

MINUTES
OF THE
MEETING OF THE
BOARD OF PUBLIC WORKS
OCTOBER 10, 1990

BOARD OF PUBLIC WORKS
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October 10, 1990

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MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS, OCTOBER 10, 1990

The Board of Public Works met in the Office of the Governor, 301 W Preston Street, Baltimore, Maryland, on Wednesday, October 10, 1990.

Board Members present:

The Honorable William Donald Schaefer, Governor
The Honorable Louis L. Goldstein, Comptroller
The Honorable Lucille Maurer, Treasurer

Also attending the meeting:

Earl F. Seboda, Secretary, Department of General Services

CONSTRUCTION:

General Construction Loan of 1974	General Construction Loan of 1982
General Construction Loan of 1975	General Construction Loan of 1983
General Construction Loan of 1976	General Construction Loan of 1984
General Construction Loan of 1977	General Construction Loan of 1985
General Construction Loan of 1978	General Construction Loan of 1986
General Construction Loan of 1979	General Construction Loan of 1987
General Construction Loan of 1980	General Construction Loan of 1988
General Construction Loan of 1981	General Construction Loan of 1989
MCCB - General Construction Fund Loan of 1990	

On items where payments are to be made from proceeds of the above listed bond issues, full regard is given to the provisions of each Act and its prospective amendments.

Except as otherwise provided in these Acts, before the State agency or institution responsible for an individual item may begin work with funds secured under the Act, the agency or institution shall provide satisfactory assurances to the Board of Public Works that the work described in the individual items can be completed with the funds specified for that item.

If federal funds are available to help accomplish any project identified in these Acts, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds secured under these Acts, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in these Acts, not to expand its scope, except in the case of projects for State parks and recreation areas of the Department of Natural Resources funded from the proceeds of the General Construction Loans of 1973 through 1980. These latter projects may be expanded in scope beyond that proposed in the specific appropriation in these Acts if the addition of Federal funds makes this possible, but not beyond the total park acreage or area to which it applies, as evident from the master plan for State parks and recreation areas adopted by the Department of Natural Resources.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

1. BOARD OF PUBLIC WORKS - PAAR:

Submission of the Procurement Agency Activity Report by the Department of Public Safety and Correctional Services for the months of July and August, 1990 to the Board of Public Works in accordance with Procurement Regulations.

(copy enclosed)

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

2. BOARD OF PUBLIC WORKS - PAAR:

Submission of the Procurement Agency Activity Report by the State Treasurer's Office to the Board of Public Works in accordance with COMAR 21.02.01.06C (Procurement Regulations) for the period July, 1990 through August, 1990.

(copy enclosed)

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES:

Formal approval is requested in connection with the following applications for wetlands licenses for projects involving dredging and filling in the navigable waters of Maryland under Title 9, Natural Resources Article, Annotated Code of Maryland (1990 Repl. Vol.). IT IS RECOMMENDED BY THE BOARD OF PUBLIC WORKS' WETLANDS ADMINISTRATOR/HEARING EXAMINER THAT A LICENSE BE GRANTED AS INDICATED IN EACH OF THE FOLLOWING CASES IN ACCORDANCE WITH THE REGULATIONS GOVERNING STATE WETLANDS LICENSE PROCEDURES ADOPTED BY THE BOARD OF PUBLIC WORKS ON AUGUST 6, 1975. This recommendation has been fully concurred with by the Department of Natural Resources.

90-0167

Rogers Road Joint Venture - to construct a 219 feet long timber breakwater within a maximum of 241 feet channelward of the mean high water line; and to construct a 120 feet long by 6 feet wide timber pier extension with a 25 feet "L" within a maximum of 220 channelward of the mean high water line - Chesapeake Bay at Podickory Point near Tydings on the Bay in Anne Arundel County.

Application received August 14, 1989. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 25, 1990.

90-0609

Paul J. Placek, et al - to construct and backfill a 156 feet long replacement timber bulkhead within a maximum of 1.5 feet channelward of a deteriorated structure; to emplace a 5 feet long stone revetment within a maximum of 6 feet channelward of the mean high water line; to construct 5 finger piers each 15 feet long and 2 feet wide; to mechanically dredge a 90 feet long by 40 feet wide mooring area and access channel to 4 feet depth below mean low water; and to deposit approximately 168 cubic yards of dredgate at an approved upland disposal site - Widgeon Cove of Price Creek at Queen Anne Colony in Queen Anne's County.

Application received December 8, 1989. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES: (Continued):

90-0639

Bill Williams - to mechanically maintenance dredge two 30 feet long by 12 feet wide boat slips to 3 feet depth below mean low water; and to dispose of 20 cubic yards of dredgate at the Cunningham Landfill - Ramsey Lake at Turkey Point in Anne Arundel County.

Application received December 7, 1989. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

90-0704

August DiDomonico - to construct and backfill a 282 feet long replacement timber bulkhead within a maximum of 1.5 feet channelward of a deteriorated structure - Goose Harbor off Goose Neck Road near Bowleys Quarters in Baltimore County.

Application received December 20, 1989. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

90-1275

Paul R. Fleagane - to fill, grade and plant marsh vegetation along 1,269 feet of eroding shoreline with 721 cubic yards of sandy borrow emplaced within a maximum of 25 feet channelward of the mean high water line; and to emplace 23 low-profile sand containment structures within a maximum of 28 feet channelward of the mean high water line - San Domingo Creek at Church Neck near St. Michaels in Talbot County.

Application received May 31, 1990. Public comment period ended July 16, 1990. DNR Report and Recommendation approving works as above described received September 17, 1990.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES: (Continued):

90-1279

Riverview Marina, Inc. - to maintenance dredge a 210 feet long by 40 feet wide entrance channel to 4 feet depth below mean low water; to deposit approximately 500 cubic yards of dredgate at an adjacent approved upland site; and to provide for maintenance dredging for a 6 year period - Potomac River at Riverview Marina near Newburg in Charles County.

Pumpout facilities will be required to be installed, operated and maintained under condition of this license.

Application received May 29, 1990. Public comment period ended July 16, 1990. DNR Report and Recommendation approving works as above described received September 17, 1990.

90-1343

Claude W. Hall, Jr. - to emplace a 70 feet long stone revetment within a maximum of 5 feet channelward of the mean high water line - Grove Creek at Recovery near Centreville in Queen Anne's County.

Application received June 4, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

90-1359

Fritz Jones - to construct a 12 feet wide by 18 feet long concrete boat ramp extending a maximum of 10 feet channelward of the mean high water line; and to construct two 15 feet long timber retaining walls landward of an existing timber bulkhead and the mean high water line - Potomac River off of S. W. Crain Boulevard at Cobb Island in Charles County.

Application received June 11, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 17, 1990.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES: (Continued):

91-0041 Alan D. and Patricia L. Brown - to construct and backfill a 185 feet long timber bulkhead at and landward of the mean high water line; and to install a 48 feet long by 5 feet wide pier and mooring piles - Forest Landing Cove off Cuckold Creek at the end of Smith Nursery Road in St. Mary's County.

Application received July 12, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 17, 1990.

91-0096 Philip Dimaggio, Sr. - to emplace a 100 feet long stone revetment within a maximum of 12 feet channelward of the mean high water line - Chesapeake Bay at Craney Creek Estates near Stevensville in Queen Anne's County.

Application received July 23, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

91-0114 State Highway Administration - to emplace 120 linear feet of stone scour protection and sheet steel piling outboard of existing bridge wingwalls and abutments but within a maximum of 5 feet channelward of the mean high water line - Fisherman Creek at the MD Route 5 Bridge at St. Mary's City in St. Mary's County.

Application received July 24, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 18, 1990.

91-0177 Cottage Grove Homeowners Association - to construct and backfill a 192 feet long multi-sectional replacement bulkhead 1.5 feet channelward of an existing deteriorated structure - Rock Creek off of Fort Smallwood Road in Anne Arundel County.

Application received August 7, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 19, 1990.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES: (Continued):

91-0196

Philip Chace - to emplace a 57 feet long stone revetment with a 7 feet long return within a maximum of 5 feet channelward of the mean high water line - Valentine Creek off the Severn River at Herald Harbor in Anne Arundel County.

Application received August 13, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 19, 1990.

91-0263

Joseph Drummond - to emplace a 65 feet long stone revetment within a maximum of 4 feet channelward of the mean high water line and a deteriorated bulkhead - South River at Hambleton Estates near Riva in Anne Arundel County.

Application received August 24, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 26, 1990.

91-0360

John Rust - to dredge a 20 feet wide by 110 feet long boathouse mooring area a maximum of 70 feet channelward of the mean low water line to 2 feet depth below mean low water; and to deposit the dredgate at an approved upland site - Potomac River in Maryland waters (Charles County) near the mouth of Aquia Creek at Stafford County, Virginia.

Application received July 25, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 25, 1990.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

3. BOARD OF PUBLIC WORKS - WETLANDS LICENSES: (Continued):

91-0361

Marge Miles - to emplace 310 linear feet of stone scour protection within a maximum of 10 feet channelward of an existing timber bulkhead and the mean high water line - Potomac River off of Woodland Point Road at Potomac View in Charles County.

