that that maintenance is taking place. Mr. Treasurer, do you have any questions on --

TREASURER DAVIS: I'm good, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Thanks -- oh yes, thanks for reminding me. I did want to mention one. We brought back an item. I

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didn't mark it with my usual post-it notes so to, I have post-it notes. I believe it's Item 18, a supplemental. This was brought back because I questioned just how we, the State, got into this situation, where there is a loan that was done several years ago over properties in Baltimore City. And now, or I should say the loan went to an entity that has not paid their debt in over two years, my understanding is. And the City is going to take over a couple of the properties that the State loaned money to this entity to rehabilitate. And while I'm going to let the item go through at this point, I just, you know, have talked to the Secretary several times and I hope that the, we will not see these types of transactions in the future. It's a situation where it was all done with good intentions, but it appears that the partnership is just not as viable as it may have appeared to be. And so I was very concerned about it. It was pulled off of the Agenda, and it's now coming back. And it's really approving the sale or the condemnation going to the City and the money from the City will be used to offset some of the outstanding loan balance of this partnership that is still in the development phases for this property. And so I just wanted to mention that. Otherwise, I have a motion to approve the Secretary's Agenda.

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR RUTHERFORD: We're in favor.
Department of Natural Resources?

MS. HADDAWAY-RICCIO: Good morning, Governor, Mr. Treasurer. For the record, Jeannie Haddaway-Riccio, Secretary of the Maryland Department of Natural Resources. We have 13 items on our Real Property Agenda today for which we are seeking approval. And I would like to take a moment just to highlight Item 2, which is the acquisition of the Elktonia/Carr's Beach property in Anne Arundel County.

LIEUTENANT GOVERNOR RUTHERFORD: I was going to

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mention that, too.

MS. HADDAWAY-RICCIO: Okay. Well, I will defer to you but I do want to just acknowledge my two good friends, Joel Dunn, who leads Chesapeake Conservancy, and Vince Leggett, who leads The Blacks of the Chesapeake, who are here in support of the item today. We also have the Mayor, the City Manager, and our staff on standby should you have any questions.

LIEUTENANT GOVERNOR RUTHERFORD: No questions at all. I am very pleased to see this item come to us. It was something that took a little bit of time to make the acquisition. We talked about a partnership that has taken place of course with the entities that you had mentioned before. That's really the main partnership, because I will say there was a little -- the City of Annapolis was very good. There was a little bit of a struggle with the county. But and as the Secretary knows, and I don't know if everyone knew, but we were prepared to just buy it ourselves, the State just to buy it. Because others were moving a little slow. We did add money to our capital budget for the project. We have Program Open Space money for it. But everyone came together to make this happen. And this is somewhat personal for me, because my mother went to Carr's Beach when she was a younger person, much younger person. And so I have heard the stories about Carr's Beach and to be able to preserve this portion of what once was one of the few places that African Americans in this region could go to the beach as well as entertain at venues. So I'm very proud that this is taking place and the property will be preserved and made a park. It won't be one of the parks that would be on my bucket list because it's not officially a State Park, but I will go there anyway. So thank you.

Speaking of which, last week was State Park Week. And we were able to, with the Secretary and a number of our team and we added a few people from the executive offices, join us at several State Parks last week. We did six

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parks and opened two new parks, one in Cecil County, one in Kent County. And it was quite enjoyable. So I'm up to 67 of the 75 State Parks. Although the Secretary plans to open another one, so it will be 76. But right now, it's 75. So I want to thank you.

MS. HADDAWAY-RICCIO: Thank you for your leadership, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. It has been enjoyable, although grueling. The Appalachian Trail was a little more than what I think any of us were expecting.

MS. HADDAWAY-RICCIO: It was extra.

LIEUTENANT GOVERNOR RUTHERFORD: It was extra, right.
(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Any questions on Department of Natural Resources?

TREASURER DAVIS: Move favorable.

LIEUTENANT GOVERNOR RUTHERFORD: Okay, I would second. All in favor, thank you. All right. University System?

MR. HICKEY: Good morning, Governor, Mr. Treasurer. Tom Hickey, representing University System of Maryland. There are four items on our Agenda this morning. We're happy to answer any questions you may have.

LIEUTENANT GOVERNOR RUTHERFORD: I just had a quick question. It's not just with the University System. But when we look at the MBE participation and the goals, and the goal of 25 percent, and then we have the sub-goals. And I know that there are sub-goals that come in. But it seems to me when we are saying, and I'm looking at 2-C-BP, that the sub-goal for African Americans is eight, and 11 for women. It just seems as though, I know that there are more people involved in the MBE, and maybe this isn't a question for you and

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something I should raise with Jimmy Rhee at some point, is that it just seems diluted, for lack of a better term. It's not, it's a general statement that goes to all of our agencies, and maybe I don't know if the Secretary of the Department of General Services has any comment or answer to my query.

MR. CHURCHILL: The correct person to address that question is the policy advisor, which is Secretary Rhee.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: So we are following that policy.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I'll talk to him at some point about explaining that whole process to me. Because in the olden days, oh Sheila has left, in the olden days we didn't really have all that. Okay. Any other questions on, for the University System?

TREASURER DAVIS: No, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Then I move for approval.

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. HICKEY: Thank you very much.

LIEUTENANT GOVERNOR RUTHERFORD: I guess it's finals time at the Universities -- (indiscernible). Okay. All right. Take care. He's an old student, so. Department of Transportation?

MR. PORTS: Oh wow, all right.

LIEUTENANT GOVERNOR RUTHERFORD: I know, we're moving --

MR. PORTS: I know. This is great. Good morning, Governor, Treasurer. For the record, my name is Jim Ports. I'm Secretary of the Maryland Department of Transportation. The Transportation Department is presenting 23

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items for your consideration. Item 7-E is being withdrawn, leaving 22 items for your consideration. We'll be happy to answer any questions.

LIEUTENANT GOVERNOR RUTHERFORD: I have just a general comment and I'm looking to see if I have some particular, but a general comment. I was very pleased to see that Transportation in general is utilizing small and minority businesses. There are several small business reserve contracts. I think it would be 14 through 17. 3-M, the prime is a certified MBE. I saw another small business reserve that I didn't flag. But I was very pleased to see that Transportation is utilizing that program very well. And I hope to see that continue and even some of the larger contracts to start utilizing the small businesses.

MR. PORTS: Well, you will. As a matter of fact, we go out of our way to have the open door process, where MDTA as well as other organizations throughout MDOT have opportunities for minority businesses to come in and talk to the primes, and also learn about where they can be a prime. And as you know, we have a robust small business administration procurement. We've been trying to push a lot of -- we have heard you. I remember when you sat here next to me and we talked about that way back when, and you have never stopped talking about that. And we have been pushing very hard on that. So thank you for recognizing it.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I'm glad to see that. Questions on any particular items that are --

TREASURER DAVIS: No, sir.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Well, I have a motion to approve the Transportation Agenda.

TREASURER DAVIS: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're both

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in favor. Okay. We'll turn to the Department of General Services. And thank you for asking me to come and address the National Association of State Chief Administrative Officers last night. That was great. You had a very good turnout. All 50 states (indiscernible) here, secretaries, counterparts in all the other states are gathered here in Annapolis for a few days and yesterday they had a reception down in the Rotunda and it was good to see everyone.

MR. CHURCHILL: I'm glad. Thank you for that, Governor. And of course, you are considered an OG of NASCA and it's no surprise. I mean, you are a rock star throughout Maryland, but you really were a celebrity for my counterparts from across the states. Thank you for speaking to the group.

So officially, good morning, Governor, Mr. Treasurer. For the record, I'm Ellington Churchill, Secretary for the Maryland Department of General Services. Today we are presenting 62 items on our Agenda, including one supplemental. We are withdrawing Item 21, 27, and 48. The Agenda includes nearly \$6.5 million in capital grants and loans, including \$1 million to the City of Annapolis. And additionally, General Services is seeking approval for contract action on two minority business contracts and nine small businesses in terms of recommended awards. And finally, before ending, Mr. Treasurer, you mentioned about Employee Appreciation Day for next week. I would also mention, and I'm sure we all would, it's Administrative Professional Day. And we want to say Happy Administrative Professional Day, especially to those in General Services.

LIEUTENANT GOVERNOR RUTHERFORD: Especially.

MR. CHURCHILL: We are ready to take any questions you may have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: I just --

TREASURER DAVIS: No, you go ahead.

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LIEUTENANT GOVERNOR RUTHERFORD: -- I do want to point out the capital grant and loan to the National Great Blacks in Wax. I believe that, you know, all of us have agreed to that value of that museum and what they do there.

MR. CHURCHILL: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: I mean, all of the capital grants and loans are well deserved. But I just was pointing out that one.

MR. CHURCHILL: Governor, I neglected to add that we do have requests for public comment for Item 20 and 30.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, 20 and 30? Okay. Before we go to public comments, maybe I'll just mention one. This is really a question on 22, it's the statewide job retention or recruitment advertising service with *The Baltimore Sun*. I don't have any problems with the idea of advertising. It just seems to me that, I don't know if it's outdated. I mean, you know, in my day, and where's Bruce? In Bruce's day, we looked for jobs in newspapers. Now a lot of people don't get a hard copy newspaper. So I would imagine they are using their other platforms as well. And why not the *Daily Record*, of course? Maybe there is a plan with them, too. I don't know. But I just, it struck me when I saw that and maybe, you know, as we go forward, this is a one-year contract, that it should be, and I know they probably have the widest distribution in this area. But maybe there should be something broader. Because in a sense, their marketplace doesn't go into the D.C. region either. So you have got the two largest jurisdictions in the State that are kind of left out because they are not necessarily following *The Baltimore Sun*.

