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*STATE OF MARYLAND*  
**BOARD OF PUBLIC WORKS**  
*ANNAPOLIS, MARYLAND*

**January 5, 2022**  
**10:05 a.m.**

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# PRESENT

**HONORABLE LARRY HOGAN**

Governor

**HONORABLE DERECK DAVIS**

Treasurer

**HONORABLE PETER FRANCHOT**

Comptroller

**JOHN GONTRUM**

Secretary, Board of Public Works

**ELLINGTON CHURCHILL**

Secretary, Department of General Services

**DAVID BRINKLEY**

Secretary, Department of Budget and Management

**GREG SLATER**

Secretary, Department of Transportation

**JEANNIE HADDAWAY-RICCIO**

Secretary, Department of Natural Resources

**LISA GRIGSBY**

Recording Secretary, Board of Public Works

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# PROCEEDINGS

GOVERNOR HOGAN: Good morning.

ALL: Good morning.

GOVERNOR HOGAN: Good morning, everybody. Welcome to the first Board of Public Works meeting of 2022. Happy New Year to all of you. I hope everybody was able to enjoy the holidays as much as possible. I can tell you I had a nice COVID isolation for ten days. It was like a staycation. But it's great to be back with all of you as we kick off the year. And I'm very pleased to officially welcome our new Treasurer Dereck Davis there. It's great to see you. Happy New Year.

TREASURER DAVIS: Happy New Year, sir.

GOVERNOR HOGAN: It's good to see you, too, Mr. Comptroller.  
But --

COMPTROLLER FRANCHOT: Likewise, thank you.

GOVERNOR HOGAN: -- it's better to see the Treasurer, since it's his first time.

But throughout his nearly 27 years in the House of Delegates, Dereck really did an incredible job serving the people of Prince George's County, my home county, and the entire State with integrity and distinction. And I just want to start out by saying I'm very much looking forward to working with you, Mr.

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Treasurer. So welcome to the Board and it's going to be great. The Comptroller and I are going to look forward to working with you in the months to come.

But before we move on to the Agenda, I just want to provide a brief COVID-19 update. Yesterday, we declared a 30-day state of emergency in order to take some urgent short term actions to combat the current omicron surge. We enacted two executive orders to assist hospitals, nursing homes, and our EMS work force in addressing staffing shortages, and we mobilized 1,000 members of the Maryland National Guard to support existing COVID-19 testing sites and to open 20 new testing sites outside of hospitals all across the State.

Yesterday I also had a COVID briefing with the White House and all of America's governors. And one of the issues that we discussed was the serious national shortage of at-home rapid test kits. It appears that it will still be many weeks before the federal government is able to begin distributing more tests. Here in Maryland, we continue to acquire tests and currently we have an abundant supply of PCR tests. In addition, last month we began distributing one million at-home rapid tests through local health departments. And I just want to inform the Board that in order to address this national shortage, we are currently working on numerous emergency procurements to deal with the multiple emergency actions related to the crisis, including the acquisition of as many of these rapid tests as we can possibly acquire from multiple different sources.

As I said yesterday, the next four to six weeks will be the most challenging of the entire pandemic. And just to illustrate the gravity of the COVID-19 surge that we're now experiencing, I'd like to just briefly share some new data that we received just yesterday since my emergency declaration.

Over the last month, we have been expanding our sequencing of COVID-19 variants, particularly those with an S gene dropout, which is a distinguishable marker for the omicron variant. According to University of Maryland's Institute for Genome Sciences, 88 percent of all recently analyzed samples tested positive for the omicron variant. And of those samples that were hospitalized patients, 91 percent have the omicron variant. Omicron is now clearly the dominant variant among our State's -- I'm not sure what that blowback (indiscernible) can you guys hear that?

COMPTROLLER FRANCHOT: I can hear it, and hopefully it's not something from my end.

GOVERNOR HOGAN: Some kind of an audio problem there, but you know, among our State's lab confirmed COVID-19 cases, I said that we've had, we also have some additional data, brand new data from the University of Maryland Medical System, which shows that over the past 30 days, 74 percent of their hospitalized COVID-19 patients are unvaccinated individuals and 24 percent of patients are vaccinated, which is consistent with what we have seen in the past.

But the most important data point that we have found is that only two percent of all of the COVID patients in all of their hospitals over the past 30 days were people who had received booster shots. So while we continue to take, we are going to continue to take whatever emergency actions are necessary to withstand the current surge of omicron, I just can't stress enough how important it is to get your booster shot as quickly as possible.

With that, I'm going to turn it over to our colleagues for any opening remarks. And I'm going to start with you, Mr. Treasurer. Again, welcome, and the floor is yours.

TREASURER DAVIS: Thank you, Governor. And thank you, Mr. Comptroller. It's an honor and a privilege to be here with you all. I haven't been this excited since I believe early January 1995, so it's certainly a time for new beginnings. I'm here to learn, to serve on behalf of the entire State of Maryland. And just I'm excited, this is a wonderful opportunity. I have watched you gentlemen do a great job along with Treasurer Kopp. She left me a note on my first day in office and told me to relax, remain calm, and enjoy myself. I haven't done any of the three as of yet but I'm working on it, so in any event, again, thank you for all of the assistance both of you have given me as I settle in here and I promise you and the citizens of the State of Maryland you will get my very best each and every time.