Application received September 11, 1990. No public hearing was held in accordance with § 9-202, Title 9, Natural Resources Article. DNR Report and Recommendation approving works as above described received September 25, 1990.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

4. BONDS:

Submission of a request by the State Treasurer that the Board of Public Works authorize the issuance of a Final Official Statement for the State and Local Facilities Loan of 1990, Fourth Series, as supplemented September 28, 1990, and dated September 26, 1990.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

5. BONDS:

Submission of a request by the State Treasurer's Office that the Board of Public Works approve an amended listing of the various State loans and amounts included in the sale of State bonds which took place on September 26, 1990. The purpose of this item is to bring the Board's records into conformity with the Official Statements issued in connection with the sale.

GENERAL CONSTRUCTION

General Construction Loan of 1979	\$ 50,000.00	
General Construction Loan of 1980	650,000.00	
General Construction Loan of 1983	300,000.00	
General Construction Loan of 1984	1,000,000.00	
General Construction Loan of 1985	3,000,000.00	
General Construction Loan of 1986	5,000,000.00	
General Construction Loan of 1987	4,500,000.00	
General Construction Loan of 1988	10,000,000.00	
General Construction Loan of 1989	<u>22,000,000.00</u>	
Total General Construction		\$46,500,000.00

WATER QUALITY

Controlled Hazardous Substance Cleanup Loan of 1986	\$ 500,000.00	
Controlled Hazardous Substance Cleanup Loan of 1987	200,000.00	
Controlled Hazardous Substance Cleanup Loan of 1988	100,000.00	
Chesapeake Bay Water Quality Loan of 1985	500,000.00	
Chesapeake Bay Water Quality Loan of 1986	1,000,000.00	
Chesapeake Bay Water Quality Loan of 1987	1,600,000.00	
Chesapeake Bay Water Quality Loan of 1988	1,000,000.00	
Chesapeake Bay Water Quality Loan of 1989	100,000.00	
Water Quality Loan of 1968	200,000.00	
Water Quality Loan of 1973	200,000.00	
Water Quality Loan of 1974	400,000.00	
Water Quality Loan of 1983	<u>100,000.00</u>	
Total Water Quality		5,900,000.00

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

5. BONDS: (Continued)HIGHER EDUCATION

Public Junior Community and Regional Community College Facilities Construction Loan of 1982	\$ 250,000.00	
Public Junior Community and Regional Community College Facilities Construction Loan of 1985	750,000.00	
Public Junior Community and Regional Community College Facilities Construction Loan of 1986	2,500,000.00	
Public Junior Community and Regional Community College Facilities Construction Loan of 1987	1,000,000.00	
Public Junior Community and Regional Community College Facilities Construction Loan of 1988	<u>1,500,000.00</u>	
Total Higher Education		\$ 6,000,000.00

ELEMENTARY AND SECONDARY EDUCATION

State Public School Construction and Capital Improvement Loan of 1988	\$ 8,000,000.00	
State Public School Construction and Capital Improvement Loan of 1989	<u>17,000,000.00</u>	
Total Elementary and Secondary Education		25,000,000.00

MATCHING FUND LOANS, GRANTSAND OTHER LOANS

Community Mental Health Center Components, Addiction Facilities, and Developmental Disabilities Loan of 1987	\$ 900,000.00	
Community Mental Health Center Components, Addiction Facilities, Mental Retardation Facilities and Developmental Disabilities Facilities Loan of 1988	200,000.00	

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

5. BONDS: (Continued)MATCHING FUND LOANS, GRANTSAND OTHER LOANS (Continued)

Community Mental Health Center, Components, Addiction Facilities, Mental Retardation Facilities, and Developmental Disabilities Loan of 1989	\$ 900,000.00
Harford Sportsplex Loan of 1986	50,000.00
Frederick County Way Station Loan of 1987	900,000.00
Dorchester County Jail Loan of 1988	1,000,000.00
Baltimore Zoo Loan of 1988	500,000.00
Calvert County Jail Loan of 1988	100,000.00
Center Stage Associates, Inc. Loan of 1988	500,000.00
Center Stage Associates, Inc. Loan of 1989	500,000.00
Comprehensive Flood Management Loan of 1988	1,000,000.00
Comprehensive Flood Management Loan of 1989	1,000,000.00
Project Liberty Ship Loan of 1989	100,000.00
Harford Sportsplex Loan of 1989	150,000.00
Baltimore Zoo Loan of 1989	300,000.00
Academy of Arts Loan of 1989	50,000.00
Academy of Arts Loan of 1990	50,000.00
Riverdale Mansion Loan of 1990	100,000.00
Prince George's County Detention Center Loan of 1990	3,000,000.00
Hagerstown YMCA Loan of 1990	50,000.00
Rockville Arts Place Loan of 1990	50,000.00

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

5. BONDS: (Continued)MATCHING FUND LOANS, GRANTSAND OTHER LOANS (Continued)

Legal Aid Bureau, Inc. Loan of 1990	\$ 150,000.00	
National Center for Pathological Gambling, Inc. Loan of 1990	<u>50,000.00</u>	
Total Matching Fund Loans, Grants and Other Loans		<u>\$11,600,000.00</u>
<u>TOTAL SALE AMOUNT</u>		<u>\$95,000,000.00</u>

Board of Public Works Action: The above referenced item was:

Approved ✓	Disapproved	Deferred	Withdrawn
With Discussion ✓		Without Discussion	

BOARD OF PUBLIC WORKS

October 10, 1990

SECRETARY'S AGENDA

6. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS)

Submission of a request by the Department of the Environment for approval of individual grants under the Maryland Agricultural Cost-Share Program. The fund source for the following grants is the Chesapeake Bay Water Quality Loan Act of 1986 (Fund Source Control Number 85.59.03):

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount(\$)</u>
AT-90-0556	Ray Clark	Washington	10,000
AT-90-0637	Edwin R. Johnson	Montgomery	2,900
AT-90-0638	Thomas L. Haschen	Queen Anne's	10,000
AT-90-0647	Julia Ridgely	Kent	2,500
AT-90-0649	Joseph W. Vallandingham	St. Mary's	9,300
AT-90-0675	John Winkel	Kent	7,400
AT-90-0676	John L. Winkel	Kent	10,000
AT-90-0677	John Winkel	Kent	7,300
AT-90-0697	Russell Mizell	Washington	5,300
AT-90-0702	E. John Hoagland	Kent	10,000
AT-90-0745	A. J. King	Somerset	6,500
AT-91-0034	David G. Hoopes	Kent	1,800
AT-91-0036	William Balderston	Kent	2,500
AT-91-0041	David Muth	Kent	10,000
AT-91-0042	David Muth	Kent	10,000
AT-91-0043	Dave Muth	Kent	8,800
AT-91-0045	John B. Widdup	Kent	1,600
AT-91-0046	Michael Aeillo	Kent	8,600
AT-91-0047	Juergen Von Sethe	Kent	10,000
AT-91-0048	Juergen Von Sethe	Kent	10,000
AT-91-0049	Juergen Von Sethe	Kent	10,000
TOTAL AMOUNT:			154,500

Each of these projects has received technical certification from the appropriate Soil Conservation District office and has been determined to be eligible for cost-share funds by the Maryland Department of Agriculture. The farmer has signed the requisite cost-share agreement and accepts the conditions under which the grant is made.

BOARD OF PUBLIC WORKS

October 10, 1990

SECRETARY'S AGENDA

6. MARYLAND DEPARTMENT OF THE ENVIRONMENT: (MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS) (Continued)

The Maryland General Assembly enacted Chapter 405 (H.B. 1202) of the Agricultural Article, "Cost-Sharing - Water Pollution Control", in 1982 to create a program allowing persons to seek State cost-sharing funds for projects that will reduce agriculturally related non-point sources of water pollution. State regulations (15.01.05) governing the Maryland Agricultural Cost-Share Program were promulgated in May, 1983.

The Maryland General Assembly further enacted S.B. 400, "Chesapeake Bay Water Quality Loan Act of 1986", to provide a source of State funds for the cost-share program. Under this loan "not more than 5 million dollars (\$5,000,000) may be used by the Board of Public Works to provide grants for projects to control agriculturally related non-point sources of pollution. (This is authorized by Agriculture Article Section 8-701 to 9-705)." The bonds authorized by this loan have been sold.

A grants request summary is being provided to the members of the Board of Public Works for their information (copy enclosed).

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

SECRETARY'S AGENDA

7. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS)

Submission of a request by the Department of the Environment for approval of individual grants under the Maryland Agricultural Cost-Share Program. The fund source for the following grants is the Chesapeake Bay Water Quality Loan Act of 1988 (Fund Source Control Number 86.57.02):

Additional Funding Request

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount(\$)</u>
AT-89-0556	Edward G Middleton	St Mary's	185.00
AT-89-0473	William Price	Cecil	81.53

TOTAL AMOUNT:**266.53**

Each of these projects has received technical certification from the appropriate Soil Conservation District office and has been determined to be eligible for cost-share funds by the Maryland Department of Agriculture. The farmer has signed the requisite cost-share agreement and accepts the conditions under which the grant is made.

The Maryland General Assembly enacted Chapter 405 (H.B. 1202) of the Agricultural Article, "Cost-Sharing - Water Pollution Control", in 1982 to create a program allowing persons to seek State cost-sharing funds for projects that will reduce agriculturally related non-point sources of water pollution. State regulations (15.01.05) governing the Maryland Agricultural Cost-Share Program were promulgated in May, 1983.

