
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
ANNAPOLIS, MARYLAND

May 3, 2023
10:02 a.m.

PRESENT

HONORABLE WES MOORE

Governor

HONORABLE DERECK DAVIS

Treasurer

HONORABLE BROOKE LIERMAN

Comptroller

JOHN GONTRUM

Secretary, Board of Public Works

ATIF CHAUDHRY

Secretary, Department of General Services

VALERIE RADOMSKY

Chief Procurement Officer, Department of Transportation

EMILY WILSON

Program Manager, Department of Natural Resources

THOMAS HICKEY

Director of Procurement and Real Property Initiatives,
University System of Maryland

LISA GRIGSBY

Recording Secretary, Board of Public Works

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CONTENTS

Subject	Agenda	Witness	Page
Board of Public Works Procurement Directive	SEC 5, p. 6	John Gontrum	5
Three-Notch Trail-Hollywood Volunteer Rescue Squad Property Acquisition	DNR 5A, p. 42	Emily Wilson	8
USM Agenda	USM	Tom Hickey	9
Modification of Contract for Project Planning for MDOT MTA Services	DOT 5-AE-MOD, p. 65	Valerie Radomsky	10
Grant to County Executive and County Council of Baltimore County	DGS 5-CGL, p. 94	Atif Chaudhry Sameer Sidh	12
Grant to Board of Directors of Bainbridge Development Corporation and the County Executive and County Council of Cecil County	DGS 8-CGL, p. 97	Atif Chaudhry	14
Janitorial Services – Cunningham Falls State Park	DGS 22-M, p. 127	Atif Chaudhry Mike Haifley	14
Janitorial Contract – Sandy Point State Park	DGS 23-M, p. 129	Atif Chaudhry Mike Haifley	14

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PROCEEDINGS

GOVERNOR MOORE: Good morning.

TREASURER DAVIS: Last time we were here we had these nice, fancy --

GOVERNOR MOORE: I know --

COMPTROLLER LIERMAN: I kept them --

GOVERNOR MOORE: I'll say, you know, last time we had the LG chairing and she was like, no, we need to step this game up.

COMPTROLLER LIERMAN: Yeah.

(Laughter.)

GOVERNOR MOORE: So I realize, you know, once you go glass, you're never going back. So I realize this is where we are for right now -- good morning, everybody. Welcome to today's Board of Public Works meeting. And before we begin, I would just like to ask our Treasurer to take a point of personal privilege for comments about the former Speaker, Speaker Taylor. So Mr. Treasurer?

TREASURER DAVIS: Thank you, Governor. For those of you who have been around a while, and for that matter for those of you who haven't been around as long, we all remember Casper Taylor. Cas Taylor was my first Speaker when I came in. And the thing you often hear politicians now say, One Maryland, that was a thing Speaker Taylor started. And I'm sure you have heard and read, you know, we all come from, as legislators, we all come from different parts of the State. And we advocate and we fight for our jurisdictions. But at the end of the day, he wanted us to all remember that we were one State. That what was good on, you know, the snow-capped mountains of Western Maryland, was

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good for the sandy beaches of the Eastern Shore, whether it was the Inner Harbor of Baltimore City or the National Harbor in Prince George's County. We were One Maryland.

Speaker Taylor, on a personal note, he gave me my first opportunity at leadership when he appointed me Chair of the Public Utilities Subcommittee. And you know, as they say, the rest is history for me. But without him taking that chance on me, I think I was 31, 32 at the time, giving me an opportunity to lead on such an important issue, if not a high profile issue, you know, my career could have went very differently.

So I just wanted to take a moment to recognize an extraordinary leader. Certainly he will be missed. And thank you, Governor, for that opportunity.

GOVERNOR MOORE: No, it was beautiful. So well said, and so appropriate. And you know, his entire family are in our thoughts and in our deepest gratitude. He really was a true statesman and our State is better because of his service and because of his leadership. So beautiful and so well said. Thank you. Thank you.

And with that, we will get started with the business of the day and first up is the Secretary's Agenda. Secretary Gontrum, great to see you.

SECRETARY GONTRUM: Good to see you, Governor. Good morning. Good morning to you, Mr. Treasurer and Madam Comptroller. There are 18 items on the Secretary's Agenda this morning and five reports of emergency procurements. I'm happy to assist with answering any questions.