MR. CHURCHILL: So it is a conversation with the Office of State Procurement. It has come up, when we can come back and advise the Board on some of those thoughts --

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LIEUTENANT GOVERNOR RUTHERFORD: Okay. You said there were people to testify on 20? Oh, did you have questions before we --

TREASURER DAVIS: Actually, I was going to ask about 30. So -

-

LIEUTENANT GOVERNOR RUTHERFORD: Okay --

TREASURER DAVIS: -- keeping track here.

LIEUTENANT GOVERNOR RUTHERFORD: I'm going to go to the questions on 20. And you said there, someone has requested to speak?

MR. CHURCHILL: Yes, sir. So Item 20 concerns the --

LIEUTENANT GOVERNOR RUTHERFORD: Jefferson Patterson?

MR. CHURCHILL: Yes. And the requested speaker is -- oh, we don't have one for 20? My apologies.

LIEUTENANT GOVERNOR RUTHERFORD: Oh.

MR. CHURCHILL: My apologies.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: I thought we had one for 20.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I was going to say, what could be the controversy here? Okay. Well, we know Item 30, we have questions. I know the Treasurer, Item 30, I guess Webster --

MR. CHURCHILL: Yes. So Item 30 concerning the financial management and counseling --

MR. YE: Good morning, Governor, Treasurer, Treasurer Emeritus, who just stepped out. Webster Ye on behalf of the Maryland Department of Health. The Department of Health in close partnership with the Department of General Services is pleased to present two recommendations for award on item 30-S on financial management and counseling services. This program is perhaps

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the highlight, if you will, or the very definition of mundane by meaningful. At the end of the day, these are back of the office administrative functions that deliver critical services to many individuals with disabilities and individuals with developmental disabilities.

Since 2006, we have been functioning under two I would argue illegal contracts. Two illegal contracts that were negotiated without procurement oversight, without budgetary oversight, and without approval by this Board. We have been repeatedly cited by the Office of Legislative Audits and they have strongly recommended in no uncertain terms that we competitively solicit and take through the regular established procurement process and bring before the Board of Public Works recommendations for award. And these services are very, very (indiscernible) a budget by an individual participant, they manage payroll processing, they train the participant in employer and budget authorities. It currently impacts about 1,000 individuals with developmental disabilities. Every year for the past couple of years, we have added people to this category. But there is another category, and that is individuals with disabilities. This stems from a program called Community First Choice. And since 2015, we have not been able to offer those services. We would like to offer those services and I believe that the Board has a letter of support from the Maryland Department of Disabilities where this is a close and very important part of the State Disabilities Plan. And so I would submit to the Board, and I know that there is quite a lot of meaningful public testimony both for and against so I'm going to get out of the way. The basic point here is these are for the first time in about 13-plus years we are bringing contracts before the Board. We respectfully request that the Board consider them, not defer them. And we would like to be able to report to the legislative auditors and the federal government that for issues involving fiscal responsibility, procurement process following it, and adherence to minority

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owned business and veteran owned business enterprises that we adhere to existing statute and regulations. And so with that, I'm happy to take any questions or turn it over for public testimony.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I just have a quick question. How long has, as you said, that the contract was not officially approved?

MR. YE: The original contracts were signed in 2006. Again, it didn't go through procurement oversight. It was three-year contracts and they lapsed in 2009. And so in two audit cycles, the legislative auditors' office have said, hey, what gives? Why can't you fix this? And so we started to try to fix things as early as 2017. This has had, been a very long and tortuous process and we have tried to do things. This is the third solicitation and we have tried to be as by the book as possible this go around and we believe that we have done so.

LIEUTENANT GOVERNOR RUTHERFORD: So in 2006 there was a contract that was entered into improperly, but since 2009 there hasn't been a contract?

MR. YE: The vendors have been operating without a contract, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.

TREASURER DAVIS: If I can, for me, Mr. Ye, the concern is not with the need for the contract or even how, you know, it was designed. I think that case has been made. What I have been hearing, both directly from I guess the citizens as well as members of the General Assembly, was, I guess, you know, the exclusion of the incumbent contract, the incumbent contract holder and it was my understanding, and I guess I want to seek clarification, there was an MBE issue and (indiscernible) MBE had applied well in advance of the deadline but that it was a sister agency not moving in a timely manner to approve their certification. And as a result, they were unable to competitively bid for it because their MBE

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partner was excluded. How close am I to understanding, you know, the situation with that? And I'm sure that's probably the gist of the testimony that we're going to hear to follow up. Can you sort of help me out with that? What went on with that situation?

MR. PORTS: I think I'll take that one, if you don't mind, Mr. Treasurer, since we do the MBE certifications, the Transportation Department, for the entire State. And so the way I would explain this is, because we did get dragged back into this for that reason. That is what has been said. However, I would point to Senate Bill 541, which is State contracts, minority business enterprise pending certification. And it's a very short bill, and what it says is that regulations adopted under this section shall specify that a unit may not allow a business to participate as if it were a certified minority business enterprise if the business certification is pending. And so, and for the record, at that time in 1994, Delegate Ports --

TREASURER DAVIS: I remember.

MR. PORTS: -- Delegate Franchot, Delegate Kopp -- where is she? I saw her in here a few minutes ago -- all voted for it. Actually, it was 136 to zero, that you could not try to utilize a firm that was not already certified. That's in statute. And so when our procurement folks looked at that, that's all we could rule. Because we can't allow anyone to break the law, obviously, right? And we don't want to be in that position. And I would say that in this case, because you are talking about CPAs, there are well more than 100 CPA minority certified CPA firms throughout the State that could have been chosen. But this entity in this case decided to pick one that was pending. It's against the law. That's how we had to rule.

TREASURER DAVIS: Got it. Thank you. That helped. It's my understanding also, and correct me if I'm wrong, that this contract would run, that

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another contract would be necessary in I guess around October, or is this a short term contract or a longer term contract? I may be confusing some of the information. But it was my understanding that we would need, the State would need to bid this again in October.

MR. YE: Mr. Treasurer, the answer to your question is it's a little bit complicated. Right now, the procurements are based on existing law. Should a bill that's going through bill review right now be enacted into law on October 1st, the department will first take steps to either solicit for an additional vendor option or additional procurement steps as we discuss things with our Office of the Attorney General and our procurement colleagues. So the basic point, sir, is we have said openly in this initial RFP we envisioned multiple vendors and we welcome the competition. We want to ensure that there is plenty of choice for these individuals.

TREASURER DAVIS: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I'm going to kind of go -- I have a method to it. It may seem a little haphazard. But I'm going to call on Jonathon Rondeau from The Arc Central Chesapeake Region. Hi there.

COMPTROLLER FRANCHOT: Hi guys.

LIEUTENANT GOVERNOR RUTHERFORD: We're on Item 30 in DGS. This is the financial management and consulting services.

COMPTROLLER FRANCHOT: If I could just intervene and say thank you to the Maryland State Police. I happened to pop a tire out on Route 50 and I am very grateful for their professionalism. I also would like to thank the Past and Present Towing recovery truck from Laurel, Maryland that was just driving by and happened to stop and help a couple of stranded motorists. The slogan on the Past and Present truck was, "Whether By Old or New, We've Got a

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Tow for You.” So right now, the tire is being repaired. And I wanted to apologize for being late. And I’m not exactly sure what the situation is. I wish you had waited, but I understand the desire to move forward. But I am going to read an opening statement and I’m going to go back to the items that I’m concerned about. And but I’m happy to defer to the Lieutenant Governor.

LIEUTENANT GOVERNOR RUTHERFORD: I hope you don’t mind. We’ll let him read his opening statement.

COMPTROLLER FRANCHOT: If you don’t mind?

LIEUTENANT GOVERNOR RUTHERFORD: Well --

COMPTROLLER FRANCHOT: I mean, okay, thank you very much --

LIEUTENANT GOVERNOR RUTHERFORD: You weren’t here on time.

COMPTROLLER FRANCHOT: -- that was because the unfortunate, I know it --

LIEUTENANT GOVERNOR RUTHERFORD: I’m not going to argue --

COMPTROLLER FRANCHOT: -- maybe it just never happens to certain people --

LIEUTENANT GOVERNOR RUTHERFORD: No, no. But the business day generally starts at 8:30 or 9:00.

COMPTROLLER FRANCHOT: Thank you, Lieutenant Governor for your comments. And thank you Treasurer, thank you for being here.

Since last Monday was the federal tax deadline, I thought it might be a good time to provide an update on how Maryland’s tax season is going. As you know, for the third consecutive year I have pushed back the tax filing and payment deadline by three months, with this year’s deadline being July 15th, to

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provide Maryland families and small businesses who continue to be impacted by the economic effects of this pandemic additional time to pay their taxes. The delay in tax filing and payment season over the past three years have helped on average each year 600,000 Maryland families and small businesses who essentially have received an interest free loan from the State and a penalty free loan, and not a loan that they have to make an application for. They simply send us the money they owe us on July 15th as opposed to April 15th. And the beauty of this administrative action is that the relief is immediate and self-selecting.