GOVERNOR HOGAN: Thank you, Mr. Treasurer. Mr. Comptroller, Happy New Year.

COMPTROLLER FRANCHOT: Thank you, Governor. And good morning, Mr. Treasurer. Happy New Year to everyone. Once again, I'd like to extend a very warm welcome on behalf of all Marylanders to our colleague, Treasurer Davis. He is a fantastic addition to this Board and I very much look forward to working with him in this new stress free job that he has. And you know, it's just a, it's a pleasure -- it's bittersweet, because we lost Nancy Kopp. But not lost but, you know, she retired. And but now we have a whole new journey. So Dereck, call me anytime. I'm ready to help if that's necessary. But I don't think you're going to need too much help because you have been a fabulous leader in the General Assembly.

Governor, I am particularly delighted that you are doing well and I have to say, you look and sound terrific.

GOVERNOR HOGAN: Well, thanks. I didn't look or sound too good when I was doing that press briefing from my isolation --

COMPTROLLER FRANCHOT: Well that's, you know, whatever. As long as you are on the path to full recovery. I mean, talk about the company you have, apparently we are having a million new cases daily in the country. So it's just something that is unfortunately going to knock on everyone's door at some

point, I think. But I'm particularly pleased that we are able to do this meeting and have some degree of normalcy.

I'm deeply concerned, obviously, about the significant threat nationally that the omicron variant and the continued rapid spread of COVID-19 poses on the health and welfare of our residents here in Maryland. We have seen, as the country has, record breaking numbers of new positive cases, statewide positivity rates, and hospitalizations. And I want to echo the sentiments that the Governor and I'm sure the Treasurer agrees with, that it's vitally important for everybody to get vaccinated. The numbers don't lie. The fact that 84 percent of COVID related hospitalizations are among the eight percent of Marylanders who aren't vaccinated, think of that for a minute, I mean, and we may be slightly off depending on what days we are measuring. Eighty-four percent of all the really sick people currently, today, they are coming from a population of eight percent of our citizens who are not vaccinated. That's the latest reminder of why it is critically important to get vaccinated.

Governor, we are all concerned with the difficulty that thousands of Marylanders are experiencing in getting tested or finding the home test kits. It's obviously alarming to see long lines of people waiting to get tested or get their hands on a couple of at-home tests, many of them are waiting for hours. And Governor, I want to thank you, sincerely thank you, for declaring a state of

emergency. I think it is definitely warranted given the record breaking numbers that we are seeing. And I'm delighted to learn that under your direction the State will be increasing the number of testing sites in addition to two new test sites in Anne Arundel and Harford Counties, I believe, if those are the sites we're talking about, we may, you may want to look at additional sites, unfortunately. I don't mean to, you know, this is, obviously I'm sure you are already. But I sincerely hope, Governor --

GOVERNOR HOGAN: Yes, Mr. Comptroller, we are standing up 20 new additional sites with the National Guard --

COMPTROLLER FRANCHOT: Fabulous.

GOVERNOR HOGAN: -- announced yesterday.

COMPTROLLER FRANCHOT: Well, it's what the public deserves, obviously, because standing for hours in line is not acceptable. But I'm glad to hear that.

I also think that the State should consider taking the lead in implementing common sense public health measures, including instituting a statewide mask requirement in public spaces, as some jurisdictions already have implemented. It's kind of going on in a patch quilt around the State. And as you said in your press conference yesterday, everyone just needs to wear the damn mask. I mean, that's not completely protective. But if you are vaccinated and you

are boosted and you have a mask on, at least you have, you are doing what common sense would say. And to the extent we can all agree on something like that down the road I would be more than happy to join in.

But Governor, once again, I would like to take a ten-day staycation also. But I know it wasn't a vacation and I know there is a lot of stress involved. And I just want to reach out and say, you know, we didn't have any backup on Route 95 in our State.

GOVERNOR HOGAN: Well, yes, well look, it was a difficult snow situation, Mr. Comptroller. And we did have some issues on some of our roads. But obviously it wasn't quite as bad as our neighbor to the south. But thank you. And the staycation wasn't bad, actually. I worked through most of it. I was, you know, doing lots of phone calls. But I did get to binge a few TV shows because I never get, I'm never home in the evenings to watch. But, you don't want that kind of a staycation. You know, you should --

COMPTROLLER FRANCHOT: Well, I don't want to know what shows you are watching, either.

GOVERNOR HOGAN: Yes. All right. Well, great. Thank you. Let's welcome to everybody and let's go ahead and get started with the Secretary's Agenda.

SECRETARY GONTRUM: Good morning, Governor, Mr. Comptroller, Mr. Treasurer. Happy New Year. It's wonderful to be with you for this, the first meeting of the 158th year of this body. There are 14 items on the Secretary's Agenda this morning and there are four reports of emergency procurements. I'm happy to assist you with answering any questions.

GOVERNOR HOGAN: Thank you, Mr. Secretary. Are there any questions on the Secretary's Agenda? All right. Is there a motion to approve?