GOVERNOR MOORE: Wonderful. Thank you so much. I would first like to call up Item 5, which contains two recommendations from the Board of Public Works Procurement Advisor, and that is concerning the State's fuel services contract. And the reason I call it up is that, you know, last year at the

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direction of the Board of Public Works, the Procurement Advisor conducted an investigation on the procurement processes that took place that resulted in the award of the current statewide fuel services contract. And that report, it revealed irregularities. And actions that were not only out of compliance with our procurement policies and procedures, but also just inconsistent with our values that this administration and this Board of Public Works I know hold with respect to our MBEs. And that is why today, the Board is directing the Department of General Services to conduct a new procurement for this critically important contract and advancing regulations that provide additional safeguards for our MBEs.

I wholeheartedly support these recommendations. And I want to acknowledge and thank Mr. Gnall, also, for his work and his impartial analysis and reporting on this. DGS will be conducting and structuring a new procurement that is slightly different from the current model. So I would just like to take this moment to ask Secretary Chaudhry just to walk us through the new solicitation and what exactly it is going to look like. So Mr. Secretary, thank you so much and good to see you, this morning.

MR. CHAUDHRY: Thank you, Mr. Governor, Madam Comptroller, Mr. Treasurer. For the record, I am Atif Chaudhry, Secretary of the Maryland Department of General Services. I'm happy to address this Board item.

So DGS does concur with the Procurement Advisor's recommendation and the Board's direction to initiate and conduct a new procurement for statewide fuel supply and maintenance related services, and post a solicitation within a 90-day window. DGS will do this and we will provide monthly reports to the Board on the status of this new procurement. Our strategy for the new procurement will be to unbundle the statewide contract into separate regional contracts. One contract would provide fuel on a consignment basis for

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State-managed fuel sites, along with related maintenance services for the existing equipment and fuel system software in use today.

In addition, regional based contracts would be awarded that would provide fuel supply as well as delivery services to agency owned tanks not on the consignment system. So these are tanks located at State facilities that are not based on the consignment system. So this regional based approach is a new strategy that we will be implementing that will allow DGS to conduct these procurements through the Small Business Reserve Program, where appropriate, which will encourage the participation of certified MBEs, not just as subcontractors but as prime contractors. And that is critical here. So DGS also believes that this strategy will attract additional small, women, minority, and veteran owned businesses to participate in these programs. And the key thing here is where these statewide contracts have been very large and cumbersome and difficult to manage and difficult to bid on for these smaller MBEs, this gives them an opportunity to be prime contractors in these regional contracts.

DGS also concurs and supports recommendation two outlined in the Board item to propose updated regulations which will strengthen and clarify requirements governing agreements between prime and subcontractors on procurements where MBE participation goals are required. And DGS stands ready to assist and provide the Board with our expertise throughout the regulatory proposal process.

GOVERNOR MOORE: Thank you so much, Mr. Secretary. With that, are there any further discussion items on the Secretary's Agenda? Okay. May I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

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GOVERNOR MOORE: Great. Thank you so much, and thank you so much, Mr. Secretary. Thank you. Next up is the Department of Natural Resources. And joining us today is Ms. Emily Wilson, Program Manager at DNR, who is filling in for Secretary Kurtz, who just recently became a father. And I will take a point of personal privilege to say to Secretary Kurtz, who I know is listening right now, because I love that he's home but he is always going to check in, to say to Josh, I just want to say congratulations to you and Samantha, and a beautiful, beautiful new baby, River Rolling Kurtz. And also a point of personal privilege that this is now the third baby that we have had born on the second floor in the executive branch here. So we are personally putting together a real focus of populating the State of Maryland from our administration. So add that to the agenda. And so I apologize. Ms. Wilson, great to see you, and please proceed.

MS. WILSON: Thank you, good morning, Governor, Madam Comptroller, Mr. Treasurer. I'm Emily Wilson with the Maryland Department of Natural Resources. We have seven items on our Real Property Agenda for your consideration this morning. I'm happy to try to answer any questions for you.

GOVERNOR MOORE: Great. Thank you so much. Thank you. It's great to see you here.

MS. WILSON: Thank you.

GOVERNOR MOORE: Is there any discussion on the DNR Agenda?

COMPTROLLER LIERMAN: Just, Mr. Governor, I'll just highlight the item with the Three-Notch Trail in St. Mary's County, near where I got married. I'm just really excited about the acquisition of this property, which is a critical step in the continued development of the trail and really demonstrates the county's commitment to expanding recreational tourism and transportation

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opportunities. So thanks for your work.