Only those who need the additional 90 days to pay their taxes take advantage of the extension, as evidenced by the statistics I'm about to share. In other words, the people we owe money to, they all send their tax returns in. Despite the labor shortage issues that every agency, every industry, and every employer in the State experiences, I'm pleased to report that thanks to the dedication and commitment of the 1,100 public servants in the Comptroller's Office, we are actually ahead compared to last year in processing returns and disbursing refunds. To date, we have processed more than 2.7 million tax returns, paid out more than 1.6 million refunds worth more than \$1.7 billion, that's B as in boy. The last two years during this pandemic have been extraordinarily challenging. I couldn't be prouder of the work that my agency is doing to ensure that we are able to process returns and disburse Marylanders' hard-earned refunds everyone counts on. Two and a half business days on average, putting your money back in your bank account.

So Lieutenant Governor, thank you for allowing me to give a shout out to my wonderful employees. I look forward to the rest of this productive morning. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thanks. Thanks to them. Thanks for their hard work. Mister -- I didn't pronounce your name

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right, I don't think.

MR. RONDEAU: Jonathon Rondeau.

LIEUTENANT GOVERNOR RUTHERFORD: Rondeau? Okay.

MR. RONDEAU: Good morning, Lieutenant Governor, Treasurer, Comptroller. My name is Jonathon Rondeau. I am the President and CEO of The Arc Central Chesapeake Region. Today, I am here to speak in opposition of the Department of Health Developmental Disabilities Administration procurement for the financial management and counseling services.

Founded in 1961, The Arc Central Chesapeake Region has been providing support to 3,000 people with intellectual and developmental disabilities and their families to live, work, and connect with their communities. Since 2006, The Arc has successfully provided financial management services, or FMS, to Marylanders with disabilities. Over the last five years, the people The Arc has supported has grown from 400 people who self-direct to 1,650, more than the Assistant Secretary mentioned earlier, or roughly 85 percent of the FMS participants in the State. The growth and self-direction that is touted by DDA was possible in part because of the services The Arc has been facilitating.

During that time of us facilitating the services, The Arc has not received any written or formal feedback or negative findings from the department. Over the last two years, The Arc has extended services beyond the scope of the current agreement from 2006 without additional funding from the State to provide seamless support to FMS participants and their team to help them navigate the COVID-19 pandemic. These additional services include onboarding nearly 100 FMS participant employees per month, administering the Appendix K flexibilities, and working with the department on ensuring continuing services despite the lack of full budget documentation from the State. This additional support is in effect for FMS participants today.

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In September, The Arc FMS response was disqualified by the department based on the sole fact that our MBE partner, which has been our MBE partner for four years, received their official notification of their State MBE status five days after the submission deadline. The Golden Group, a Hispanic owned accounting and financial services firm based in Maryland that had already secured its federal MBE status, began its MDOT MBE certification process in February 2001 (2021), over three months before the RFP was released. Due to the pandemic, like many State agencies, the agency that handled the MBE process were working remotely and was not timely in their communication or facilitating the MBE approval process with the Golden Group.

While they met all the requirements and received verbal approval from the State that they would be certified as an MBE before the closing of the date of the FMS RFP deadline, official notification in the State system did not occur until September 15th. Further concerning is the RFP clearly outlines a way to resolve MBE compliance issues if there is an issue with the MBE subcontractor at the time of award, but does not outline such a process in this situation. In fact, if The Arc was included in today's award, it would be fully compliant with the RFP's MBE and VSBE requirements. I do not believe the actions taken by the department honor the intent of the MBE process, nor was it designed to remove a nonprofit Maryland based incumbent to be replaced with for profit out of state contractors.

Today, a decision to move forward with this procurement would be a grave mistake. It essentially would end the employment of 40 Marylanders employed by The Arc and its subcontracting partners. It would also prevent Marylanders with disabilities included in the counseling component of the RFP response from employment opportunities. Your decision would move many of those jobs created in the current procurement out of state. I encourage the Board

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not to approve the Agenda items and I thank you for your time.

COMPTROLLER FRANCHOT: -- question?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

COMPTROLLER FRANCHOT: How long has The Arc held this contract?

MR. RONDEAU: We have been providing FMS services since 2006. We were one of the agencies that worked with the DDA at the time to envision this program.

COMPTROLLER FRANCHOT: So you have relationships over the long time you've been dealing with these families of individuals that have developmental difficulties and challenges?

MR. RONDEAU: Correct. This program started with a handful of people and today supports 1,650 participants that we specifically support.

COMPTROLLER FRANCHOT: And my understanding is you are a Maryland not for profit?

MR. RONDEAU: Correct.

COMPTROLLER FRANCHOT: And these families have become part of I guess your family to a certain extent because of the long time that you have dealt with their challenges?

MR. RONDEAU: We have -- the nature of FMS is to provide that back office support. And so we do provide a high level of customer service. So it is not the same in our other services where we are providing those services. But yes, people come to count on us. Especially during the pandemic, if someone needs to process a new employee quickly we are able to do that. Those relationships that they have built over the years of service that we have been providing are in place and we do that each and every day.

COMPTROLLER FRANCHOT: Yes, well I just want to thank

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you, thank you for what you have done, your organization. And the fact that you are beloved by the families of these individuals that are so deeply challenged just adds weight and gravity to your statements. I know we're here in somewhat of a procurement mode. But thank you for what you do for our citizens.

MR. RONDEAU: Thank you.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Any questions?

TREASURER DAVIS: I too want to echo my thanks for what you do for our citizens. But my question is this. You said you've had the contract since 2006?

MR. RONDEAU: Mm-hmm.

TREASURER DAVIS: How long have you had the MBE partner that you are using?

MR. RONDEAU: They have been with us since October of 2017, so a little over four years.

TREASURER DAVIS: Seventeen?

MR. RONDEAU: Yes. Our current agreement --

TREASURER DAVIS: No, hold on, let me stay there for a second. This is your MBE partner and you said you've had them since '17, but they haven't had --

MR. RONDEAU: They didn't --

TREASURER DAVIS: -- certification --

MR. RONDEAU: -- out of state certification. Our current agreement doesn't have any MBE requirements and we had been providing the services 100 percent in house, and we slowly moved away in that direction.

LIEUTENANT GOVERNOR RUTHERFORD: Let me just correct something. There really isn't a current agreement, because your

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agreement from 2006 expired.

MR. RONDEAU: However, the administration holds us accountable to that agreement. So I would argue it is a de facto agreement, whether it expired or not. When there is an issue or an accountability structure, the administration on numerous occasions, both in writing and verbally in meetings, uses that agreement as an example of what services we are to provide. Now, we do provide services well beyond the scope of the original services because that's what the people with intellectual and developmental disabilities and their families need. But that, I would argue that while technically it may not be right, it is de facto being utilized every day.

LIEUTENANT GOVERNOR RUTHERFORD: In equities, it's probably, you are probably right. But in terms of just the way our statutes are written and the Board of Public Works and procurement process, and I will be turning to the Health Department and we will be looking probably for a retroactive contract at some point that's going to have to go back to 2006, quite frankly, because it was never approved by the Board of Public Works.

MR. YE: I believe so, sir.

COMPTROLLER FRANCHOT: No, I have some other questions. I don't find that to be particularly important here. What I'm focusing on --

LIEUTENANT GOVERNOR RUTHERFORD: -- it is --

COMPTROLLER FRANCHOT: -- what I'm focusing on is your work for our people. God bless you. So this is a, it's my understanding that this is a \$15.7 million contract and let me just ask about the procurement situation right now. And are you litigating this with the Board of Contract Appeals?

MR. RONDEAU: We, our Board of Contract Appeals was denied. We have currently filed for a judicial review.

COMPTROLLER FRANCHOT: Good for you. You should do

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that. So I guess this petition for judicial review has been there filed. But how appalling is it that we are in this situation? And let me just ask how long did MDOT have to consider the MBE certification request?

MR. RONDEAU: The process started in February. I don't have all the specifics with me today. There was some confusion in June and July about what the next steps were in that process and those, but there is some disagreements between our subcontractor and MDOT on where that communication fell down.

COMPTROLLER FRANCHOT: Right. But considering the outright embarrassment to the State of Maryland that apparently for months this application was pending, I'm just wondering about your concept of customer service that your sub-prime, I take it, MBE person was subjected to. So it's my understanding that legislation has been passed this session concerning this particular procurement?

MR. RONDEAU: Legislation was passed by the General Assembly and is being reviewed by the Governor's Office.

COMPTROLLER FRANCHOT: So the legislation is being looked at. It has been passed by the Legislature.

MR. RONDEAU: Correct.

COMPTROLLER FRANCHOT: And it affects this procurement specifically. And so I guess my concern to you is aren't we in obeying the rules literally jeopardizing our developmentally disabled community that is served by you? Aren't we jeopardizing the -- I mean, I just find the whole situation to be just totally unacceptable. I mean, these are not, these are folks that are highly challenged and families that have many, many responsibilities. And here we are heaping one more thing on. We're going to bring in two out of state companies. These are not in state, you are in state, the MBE is in state. And these other

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vendors that we're being asked to approve a \$15.7 million contract for are from out of state. What about the services that they provide? What have you heard through the grapevine about the winners of these two contracts that your client has been I guess ruled out of order or something? You are not allowed to be considered for this, I guess.