COMPTROLLER FRANCHOT: I have a question -- not a question, just a comment, on Item 7. It's a \$3 million loan from the Department of Housing and Community Development's Neighborhood BusinessWorks Program to Clene Nanomedicine, Inc. to support an expansion of a new multimillion dollar production center in Elkton specializing in pharmaceutical drugs that treat multiple sclerosis, ALS, and Parkinson's. This new state of the art manufacturing operation in Maryland is expected to bring nearly 500 new jobs to Cecil County. Thanks to the partnership between DHCD and the Department of Commerce, we were able to keep them. This is a company that was going to relocate to Pennsylvania from Maryland. And we gave them a variety of grants. And the last one is the one we are approving today, and that means they are staying here in Maryland. It's a great example of government stepping up and providing assistance, keeping a Maryland company in our State, savings hundreds of thousands of jobs. The economic impact

and the tax revenue that the company generates is, as far as I can tell, significant. And I'm very excited about the project and I look forward to touring the facility once it's completed and maybe the three of us could do that together.

GOVERNOR HOGAN: Well, thank you for pointing that out, Mr. Comptroller, and that would be terrific. I want to, you know, second that and give a shout out to DHCD and Secretary Holt and the team. I think it's a terrific effort to keep jobs in the State and I'm proud to have this company making the decision to stay. So maybe we will do that. We haven't been out on a road trip in a while. Maybe we'll get the Treasurer and go tour the facility. Any other questions?

COMPTROLLER FRANCHOT: I do have a question, just speaking of shout outs, on Item 13. This is a \$59 million bond issuance by the Maryland Stadium Authority to help construct the Hagerstown Multi-Use Sports and Events Facility. What's this? This is a much anticipated minor league ballpark that is going to be constructed in Downtown Hagerstown and it's something that I have championed for years. And I am just over the moon that we're going to be able to host the Atlantic League of professional baseball in Hagerstown. It's a huge step forward for the downtown community there. Back in 2012, almost ten years ago, I said this project was a must do and I'm incredibly pleased to be voting in favor of this item today. It's a long overdue investment in Downtown Hagerstown. It's going to be an economic driver for the region creating much needed jobs, spurring

tourism, generating revenue. I particularly want to thank Mayor Emily Keller and the Hagerstown City Council, because, you know, people picketed my house years ago in Takoma Park when I was voting for the Ravens Stadium and Camden Yards. They said we want schools, not stadiums. And but it was the right thing to do. And I'm just glad that the Council and the Mayor were able to overcome some of the local opposition, because this is going to have a lasting impact on generations of Marylanders in Western Maryland.

GOVERNOR HOGAN: Yes well thank you --

COMPTROLLER FRANCHOT: Thank you and I would move approval to the Agenda.

GOVERNOR HOGAN: Thank you, Mr. Comptroller. And again, thanks for the shout out. Tom Kelso and Mike Frenz at the Stadium Authority deserve a lot of credit for moving forward on this. And it's going to make a huge difference in Hagerstown and Washington County. And we're also building all the schools as well, with record school construction. We were able to move forward on every single request by every single county across the State. So --

COMPTROLLER FRANCHOT: -- in Takoma Park, it's always controversial. That's all I can say. But I appreciate all my neighbors. And you know, thank you for that, putting that in, that the State is spending record amounts on school construction.

GOVERNOR HOGAN: Yes. Thank you. So there is a motion on the floor to approve the Secretary's Agenda. Is there a second? I think you are on mute, Mr. Treasurer. But I saw you mouth second, maybe we'll put the sound back on and --

TREASURER DAVIS: Second.

GOVERNOR HOGAN: Very good. Okay. The motion carries three to nothing and now we're going to move on to the DNR Real Property Agenda.

MS. HADDAWAY-RICCIO: Hi, good morning, Governor, Mr. Treasurer, and Mr. Comptroller. For the record, Jeannie Haddaway-Riccio, Secretary of the Maryland Department of Natural Resources. We have ten items on our Real Property Agenda today for which we are seeking approval and we're happy to answer any questions you may have.

GOVERNOR HOGAN: Thank you, Madam Secretary. Happy New Year. Are there questions on DNR?

COMPTROLLER FRANCHOT: Mr. Treasurer?

TREASURER DAVIS: No questions.

COMPTROLLER FRANCHOT: I would move approval.

GOVERNOR HOGAN: Is there a second?

TREASURER DAVIS: Second.



GOVERNOR HOGAN: Very good. Thank you, Madam Secretary, three-nothing. We're going to move to the University System Agenda.

MR. HICKEY: Good morning, Governor, Mr. Comptroller, Mr. Treasurer. Tom Hickey, representing University System of Maryland. We have three items on our Agenda this morning for your consideration. (Indiscernible) answer any questions you may have.

GOVERNOR HOGAN: Thank you, Tom. Good to see you. Happy New Year.

MR. HICKEY: Happy New Year.

GOVERNOR HOGAN: Any questions on the University System? Or is there a motion?

COMPTROLLER FRANCHOT: Tom, I just want to comment, one of these items I'm voting for is something that I have objected to for many, many years. And I just hope the System will adopt to a design-bid-build process like the State of Maryland has in its construction. And I note all of the money that's being spent for construction managers at risk. And I just want to alert the System that to the extent I'm here, I hope to see that changed down the road. Because I think there is significant savings that can occur there. But I'm going to, in the spirit of the New Year, vote approval --

MR. HICKEY: Thank you, Comptroller.