MS. WILSON: Indeed, this is a cooperation between Charles and St. Mary's, as the trail runs through both of those counties. And this is a fantastic opportunity. It's a little more than eight acres and it could provide in the future a trailhead for the Three-Notch Trail and perhaps some other amenities like a playground or a pop-up farmers market.

COMPTROLLER LIERMAN: Great. Thank you.

GOVERNOR MOORE: May I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Wonderful. Thank you so much.

MS. WILSON: Thank you.

GOVERNOR MOORE: It's great to see you. Thank you. Next up, University System of Maryland. Mr. Hickey, great to see you again, as always. And good morning, and please proceed.

MR. HICKEY: Good morning, Governor, Mr. Treasurer, Madam Comptroller. Tom Hickey, representing the University System of Maryland. There are six items on the Agenda for your consideration, and I'm happy to answer any questions you may have.

GOVERNOR MOORE: Any questions? Mr. Treasurer?

TREASURER DAVIS: None.

GOVERNOR MOORE: Okay. Motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

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GOVERNOR MOORE: Outstanding.

MR. HICKEY: Thank you very much.

GOVERNOR MOORE: Thank you. And we will proceed now to the MDOT Agenda and Ms. Radomsky, it is good to see you again. It's good to see you again, and please proceed.

MS. RADOMSKY : Nice to see you again, Governor. Good morning, Governor, Madam Comptroller, Treasurer. For the record, I'm Valerie Radomsky, Chief Procurement Officer for the Department of Transportation. Today, the department is presenting 18 items. We have representatives available to answer any questions you may have about any of our materials.

COMPTROLLER LIERMAN: Thank you so much. Great to see you. I just wanted to make one quick comment about Item 5A, just simply express, which I have done before, my strong preference is that the State examine ways to bring these types of services in house. You know, we have seen transportation studies show that high price tags of our projects in this country result from an overreliance on consultants, especially we have consultants who are doing planning for projects that are going to impact the State for generations to come. And, you know, I really salute the Governor for his, you know, his dedication to investing in our State workforce and I think we all know that the Maryland Transit Administration was really hollowed out over the past several years. And so I look forward to MTA rebuilding so that they can be, you know, doing these planning services on projects that impact so many Marylanders. Thank you.

MS. RADOMSKY : Thank you.

GOVERNOR MOORE: Any other comments? Okay. If there is no further discussion, may I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

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GOVERNOR MOORE: Second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Wonderful. Thank you so much. Thank you. And as always, last but certainly not least, let's conclude with the DGS Agenda. It's good to see you again back at the podium, sir. And Secretary Chaudhry, please proceed.

MR. CHAUDHRY: Good morning, again. Thank you, Mr. Governor, Madam Comptroller, and Mr. Treasurer. For the record again, I am Atif Chaudhry, Secretary of the Maryland Department of General Services. Today the department is presenting 29 items in our Agenda. We are withdrawing one item, which is Item 10-CGL. Our Agenda features over \$20 million in capital grants and loans, including two grants to support both mental health and substance use disorder treatment services here in Maryland. I wanted to highlight Item 1-CGL, which provides \$750,000 for the renovation of Hope House Treatment Center facility in Laurel. These improvements will be interior renovations as well as a new HVAC system for the site. And the project will preserve and renovate a historic building in order to provide a safe healthy environment for the inpatient population there to provide, to continue to provide services to the citizens of Prince George's County by providing quality and substance use disorder treatment services there.

I also wanted to highlight Item 4-CGL, and this grant provides \$847,000 to Way Station for the renovation of the Sheppard Pratt Frederick County Psychiatric Rehabilitation Program on West Patrick Street in Frederick, which provides really, really needed mental health treatment services to the community there. So I wanted to highlight those as part of our package here.

So we have agency representatives here and available for any questions you may have.

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GOVERNOR MOORE: Wonderful. Thank you so much, Mr. Secretary. And thank you for highlighting the great work also taking place at Hope House. And I would actually like to highlight two very important investments also that are being made today.

The first is Item 5-CGL, and that is the \$10 million grant that is going to Baltimore County government to support the county's efforts to revitalize Security Square Mall over in Woodlawn. And this is part of the county's larger reimagined Security Square initiative, and it has really engaged community residents, leaders, and stakeholders in a really powerful way, and I think also just a measured way that I think is going to produce really powerful results and really focusing on how do you make the entire area into a safe and a vibrant and a walkable area that I think the community has been calling for and the leadership has been very, very responsive to. And so today we are actually joined by Sam (Sameer) Sidh, who is Deputy Administrative Officer for Economic Development for Baltimore County, who is going to say a few words on this. So, Mr. Sidh, great to see you. And again, really, really good work.