MR. RONDEAU: So I want to be clear, The Arc's position has always been that we believe in choice. And so we are not advocating that there should only be one vendor. I want to be clear on that. We are advocating that due to a minor technicality, we shouldn't be excluded as a choice around that. I think to answer your earlier question is I think that there are pluses and minuses to every provider around that and those should be choices. I think there is one of those providers that there potentially are some concerning things, but that has not been the focus of sort of my purview but has come from the people we support sharing that information regarding that. So I really do, I think the bigger concern is we are still feeling the elements of a pandemic. We are in a pandemic. While we are not masked, there are still challenges that particularly vulnerable populations like people with intellectual and developmental disabilities are facing. With a workforce crisis shortage, if The Arc isn't one of the choices of FMS vendors, every employee of those 1,650 FMS participants will have to refill out paperwork, be essentially rehired, new background checks, which can be challenging for those FMS participants, it can cause delays, and in many cases across the country during FMS transitions there is a lapse in services. And we want to make sure that there is a choice. If people want a different vendor, they should have that option. But for many people, this is not the moment for that, especially for an, when an organization such as The Arc has been providing those services, meeting the goals.

COMPTROLLER FRANCHOT: Yes, well I have a ton of emails

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and press articles about one of the vendors that we are about to apparently award a \$15.7 million contract to. Talk about their horrible performance in other states. So this is acceptable to the State of Maryland? And I emphasize again, unbelievably vulnerable individuals and their families. Why? I don't know, gee, it just happened that way. So yeah, thank you, thank you for having the courage to stand up and speak honestly about this situation. And I hope that we are going to take some action on it that will help protect the citizens of the State.

MR. RONDEAU: Thank you.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

TREASURER DAVIS: Just real quick. And I honestly have no position at this time on it. I'm just sort of listening and trying to get caught up on understanding. From what I've read and hearing, or have heard, what this really comes down to, it's not about The Arc. You know, you all from most accounts, if not all accounts, are doing a good job. What this comes down to, and forgive me but I think my past life is starting to creep back in, but as I'm listening to the testimony what really happened here was you stuck with a vendor that you shouldn't have. Meaning, the vendor wasn't ready to go as the law requires, and then by sticking with that vendor and then it didn't happen, it jeopardized your contract. I mean, the subcontractor jeopardized your position. So when we are talking about this, it's not really The Arc in terms of what you are providing. It's the entity you chose to partner with, they weren't ready to go. And so that's why I had asked the original question about 2017. If you were an MBE, although this question, although this particular contract may or may not have required you to be certified, I would think as an MBE if you are going to do business with the State of Maryland, you would get certified as an MBE in the State of Maryland. Or if you are going to be someplace else, you would be certified as that. What it

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sounds like they did was they didn't worry about the certification until it became a problem. And when you do that, this is where we end up because essentially you are coming in at the last minute trying to do something that you could have done five years ago. You had five years ago, and then you wanted towards the end to get it done and as a result -- and I certainly can appreciate the loyalty. But Arc's loyalty to this MBE company and them not being certified has now jeopardized your position. Is that a correct understanding of what has happened?

MR. RONDEAU: So I would characterize it as slightly different. One, our decision was, the subcontractor in question mostly works with nonprofits where MBE -- so they don't work with commercial entities very much. And so the nonprofits generally are not, not for contract work. So this was a different experience for them. The other was they began the process before the procurement started. And so I agree that different decisions, looking back, could have been made at the time anticipating what could have happened. I would say that both the Deputy Secretary and the administration wouldn't have any conversations about any potential procurement with The Arc due to confidentiality with procurement laws. So it was difficult for us to know what the requirements are. We don't want to make a small business go through steps if that's not going to be a requirement.

Furthermore, another subcontractor, numerous other subcontractors in our proposal are nonprofits employing people with disabilities. Because they are nonprofits, they don't qualify for MBE status like they used to years ago, where nonprofits could receive an MDOT MBE status. So I would say the spirit of our proposal is stronger than the 20 percent requirement of it, and I think that's what I'm asking both in the short term and the long term, is to look at what the spirit of the law is and what the services that are being delivered and that the continuity of services in this moment and for a vulnerable population such as

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people with disabilities is more important than the technicality of this particular situation.

LIEUTENANT GOVERNOR RUTHERFORD: Going back to the technicality, the subcontractor did go through the process of DBE certification at the federal level.

MR. RONDEAU: Correct. And they had that prior to the --

LIEUTENANT GOVERNOR RUTHERFORD: But he or she just didn't think to try the State level?

MR. RONDEAU: There was a misunderstanding that got resolved over the summer of whether or not that communication automatically had made them have MBE status. Again, there is disagreements on both sides. I want to be transparent about that, about sort of what transpired during that period of time. But that is my understanding.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you.

COMPTROLLER FRANCHOT: Could I just ask you, are you aware, if this goes through, which I hope it doesn't, but if it does go through, May 1st, all of a sudden we have a whole change. Is there a transition plan that you have been --

MR. RONDEAU: We, The Arc was not communicated that this RFP was even put out in the system in May. We haven't been communicated what a transition would look like. Our contract, whether it's legal or illegal or current, doesn't specify what a transition plan would look like or how The Arc would be compensated for that, what the timeline would be, and there has been no communication from the department regarding that. So I don't, if you vote for it today, I have no idea what will happen tomorrow or next week and what our responsibility would be.

COMPTROLLER FRANCHOT: This is just a total, it's like out of

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a Dickens novel or something. But I see Mr. Ye over there from the Health Department. Do you have a transition plan May 1st to disrupt this situation for vulnerable people all over the State?

SECRETARY GONTRUM: Mr. Assistant Secretary, come up to the podium, please.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you, Mr. Executive Secretary.

MR. YE: Good morning, again, Governor, Mr. Treasurer, Mr. Comptroller. To answer your question, the department does have a transition plan. It is quite dependent on the Board's action today. I can tell you that should the Board approve the two recommended awards, we would like to work with the existing vendors, there are two of them, on a six-month transition plan to take things through to the end of the year.

COMPTROLLER FRANCHOT: And just tell me what is going to happen May 1st.

MR. YE: Well sir, that depends on what happens today.

COMPTROLLER FRANCHOT: Well, let's assume the negative, which is that this particular situation moves forward. What is the plan on May 1st? Are you going, where is it? Do you have it anywhere?

MR. YE: Well sir, again, if the Board approves these recommended awards, (indiscernible) work with all of the vendors, the new awardees, the previous vendors, on a transition plan. If we have the opposite situation, sir, then we will be in a position of delivering a report to the legislative auditor's office that the Board has instructed us to continue with illegally procured contracts and right now we are trying to follow the law that you passed in 1994 that specifically says we can't do this, we can't allow for a waiver to the minority owned business enterprise.

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COMPTROLLER FRANCHOT: So you have no transition plan, you just intend to get one if this contract sadly is approved, which I hope it isn't. But --

MR. YE: With respect, Mr. Comptroller, that is not accurate. There is a transition plan. But there are a number of plans that are dependent on the Board's actions today. And as I said earlier, there is a transition plan and we will take appropriate steps dependent on the Board's actions.

COMPTROLLER FRANCHOT: So I have all these complaints from people about the people you have selected. Here, if you want to read through them, you are welcome to. But I'd like to see the transition plan. So maybe you could get your assistant or somebody to print it out as we hear from the advocates so I could actually see it. Because I'm not sure it exists. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I'm going to --

COMPTROLLER FRANCHOT: But that's okay. I'm happy to turn it over to the advocates.

LIEUTENANT GOVERNOR RUTHERFORD: Well, I'm actually before even talking to the advocates, I'm going to make a motion that we withdraw this so that we can take a closer look at this item. And if I have a second --

COMPTROLLER FRANCHOT: I would second that. It's the right thing to do, Lieutenant Governor. I appreciate that. And I'm sorry I'm worked up over it. But you know, this is a, this is something that I think got lost in the details and --

LIEUTENANT GOVERNOR RUTHERFORD: And maybe that transition report is something you can get to the Board members, particularly to

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the Comptroller who has asked for it --

MR. YE: Absolutely. We'll be happy to do that, Lieutenant Governor.

SECRETARY GONTRUM: On a procedural note, Governor --

LIEUTENANT GOVERNOR RUTHERFORD: This is just on 30.

SECRETARY GONTRUM: Which will be deferred then? The Secretary can withdraw the item if he would like, or the Board can certainly take a motion to defer the item.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, well I guess it's the Health Department's withdrawal.

MR. YE: I would certainly defer to the pleasure of the Department of General Services --

LIEUTENANT GOVERNOR RUTHERFORD: To withdraw --

MR. CHURCHILL: We'll withdraw.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. The item has been withdrawn.

SECRETARY GONTRUM: Thank you, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay, thank you. Apologies to all those who came to testify for and against, but we are going to withdraw that item. I have a question, and I guess it's for Webster, if you could come back up, on 37-MOD. Not a -- so it's a modification increasing funding for another several months. I guess, and I guess the wording in terms of why the request is made, increased utilization due to the COVID-19 pandemic. I would kind of argue that it's tangentially related, but more so with the increases in overdoses and the murder rate, particularly in Baltimore City.

MR. YE: That is absolutely correct, sir.

LIEUTENANT GOVERNOR RUTHERFORD: You know, so

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tangentially you can say the pandemic has caused us trauma and stress, but it has led to those type of problems that we are seeing, increased overdoses and the murder rate, unfortunately.

MR. YE: Correct, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I just wanted to put that in the record.

MR. YE: You are absolutely right.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Thank you.

COMPTROLLER FRANCHOT: So I have -- I understand we got a proclamation too. But I see Mr. Doyle is here, and I just wanted to, I know this is a, you have already gone through MDOT's Agenda. But I just wanted to commend the Port Director on the successful refloating --

LIEUTENANT GOVERNOR RUTHERFORD: Offloading.