The Maryland General Assembly further enacted H.B. 636, "Chesapeake Bay Water Quality Loan Act of 1988", to provide a source of State funds for the cost-share program. Under this loan "not more than 5 million dollars (\$5,000,000) may be used by the Board of Public Works to provide grants for projects to control agriculturally related non-point sources of pollution. (This is authorized by Agriculture Article Section 8-701 to 8-705)."

A grants request summary is being provided to the members of the Board of Public Works for their information (copy enclosed).

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

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October 10, 1990

SECRETARY'S AGENDA

8. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS)

Submission of a request by the Department of the Environment for approval of individual grants under the Maryland Agricultural Cost-Share Program. The fund source for the following grants is the Board of Public Works Capital Appropriation for Fiscal Year 1990 (Fund Source Control Number 80.14.00 Program 097):

Additional Funding Request

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount(\$)</u>
AT-89-0512	Wallace A. Gambriel	Queen Anne's	110.55
AT-89-0518	Gretchen Theobald	St Mary's	129.18
CR-88-0962	Philp A. Foster	Talbot	1,612.94
AT-89-0732	Charles Moore	Cecil	1,651.63
AT-90-0345	Ernest A. Loveless	Queen Anne's	777.94

TOTAL AMOUNT: **4,282.24**

Each of these projects has received technical certification from the appropriate Soil Conservation District office and has been determined to be eligible for cost-share funds by the Maryland Department of Agriculture. The farmer has signed the requisite cost-share agreement and accepts the conditions under which the grant is made.

The Maryland General Assembly enacted Chapter 405 (H.B. 1202) of the Agricultural Article, "Cost-Sharing - Water Pollution Control", in 1982 to create a program allowing persons to seek State cost-sharing funds for projects that will reduce agriculturally related non-point sources of water pollution. State regulations (15.01.05) governing the Maryland Agricultural Cost-Share Program were promulgated in May, 1983.

The Maryland General Assembly further enacted H.B. 350, "Board of Public Works Capitol Appropriation for Fiscal Year 1990" to provide a source of State funds for the cost-share program. Under this appropriation "not more than 5 million dollars (\$5,000,000) may be used by the Board of Public Works to provide grants for projects to control agriculturally related non-point sources of pollution. (This is authorized by Agriculture Article Section 8-701 to 8-705)."

A grants request summary is being provided to the members of the Board of Public Works for their information (copy enclosed).

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deffered

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

SECRETARY'S AGENDA

9. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS)

Submission of a request by the Department of the Environment for approval of individual grants under the Maryland Agricultural Cost-Share Program. The fund source for the following grants is the Board of Public Works Capital Appropriation for Fiscal Year 1990 (Fund Source Control Number ~~80.14.00~~ *85.59.03* ~~Program 097~~ *:Chesapeake Bay Water Quality Loan Act of 1986.* ✱

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount(\$)</u>
CR-90-0641	Richard Scofield	Talbot	4,100
CR-90-0657	Keith Spiering	Caroline	3,500
CR-90-0658	John Trax	Talbot	3,400
CR-90-0659	John Trax	Talbot	5,900
CR-90-0708	Ronald Diem	Caroline	10,000
CR-90-0739	Kenneth D. Cober	Talbot	6,700
CR-91-0075	James A. Kral	Dorchester	1,500
LS-91-0024	Sidney D. Kreider	Harford	3,400
LS-91-0025	Sidney D. Krieder	Harford	4,900
MP-90-0654	John Heflin	Frederick	2,400
MP-90-0655	Charles H. Lutz	Frederick	3,100
MP-90-0656	John Heflin	Frederick	6,300
MP-90-0681	Paul E. Spurrier	Frederick	3,200
MP-90-0736	Todd H. Estell	Frederick	6,600
MP-91-0016	Doris Zimmerman	Carroll	5,600
NW-90-0685	Elmer Robinson	Caroline	1,200
NW-90-0686	Elmer Robinson	Caroline	1,200
NW-90-0687	Elmer Robinson	Caroline	1,000
NW-90-0688	Elmer Robinson	Caroline	900
NW-90-0718	Harry C. Nagel	Caroline	1,000
PA-90-0431	Doris U. Marshall	Anne Arundel	10,000
PA-90-0746	MD Dept. of Natural Resources	Prince George's	9,900
PR-90-0724	William K. Shirey	Wicomico	10,000
RS-90-0546	Jervis Marshall	Baltimore	3,800
UP-90-0665	Lee B. Worthington	Washington	10,000
UP-90-0716	James Wade	Washington	900
UP-90-0717	James Wade	Washington	4,500

TOTAL AMOUNT:

125,000

** see attached*

BOARD OF PUBLIC WORKS

October 10, 1990

SECRETARY'S AGENDA

9. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND AGRICULTURAL COST-SHARE PROGRAM GRANT REQUESTS) (Continued)

Each of these projects has received technical certification from the appropriate Soil Conservation District office and has been determined to be eligible for cost-share funds by the Maryland Department of Agriculture. The farmer has signed the requisite cost-share agreement and accepts the conditions under which the grant is made.

The Maryland General Assembly enacted Chapter 405 (H.B. 1202) of the Agricultural Article, "Cost-Sharing - Water Pollution Control", in 1982 to create a program allowing persons to seek State cost-sharing funds for projects that will reduce agriculturally related non-point sources of water pollution. State regulations (15.01.05) governing the Maryland Agricultural Cost-Share Program were promulgated in May, 1983.

The Maryland General Assembly further enacted H.B. 350, "Board of Public Works Capitol Appropriation for Fiscal Year 1990" to provide a source of State funds for the cost-share program. Under this appropriation "not more than 5 million dollars (\$5,000,000) may be used by the Board of Public Works to provide grants for projects to control agriculturally related non-point sources of pollution. (This is authorized by Agriculture Article Section 8-701 to 8-705)."

A grants request summary is being provided to the members of the Board of Public Works for their information (copy enclosed).

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion



DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway, Baltimore, Maryland 21224

Area Code 301 • 631-3084

William Donald Schaefer
Governor

Martin W. Walsh, Jr.
Secretary

November 1, 1990

The Honorable James J. McGinty, Jr.
Secretary
Board of Public Works
P.O. Box 429
Annapolis MD 21404



11-15-90

Dear Secretary McGinty:

This is to advise you of the following changes to the Department of the Environment Agenda items previously approved by the Board of Public Works.

BPW September 5, 1990
Item 10
Pages 27, 28

From: \$40,000 - Board of Public
Works Appropriation Fund
80.14.00 Program 097

To: \$40,000 - Chesapeake Bay
Water Quality Loan Act of
1986. Fund Source 85.59.03

Reason: Fund Source identification incorrect.

BPW September 19, 1990
Item 3
Pages 7, 8

From: \$164,800 - Board of Public
Works Appropriation Fund
80.14.00 Program 097

To: \$164,800 - Chesapeake Bay
Water Quality Loan Act of
1986. Fund Source 85.59.03

Reason: Fund Source identification incorrect.

The Honorable James J. McGinty Jr.
Page 2

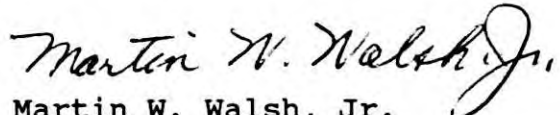
BPW October 10, 1990
Item 9
Pages 21, 22

From: \$125,000 - Board of Public
Works Appropriation Fund
80.14.00 Program 097

To: \$125,000 - Chesapeake Bay
Water Quality Loan Act of
1986. Fund Source 85.59.03

Reason: Fund Source identification incorrect.

Sincerely,


Martin W. Walsh, Jr.
Secretary

MWW:csk

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

10. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND WATER QUALITY REVOLVING LOAN FUND)

Submission of a request by the Maryland Department of the Environment that the Board of Public Works approve the issuance of up to \$45,000,000.00 of Revolving Loan Fund Revenue Bonds, Series 1990B, by the Water Quality Financing Administration, pursuant to Section 9-1607 of the Environment Article of the Annotated Code of Maryland, as amended, known as the Maryland Water Quality Financing Administration Act.

Proceeds of the bonds will be used to fund loans to the local governments for construction of wastewater projects, interest during construction for certain borrowers that have requested it, a debt service reserve, capitalized interest on the bond issue, and costs of issuance.

The bonds are expected to be sold in a public negotiated sale on or about ~~October 23, 1990~~^{*}, subject to market conditions, to the following parties:

Kidder Peabody and Company, Inc., NY	Co-Senior Manager
Legg Mason Wood Walker, Baltimore	Co-Senior Manager
Ferris Baker Watts, Inc., Baltimore	Co-Senior Manager
Alex Brown and Company, Inc., Baltimore	Co-Manager
Shearson Lehman Hutton, Inc., NY	Co-Manager
Wheat First Securities, Inc., Baltimore	Co-Manager
W. R. Lazard & Laidlaw, Inc., NY	Co-Manager
Maryland National Bank, Baltimore	Special Bracket
The Chapman Company, Baltimore	Special Bracket

Piper and Marbury of Baltimore and Gartrell and Alexander of Silver Spring are Co-Bond Counsel for this transaction.

KPMG Peat Marwick will provide a verification of the cash flows that accompany this submittal, as well as, serve as the auditor of the Administration's finances.

The Bank of New York was selected to serve as Trustee for the Administration's bonds and will continue to act in that capacity.