MR. SIDH: Thank you, Governor. Governor Moore, Comptroller Lierman, and Treasurer Davis, my name is Sameer Sidh. I am the Deputy Administrative Officer for Economic Development and Infrastructure for Baltimore County, here on behalf of County Executive Olszewski. First and foremost, I do want to thank the Board for supporting our Rural Legacy Grant for Piney Run. I appreciate that investment. And I'm happy to provide some additional background and context on the \$10 million grant going to Security Square and its role in supporting the broader reimagined Security Square initiative.

Security Square, as you may know, is a 90-acre shopping center located in our county's Woodlawn area. It is noted for its infrastructure, its

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accessibility between I-695, I-70, Rolling Road, and Security Boulevard. But we have seen diminished vibrancy in the area in recent years. The built environment has a 20 percent vacancy rate and the site is defined by large surface parking lot that, while back in 1972 when the site was constructed made sense, but given modern planning concepts, greening, multimodal infrastructure, could use an update.

So we have started with a vision in terms of our work to date for a reimagined Security Square that began with a (indiscernible) process last fall. We held 12 public meetings, including a day-long workshop, and we have continued this work and community engagement through developing a final report that we are hoping is going to be completed by the end of this month.

We have also stepped up from a funding perspective \$10 million in the FY '23 budget to match the \$10 million grant we are here to discuss today, and an additional \$5 million in our FY '24 capital budget as well. And we have also taken the lead in terms of acquisition. Last fall, we acquired 18 acres on the property. It is a property that includes the former Sears building. You know, redevelopment of this sort is easier when you have site control and so that was a big element of that.

So that is part of the work that we have engaged in. Moving forward, I talked about infrastructure. It includes both the access points onto the site, two off Security Boulevard and two off Rolling Road, and then building an interior road network so that the site isn't intimidating for the walker and biker. We have a lot of work to do but this money will go a long way moving us in that direction. And I'm happy to take any questions.

GOVERNOR MOORE: Excellent. Thank you. It's a really exciting initiative. And I think for, as for many of us who have known Security Square Mall for a while, this is a powerful, powerful statement as well. And so

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thank you. Thank you to the County Executive. And please, share our thanks as well to the entire county government. And also, we do want to give a special shout out also to Speaker Jones. This has been a core priority of hers as well, and a very big deal. And she did a lot of lifting to get it across the finish line. So a special shout out to her. And so thank you. Thank you.

MR. SIDH: Thank you.

GOVERNOR MOORE: I would also like to highlight Item 8-CGL, which will direct \$7.5 million in State investment towards the redevelopment of the former Bainbridge Naval Training Center, and that's in Port Deposit. This 3.7 million square foot site across 440 acres along the I-95 corridor will be converted into a logistical and distribution hub that will be suitable for light manufacturing, warehousing, logistics, and also the last mile operations that will have the capacity to importantly support over 2,000 jobs. And so, you know, if you hear numbers like that and you get very, very excited. This is exactly the kind of initiative that we are just proud, proud to work on and proud to work on with our local and our private partners to advance this really outstanding economic development project that is going to have legacy impact on the State.

Any other comments from my colleagues on those, on any of those two items?

COMPTROLLER LIERMAN: A lot of great projects.

GOVERNOR MOORE: May I have a motion to approve --

TREASURER DAVIS: May I --

GOVERNOR MOORE: Mr. Treasurer?

TREASURER DAVIS: -- on the Department of Natural Resources, I just wanted to look at 22-M real quick and Item 23-M. These are janitorial services contracts, which seems like good opportunities for MBE opportunities. But in both cases, one had said that there was no opportunity for it,

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and the other one said it was I guess a single element. I guess, A, what does that mean, single element? Or is it basically what I think it means? And secondly -- the first one I get, because it's \$300,000 and some odd, \$387,000. But the second one is \$1.1 million. It seems like there would be opportunities for MBE on that one. I was just wondering if they could, if someone could enlighten me just a little bit, why that, one, we weren't able to do something, particularly with the second one?

MR. CHAUDHRY: I'll have our Acting Chief Procurement Officer provide some details regarding these procurements. I know there were some challenges here, but very good questions. Thank you, Mr. Treasurer.

MR. HAIFLEY: Good morning. Mike Haifley, Department of General Services. Governor, Madam Comptroller, Mr. Treasurer, janitorial services is difficult to get subcontractable opportunities. It does occur. Generally speaking, the prime can do all the work that is required.