COMPTROLLER FRANCHOT: -- and move approval for the Agenda.

GOVERNOR HOGAN: Very good. Is there a second?

TREASURER DAVIS: Second.

GOVERNOR HOGAN: Mr. Treasurer seconds. That moves the three-nothing. Thank you very much.

MR. HICKEY: Thank you.

GOVERNOR HOGAN: And now we're going to move on to the Department of Transportation. And I just want to take a brief moment, as I did yesterday, to recognize and thank Secretary Slater. Sadly, it's the Treasurer's first Board of Public Works and it's Secretary Slater's last Board of Public Works. And Greg has made countless contributions and just done an incredible job as MDOT Secretary the past two years, after spending 21 years at State Highway Administration. And under his thoughtful leadership, the Department of Transportation has made incredible progress on the infrastructure across the State. And we really do owe him a tremendous debt of gratitude for his outstanding service. I think that big snowstorm yesterday, Mr. Secretary, was a nice farewell gift for you. And before you go, you knew you would finish up, there's going to be more Thursday and Friday. So I know you don't leave until Monday.

It's interesting, Greg, when he first came in and he was appointed MDOT Secretary, he was at the time the SHA Administrator, and we had a massive snowstorm. So he was doing both jobs and taking care of the snow. So we just wanted to make sure you went out with a bang. But thank you, Mr. Secretary. We wish you well in your future pursuits. And we'll turn it over to you.

MR. SLATER: Thank you, sir. I'll take a minute and just say thank you to the Board for your trust and faith over the years. I know when I started back in the Survey Division of SHA in the late nineties, I didn't even know who the Secretary was. So I didn't, never envisioned being in this seat. But we sure got a lot done and we sure worked hard. We got our budget back to pre-pandemic levels. We got our MVA Customer Connect system on board. We got a second 50-foot berth with a new set of cranes and we finally got the Howard Street Tunnel underway. You know, we were able to get the A-B connector and the baggage handling system underway. We've got a developer for the American Legion Bridge on board. You're going to hear the Purple Line later on this month and we've got a robust program and a super strong team. I just want to thank them as well. The team is strong and ready to continue the progress under Executive Director Ports coming in. After two stints as the Deputy Secretary, he also served on the federal side with NHTSA and led Harford County Transit. So it was a tough decision, but Jim Ports is the right guy to kind of push forward and finish this out. So I just want

to thank you for all the faith and trust over the years. It has been the honor of my life.

With that, for the record, I am Greg Slater, Secretary of the Maryland Department of Transportation, and I am presenting 11 items for your consideration today.

GOVERNOR HOGAN: Thank you very much, Mr. Secretary. Are there any questions on the Transportation Agenda or any maybe comments for Secretary Slater?

TREASURER DAVIS: Governor?

GOVERNOR HOGAN: Yes, sir.

TREASURER DAVIS: If I may, sir, I just want to congratulate Secretary Slater on all of his work. I have had, in my other capacity, the opportunity to work with your office and I certainly appreciated the interaction and the hard work of your employees. So I just want to extend my thanks and best wishes.

GOVERNOR HOGAN: Thank you, Mr. Treasurer. Any questions  
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COMPTROLLER FRANCHOT: I'm happy to extend mine also. I think everybody knows and has heard over the years my admiration for the professionalism and excellence. I will just reinforce that by saying I'm going to take a very close look at these big projects that Secretary Slater has shepherded,

American Legion Bridge and the Purple Line particularly. Because you know, these are very, very important projects and they were not in great shape all the way with, not doable really, under the previous secretary. And Mr. Slater has reversed that. So his departure, as much as I wish you good wishes, Greg, wherever you are going to end up, where I think this asks for, begs for a closer review of how these big projects that you rehabilitated are actually going to continue down the road.

GOVERNOR HOGAN: Thank you. Are there any questions on the Secretary's Agenda, or the Transportation Agenda?

COMPTROLLER FRANCHOT: If the Treasurer doesn't have one, I have one that just is, it's a one-year, it's Item 5, a \$3 million renewal for Medical Transportation Management of St. Louis. So I just find it troubling on this particular contract that nearly three years into a contract with this company with a 29 percent MBE participation goal, the vendor has only achieved 19 percent compliance. And I guess if I could ask the new administrator, Administrator Arnold, what steps is the vendor planning to take in order to meet their MBE goals during this one-year extension of the contract?

MR. SLATER: Absolutely. Thank you, Mr. Comptroller. Administrator Arnold I believe is on the call. She and I had a similar discussion on these and she can kind of illustrate how that went. Holly?

MS. ARNOLD: Hi, good morning, can you hear me?

MR. SLATER: Yes.

GOVERNOR HOGAN: Yes, we hear you, Holly.