BACKGROUND: The Maryland Water Quality Revolving Loan Fund and the Maryland Water Quality Financing Administration (Administration) were created by the General Assembly at its 1988 session to implement a State Revolving Fund as defined in the Clean Water Act of 1987. The General Assembly also appropriated \$6,000,000.00 and \$5,000,000.00 during its 1988 and 1989 sessions, respectively, to be used as the State Matching Contributions (State Match) for the fiscal year 1989 and fiscal year 1990 Federal Capitalization Grants and together provide the equity for the Fund.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

10. MARYLAND DEPARTMENT OF THE ENVIRONMENT:
(MARYLAND WATER QUALITY REVOLVING LOAN FUND) (Continued)

The Administration was awarded a \$22,812,699.00 Capitalization Grant by the U. S. Environmental Protection Agency (EPA) on September 5, 1989 based on the fiscal year 1989 Intended Use Plan. In the Plan, the Administration proposed leveraging the Grant and State Match to fund \$65 million in construction through the use of revenue bonds. In February 1990, \$26,554,521.65 Maryland Water Quality Financing Administration, Revolving Loan Fund Revenue Bond Series 1990A, were issued to provide financing together with the Federal and State grants for \$38.9 million of loans. The balance of the loans in this program will be funded with proceeds from this bond issue and the planned February 1991 bond sale.

MDE has filed the Federal fiscal year 1990 Intended Use Plan with the Region III Office of the U. S. Environmental Protection Agency as an application for a \$23,596,848.00 Capitalization Grant, which will be matched with a 20% State share. A portion of these funds will be used together with the proceeds of this bond sale to make loans as stated in Table A to the 1990B Borrowers. The Administration expects the fiscal year 1990 Capitalization Grant to be awarded in September, 1990. Bonds will not be sold until after the Federal Grant has been received.

RECOMMENDATION: It is recommended that the Board of Public Works approve issuance of the Maryland Water Quality Financing Administration, Revolving Loan Fund Revenue Bonds, Series 1990B in an amount not to exceed \$45,000,000.00, and that the Board's minutes reflect this action in the form of the Resolution submitted to the members of the Board of Public Works.

(copy enclosed)

* - Bonds are expected to be sold on or about November 7, 1990.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

MINUTES OF THE MEETING OF
THE BOARD OF PUBLIC WORKS, OCTOBER 10, 1990

The Board of Public Works (the "Board") met in the office of the Governor, State House, Annapolis, Maryland, Wednesday, October 10, 1990.

Present were: Honorable William Donald Schaefer, Governor
Honorable Louis L. Goldstein, Comptroller
Honorable Lucille Maurer, Treasurer

BONDS:

Maryland Water Quality Financing Administration,
Revolving Loan Fund Revenue Bonds, Series 1990 B

On motion duly made and seconded, the following resolutions were unanimously adopted:

WHEREAS, the General Assembly of Maryland at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Section 9-1601 through 9-1622 of the Environment Article of the Annotated Code of Maryland, as amended (the "ACT"), establishing the Maryland Water Quality Financing Administration (the "Administration"), a unit of the Department of the Environment (the "Department"); and

WHEREAS, the Act authorizes the Administration, with the prior approval of the Board of Public Works and the Secretary of the Department, to issue its revenue bonds for the purpose of funding loans to assist local governments in the State in financing wastewater projects; and

WHEREAS, the Secretary of the Department has approved, and has requested that the Board approve the issuance by the Administration of a series of its revenue bonds, to be designated "Maryland Water Quality Financing Administration, Revolving Loan Fund Revenue Bonds, Series 1990 B" (the "Bonds"), in an aggregate principal amount not to exceed \$45,000,000; and

WHEREAS, there have been submitted to the Board draft of the Preliminary Official Statement, the Indenture of Trust, the First Supplemental Indenture of Trust, and the form of the Loan Agreement, to be utilized by the Administration in connection with the issuance and sale of the Bonds; and

WHEREAS, the Board has determined that the issuance and sale of the Bonds by the Administration is in the public interest and in furtherance of the purposes of the Act;

NOW, THEREFORE, BE IT ORDERED, that in accordance with Section 9-1607 (a) of the Environment Article of the Annotated Code of Maryland, sale by the Water Quality Financing Administration of a series of its revenue bonds designated "Maryland Water Quality Financing Administration Revolving Loan Fund Revenue Bonds Series 1990 B" in an aggregate principal amount not exceeding \$45,000,000 is hereby approved.

FURTHER RESOLVED, that seven certified copies of the Preliminary Official Statement with regard to the Bonds shall be transmitted to the Secretary of this Board at the same time copies thereof are distributed to prospective purchasers of the Bonds.

I HEREBY CERTIFY that attached hereto and foregoing is a true and exact copy of that portion of the minutes of the meeting of the Board of Public Works which was held on October 10, 1990 relating to the issuance of:

Maryland Water Quality Financing Administration,
Revolving Loan Fund Revenue Bonds, Series 1990 B

and showing the members of the Board who were present at that meeting.


James J. McGinty, Secretary

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

11. DEPARTMENT OF NATURAL RESOURCES:
(FLOOD MANAGEMENT GRANT PROGRAM)

Submission of a request by the Department of Natural Resources for approval by the Board of Public Works to enter into an Interagency Agreement with the City of Laurel to perform Phase 2 of the technical study of a portion of the Patuxent River (main stem) and Crows and Bear Branches, and to encumber funds from the Comprehensive Flood Management Loan of 1986, Chapter 622, Acts of 1986, not to exceed \$154,437.00.

Phase 1 was approved at the May 2, 1990 meeting, Secretary's Agenda Item No. 13, and covered production of aerial photography and topographic mapping. Field surveyed cross-sections, necessary for the floodplain delineations, were also performed.

Under the Interagency Agreement for Phase 2, a subcontractor to the City of Laurel will perform floodplain delineations, identify areas subject to flooding, inventory existing erosion and sedimentation problems, conduct preliminary wetlands delineations, and prepare preliminary identification of alternatives to reduce flooding. If detailed engineering evaluations of alternatives are deemed necessary, an amendment to this Agreement will be prepared and brought to the Board for approval and encumbrance of funds.

Phase 1 (05213)	\$148,878.00
Phase 2	<u>154,437.00</u>
Total	\$303,315.00

(copy enclosed)

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

12. DEPARTMENT OF NATURAL RESOURCES -
MARYLAND ENVIRONMENTAL SERVICE:

RE: Statement of Priority Projects for Calendar Year 1990 -
Pertaining to Grants Applied for Under the
Solid Waste Facilities Loan Act of 1989

Submission of a request by the Maryland Environmental Service (MES) of the Department of Natural Resources for approval of a State-ment of Priority Projects for the calendar year 1990 containing a listing of grant applications seeking funding in 1990 through the Solid Waste Facilities Loan Act of 1989, and the level of assistance proposed.

BACKGROUND

The Solid Waste Facilities Loan Act of 1989 authorized the creation of a State debt of \$4,000,000.00 to be used to provide State reimbursable grants to assist in the conduct of engineering, financial and legal analyses for, and in the design of, certain facilities or systems for the collection, disposal, processing, reclamation, recycling, reduction, reprocessing, and separation of solid waste.

MES is authorized to solicit and review applications for grants under this Loan Act and to prepare (in consultation with the Departments of the Environment and State Planning) and submit to the Board of Public Works a statement of priority projects to be funded under this Act.

Financial assistance may be provided only for a facility or system of a municipality (as defined in the Natural Resources Article of the Code). Grants may not exceed 50 percent of eligible costs, with an individual applicant award limit of \$700,000.00. However, grants to a municipality for a facility or system which will serve a State institution or agency, that will serve regional needs or will incorporate a waste-to-energy or recycling component may cover 100% of the eligible costs, with total grants not exceeding \$1,000,000.00.

Project funding will not occur until all necessary documentation has been received in good form, and an agreement has been executed between the municipality and MES assuring compliance by the municipality with the purposes and terms of the Loan Act.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

12. DEPARTMENT OF NATURAL RESOURCES -
MARYLAND ENVIRONMENTAL SERVICE: (Continued)

The State of Priority Projects for the calendar year 1990 is as follows:

1. Somerset County Landfill Project (Somerset County) - \$200,000.00 Reimbursable Grant.
2. Baltimore County Resource Recovery Facility
 Baltimore County - \$1,000,000.00 Reimbursable Grant.

Board of Public Works Action: The above referenced item was:

<input checked="" type="radio"/> Approved With Discussion	<input type="radio"/> Disapproved	<input type="radio"/> Deferred	<input type="radio"/> Withdrawn
		<input checked="" type="radio"/> Without Discussion	

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

13. DEPARTMENT OF NATURAL RESOURCES -
MARYLAND ENVIRONMENTAL SERVICE:

Submission of a request by the Maryland Environmental Service (MES) of the Department of Natural Resources for approval of a \$200,000.00 reimbursable grant under the Solid Waste Facilities Loan of 1989 for a new municipal solid waste landfill.

The Solid Waste Facilities Loan Act of 1989 authorized the Board of Public Works to grant up to \$4,000,000.00 for the analyses and the design of facilities or systems for the collection, disposal, processing, reclamation, recycling, reduction, reprocessing, and separation of solid waste.

Somerset County has applied for a reimbursable grant to permit and design a new municipal solid waste landfill.