TREASURER DAVIS: Isn't that the case with almost all contracts? The prime can do the work?

MR. HAIFLEY: Not necessarily. For instance, if you look at construction, there is various trades. The prime contractor is usually a general contractor. They don't have the ability to do masonry or perhaps site work or some of the other trades like electricity, for instance.

TREASURER DAVIS: I guess what I'm getting at is the MBE program isn't established in my view in case a prime doesn't have the ability to do it. It is sort of a statement from the State that this is what we want. So what I guess what I'm trying to say here is that just because someone can keep all of the contract doesn't mean they should. But we're trying to spread it around, or I think the goal is to spread it around. And so again, I get it on the \$387,000. That's not a huge contract. But on the \$1.1 million, that's something I think that,

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you know, we can provide opportunities for others to, you know, just spread around the State's largesse, if you will. And so that's why I asked the question. But it sounds like, it sounds like it's a little something different from what I'm thinking and maybe, what the goal is. We may be off balance just a little bit, because I'm not thinking, well if they can do all the work, they keep all the work. I'm looking at it as whether or not they can do it, we are supporting this goal. And the only way we can avoid putting up zeroes week after week of MBE, VBE, or whatever the case may be, is that some of this work is going to have to be encouraged to farm out to the others and not just if they can't do it or don't have time for it, or something along those lines.

MR. HAIFLEY: I understand.

MR. CHAUDHRY: And Mr. Treasurer, also, I just wanted to comment, that's part of the efforts we'll be doing for additional outreach in the MBE program for these types of contracts. This particular one was solicited through the small business reserve program, so it was sent out to 315 potential vendors. Of those, 11 bids came in. So we did work with those. And even out of the 11, six were rejected for not meeting the minimum qualifications. So it was a smaller applicant pool here that came in on number of bids. But these are certainly to a point a prime example of the types of contracts we will be working on with the other, our sister agencies, to try and solicit additional MBE participation goals for these. Absolutely.

TREASURER DAVIS: And I want to make clear, I do know that every contract it's just not possible. We have experienced that as well. Some things, you just can't. But all I was saying is, when you see these kinds of opportunities where you can, we should pounce on it. Because we do know that there are other times when it's just not possible.

MR. CHAUDHRY: Absolutely, 300 percent. We will be working

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with our partner agencies on this and really, really to motivate us to go the extra mile when it comes to the outreach and the efforts to, especially for regional and these types of smaller contracts.

TREASURER DAVIS: Thank you, sir.

COMPTROLLER LIERMAN: Thank you. Thanks, Mr. Treasurer. Could I just follow up briefly on that? Two quick questions. One is, I agree with the Treasurer. I also want to highlight that it doesn't have to be a sub, right? I mean, on this kind of contract, it can be a prime. So it could be a prime certified MBE that is below the minimum. You know, that is still a certified MBE because of its earnings.

Also, generally janitorial services, at least in other agencies, are subject to MD Works, to Maryland Works. And I'm wondering if DNR is exempt from that? Or no? You are shaking your head.

MR. HAIFLEY: No --

COMPTROLLER LIERMAN: Okay. Did this go through MD Works?

MR. HAIFLEY: -- issued a waiver --

COMPTROLLER LIERMAN: Okay.

MR. HAIFLEY: -- before we competed.

COMPTROLLER LIERMAN: You, sorry, say that, you issued a waiver?

MR. HAIFLEY: Yes. So these opportunities are sent over to Maryland Works. They review them.

COMPTROLLER LIERMAN: Right.

MR. HAIFLEY: Some of the opportunities, they take for the employment works program. But others, they waive. And when they waive it, then it comes back to us to do the procurement activity.

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COMPTROLLER LIERMAN: I see. Okay. It would probably be helpful to just, when things are waived, yeah, that Maryland Works waived it so we can just check that box.

MR. CHAUDHRY: Absolutely.

COMPTROLLER LIERMAN: Thank you.

MR. CHAUDHRY: Thank you for that feedback.

GOVERNOR MOORE: Wonderful. Any other comments or questions? Okay. Thank you. Thanks so much, Mr. Secretary. Thank you. May I have a motion to approve the Agenda?

COMPTROLLER LIERMAN: So moved.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Wonderful. Thank you so much. That concludes today's Board of Public Works meeting. The next meeting will be on May 17th. Thank you all, enjoy the beautiful spring day here in Maryland and we'll talk to you soon. Thank you.

(Whereupon, at 10:27 a.m., the meeting was concluded.)