MS. ARNOLD: Hi, good morning, Governor, Treasurer, and Comptroller. For the record, my name is Holly Arnold. I'm Administrator of the Maryland Department of Transportation Maryland Transit Administration. This vendor has been on board for a few years and we did have a few issues when the pandemic was starting with them meeting their MBE and VSBE goals. They became non-compliant during the pandemic because they were forced to furlough some of their staff through their subcontractor due to those social distancing guidelines that we were enforcing. We have been working very closely with them throughout and they have provided us with a corrective action plan. They are confident that the goals will be achieved during the renewal option period. And we are going to be working very closely with them. I have on here as well with me if you have additional questions our Director of Mobility Josh Wolf if you want more details on that.

COMPTROLLER FRANCHOT: Yes, no, I appreciate that answer and everybody has problems brought on by COVID. And but I'm glad to see that they have got some, you have got some conversations where we can perhaps not only meet but exceed that goal once we get back to some normalcy.

I would like to ask about MTA Mobility's on-time performance rate. I understand that it is the worst it has been in five years and also once again, I'm not pounding the table here because COVID has interfered with a lot of things. But these are particularly vulnerable citizens. And to the extent they are stranded, obviously that is not acceptable. But maybe the MTA Mobility expert could tell me whether this is going to be something that can be rectified.

MS. ARNOLD: I can jump in. So absolutely, we are not at all where we need to be and are working diligently to get back to the on-time performance that our customers need and deserve. As you noted, these are some of our most vulnerable passengers and so this is receiving full-time attention from our staff and from me. We have done a number of actions and you will see some coming up to the Board in the upcoming months. One is that we have increased the wages for our operators to try and attract more operators into the contractors. That has had some impacts that we have started to start see our on-time performance increase over the past couple of months. Again, still not where it needs to be but it has increased. We have increased the amount that we allow for our Call-a-Ride, which is a supplemental service. So for those who want to use it, it used to be they would pay \$3.00 and we would cover up to \$20.00. Now we cover up to \$40.00 so it very much increases the amount that they are able to go and travel via that service. And we are also looking at different options for across the industry in terms of what

other companies are doing to see what we can do to continue to focus on this. Because again, we know it's not where it needs to be and we're not going to let our foot off the gas getting back to where we need to be.

COMPTROLLER FRANCHOT: Yes, and let me just say thank you for that answer. And I know you are on top of this situation and I just want to compliment Administrator Arnold on her recent appointment as MDOT MTA Director. This is some, an individual who has years of experience. And it's really an exceptional choice for this role. And so to the extent you can look forward to working with anybody, count me in because I think you are moving in the right -- or you will move in the right direction. Thank you for that.

MS. ARNOLD: Thank you, Comptroller.

COMPTROLLER FRANCHOT: Thank you for that appointment, Governor. And I don't meant to leave you out on this stuff but --

GOVERNOR HOGAN: No, not at all.

COMPTROLLER FRANCHOT: -- Holly is terrific.

GOVERNOR HOGAN: Yeah, no, thank you very much. She is. And we're proud to have her on the team. And you know, I just want to let you know that Secretary Slater is not going to be slacking off in the last few days. We have a big meeting tomorrow to go over the infrastructure bill and how we are going to implement the funding coming from the federal infrastructure bill that passed



and he's going to be dealing with the rest of the snow. So we're going to work him. We're going to get our money's worth out of the guy right down to his last day on Monday, just in case you were wondering.

COMPTROLLER FRANCHOT: Excellent.

GOVERNOR HOGAN: But any --

COMPTROLLER FRANCHOT: Make sure he doesn't give up his cell phone number.

GOVERNOR HOGAN: Yeah. Well, I will be reaching out with some, you know, I told him that yesterday. That wherever he ends up, we're going to be bugging him still. But any questions? Any other questions or is there a motion on the Transportation Agenda?

COMPTROLLER FRANCHOT: Move approval.

TREASURER DAVIS: Second.

GOVERNOR HOGAN: Thank you. It passes three-nothing. Thank you very much, Mr. Secretary.

MR. SLATER: Thank you.

GOVERNOR HOGAN: And now we're going to move on to the Department of General Services. And before I turn it over to Secretary Churchill, I just want to take a moment to welcome Mike Zimmerman as the new Chief Procurement Officer for the Department of General Services, the Office of State

Procurement. Mike has dedicated his career to improving procurement policies and procedures, having worked in the industry for over 40 years and serving as the Maryland Department of Transportation's Chief Procurement Officer for the past six years. Mike's work on the Commission to Modernize State Procurement was instrumental in guiding the reorganization of State procurement and we're very much looking forward to continued progress under his leadership in his new role. With that, I'm going to turn it over to Secretary Churchill.

MR. CHURCHILL: Well, good morning and Happy New Year, Governor, Mr. Treasurer, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Maryland Department of General Services. The department, as you have already mentioned, Governor, welcomes our new Chief Procurement Officer Mike Zimmerman. And we thank you for that appointment. He is going to do excellent work to continue the efforts of the Office of State Procurement.

Today we are presenting 41 items on our Agenda and we are withdrawing Item 34. The Agenda features \$19.2 million in capital grants and loans, including \$9 million for the Garrett College - Community Education and Performance Center and \$4.2 million for the Community College of Baltimore County's Wellness and Athletic Center. We are awarding 12 contracts to small business enterprises and nine contracts to minority business enterprises and one

veteran small business enterprise. And we have representatives available to answer questions that the Board may have at this time.