COMPTROLLER FRANCHOT: -- this was an unbelievably difficult situation. And I just wanted to compliment Director Doyle and everyone that was involved, the Coast Guard, the State, local government agencies. I also want to applaud Evergreen, which I was somewhat critical of, the company that owned this ship. Thank God it didn't block the channel. They apparently did everything appropriately and as a result, our team was able to refloat this thing and I just wanted to, Mr. Doyle, maybe you could just come up and say a word about how successful this operation was.

LIEUTENANT GOVERNOR RUTHERFORD: I'm glad you said that. But we could have gotten through this item and gone back to him. But go ahead.

MR. DOYLE: Let the record reflect my name is William Doyle, Bill Doyle. I'm the Executive Director for the Maryland Port Administration Port

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of Baltimore. You are correct, sir. Evergreen Marine Corporation is probably the oldest, the longest serving container company in the Port of Baltimore. We've had a relationship with them dating back to the seventies. I commend them for their work in the grounding. Not often do you see a shipping company step back and let the experts come in and do their work, and they did. The Coast Guard was the lead federal agency, the Maryland Port Administration, the labor unions that had to offload the containers, Maryland Department of the Environment, Maryland --

LIEUTENANT GOVERNOR RUTHERFORD: Natural Resources.

MR. DOYLE: -- MES, all of them came together. And --

COMPTROLLER FRANCHOT: Secretary Riccio, Haddaway-Riccio?

MR. DOYLE: Yes.

COMPTROLLER FRANCHOT: Department of Natural Resources?

MR. DOYLE: Yes, everybody was involved. And I want to commend, you know, I'll put America first on anything, and I'll put Baltimore first on anything. And the local contractors that came out to assist with our tugboat companies in the Port of Baltimore, they performed like none other. And I've been in this business since I was 18 years old, starting in a shipyard in Quincy, Massachusetts. I'm 52 now. I've been all over the world. I've seen salvage operations everywhere. This was by far the best and it was because of the people that were involved who didn't compromise safety and the environment for the speed to get it done. That's what they did. We could have gone 24 hours taking containers off that ship, but we didn't. When the sun went down, we put everything away. Every day we looked at it the same way. Nobody died.

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Nobody was seriously injured. No breach in the hull. No oil spills in the Bay. And commerce did not stop in and out of the Port of Baltimore. And that's our checkpoint every single day of those four weeks. So with that, thank you for those comments, sir. I really appreciate it.

COMPTROLLER FRANCHOT: Yes, and you mentioned the longshoremen who also, you know, they had a part to play.

MR. DOYLE: Yes, they did. Even though the container operations on the ship, you know, taking them off, which is difficult, I mean, you're not going from shore side to a ship that's at the dock. You've got a deck barge, a crane barge, and a ship, and you're going from water to water. So although we were allowed to unload those containers during the day, the longshoremen went around the clock at Seagirt making sure that those containers got off, were set aside, so that once the ship was refloated they could go back into commerce. And they did a tremendous job.

COMPTROLLER FRANCHOT: Well, give my regards to them because obviously that was, they were an important partner also. Thank you for that update.

MR. DOYLE: Thank you, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Back to the DGS Agenda. Item 39 is an IT matter with the Department of Labor. I just have a question in terms of the bid spread. Mr. Secretary, Item 39-IT?

MR. CHURCHILL: Item 39 having to do with the web-based adult literacy system. We have Douglas Weimer, the adult education program specialist. But your question is on bid spread so I'd like to get a little more into that to make sure we're --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And this is similar with the 42-IT. But that's elections. It just seems the spreads are,

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between the first, second, and third bidders, are you know --

MR. CHURCHILL: We also have Latesa Thomas with the Department of Labor.

SECRETARY GONTRUM: Ms. Thomas is --

MS. THOMAS: Yes, good afternoon. Yes, good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MS. THOMAS: Yes, we do have, this is an RFP that we did procure and before you, you do see the technical rankings for one, two, and three and the financial rankings. You have a question in reference to the bid spread?

LIEUTENANT GOVERNOR RUTHERFORD: Well first ask, identify yourself for the record.

MS. THOMAS: Thank you. I'm Latesa Thomas. I'm the Chief of Procurement for the Department of Labor.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So my question really is between the first and second. Their pricing seems to be, you know, a pretty good spread. Are you sure that they can do the work?

MS. THOMAS: Absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: And aren't going to come back with a change order?

MS. THOMAS: Yes. We did a reference check, we did everything that we needed to do in order to make sure that they were fair, reasonable, that their references were outstanding. We believe that they can perform the job.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So 39-IT.

MS. THOMAS: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Okay. Well, that's the question there. Another IT item. Thank you very much.

MS. THOMAS: You're welcome.

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LIEUTENANT GOVERNOR RUTHERFORD: Department of Education has an IT item, 42-IT. There is a million dollar difference, not quite a million dollars, close to a \$600,000 difference between the first and second bidder. The second bidder was the second technical also. Do we have someone from -- it's 42-IT?

MR. CHURCHILL: Item 42 is for -- oh yes, Linda Lamone, Lamonné.

LIEUTENANT GOVERNOR RUTHERFORD: Is she present?

MR. CHURCHILL: No, I'm sorry. You said --

LIEUTENANT GOVERNOR RUTHERFORD: 42-IT.

MR. CHURCHILL: That's the State Board of Elections.

MR. PORTS: State Board of Elections.

LIEUTENANT GOVERNOR RUTHERFORD: Board of Elections, what did I say? Education? Oh, I'm sorry.

MR. CHURCHILL: So --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: And I know Linda's name, so my apologies.

LIEUTENANT GOVERNOR RUTHERFORD: Is that what you said?

MR. CHURCHILL: Well, it was because you said MSDE, I thought --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I'm sorry. My mistake. I confused you.

MR. CHURCHILL: Linda Lamone.

MS. LAMONE: Good morning. Linda Lamone, Administrator of Elections.

LIEUTENANT GOVERNOR RUTHERFORD: Ms. Lamonné, as

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someone just called you.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: My question had to do with the first place bidder is ranked second, but they are \$600,000 lower than the second place, who was also the top technical bidder. Are you sure they can do the work?

MS. LAMONE: Absolutely. As you can see, Governor, they are a Maryland owned business. The other three were not.

LIEUTENANT GOVERNOR RUTHERFORD: But that's not really a consideration. The main item is whether they can do the work. You know? If, I mean, it's great they are a Maryland business, but can they do the work and not come back with change orders?

MS. LAMONE: We have a very experienced evaluation team, Governor, working on this and they are confident that this company is the best and can do the work for the price.

LIEUTENANT GOVERNOR RUTHERFORD: They are able to do the work for the price. I wouldn't say they were the best, because they were technically rated second. But that's, I mean, I'm not saying that you should. I'm just, you know, questioning that they can do the work. And so you feel comfortable that they can?

MS. LAMONE: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And was there any discussion with them in terms of, you know, why their number was so low? Was there a discussion with the second place vendor to see why they were so high? It really gets higher and higher from there. But just to see that, making sure that they both understood the requirements of the contract?

MS. LAMONE: If I could, Governor, ask whoever is managing the

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meeting to unmute Nikki Charlson and Whitney (LeRoux), they are the two experts --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. LAMONE: -- on the team. They are telling me that they can't unmute.

SECRETARY GONTRUM: Deputy Administrator Charlson should be able to participate now, and one moment on Ms. LeRoux.

MS. LAMONE: Thank you.

MS. CHARLSON: Thank you. Okay. I think -- can you hear me? This is Nikki Charlson.

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MS. CHARLSON: Yes, okay. Thank you. Deputy Administrator. So we, as Ms. Lamone said, it was a thorough evaluation and we recognize there is a big spread in the quotes. The first two technical ranking, both came within our budget and they are both experienced vendors. The technical evaluation team did spend a long time evaluating the technical ranking, and while they had to obviously rank between one and two, the evaluation committee team members were both satisfied that either of the top technical or the second, which is our recommended vendor, could perform the work.

LIEUTENANT GOVERNOR RUTHERFORD: Was there a debriefing with the second vendor particularly, just to see what they were assuming? Or is it just that their pricing is higher?

MS. CHARLSON: I know we offer debriefings. That vendor did not request the --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. CHARLSON: -- did not request a debriefing.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Mr.

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Treasurer, yes?

TREASURER DAVIS: I know, Governor, you brought it up. But this is, these are stark differences in the numbers. I mean, from the overall rankings the first to the second is roughly a 40 percent difference, and then from the second to the third it's a 40 percent difference, and the third to the fourth. I mean, that's like 400 percent. And so, I mean, that's sort of concerning for me in the sense that when you have such a disparity in what they are able, the various companies are able to say that they can do for the same project. Maybe the fourth one is just a complete outlier. But even if you look at one through three, I guess, you know, sort of, I'm wondering how much confidence that we really have. I mean, are these folks that are just trying to get the contract or I mean are the numbers right? I guess I'm echoing the Governor's thing here. It's just, I don't know, it's just a big difference at, you know, one, two, three, four in terms of what they say they can do it for. And I would think generally the numbers would be a lot closer together than what they are. So I don't know if like ultimately you guys will review this, and I guess I will be too. But that swing, I don't know who is right or who is wrong. I mean, the first one, did they sort of underbid it to get the contract, and yeah, and then we can expect change orders, or were we ever able to find out why there was such a big disparity in the numbers? Maybe that's just the question.