This application is eligible for funding of 100 percent of the project cost up to \$700,000.00. This project is on the priority list for Solid Waste Facilities Loan of 1989 funding which appears on this agenda on another item submitted by the Maryland Environment Service.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

14. DEPARTMENT OF NATURAL RESOURCES -
MARYLAND ENVIRONMENTAL SERVICE:

Submission of a request by the Maryland Environmental Service (MES) of the Department of Natural Resources for approval of a \$1,000,000.00 reimbursable grant under the Solid Waste Facilities Loan of 1989 for a solid waste recycling system.

The Solid Waste Facilities Loan Act of 1989 authorized the Board of Public Works to grant up to \$4,000,000.00 for the analyses and the design of facilities or systems for the collection, disposal, processing, reclamation, recycling, reduction, reprocessing, and separation of solid waste.

Baltimore County has applied for a reimbursable grant to evaluate, select, design, and permit a system to recover recyclable materials at the Baltimore County Resource Recovery Facility.

This application is eligible for funding of 100 percent of the project cost up to \$1,000,000.00. This project is on the priority list for Solid Waste Facilities Loan of 1989 funding which appears on this agenda on another item submitted by the Maryland Environmental Service.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

15. PEABODY INSTITUTE OF BALTIMORE:

Resubmission of a recommendation by the Peabody Oversight Committee that the Board of Public Works:

- 1) authorize the release of \$2,000,000.00 of the total appropriation of \$2,995,000.00 provided within Budget Program 23.05.01.10 for fiscal year 1991, and
- 2) approve a proposed agreement relating to the transfer of an art collection of the Peabody Institute to the State of Maryland.

Chapter 409 of the Acts of 1990 (operating budget) authorizes a grant to the Peabody Institute of Baltimore in the amount of \$2,995,000.00, provided that certain conditions are satisfied. In brief, these conditions include:

- 1) The Peabody must secure \$15 million in bonafide private pledges to the Peabody Endowment between December 1, 1989 and September 15, 1990. The pledges shall not be used for operating costs.
- 2) The State of Maryland and the Peabody Institute shall enter into an agreement whereby the title and interest to the collection of a fine art collection in the custody or possession of the Peabody Institute on January 1, 1990 be transferred to the State of Maryland.
- 3) The Peabody Institute develop a plan to implement the cost reductions and revenue enhancement recommendations made by the Governor's Task Force on Peabody.
- 4) The Peabody Institute continue to operate as a music conservatory.
- 5) Johns Hopkins University continue to fund the operating deficit of the Peabody Institute.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

15. PEABODY INSTITUTE OF BALTIMORE: (Continued)

By a letter dated September 13, 1990, Lieutenant Governor Melvin A. Steinberg, Chairman of the Peabody Oversight Committee, has certified to the Board of Public Works that the Peabody Institute has satisfied all of the conditions attached to the appropriation and the Peabody Oversight Committee recommends that the Board of Public Works authorize the disbursement of \$2,000,000.00 to the Peabody Institute.

The Committee is also recommending that the Board approve and execute an agreement with the Peabody Institute and the Johns Hopkins University whereby the Peabody agrees to transfer ownership of its fine art collection to the State of Maryland on or before June 30, 1996, and the State agrees to pay a purchase price of \$15,000,000.00. This agreement was executed by both the Secretary of the Board of Trustees of the Peabody Institute and the President of the Johns Hopkins University on September 12, 1990.

This item appeared as Item 6 on the Secretary's agenda for the meeting of the Board of Public Works held on September 19, 1990 and was withdrawn at that time.

(material previously forwarded)

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

16. CARROLL COUNTY YMCA LOAN OF 1990:

Submission of a request by the YMCA of Greater Baltimore - Carroll County YMCA that the Board of Public Works approve a certification by the YMCA that it has raised a matching fund of at least \$450,000.00 as required by Chapter 525 of the Acts of 1990 known as the Carroll County YMCA Loan of 1990.

Chapter 525 of the Acts of 1990 authorized the creation of a State debt in the amount of \$450,000.00 to be used as a grant to the YMCA of Carroll County for the construction of a YMCA facility for day care, recreation, and other family activities sponsored by the YMCA, subject to the requirement that the YMCA in Carroll County provide an equal and matching fund for the same purpose, and providing that no proceeds of the loan or any matching funds may be used for religious purposes. No part of the matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act.

The President of the YMCA has certified to the Board of Public Works, in a letter dated August 10, 1990, that \$907,799.86 in cash and pledges has been subscribed, to date, through a fund raising campaign held on behalf of the YMCA construction project in Carroll County. Of this amount, \$657,141.00 has actually been collected.

The President of the YMCA has also certified that no portion of the grant to the Carroll County YMCA pursuant to Chapter 525 of the Laws of Maryland of 1990 or the matching funds required by Chapter 525 have been or will be used for the furtherance of sectarian religious instruction or fraternal instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination.

In addition to these certifications, the Carroll County YMCA has submitted a Board of Public Works Capital Project Grant Application and a Board of Public Works Capital Projects Grant Agreement. The projected cash flow is included in the Grant Application.

Approval by the Board of Public Works of each of these documents will allow the authorization of \$450,000.00 to be encumbered.

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

16. CARROLL COUNTY YMCA LOAN OF 1990: (Continued)

No State funds will be disbursed until after such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who shall disburse the State portion in amounts equal to the invoices submitted.

Bonds to support this project have not been sold.

(copy enclosed)

Board of Public Works Action:

The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

17. FREDERICK COUNTY 4-H CAMP CENTER, INC. LOAN OF 1990:

Submission of a request by the Frederick County 4-H Camp Center, Inc. that the Board of Public Works approve a certification that the Center has raised a matching fund of at least \$100,000.00 as required by Chapter 520 of the Acts of 1990 known as the Frederick County 4-H Camp Center, Inc. Loan of 1990.

Chapter 520 of the Acts of 1990 authorized the creation of a State debt in the amount of \$100,000.00 to be used as a grant to the Board of the Frederick County 4-H Camp Center, Inc. for the repair of the road and parking lot and the installation of lighting at the Camp Center, subject to the requirement that the Board of the Frederick County 4-H Camp Center, Inc. provide at least an equal and matching fund for the same purpose. No part of the applicant's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act.

The Board of the Frederick County 4-H Camp Center, Inc. has certified to the Board of Public Works that contributions in the amount of \$107,667.64 have been raised towards this project which fulfills the matching fund requirement of this legislation.

In addition to the certification, the Frederick County 4-H Camp Center, Inc. has submitted a Board of Public Works Capital Project Grant Application, but only for those projects which are authorized by the bond bill. The projected cash flow is included in the Grant Application.

The Frederick County 4-H Camp Center, Inc. has also forwarded a Board of Public Works Capital Projects Grant Agreement.

Approval by the Board of Public Works of each of these documents will allow the authorization of \$100,000.00 to be encumbered.

No State funds will be disbursed until after such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who shall disburse the State portion in amounts equal to the invoices submitted.

Bonds to support this project have not been sold.

(copy enclosed)

Board of Public Works Action: The above referenced item was:

<u>Approved</u>	Disapproved	Deferred	Withdrawn
With Discussion		<u>Without Discussion</u>	

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

18. MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 1990:
(UNIVERSITY OF MARYLAND MEDICAL SYSTEM)

Submission of a request by the University of Maryland Medical System that the Board of Public Works approve the matching fund of \$5,000,000.00 as required by Chapter 421 of the Acts of 1990, under the Consolidated Capital Bond Loan of 1990.

This legislation provided a grant of the University of Maryland Medical System to assist in the design, construction, renovation, and equipping of patient care and support facilities, subject to the requirement that the University of Maryland Medical System provide an equal and matching fund for the same purpose.

The Project Director for the University of Maryland Medical System has forwarded a letter to the Board of Public Works dated October 2, 1990 advising that the University of Maryland Medical System has \$5,670,000.00 available for this project as required by this legislation.

In addition to this certification, the University of Maryland Medical System has submitted a Board of Public Works Capital Project Grant Application and a Board of Public Works Capital Projects Grant Agreement. The project cash flow is included in the Grant Application.

Approval by the Board of Public Works of each of these documents will allow the authorization of \$5,000,000.00 to be encumbered.

No State funds will be disbursed until after such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who shall disburse the State portion in amounts equal to the invoices submitted.

Bonds to support this project have not been sold.

(copy enclosed)

Board of Public Works Action:

The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

APPENDIX

Report of emergency contracts awarded by various agencies in accordance with COMAR 21.05.06 (Title 21 - State Procurement Regulations) and reported in accordance with COMAR 21.02.01.05(A)(3).

Individual reports enclosed.

BOARD OF PUBLIC WORKS

Appendix 1

Date: October 10, 1990
Appendix

Secretary's Agenda

REPORT OF EMERGENCY PROCUREMENT - Appendix 1

Department: HUMAN SERVICES

Contract Type: ☒ Service ☐ Supply ☐ Maintenance ☐ Construction
☐ Other: _____
☐ Emergency modification:

Contract No. & Title: OA/REP-09/91-001

Description: Provide emergency repatriation services for thirty-two (32) people returning from the Persian Gulf. Services are to include housing, food, transportation, job placement assistance, onward transportation, and basic services.
Bids or proposals

Award:

Associated Catholic Charities

Amount: \$64,220

Contract Term: 9/13/90-12/11/90

Fund Source: 33.05.01.01.0110.01

Remarks: Associated Catholic Charities facilities were available to accommodate the repatriates.