GOVERNOR HOGAN: Thank you, Mr. Secretary. Are there any questions on the DGS Agenda?

COMPTROLLER FRANCHOT: I have a couple of questions, if the Treasurer doesn't.

TREASURER DAVIS: I do not.

COMPTROLLER FRANCHOT: Good. Item 24, please.

MR. CHURCHILL: Yes. Item 24, which involves the Department of Public Safety and Correctional Services, we do have Secretary Green available along with other agency representation.

COMPTROLLER FRANCHOT: Terrific. It's my understanding it's a five-year, \$67 million contract with Correctional Dental Associates for dental services for inmates in Maryland correctional facilities. It is my understanding that Correctional Dental, the recommended awardee, has held this contract since 2011 and submitted, this is what I am concerned about, submitted the only acceptable bid. Two, only two came in. But one of them was ruled ineligible, or something, I guess. And according to my background materials there are 41 firms that have been identified in the eMMA website as capable of providing these dental services. So my question to Secretary Green, I guess, is how specialized are these dental

services? Why aren't we getting additional bids from other companies? Because this is now, let's see, more than ten years that we have done business with this firm. And I'm not suggesting they don't do a good job. I'm just saying, how is the public assured that in fact there is competition out there and we are getting the best services and finances as far as these bids? You know, I sometimes kid people and say, you know, sometimes our procurement system looks like an incumbent vendor protection program, because they keep popping up and being given to the incumbents. But at least in most of those instances, there is competition, where other companies have bid. And I'm not exactly sure why we don't have more competition here.

GOVERNOR HOGAN: Mr. Secretary? Happy New Year.

MR. GREEN: I'm happy to address that question, Mr. Comptroller. For the record, my name is Robert Green, Secretary of the Department of Public Safety and Correctional Services. Good morning, Governor, Mr. Comptroller, and Treasurer Davis. Governor, earlier I was experiencing a little bit of problem hearing so hopefully you are hearing me okay.

GOVERNOR HOGAN: We are having a little bit of a problem with hearing you as well. It sounds like a little bit of a, you know, we can hear you but, you know, it's a little bit intermittent.

MR. GREEN: (Indiscernible) becomes a distraction, Governor, my Procurement Director is on the line to immediately come in. Mr. Sedtal, Director Sedtal, if you would please get on the line to assist. This contract was originally (indiscernible) --

COMPTROLLER FRANCHOT: Governor, I agree with, I think we may have a problem with the audio. And maybe the procurement person -- I'm not looking for a complete thesis on all of this. I'm just wondering why this company has had this contract so long and here we are approving a single bid contract for a continuation of their services. So maybe your officer can --

GOVERNOR HOGAN: Yes, Mr. Secretary, if you have somebody else that can address it on a different computer, maybe we can hear them better.

MR. GREEN: Very good. Hopefully they are jumping on.

SECRETARY GONTRUM: One more time with the name, please, Mr. Secretary? Secretary Green, to the extent you can, feel free to email just the name of the person you would like to address the Board.

MR. SEDTAL: Good morning. I think I'm on now.

GOVERNOR HOGAN: There we go.

MR. SEDTAL: Good morning, Mr. Governor, Mr. Comptroller, Mr. Treasurer. For the record, my name is Joh Sedtal. I'm the Director of Procurement

for the Department of Public Safety and Correctional Services and I'm happy to answer any questions you might have.

COMPTROLLER FRANCHOT: So I'm going to support this contract because obviously it's critical people get dental services. But I am incredibly disappointed that we are approving another single bid contract for these services. What is the difficulty with getting some competitive bids in this area? I don't know whether you listened to my comments, but I believe there are 41 firms around the country that have been identified by you guys as capable of providing these dental services.

MR. SEDTAL: Well, I think there's a couple of things to handle there. One is that when looking at the eMMA, the number of firms that are under eMMA, that includes small dental practices that might have been able to bid on a contract on a small dental capacity. This is a large management contract for the entire correctional institution. So when you look at the 44 number, that is really a misleading number of who could actually perform on a large scale.

Additionally, regarding the amount of competition that we're getting, we did receive two proposals and we have received multiple proposals before. And I can assure you that we have exhausted every opportunity to try to get as much competition as possible. But given I think the scale of this contract, it's something that there aren't as many people that can perform the work. But we

do everything possible to ensure that anyone that does bid or anyone that does submit a proposal is passed through to the next opportunity and evaluated accordingly.

COMPTROLLER FRANCHOT: And what are the other vendors saying to you -- I know you do post-bidding analysis. You may not have done it. But what are they typically saying to you? They are just not big enough to handle this kind of a contract?

MR. SEDTAL: So unfortunately we have reached out and we haven't received responses back from some of these folks that don't bid. In the instance on the supplier that was ultimately deemed not susceptible for award, unfortunately part of the issue, and we gave them multiple cure notices to try to allow them to come in and actually be deemed susceptible for evaluation, they just, there were technical issues that they couldn't overcome.