MS. CHARLSON: Great, thank you. I think a couple of things. So first of all, the larger companies, the most expensive ones, they had a lot of subcontractors involved. And so that sometimes, and it appears in this case, caused the price to go up. That probably doesn't explain the \$10 million, and I can't explain that, but (indiscernible) to subcontractors are likely the cause for some of the differences.

The second ranked company, there was, the way they monitor, the

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way they provide these services requires installing other devices. And so there is extra cost involved in doing that, where the vendor that we are recommending, Digital Lantern, they don't require those additional devices. So I'm not sure I would say there is a cost savings there, but it's just a different approach to managing the security, gathering the information and processing it. They use, they don't need to install devices on our networks to gather the information that they need.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So the second vendor was putting, if I follow correctly, they added some unnecessary components?

MS. CHARLSON: They would argue it's not unnecessary, but they needed to add those components to do the work that we are asking for, whereas Digital Lantern did not need to add those devices to our current infrastructure.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Well, I hope they are correct. And they are a small business enterprise, which is nice. Okay. Well, just generally speaking, as the Treasurer said, when you see these kinds of spreads it always brings up the question of did the winning or the losing vendors fully understand the requirements and so why, you know, one or the other, and maybe the second because of these additional requirements that they had made the difference. Hopefully that, we don't see Digital Lantern come in with something similar at a later point. So thank you very much.

MS. LAMONE: Thank you very much, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: I had two more, and this is just a reference. Crabby Pig, Item 54, I don't know if anyone has eaten there but I have myself, and maybe the Secretary (indiscernible) Crabby Pig there in Cumberland. I didn't order crab in Allegany County. That's just something

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that --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: -- a little further away from the Bay, but I think I had a hamburger or something. But I just thought it was interesting to see.

The other, though, is 60-GM and this is 4.1. The demolition of the Bard Building down in the Inner Harbor. That's interesting, Mr. Secretary.

MR. CHURCHILL: Yes. It's a project that has been long in the planning with a number of conversations with the college. This --

LIEUTENANT GOVERNOR RUTHERFORD: It has had a fence around it about as long as Chernobyl has had a fence around it, too.

MR. CHURCHILL: That is correct. And so it's a building that has been a conversation piece within Baltimore City and in the community. And the contract here today is for architectural services to design the demolition package for that building. So and General Services is happy to assist with this project.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have any idea what's going to be done with that property?

MR. CHURCHILL: The college has always been evaluating the redevelopment of that lot. But they are taking it one step at a time. Get the building down, and then they can look at the best and proper use for the property.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And I believe very close to it is the Holocaust Memorial --

MR. CHURCHILL: On the same site.

LIEUTENANT GOVERNOR RUTHERFORD: -- that's there, and there's a plan for that to move. And so it's going to open that area up there right in the Inner Harbor. Okay. Thank you. Any other questions on General Services Agenda?

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TREASURER DAVIS: No, sir.

COMPTROLLER FRANCHOT: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: Item 49-IT.

MR. CHURCHILL: 49-IT --

COMPTROLLER FRANCHOT: 1.1 --

MR. CHURCHILL: 49-IT-1.1, we have Secretary Leahy with the Department of Information Technology that's available to speak.

COMPTROLLER FRANCHOT: Well good, terrific. If he could come --

MR. PORTS: He's behind --

MR. CHURCHILL: He's behind me.

COMPTROLLER FRANCHOT: Oh --

MR. LEAHY: Good morning, Governor, Mr. Treasurer, Mr. Comptroller. I'm Mike Leahy, the Secretary of the Department of Information Technology.

COMPTROLLER FRANCHOT: Excellent. And thank you for being here. Last September, this Board voted to approve the creation of this particular procurement structure that limits competition on contracts for data management and analytic services to 11 companies. This is a so-called mini master contract, because these 11 vendors were selected from an already restricted competition pool and were initially approved for up to \$6 million in funding over a three-year term. This is what we have already acted on.

Today, seven months later, we're being asked to add \$60 million, 6-0 million dollars, to this mini master contract, which still runs through August of 2024. And I'd like to note that not one task order has been awarded under the mini master in the last seven months. So I guess my question for the Secretary is,

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how is it that we can (indiscernible) this with a straight face and fundamentally how can we maintain that there are not well qualified, qualified tech companies, Maryland companies, outside of this limited pool of vendors that could put in, for example, competitive proposals for these, this \$60 million addition to this mini contract? What, I just come back to my fundamental belief that with these mini master contracts, no matter how they are dressed up, they are essentially a sophisticated form of economic protectionism, where we have a relationship with certain companies. And God forbid that there be a minority new entry, woman owned, minority owned, some new start up that may have something innovative and filled with talent and energy proposal, because they can't even get into this thing. So how could we have been, I guess, so far off seven months ago in coming and asking for \$6 million, and now we are back here seven months later say, oh gee, we want ten times what you authorized before. If a year from now, are we going to be asked to come in for another increase ten months from now?

MR. LEAHY: Well, you have asked a number of questions so let me attempt to answer them and then we can go back.

First, when this contract was approved by this Board, and we appreciate your faith in it, there is a provision in the original documentation that other firms can be added. So to your point about minority vendors or new innovation, that is open. Vendors can be added to this particular contract at any time should there be a necessity or an interest in doing that.

As to the difference between the \$6 million that was originally approved and the \$60 million being requested today, there are two points. First, the original discussions about entering into analytics and data work, which as I'm sure you are aware the Governor signed an executive order creating a Chief Data Officer and a Privacy Officer, both of which have significant importance to our using the data that the State holds for the citizens' benefit. The \$6 million was

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not discussed. But in light of the requests we were aware of, we calculated and presumed that \$6 million would be enough.

Since that time, as you say, there have been no task orders issued but there are a number of task orders before the Office of State Procurement that I do expect there will be action on soon. And there has been an explosion of interest in utilizing these sorts of analytic and data tools and getting this sort of expertise to apply both to our governance and operations and to our ability to analyze our own efficiency at what it is each of the State agencies should do to best utilize the resources we have.

So to your point, you know, are we likely to come back for more money? I don't know. But based on what we have seen in terms of the interest generated, folks who have advised my team and me have told us that \$60 million is an appropriate request.

To your concerns about this being a form of protection --

COMPTROLLER FRANCHOT: From competition.

MR. LEAHY: -- from competition, absolutely, you and I have discussed this on numerous occasions. We are both fierce advocates for competition and the particular structure that is in place here took over a year to develop. As you said, there were numerous firms that applied and the folks that evaluated those particular companies looked to the presumption that this particular type of work would in effect require specific expertise and that the development of integrated work with various firms that looked to holding specific expertise was one of the driving factors. To your concern, that's why we put in that we could add additional firms, because data science is a growing interest --

COMPTROLLER FRANCHOT: Have you added any? You just said there was an explosion of interest. Have you added anyone?

MR. LEAHY: From agencies asking to use these services. So I

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suspect there will be significantly more --

COMPTROLLER FRANCHOT: How about African American owned or women owned new entrants to the 11 that you have selected? Any added in in the last seven months?

MR. LEAHY: There have been no companies added. But as I'm sure Secretary Ports would tell you, the Department of Transportation is responsible for minority businesses. And if there was any interest, because they have a robust information technology practice also, we would be very interested in looking at such firms. There has been --

LIEUTENANT GOVERNOR RUTHERFORD: Let me point out that, you know, three of the companies that are already listed are MBE companies.

MR. LEAHY: That's correct, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Those three are also included in four small business enterprise companies. So of the 12, four of them are small businesses and three are MBE certified in Maryland.

MR. LEAHY: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: So you have it in that first round.

MR. LEAHY: Yes. Absolutely.

LIEUTENANT GOVERNOR RUTHERFORD: To clarify, these were all, were these all CATS contractors?

MR. LEAHY: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: So they went through the first essentially competition for CATS --

MR. LEAHY: That is correct.

LIEUTENANT GOVERNOR RUTHERFORD: -- then they went

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through a second. Did you put it back out through CATS?

MR. LEAHY: Originally, yes.

LIEUTENANT GOVERNOR RUTHERFORD: So that's a second competitive bid within CATS.

MR. LEAHY: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And then this will be task orders, so it will be a tertiary or a third competition amongst the 12.

MR. LEAHY: That is correct, Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. LEAHY: And to your point, Mr. Comptroller, when I said there has been substantial interest, it is from the agencies. When we originally talked to them about the possibility of using these kinds of services, they did not express the level of interest that we have seen, as you said, since this Board approved the contract originally.

LIEUTENANT GOVERNOR RUTHERFORD: Do you recall how many CATS contractors originally applied for this?

MR. LEAHY: I do not off the top of my head but I will be happy to find out for you.

LIEUTENANT GOVERNOR RUTHERFORD: And there are, how many CATS contractors are there that are in this data management/analytics, do you know offhand?

MR. LEAHY: I do not, but I would be surprised if there were more than 40 or 50 that would argue they have some capability in this area. Of the 12 areas in CATS contracts, I will get you the number, but it is a small number that specifically say they have capabilities in the data analytics and data governance modeling profession.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

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COMPTROLLER FRANCHOT: So I'm going to vote no on this, so however you want to organize it, Mr. Administrator. I just, you know, we base --

LIEUTENANT GOVERNOR RUTHERFORD: Any questions for --

COMPTROLLER FRANCHOT: -- this system on competition. And this is not competition. This is competition among a select group. And you get in a select group and you get taken care of. And then you go to the agencies and you say, hey, what about this? The agencies come to you, and you come to us, and say give it \$60 million for people that are inside the little bubble.