Board of Public Works action:

Reported accepted: ☒ with discussion

☒ without discussion

Report forwarded to Dept./Agency _____

Remarks:

BOARD OF PUBLIC WORKS

Appendix 2

October 10, 1990

Secretary's Agenda

APPENDIX

REPORT OF EMERGENCY PROCUREMENT

Item - Appendix 2Department/Procurement Agency - Health and Mental Hygiene
Rosewood CenterContract Type - MaintenanceContract No. & Title - Preston Building - Replacement of A/C Compressor

Description - The compressor which controls the central air conditioner in the Preston Building broke on 6/29/90. The building houses 32 dually diagnosed clients on psychotropic drugs. The heat can cause an imbalance in their electrolytes, necessitating immediate replacement of the compressor.

Bids or Proposals - United Technologies Carrier Bldg Services \$16,384.50

Award - United Technologies Carrier Bldg ServicesAmount - \$16,384.50Contract Term -Fund Source - 32.13.02.01.301.08.833

Remarks - Repairs not within the capability of in-house resources. Replacement had to be taken care of immediately to protect health of clients

Board of Public Works Action:Report Accepted:

With Discussion

Without Discussion

Report Remanded to Department/Agency

Date: October 10, 1990
Appendix

Appendix 3

Secretary's Agenda

REPORT OF EMERGENCY PROCUREMENT

Item : Appendix 3Department/Procurement Agency: Department of Health & Mental HygieneContract Type: ☒ Service ☐ Supply ☐ Maintenance☐ Construction ☐ Other _____☒ EmergencyContract No. & Title: DHMH PS 90-1441Description: To develop a methodology for determining AIDS capitation rates for Medicaid participating HMOs.Bids or proposals

Sole Source: Peat, Marwick, Main and Company has familiarity with Medicaid's capitation methodology. Last year, Peat, Marwick, Main and Company only respondent to RFP to work on developing an actuarial methodology

Award:

Peat, Marwick, Main and Company

Amount: Original Contract: \$33,250.00Contract term: May 1, 1990 to July 31, 1990Fund Source: Fed. (45%), Gen. (44%), Spec. (11%)
Appropriation Code: 32.17.01.04Remarks:Board of Public Works action:☒ Report accepted ☐ with discussion ☒ without discussion

Report remanded to Dept./Agency _____

Remarks:

BOARD OF PUBLIC WORKS

A4

Appendix 4

Date: October 10, 1990
Appendix

Secretary's Agenda

REPORT OF EMERGENCY PROCUREMENT

Item : Appendix 4

Department/Procurement Agency: HEALTH + MENTAL HYGIENE / RICA
BALTIMORE

Contract Type: ☐ Service ☐ Supply ☐ Maintenance ☐ Construction

☐ Other: _____

☒ Emergency modification:

Contract No. & Title: DHMH PS-90-914E

Description:

Janitorial services to be provided at the Regional Institute
for Children in Baltimore

Bids or proposals

The incumbent vendor was requested to continue services while a
new contract was being bid. Equipment, personnel and knowledge
of the facility were already in place

Award:

Marriott Corporation

Amount: \$19,425.00

Original contract amount- \$234,822
Modification amount- \$19,425.00

Agregate amount= \$254,24

Contract term:

September 1, 1989-November 30, 1989

Fund Source:

General 32.12.05.08.0854

Remarks:

Board of Public Works action:

Reported accepted: ☐ with discussion ☐ without discussion

Report remanded to Dept./Agency ☐

Remarks:

BOARD OF PUBLIC WORKS

Date: October 10, 1990
Appendix

Secretary's Agenda

REPORT OF EMERGENCY PROCUREMENT

Item : 19-S

Department/Procurement Agency: DHMH, DDA

Contact Type: Service Supply Maintenance Construction

Other: _____

☒ Emergency modification:

Contract No. & Title: MR373/MSS Anne Arundel County ARC

Description: To provide individual support services to 16 developmentally disabled individuals, so that they might remain in their-homes and communities. These services include counseling, therapy, medical and prescription counseling, personal living skill training and management.

Bids or proposals

Award: Anne Arundel County Association for Retarded Citizens

Amount: \$10,999.00

Original - \$68,361.00 Mod - \$10,999 \$ Total - \$ 79,351

Contract term: 3/1/90 through 6/30/90

Fund Source: General

Remarks:

Board of Public Works action:

Reported accepted with discussion without discussion
Report remanded to Dept./Agency

Remarks:

October 10, 1990

Appendix 6

APPENDIX

Secretary's Agenda

REPORT OF EMERGENCY PROCUREMENTItem: Appendix 6Department/Procurement Agency: Transportation
Functional Data CenterContract Type: EquipmentContract No. & Title: DOTDC 91-022
Purchase Agreement with Systar, Inc.Description: Purchase of a Performance Monitoring System and Management Software System for the Unisys 1100/92 Computer System to include one-year maintenance of system.Bids or Proposals: Competitive Sealed Bids

Two (2) responsive bids were received.

Systar, Inc. \$20,645.00

Datametrics Systems \$39,789.00Award: Systar, Inc.
Herndon, VAAmount: \$20,645.00Contract Term: One (1) Year (10/01/90 to 09/30/91)Fund Source: 100% Special Funds budgeted to the FDCRemarks: A performance monitoring and capacity management software product was needed immediately to improve control of day-to-day FDC operations. The transaction rates of the first six (6) months of 1990 versus 1989 show an increase of over one million per month. FDC must be able to react immediately to slowdowns, disruptions and system halts to insure that the public is served in a very timely manner.

This system not only provides immediate detection, but additionally, provides pinpoint diagnostic information to permit rapid correction of problems.

Board of Public Works Action:

Report Accepted: _____ With discussion _____ Without discussion

Report remanded to Dept./Agency _____ Withdrawn

Remarks:

PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

Item 1A

Approval is requested to cancel encumbrances on the following projects approved by the Board of Public Works. These amounts represent Program Open Space assistance committed by the Board of Public Works but not expended by the subdivisions.

OUTDOOR RECREATION LAND LOAN OF 1969: 81.20.02 - Local Share

Ref. Doc. Number	Project Number	Project Name	County	Fund Source	Amount
64033	2139-2-120	B&A Trail Phase II Development	A.A.	426	\$17,442.37

PROGRAM OPEN SPACE LOCAL SHARE: 81.20.04

Ref. Doc. Number	Project Number	Project Name	County	Fund Source	Amount
06282527	2527-15-321	Ellsworth Local Park Development	Mont.	915	\$ 7,076.31
4042584	2584-16-407	North Barnaby Community Park Acquisition (Burch)	P.G.	716	\$ 539.61
06132555	2555-22-89	Sharptown Park Pavilion	Wicomico	922	\$ 72.48
06292411	2411-23-80	Showell Recreation Area Development	Worcester	823	\$ 1,868.28

LAND AND WATER CONSERVATION FUND: Fund 05-30.01.02.002.011.00.12/06

Ref. Doc. Number	Project Number	Project Name	County	Fiscal Year	Amount
770349	2561-16-398	Patuxent River Park Acquisition (Banks)	P.G.	90	\$ 875.94

Item 1A (continued)
 Cancellation of Encumbrances
 October 10, 1990

LAND AND WATER CONSERVATION FUND: Fund 05-30.01.02.002.005.03.12/06

Ref. Doc. Number	Project Number	Project Name	County	Fiscal Year	Amount
770056	1895-11-25	Snowy Meadows Park Development	Garrett	84	\$ 9,801.36

The above amounts may now be returned to the unobligated balances of the respective accounts, as per the fund sources indicated.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

Item 2A

LAND AND WATER CONSERVATION FUND:

Approval is requested to commit to the town of Denton \$22,500.00 from the Land and Water Conservation Fund. This amount represents 75% of the eligible project costs for the following project:

POS #2636-5-78
Denton Fourth Street Play Lot
Caroline County

This project involves the addition of playground equipment such as a modular system, two-way climber, balance beam, and bicycle stand. In addition, signs and landscaping will be included to compliment the Denton Fourth Street Play Lot.

Total Estimated Development Costs \$30,000.00

State Share (75%) \$22,500.00

Fund Source: Program 05-02.002.011.00.12/06 \$22,500.00

Federal Grant: Not Available

Department of State Planning: Reviewed - September 7, 1990

Control Number: MD900727-0717

Location: Fourth Street, Denton

Inspected by: Charlotte K. Cathell

On: July 10, 1990

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A

BOARD OF PUBLIC WORKS

October 10, 1990

Secretary's Agenda

Item 3A

PROGRAM OPEN SPACE LOCAL SHARE:

Approval is requested to commit to Baltimore City \$100,000.00 from the Program Open Space Local Share. This amount represents 100% of the eligible project costs for the following project:

POS #2637-24-109

Game Court Maintenance - Citywide
Baltimore City

This project proposes the repair and maintenance of seven tennis and other game courts located at various locations in Baltimore City. Repairs will include: patching, crack repair, seal coating and game lines.

Total Estimated Development Costs \$100,000.00

State Share (100%) \$100,000.00

Fund Source: Program 81.20.04 Item 124 \$100,000.00

Federal Grant: Not Available

Department of State Planning: Reviewed - August 31, 1990

Control Number: MD900802-0742

Location: Various locations in Baltimore City

Inspected by: Bernie Wentker

On: July 13, 1990

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW - 10\10\90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACTITEM 1-S

Agency Contact: E. Muth 225-1150
Contract Admin: J. Quinn 225-1194

DEPARTMENT

Assessments and Taxation
Corporate Assessment Division

PROGRAM

The Corporate Assessment Division administers the assessment of tangible personal property reported on an annual personal property return. An annual examination is made of the files and corporations which have failed to file the required returns are certified for forfeiture of their charters. The Division employs 47 positions and has an annual operating budget of approximately \$2 million.