COMPTROLLER FRANCHOT: Well let me just suggest something, as someone who has looked at these things for now 15 years on the Board of Public Works. Why not go to the 47 states that don't use this company for their correctional dental services and find out some of the companies that are doing their statewide programs? And think about somehow at least communicating with them so that we end up with, you know, three or four bids that we can be assured that the taxpayers of Maryland are getting a good deal because there it is

competitively bid. And so I'm not suggesting I want your job. I'm just saying that I would, you know, love to see what happens in other states. Because obviously, I think this company is only working in three states.

GOVERNOR HOGAN: Yes, Mr. Comptroller, let me just weigh in with some information we've got here. This contract was advertised in 2020 and received two bids. Both offerors were rejected because of MBE issues that weren't curable, that they couldn't address. So the, the solicitation was cancelled in February of '21. It was resolicited in June. Two proposals were received but one was deemed not acceptable because they failed to provide licensing information. And so it's not as if they have, the department seems as if they have been trying. There aren't a lot of people that can meet the requirements that we have for these -

COMPTROLLER FRANCHOT: -- procurement head, could you please survey the other states that are in the situation we are in of having to bid out a large correctional dental service, and apparently 47 of them do not use this company. They use someone else. So maybe we could expand the pool. I understand what the Governor is saying. But it sounds to me like we have an RFP process. It sounds to me like we may not have the right people in our group that we're reaching out to. And you know, I hesitate to, from the outside looking in it



seems as if these incumbent vendors have a, you know, position where there are no other bids. So if you could just get back to us about that, I don't want to --

GOVERNOR HOGAN: I think that's a good suggestion to get back and get us that information the Comptroller has requested. I mean, I would imagine those 47 states don't have the same MBE requirements that we do and that may have been part of the problem. But you know, I appreciate the concern and --

COMPTROLLER FRANCHOT: -- maybe we should --

GOVERNOR HOGAN: -- agree with not protecting incumbents. And that's, I know you have, you know, put it out for bid multiple times and had to reject people for multiple reasons. But we do want to try to make sure we get competitive bids.

COMPTROLLER FRANCHOT: Yes. So okay. No, I'm fine. I'm going to vote for this. But I have another question on 33 and 35, which is our State Elections Commissioner.

MR. CHURCHILL: Yes. So we have Administrator Lamone and members of her team available to answer questions.

COMPTROLLER FRANCHOT: Okay. So I appreciate Secretary Brinkley if he is on the call, but also Governor Hogan, adjusting the, splitting the cost of pollbooks and related election equipment 50-50 with the counties. I think that is a big improvement and but since the Administrator is here, Administrator

Lamone, thank you for having your team available, could I just comment on the past 35 years that I have been in elected office. Every election, we have something concerning, even if it's not your agency, Linda, it's the county equivalents to you guys, there is just mismanagement of our elections, especially with mail in ballots, long lines at the polls. It seems to happen every election for different reasons. And if you could just give us a brief overview of the preparations being made for 2022 as far as in person voting, drop boxes, mail in ballots, as well as provide assurance to us that come early voting and election day, the systems are going to perform as they should and we're not going to have the same, I want to say kerfuffles, but it really is just mismanagement and somewhat chaos happening on these elections for different reasons. And I'm not suggesting that this is all the fault of your State agency. I'm just saying that for some reason every election seems to be marred by this. And so what can you do to assure us?

MS. LAMONE: Good morning, everyone. Governor, Mr. Comptroller, Treasurer, welcome to the Board of Public Works and Happy New Year everyone. Thank you very much for the question. We have been rigorously planning for the upcoming election. We started probably --

SECRETARY GONTRUM: Madam Administrator, I apologize. If you could just introduce yourself for the record, please.

MS. LAMONE: I'm sorry. It's Linda Lamone, Administrator of Elections for the State of Maryland. We have started planning for the upcoming election probably six months ago. We have meetings a couple of times a week with various staff members and we are meeting regularly with the local boards of elections to prepare them for the June primary. As you can imagine, things are a little tense because we have to also implement the congressional and legislative redistricting plan for the June primary. That is a concern to me because of the time crunch that we are under, which is primarily driven by the federal law that requires us to have our ballots mailed out to our, or sent out to our overseas and military voters 45 days prior to the election. And so with the legislative reapportionment and the congressional redistricting undoubtedly going to court, we are very concerned about the capacity of the local boards to get everything implemented and we are working very diligently to help them do that.

I think that we are well positioned, especially with the approval of the two items on the Agenda today, to be in a position to be prepared for the June primary and of course the November gubernatorial election.

COMPTROLLER FRANCHOT: Thank you. And I'm going to --  
how long have you been administrator, Linda?

MS. LAMONE: I think it's 22 years.

COMPTROLLER FRANCHOT: Yes, well, you know, no good deed goes unpunished in our business. So to the extent you can anticipate some of these things that you are not in control of and mitigate the long lines and the problems with the mail in ballots, I would be -- obviously, I am just speaking on behalf of ordinary Marylanders. And but thank you for that. And I assume there will be some follow up with members of the Board.

MS. LAMONE: I'm sure. And we're always happy to (indiscernible) respond.

TREASURER DAVIS: Governor?

GOVERNOR HOGAN: Yes, Mr. Treasurer?

TREASURER DAVIS: Thank you, sir. I know, if I am correct, we took Item 34 off of the Agenda. But in light of some of the Comptroller's questions, I'm wondering as it relates to the election, how is the delay for removing Item 34, how is that going to impact the upcoming elections? Do we see that as being a problem?