MR. LEAHY: So we obviously see this a bit differently, sir, but I would be happy to talk with you any time you'd like.

COMPTROLLER FRANCHOT: -- about \$60 million worth of difference on that. So thank you for --

MR. LEAHY: Thank you, sir.

COMPTROLLER FRANCHOT: -- answering the questions.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Any other questions on the General Services Agenda?

TREASURER DAVIS: No. I move favorable --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, let's pull out 49.

MR. CHURCHILL: 1.1. 49-1.1.

LIEUTENANT GOVERNOR RUTHERFORD: 49-1.1, thank you.

MR. CHURCHILL: -- clarification.

LIEUTENANT GOVERNOR RUTHERFORD: We have one opposed. I'm in favor, do we have a second?

TREASURER DAVIS: Second.

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LIEUTENANT GOVERNOR RUTHERFORD: Okay. So all right. So that's on 49-IT-1.1, two to one.

SECRETARY GONTRUM: Thank you, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And okay, for the remainder of the General Services Agenda, do we have a motion?

TREASURER DAVIS: So moved.

COMPTROLLER FRANCHOT: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All in favor? Can we take a picture with the illustrious Sheila McDonald?

COMPTROLLER FRANCHOT: I have, well actually we're not through. So I have --

LIEUTENANT GOVERNOR RUTHERFORD: Well, we've actually voted on everything. We'll come back to your questions. But Sheila has been waiting a long time. Thank you. Let's just take a quick picture.

SECRETARY MCDONALD: Thank you. Thank you, Treasurer.

(Photographs were taken.)

(Applause.)

COMPTROLLER FRANCHOT: Well actually, do you have the Proclamation? Why don't you go get it and I'll read it.

VOICE: Do you want to read it?

COMPTROLLER FRANCHOT: Yeah.

VOICE: Okay.

COMPTROLLER FRANCHOT: Thank you. Okay. So Sheila, I forgot this. This is in recognition of your 30 years of distinguished public service to the State of Maryland at the Department of Economic and Employment Development and the Board of Public Works with special appreciation for your

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invaluable contributions to the State of Maryland, especially your service as chair of the Procurement Advisory. Your commitment to the Board of Public Works will benefit countless generations of Marylanders. With heartfelt appreciation, congratulations on your retirement, best wishes for your future endeavors.

Presented this 27th day of April, 2022.

(Citation presented.)

(Applause.)

COMPTROLLER FRANCHOT: I actually have a procurement question --

(Laughter.)

SECRETARY MCDONALD: Somebody else --

COMPTROLLER FRANCHOT: Thank you, Lieutenant Governor and if I could just go back to the Secretary's Agenda for Item 2, I'd like to make a comment on this new package of proposed procurement regulation updates related to emergency contracts. I assume that got some attention, but it certainly caught my eye because I cannot underscore the importance of updating State procurement law to address some of the most egregious abuses we have seen at this Board over the past few years.

Instances where agencies awarded high dollar contracts with little or no procurement record at the time of contract execution, none, zero, goose egg. Somewhere in a room somewhere somebody made a handshake. And we're not talking about millions, we're talking about hundreds of millions of dollars. Instances where agencies awarded high dollar contracts with little procurement record at the time of execution and other instances when an emergency contract was awarded as a sole source contract creating a de facto incumbent vendor protection program by continuously adding funds to the contracts without ever conducting a competitive procurement.

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These regulations, apparently, I think, Mr. Treasurer, the Legislature came up with this and they establish at least an accountability framework for recording and reviewing contracts. They require contracts to be made public in a timely manner to ensure transparency. They also update the desperately outdated procurement reporting requirements. So Lieutenant Governor, these proposed regulations carefully balance the need for our State to act quickly when time is of the essence with the need to be careful stewards of our taxpayers' hard earned dollars. I just want to compliment the General Assembly, which I don't do all the time, and Mr. Gontrum and his staff for the work in making these presentations to us. And it is a very positive step forward for procurement in the State of Maryland.

And then I had a comment on Item 4. I'd just like to say a few words. This is a recommendation from the Commission on State Debt, which the Treasurer is the Chairman of, which I'm a member of, to maintain the State's current property tax rate, which I wholeheartedly support. As I've mentioned at past Board meetings, the State's economic future remains uncertain and volatile. Therefore, it would be the absolutely wrong time to raise the property tax rate at the State level. Doing so would only inject further uncertainty and disruption into the lives of working families and homeowners that already have too much to worry about. An increase would only impose disproportionate damage on our homeowners and small businesses who are already feeling the impact of soaring gas prices, inflation, and higher cost of living. We need to support them during this difficult time because as they recover financially, we all do. It's never a good time to take money out of the pockets of Maryland homeowners. But I can hardly think of a worse time than right now. The pandemic has left hundreds of thousands of Marylanders unemployed, many businesses still hanging on by a thread.

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So I'd like to thank both the Governor and the General Assembly for the tax relief legislation that was passed during the most recent legislative session. As we know, the real, and this is the key issue here, I can't emphasize this enough, the real tax burden for Marylanders is the local property tax.

LIEUTENANT GOVERNOR RUTHERFORD: You are absolutely right.

COMPTROLLER FRANCHOT: Just realize this is, when you talk about driving retirees on fixed incomes out of the State of Maryland, that's the problem. I live in the People's Republic of Takoma Park. If it moves, they tax it. I just got my tax notice. They are raising taxes six or seven percent in order to "balance next year's budget." We don't, that's not a good situation for particularly seniors on fixed incomes that want to stay in their homes, want to stay in Maryland. That local property tax is so much larger than what we are limiting right now --

LIEUTENANT GOVERNOR RUTHERFORD: No --

COMPTROLLER FRANCHOT: -- with the Treasurer --

LIEUTENANT GOVERNOR RUTHERFORD: -- it's very small, you're right.

COMPTROLLER FRANCHOT: -- but it is unfortunately an economic burden on Marylanders' quality of life. I hope leaders at all levels of government can take a look and figure out a way to deliver some relief in that area. And so thank you to the citizens of Maryland. They have given us jurisdiction over their hard earned dollars. I applaud the Chairman of the Commission on State Debt, the Treasurer, for the recommendation and urge the full Board of Public Works to concur. I'd like to be registered, if I could, in retrospect, as being associated with the passage of that.

And then also on the Secretary's Agenda, I see Mr. Bloodsworth is

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here. And I just want to say how much I appreciate him being here and being a citizen of the State, and someone we can give honor and respect to, despite the false accusations and his baseless imprisonment, the unconscionable broken system that he experienced. But we gave him I think the Board in October hundreds of thousands of dollars in additional compensation, in addition to what we previously granted to Mr. Bloodsworth back in -- I can't even remember when it was, Kirk. But God bless you. I'm glad we did that.

So I'd like to use the clarification, I'm still concerned about why is this agreement for benefits and services before us, before the Board today? My understanding, and perhaps the Treasurer can clarify things, because he recently was with the Legislature, my understanding of the Walter Lomax Act is that this Board is responsible for paying compensation to erroneously incarcerated individuals and other State agencies and us are responsible for providing benefits and services such as housing, educational offerings, driver's licenses, etcetera. My question is we, as this is being considered this morning, is what authority do we have as the Board of Public Works to decide that these agreements presented to us are insufficient or otherwise inappropriate? I certainly have no issues with the agreement for Mr. Bloodsworth. But I understand there are a number of petitions pending from recently exonerated individuals. If for example in one of these cases a similar agreement was proposed and this Board decided to disregard the agreement and say that providing, for example, a physical house, that's what the law says, to provide housing. Not some kind of payment, God bless you, for your landlord. You've got that provision covered, Mr. Bloodsworth. But do we have the power under the Walter Lomax Act to disapprove an agreement of say just cash for a landlord and say that providing a physical house is what the legislation means, and that it's more appropriate for that individual than providing a check as we're doing today?

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And then on one additional question, this item includes the payment of attorney's fees beyond what this Board previously approved last October, and beyond the amount of attorney's fees called for in the Walter Lomax Act. Why is it in the best interests of State taxpayers to compensate counsel beyond what is required by the law?

So do I support Kirk completely? Yes. And once again, apologize on behalf of the State of Maryland. But I just want to understand. I don't know whether someone brought this up already, but what are the requests that we're going to be seeing before the Board of Public Works? Not in Mr. Bloodsworth's situation, but in future exonerated individuals. And how do we manage that as far as what the law demands and what we are being asked to approve? I'm happy to turn that over to the Secretary if he wants to comment on it.

SECRETARY GONTRUM: Mr. Comptroller, we have Mr. David Beller from the Office of the Attorney General here to discuss Item 17 on the Secretary's Agenda, which is the proposed settlement agreement for Mr. Bloodsworth.

COMPTROLLER FRANCHOT: Maybe it was already talked about.

LIEUTENANT GOVERNOR RUTHERFORD: No, we didn't discuss it but --

COMPTROLLER FRANCHOT: Oh, okay. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Are you muted? We can't, we're not hearing you. We're still not hearing you.

TREASURER DAVIS: So I'm not the only one that has problems.
(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: I don't know if it's on our end or --

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SECRETARY GONTRUM: Mr. Beller, oh, Mr. Beller, please try now. Thank you.