CONTRACT NO. & TITLE

DAT 91-02; Publication of Forfeiture List

DESCRIPTION

Approval is requested to award a contract to the Time and Alleganian Company, trading as the Cumberland Times-News to publish a Proclamation and listing of approximately 14,000 corporate names. This publication is to occur on two separate occasions, the first between October 9-11, 1990, and the second between November 7-9, 1990. Publication of this list is mandated by Section 3-504(a) of the Corporations and Associations Article (1989 Cumulative Supplement).

TERM

10/9/90-11/9/90

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

Only One Bid Received

AWARD

Cumberland Times-News, Cumberland, MD

INCUMBENT

(same - 10/10/89-11/16/89 for \$15,865.64)

AMOUNT

\$13,459.68

FUND SOURCE

100% General

APPROP. CODE

24.03.00.03 - Corporate Assessment Division

Object

08 - Contractual Services

SubObject

H01 - Advertising & Legal Publications

DBFP Agenda - 10/10/90

Item 1-S (Continued)

AGENCY REMARKS The aforementioned Section 3-504(a) (1989 Supp.) mandates using newspapers published daily. All of the daily newspapers in the Western Maryland area were solicited; however, only one responded.

DBFP REMARKS DBFP recommends BPW approval. Sufficient Funds in have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved
With Discussion

Deferred

Withdrawn

Without Discussion

BPW--10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACT

Item 2-S Agency Contact: M. Zentz (333-1223)
Contract Admin: (Same)

DEPARTMENT Department of Transportation
State Highway Administration

CONTRACT NO. & TITLE 526-8-514-91 Providing Janitorial Services
for the Crain Memorial Information Center on US 301 in Charles
County - 24 hours per day every day of the year.

DESCRIPTION This project is to provide the SHA with cleaning
and janitorial services for the Crain Memorial Information
Center on US 301 in Charles County. Services include waste
collection, cleaning of rest rooms, sweeping, wet mopping,
dusting, litter pick-up and care of parking lot and picnic
area.

TERM One Year from Issuance of Notice to Proceed

PROCUREMENT METHOD Competitive Sealed Bidding

BIDS Abacus Corporation \$260,610.00
H. M. Stevens Company \$266,333.20

AWARD Abacus Corporation / Baltimore, MD.

Amount \$260,610

FUND SOURCE 100% Special APPROP. CODE 29.02.01.02
Object 08
SubObject H12

AGENCY REMARKS Bids were opened on July 10, 1990 and prices
were obtained from two (2) contractors. The low bid of
\$260,610.00, submitted by Abacus Corporation is 25.70% over
SHA's estimate of \$207,320.00.

DBFP REMARKS DBFP recommends BPW approval. Special Funds in the
amount of \$2,168,000 have been appropriated for these services
in the FY'91 operating budget.

Board of Public Works Action - The above referenced Item was:

APPROVED DISAPPROVED
WITH DISCUSSION

DEFERRED WITHOUT DISC
WITHDRAWN

BPW - 10-10-90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACT
ITEM 3-S

Agency Contact: S. Giraldi 987-2360
Contract Admin: S. Bienen 987-2360

DEPARTMENT: Health and Mental Hygiene
Mental Hygiene Administration

PROGRAM: The Program provides funding for community mental health programs. The Mental Hygiene Administration employs 5,584 positions and operates on an annual budget of \$285,092,003.

CONTRACT NO. & TITLE: 91-336; MH155PRS, Psychotherapeutic Services Association

DESCRIPTION To provide services for the chronically mentally ill, in Anne Arundel County. Community rehabilitation services for 15 persons; residential rehabilitation services- 12 level V beds and 3 crisis beds. Case management will be provided for each bed.

TERM: 9/19/90 through 6/30/91

PROCUREMENT METHOD: Noncompetitive negotiated
BIDS OR PROPOSALS: N/A

AWARD: Psychotherapeutic Services Assoc./Chestertown, MD.
INCUMBENT: None

AMOUNT: \$550,765

FUND SOURCE 100% General APPROP. CODE: 32.12.01.12
1216.08.H99

REQUESTING AGENCY REMARKS: \$31,200 for start-up; \$350,313 for 12 level V. beds; \$104,180 for 3 crisis beds; \$51,535 for community rehabilitation for 15 clients; \$13,537 for case management services. Clients will be transferred from Crownsville. \$34,638 average annual per bed cost.

DBFP REMARKS General Funds in the amount of \$79,043,439 have been appropriated for a variety of community based residential, clinic, rehabilitative, and therapeutic support services to be delivered through 24 local health departments and local contractors.

Board of Public Works Action - The above Item was:

APPROVED
WITH DISCUSSION

DISAPPROVED

DEFERRED

WITHDRAWN
WITHOUT DISCUSSION

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACT
ITEM 4-S

Agency Contact: H. Ladue 987-6200
Contract Admin: P. Wilson 987-6200

DEPARTMENT: Health and Mental Hygiene
Mental Hygiene Administration

PROGRAM: Crownsville Hospital Center

CONTRACT NO. & TITLE: Somatic Health Services Contract

DESCRIPTION: Professional Medical Management of Somatic Health Services needs for a specific segment of Crownsville Hospital Center's patients. Provide adequate professional medical care & services including Neurology, EEG's, OB/GYN, Podiatry, Orthopedics, Dermatology, Radiology, ENT (Speech/Hearing), Speech Pathology, Opthamology, Urology & General Surgery in the most efficient & economical manner. Option to include Dental Services starting in 1992. Average number of patients per day - 140.

TERM: 10/4/90 - 9/30/93 w/2 one year renewal options

PROCUREMENT METHOD: Competitive sealed proposals

<u>BIDS OR PROPOSALS</u>	GBMC Agency Inc.	\$1,461,018
	Urban Cardiology Assoc., Inc.	*
	Liberty Medical Center	*

AWARD: GBMC Agency, Inc.
INCUMBENT: (Same - 3 years \$805,887)

AMOUNT \$1,461,018

<u>FUND SOURCE</u>	100% General	<u>APPROP. CODE:</u>	32.12.06.01
			901.08.H99

REQUESTING AGENCY REMARKS: *These did not meet RFP requirements. New contract now includes On-Duty physician services. Furnishing of long-term services are required to meet State needs; estimated requirements cover the period of the contract and are reasonably firm and continuing; and a multi-year contract will serve the best interests of the State by promoting economies in State procurement.

DBFP REMARKS DBFP recommends BPW approval. General Funds in the amount of \$438,412 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above Item was:

APPROVED

DISAPPROVED

~~DEFERRED~~ WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACT
ITEM 5-S

Agency Contact: N. Dieter 225-1760
Contract Admin: (same)

DEPARTMENT: Health and Mental Hygiene
 Division of Medical Assistance Recoveries (DMAR)
 Medical Care Compliance Administration

PROGRAM: Operates third party liability programs through which other sources of payment for Medical Assistance recipients' health care are discovered, and money spent on behalf of recipients is recovered from sources allowed by federal or state law.

CONTRACT NO. & TITLE: Department of Health and Mental Hygiene;
 Maximizing Recoveries from Liable Third Parties for Services Paid by the Medicaid Program

DESCRIPTION: Recovery of funds from liable parties of Medicaid recipients is dependent on identification and development of potential resources and timely submission of claims to those resources for adjudication of liability. The Program requires the services of the contractor to perform data processing and reprocessing of source files to identify and submit claims to potentially liable third parties such as Medicare, CHAMPUS, Black Lung and Health insurance carrier. The contractor's efforts supplement the Program's own third party identification and claim activities. As this is a contingency contract, there is no expense to the State; payment is based on a percentage of actual recoveries deposited with the Department.

TERM: October 1, 1990 - September 30, 1993

PROCUREMENT METHOD: Competitive sealed proposal

BIDS OR PROPOSALS: (one proposal received)

AWARD: Health Management System, Inc, New York, N.Y.

INCUMBENT: (Same - 4/1/88-5/31/90 - \$782,500)

AMOUNT \$1,440,000

<u>FUND SOURCE</u>	55% General	<u>APPROP. CODE:</u>	32.17.01.03
	45% Federal		362.08.H99

DBFP Agenda - 10/10/90

Item 5-S (Continued)

REQUESTING AGENCY REMARKS: Contract amount is based on a recovery of \$9,000,000. Furnishing of long-term services are required to meet State needs; estimated requirements cover the period of the contract and are reasonably firm and continuing; and a multi-year contract will serve the best interests of the State by promoting economies in State procurement.

DBFP REMARKS DBFP recommends BPW approval. Funds in the amount of \$200,000 have been appropriated for these services in the FY'91 operating budget. The vendor is paid a percentage of what is collected, there is no fixed amount of payment. Should recoveries be such that the payments to the vendor exceed this amount, additional funds will be generated from program savings & used for payment.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACT
ITEM 6-S

Agency Contact: F. Bien 333-1863
Contract Admin: (same)

DEPARTMENT Department of Human Resources
Community Services Administration

PROGRAM Maryland Office of Refugee Affairs (MORA) has provided cash, medical assistance, and social services to many of Maryland's 18,000 refugees. Services include employment services, English language training and support services to help refugees become employed and self-sufficient. MORA employs 18 people and has a FY 1991 operating budget of approximately \$540,000.