MS. LAMONE: In all honesty, I think we can handle it, Mr. Treasurer. The Comptroller has some questions which we are preparing to answer to get him the answers to them. And my only concern is the amount of changes that the local boards of elections are going to have to deal with. And we need to be able to start working on Item 34 as soon as possible while we have some of the

resources available to us. But I am confident that we can handle a couple of weeks delay.

TREASURER DAVIS: Thank you.

GOVERNOR HOGAN: Thank you. Are there other questions on -  
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COMPTROLLER FRANCHOT: -- mostly involves the 2024 elections, I believe. But that's okay. We'll be looking at this in another three weeks.

MS. LAMONE: Yes. Thank you, Mr. Comptroller.

COMPTROLLER FRANCHOT: So I have a last item, Item 30 on the DGS Agenda. This is a request from the Maryland Department of Health to extend a contract with Telligen in Iowa for one year for services related to the review of medical necessity and medical eligibility of all participants receiving or requesting Maryland Medicaid fee for service benefits. The cost of the one-year extension is approximately \$10 million. I'm happy -- I see Secretary Schrader is here. That is, if he wants to register with us.

MR. SCHRADER: Yes, sir. Can you hear me, Mr. Comptroller? Governor, Mr. Treasurer and Mr. Comptroller, for the record, Dennis Schrader, Secretary of Health. This is a contract that is on the street and closes January 18th. We have, you know, we had asked for an original extension last year through

January 31st of this year and we have been pushing to get this contract done. And at this point, the work will not be completed in time to get it renewed which is why we are here asking for an extension.

We have been going through all of our contracts in the department and discovered that this one was going to be a problem and have been pushing on it. But unfortunately we're -- and of course I'm not happy about it. But it won't be done by the time of the extension. But the contract is, the advertisement closes on January 18th.

COMPTROLLER FRANCHOT: Great. Well, I don't frankly have any issues with this particular item. But as someone who is deeply concerned about fraud, I wanted to take the opportunity to stress the importance of accounting for how taxpayer dollars are being disbursed, particularly through these social safety net programs that are created to assist our most vulnerable Marylanders. And I am mentioning the fact that we have had four meetings of the Comptroller's Work Group on Pandemic Spending. Those have been incredibly full of data from the State agencies. And we have all become overwhelmingly aware of the alarming number of issues some State agencies have had with disbursing funds to vulnerable Marylanders only for the money to end up in the hands of fraudsters. And I hear from all around the State of Maryland an increasing number of innocent taxpayers who are becoming victims of schemes used by very sophisticated criminals. This

is not abuse of the system. This is very sophisticated criminal gangs breaking into our systems and causing disruptions, delays in payouts, some cases having their identity compromised. Yesterday I was on the phone in a virtual meeting with a number of realtors, one of them a very prominent realtor from Prince George's County. And she said, I keep getting letters from the Department of Labor saying that unemployment checks are being sent to me out of state, and I keep trying to call them and tell them that's not me, that's a fraudster who has stolen my identity. But it goes on and on. And I'm not suggesting people aren't doing their jobs and but maybe Secretary Schrader you could get back to the Board about Medicaid fraud and once again, I'm not talking about individuals who may abuse the system for whatever reason. I'm talking about organized attacks by criminal organizations. Not all of them are even in this country. And maybe you could help us understand what your agency is doing but what some other agencies could be doing to monitor this situation. And once again, I'm not criticizing individual agencies. I just think that it's super important based on what we're finding with unemployment alone. And Maryland is not alone. This is a national issue. Every state is being hammered by this fraud. And to the extent we can require fraud detection procedures and maybe some kind of fraud detection center in the State, I think it would be, you know, I think this is the right time to consider that, given how much has been looted from the U.S. Treasury and the Maryland Treasury. Once again, nobody is to

blame. It's the lack of sophisticated algorithmic detective systems that the private sector has developed and we need to partner with them on in order to protect our Treasury. Thank you.

MR. SCHRADER: Thank you, Mr. Comptroller. Yes, sir.

GOVERNOR HOGAN: Thank you. Thank you, Mr. Secretary. I agree. It's a huge concern nationwide. You know, we brought the federal government's attention to the unemployment fraud. It started an investigation across the country, you know, hundreds of billions of dollars' worth of fraud. And we catch tens of thousands, close to a hundred thousand cases of fraud a week. I think we do have some pretty good protections in place but there is no question there is serious fraud going on out there and every agency needs to try to continue to stop it at the federal and state and local level. Any other questions on DGS? Or is there a motion?

COMPTROLLER FRANCHOT: If the Treasurer doesn't have anything, I'm happy to move approval.

TREASURER DAVIS: Second.

GOVERNOR HOGAN: Very good. Well, three to nothing and that concludes our Agenda. Thank you both. Happy New Year. It's great to have you on board, Mr. Treasurer. I'm very much looking forward to working with you.



And we'll, I hope everybody stays safe and we continue to keep moving the State forward. Thank you.

TREASURER DAVIS: Thank you, gentlemen.

(Whereupon, at 10:57 a.m., the meeting was concluded.)