MR. BELLER: All right. Are you able to hear me now?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MR. BELLER: All right. Thank you. Ms. Karen Valentine from the Office of the Attorney General was to be the primary speaker. So before I respond, if she is available, since she was the one that handled Mr. Bloodsworth's case, I would defer to her. If she is not here, I can attempt to respond.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Identify yourself, please.

MR. BELLER: David Beller, Principal Counsel with the Maryland Department of Human Services.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

SECRETARY GONTRUM: Mr. Beller, Ms. Valentine is not present. Assistant Attorney General Valentine is not present.

COMPTROLLER FRANCHOT: So let me just reclarify my question. If you are with that organization, why aren't we providing a house, since that is what the legislation suggests is appropriate? Why are we just approving a certain amount of money, I guess for rent? Is that what we are talking about?

MR. BELLER: Yes. It is an amount of money based upon a formula, the median cost of rental housing. And the answer to that would best be given by the Department of Housing and Community Development. But the response has been that they don't have a stock of housing to supply. And that's not what the State has available. So the decision to provide an amount of money in lieu of physical housing was a product of the fact that the State doesn't have a housing stock to supply in that manner.

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COMPTROLLER FRANCHOT: Despite what the legislation says or implies?

MR. BELLER: Well, the legislation in fact doesn't expressly or explicitly state how those benefits are to be provided. It provides for a housing benefit. It doesn't say shall provide a house. And so some interpretation and application of the benefit formula is required. And this was a way that the State elected to, the relevant State department elected or determined was the best way to provide that benefit.

COMPTROLLER FRANCHOT: Okay. So if some future exoneree wants a house, we're going to say no, that's not really what we're set up to do. We'll just give you the money. How do you determine how much money you give?

MR. BELLER: I believe that was explained in the letter to the Board from the April 6th letter and on page four. It was determined based on the amount equal to the State's most recent median gross monthly rent as published in the American Community Survey of the U.S. Census Bureau at the time of the order of eligibility.

COMPTROLLER FRANCHOT: And how long is that payment made? As long as -- it's just five years. Well, Kirk, I hope you are feeling well. Because we need you to keep going. I'm sorry, I didn't, you have to come up and identify yourself if --

MR. BLOODSWORTH: I can come up and talk about this real quick --

COMPTROLLER FRANCHOT: Go ahead. Welcome.

MR. BLOODSWORTH: It's a pleasure to be here. It just took me 29 years to get into this place.

MR. PORTS: Semper Fi.

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MR. BLOODSWORTH: Always faithful. I really appreciate, Governor, and Comptroller, and the Treasurer, and everyone here, Mr. Secretary. I stood right in here, you know, where for 20 years to stop the death penalty in this State, and I did it. Nobody will die in this State based on my work here.

Now as far as we made a deal with the State. We talked with the State and they worked with us. I worked with Baltimore County, Mr. Shellenberger and everybody. We had the, a big hearing was held by an administrative judge. And she made the recommendations, 27 different things she recommended. So I don't live in the State of Maryland, unfortunately. And as it turned out, I got \$300,000 in the first shot and so this was retroactive and they brought it back this time with the Walter Lomax Act. And I was entitled to it from what monies are spent today. So we figured, you know, \$83,000 is going to make a nice down payment for a house no matter if live on the moon. I just want a nice place to go and I want something to put in the bank or put somewhere in a retirement savings account, which is provided in the provision and we all worked it out. And that's how we are here today. I would have gotten a lot more had this happened, you know, I just got out the other day. You know, this would have cost everybody here a lot. But I think, you know, I'm 61 years old. I just got through liver cancer. I had a tumor on my liver. I'm trying to get something started, trying to have something for my future. And I agreed to the terms myself. And I'm just waiting for the check. You can help me on that, can't you?

COMPTROLLER FRANCHOT: Yeah --

(Laughter.)

SECRETARY GONTRUM: Mr. Bloodsworth, if you could identify yourself for the record, sir?

MR. BLOODSWORTH: My name is Kirk Noble Bloodsworth. I'm the first Death Row convict to be exonerated by DNA in the United States

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and here in the State of Maryland.

COMPTROLLER FRANCHOT: Swing by my office later on today.

MR. BLOODSWORTH: If I can do it, sir, I will.

COMPTROLLER FRANCHOT: Yeah. We'll take care of you and thank you.

MR. BLOODSWORTH: I know you will, I know you will, sir. I know you will. And Lieutenant Governor, I'm sorry I don't know you too well. But you guys, I take, you know, I love the State of Maryland. But in my case, in 1984 from 1993, it wasn't a land of pleasant living. It was bad shape.

COMPTROLLER FRANCHOT: So this is --

MR. BLOODSWORTH: I was accused of one of the most brutal crimes that ever happened, based on the eyewitness of a man that they described as six foot five, curly blond hair, bushy mustache, tan skin, and skinny. I don't believe that fits my skinny part no matter what you do.

(Laughter.)

MR. BLOODSWORTH: The real killer turned out to be five foot six and 160 pounds. And so, you know, at the end of the day, I didn't expect to do all this. I just came up here on a whim. You know, I knew everybody was having problems. They said they weren't going to, we made an agreement with the payment schedule and everything with the State, with the Board, I mean, back in October. And I'm hearing that I'm supposed to get all this straight this week, end of this week. So I'll hold you to it if you say so.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: It has already been approved, so.

COMPTROLLER FRANCHOT: Yeah. I'm the paymaster so stop,

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swing by. But I just wanted to thank you for everything that you represent, because you have made a big difference in the State of Maryland. And God bless you. And I see this \$81,000 as a path --

MR. BLOODSWORTH: \$83,000 something --

COMPTROLLER FRANCHOT: \$83,000 --

LIEUTENANT GOVERNOR RUTHERFORD: Don't shortchange him.

COMPTROLLER FRANCHOT: Yeah --

(Laughter.)

COMPTROLLER FRANCHOT: And but I see it as a path to homeownership for --

MR. BLOODSWORTH: That's right. You know, I never could have a house. It has taken me, I've been out now 29 years --

LIEUTENANT GOVERNOR RUTHERFORD: Okay, thank you.

MR. BLOODSWORTH: My mother passed away five months before I got out. My dad just died last summer, 93 he was. And he said don't stop. You know, he was telling me that all the time. My mother said, stand up for yourself. I've been standing up at this podium in this State as long as I could. And it's for the Marylanders. You can face it now that there ain't no Marylander in this State would ever have to go to Death Row ever if you are innocent. I can't get them out if they are dead. And that's what I do. I'm the Executive Director for Witness to Innocence today. And you know, we're going to try to do the best thing we can for folks if they are there. And I appreciate your time. I'm sorry --

LIEUTENANT GOVERNOR RUTHERFORD: No, no apology --

MR. BLOODSWORTH: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

COMPTROLLER FRANCHOT: Yeah.

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LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

COMPTROLLER FRANCHOT: Good.

MR. BLOODSWORTH: I'll see you all later --

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: So I just have a couple of more items off of --

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

COMPTROLLER FRANCHOT: -- one off of DNR's Agenda, Item 2A. I just, this may have been talked about also. This is \$5.2 million --

LIEUTENANT GOVERNOR RUTHERFORD: Carr's Beach? We did talk about that.

COMPTROLLER FRANCHOT: Yes, Carr's Beach is just unbelievable. I wasn't completely aware of this but I visited the Banneker-Douglass Museum here in Annapolis recently and they had a huge display. And -
-

LIEUTENANT GOVERNOR RUTHERFORD: -- my mother went to Carr's Beach and we talked about that.

COMPTROLLER FRANCHOT: Well --

LIEUTENANT GOVERNOR RUTHERFORD: You should have asked me.

COMPTROLLER FRANCHOT: -- they referred to it as the miniature Woodstock. So give my regards to your mother.

LIEUTENANT GOVERNOR RUTHERFORD: Well --

COMPTROLLER FRANCHOT: And you know, this is a great unbelievable cultural treasure that we had back in the day. And legendary performers Billie Holiday, the Temptations, and I just want to applaud Anne

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Arundel County for acquiring this --

LIEUTENANT GOVERNOR RUTHERFORD: No. The State acquired it.

COMPTROLLER FRANCHOT: -- oh, the State acquired it --

LIEUTENANT GOVERNOR RUTHERFORD: The State acquired it, Program Open Space, their portion. I explained that at one point we got some not resistance but slow motion from the county, and we were threatening to just buy it outright.

COMPTROLLER FRANCHOT: Oh, okay. I'm sorry.

LIEUTENANT GOVERNOR RUTHERFORD: So that's all right.

COMPTROLLER FRANCHOT: I wanted to commend the --

LIEUTENANT GOVERNOR RUTHERFORD: The city was very good --

COMPTROLLER FRANCHOT: Good. That's terrific. And --

LIEUTENANT GOVERNOR RUTHERFORD: The City of Annapolis was very good.

COMPTROLLER FRANCHOT: I'm glad that was noted. And then finally on MDOT, Item 11, that's a request to approve MTA's abandonment fee agreement with Bethesda Crossing, the two parcels that were not acquired apparently. I hate to say that we're spending \$1.2 million for nothing, but maybe I guess Mr. Ports as well --

VOICE: Talk to Mr. Bloodsworth.

LIEUTENANT GOVERNOR RUTHERFORD: It's better than 57, I guess.

COMPTROLLER FRANCHOT: It was --

LIEUTENANT GOVERNOR RUTHERFORD: They should have known.

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COMPTROLLER FRANCHOT: Yeah. Anyway, thank you very much for letting me swing back.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you all.

(Whereupon, at 12:04 p.m., the meeting was concluded.)