CONTRACT NO. & TITLE CSA/ORA-10/91-093
Project Homecoming for Amerasians

DESCRIPTION Provide life adjustment skills training to 160 Amerasians and accompanying family members admitted under the Amerasian Homecoming Act to assist in bridging the gap between Vietnamese society and the American economic and employment system. All refugees will reside in Montgomery or Prince George's County.

TERM 10/10/90 - 10/9/92

PROCUREMENT METHOD Sole Source

BIDS OR PROPOSAL N\A

AWARD Lutheran Social Services

INCUMBENT Associated Catholic Charities \$60,000
10/10/89 - 10/9/90

AMOUNT \$118,801

FUND SOURCE 100% Federal

APPROPRIATION CODE 33.03.01.03
Subprogram 301 - (Refugee Purchase of Service)
Object .08 - (Contractual Services)
Subobject H18 - (Client Services Purchase of Service)

DBFP Agenda - 10/10/90

Item 6-S (Continued)

REQUESTING AGENCY REMARKS For the FFY 1991 contract, the fiscal agent for the Voluntary Agencies Consortium (VOLAG) is being switched to Lutheran Social Services. For the last two years, Associated Catholic Charities has been the fiscal agent for the VOLAG. Lutheran Social Services is one of six volunteer agencies that make up VOLAG. The six agencies have been designated by the Office of Refugee Resettlement, DHHS, to provide specific resettlement and adjustment services to Amerasians in Prince George's and Montgomery Counties. Federal funds amounting to \$118,000 have been budgeted as part of FFY 1991 appropriations from DHHS, Office of Refugee Resettlement. Furnishing of long-term services are required to meet State needs; estimated requirements cover the period of the contract and are reasonably firm and continuing; and a multi-year contract will serve the best interests of the State by promoting economies in State procurement.

DBFP REMARKS DBFP recommends BPW approval. Federal Funds have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BPW - 10/3/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICE CONTRACTITEM - 7-S

Agency Contact: R. Davis 764-4204

Contract Admin: E. Gillespie 764-4455

DEPARTMENTPublic Safety & Correctional Services
Data Services Division

PROGRAM: The Criminal Justice Information System Central Repository is Program .202 of the Data Services Division in the Department of Public Safety and Correctional Services. The Central Repository is responsible for the operation of the Fingerprint, Data Entry, Expungement, Child Care, and the Records sections. The major responsibility of the Program is the collection, management and dissemination of Criminal History Record Information. The Program is comprised of approximately 89 positions a Fiscal Year 1991 operating budget of \$2,721,309.

CONTRACT NO. & TITLE: DPSCS 91010 - Agreement for purchase of contractual consulting services.

DESCRIPTION: Engagement of a consultant to design, code and install an automated, document information control system.

TERM: 10/8/90 through 9/1/93

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS:

<u>Company</u>	<u>Tech. Score</u>	<u>Cost</u>
MCSI Technology, Inc.	362	\$189,425.37
Syscom	267	285,110.00
Trident	252	302,730.00
System House	323	423,129.00
Davis Research & Dev.	172	458,242.00
National Con Serv Inc.	196	502,400.00
Deloitte and Touche	210	516,380.00
Price Waterhouse	390	528,776.00

AWARD: MCSI Technology, Inc. / Silver Spring, Md.

INCUMBENT: N/A

AMOUNT: \$189,425.37

FUND SOURCE : 100% General

Approp. Code : 35.01.01.02 - (Data Services Division)
Subprogram .202 - (CJIS Central Repository)
Object .08 - (Contractual Services)
Subobject(s) .J40 - (Outside Systems and Programs)

DBFP Agenda - 10/10/90

Item 7-S (Continued)

AGENCY REMARKS: This contract is for three years. In the first year the detail design and documentation of the system will be completed at a fixed cost of \$68,303.82. The remaining two years consists of additional contractual services to provide for the implementation of the design at the State's discretion using rates that are called out in the contract as presented but will not exceed a total of \$121,121.55. Furnishing of long-term services are required to meet State needs; estimated requirements cover the period of the contract and are reasonably firm and continuing; and a multi-year contract will serve the best interests of the State by promoting economies in State procurement.

DBFP REMARKS: DBFP recommends BPW approval. This automated control system will allow Criminal Records Central Repository to process documents and respond to requests in a more expeditious and cost saving manner. This contract consists of two phases. Phase I includes a functional analysis report, conceptual design, technical specifications and technical assistance. Phase I is at a fixed price of \$68,303.82. The optional Phase II includes programming, implementation and training for the remaining \$121,121.55.

The item requested is included in the Department's FY 1991 IP Plan. Funding for this contract is provided in the FY '91 budget.

Board of Public Works Action - The above referenced item was :

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW-10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICES CONTRACT

ITEM 8-S Agency Contact: A. Rittenhouse 333-6996
Contract Admin: M. Long 333-6996

DEPARTMENT Economic and Employment Development
Division of Business Development
Small Business Development Center Program

PROGRAM The Maryland Small Business Development Center
Network provides free counseling, training, and technical
assistance to aspiring entrepreneurs and small business
owners. The Network consists of four sub-centers which are
administered by independent contractors to DEED.

CONTRACT No. & TITLE 10-90-002-CM SBDC Operations Contract

DESCRIPTION Approval is requested to award a service contract
to the Central Maryland Small Business Development Center,
Inc. which provides one-on-one counseling, training programs,
and technical assistance to fifty percent of the State's
population. The contract includes S.B.A. funds as well as
State funds.

TERM 10/01/90 - 09/30/91

PROCUREMENT METHOD Competitive Sealed Proposals

BIDS OR Proposals Sole bidder

AWARD Central Maryland Small Business Development Center Inc.,
Baltimore, Maryland

INCUMBENT (Same - 7/1/88 - 9/30/90 : \$275,400)

AMOUNT \$374,290

FUND SOURCE 49% Federal - 51% General

APPROP. CODE 38.05.00.01 (Off. of Bus. & Industrial Development)
SUB PROGRAM .008 - (Small Business Development Center)
OBJECT .08 - (Contractual Services)
SUB OBJECT H-33 - (Professional Services)

DBFP Agenda - 10/10/90

Item 8-S (Continued)

REQUESTING AGENCY REMARKS This center has successfully performed its mission for the past two years and has in the past year counseled over 700 individuals one-on-one, and had over 3,000 attendees at their training programs. Solicitation was publicly advertised in the Maryland Register and 300 direct solicitations were mailed. The funds for this procurement and 3 other SBDC's are specifically appropriated in the FY'91 budget in the amounts of General \$189,568 and Federal \$184,568.

DBFP REMARKS DBFP recommends BPW approval. General Funds in the amount of \$322,751 & Federal Funds in the amount of \$344,697 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW-10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICES CONTRACTITEM 9-S

Agency Contact: A. Rittenhouse 333-6996
Contract Admin: M. Long 333-6996

DEPARTMENT

Economic and Employment Development
Division of Business Development
Small Business Development Center Program

PROGRAM The Maryland Small Business Development Center Network provides free counseling, training, and technical assistance to aspiring entrepreneurs and small business owners. The Network consists of four sub-centers which are administered by independent contractors to DEED.

CONTRACT NO. & TITLE

10-90-002-WM Western Maryland SBDC

DESCRIPTION

Approval is requested to award service contracts to the Western Maryland SBDC Consortium, which provides one-on-one counseling, training programs, and technical assistance to Frederick, Washington, Allegany, and Garrett Counties.

TERM

10/01/90 - 09/30/91

PROCUREMENT METHODBIDS OR PROPOSALS

Competitive Sealed Proposals
Sole Bidder

AWARDINCUMBENT

Western Maryland SBDC Consortium \Hagerstown, Md.
(same - 4/1/88 - 9/30/90: \$133,904)

AMOUNT

\$97,177

FUND SOURCE

44% Federal - 56% General

APPROP. CODESUB PROGRAMOBJECTSUB OBJECT

38.05.00.01 - (Off. of Bus. & Industrial Dev.)
.008 - (Small Business Dev. Center)
.08 - (Contractual Services)
H-33 - (Professional Services)

DBFP Agenda - 10/10/90

Item 9-S (Continued)

REQUESTING AGENCY REMARKS This Consortium is a partnership which has Potomac Edison, Co., Frostburg State University, Allegany Community College, Garrett Community College, Hagerstown Junior College, and Frederick Community college as its members. It is an excellent model of a successful working relationship with the public, private, and academic sectors all participating together to help small business. Solicitation was publicly advertised in the Maryland Register and 300 direct solicitations were mailed. The funds for this procurement and 3 other SBDC's are specifically appropriated in the FY'91 budget in the amounts of General \$54,580 and Federal \$42,597.

DBFP REMARKS DBFP recommends BPW approval. General Funds in the amount of \$322,751 and Federal Funds in the amount of \$344,697 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

Approved

Disapproved
With Discussion

Deferred

Withdrawn

Without Discussion

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

SERVICES CONTRACT

Item 10-S Agency Contact: G. Williams 333-6611
Contract Admin: E. Ward 333-6604

DEPARTMENT Economic & Employment Development
Division of Tourism & Promotion

PROGRAM The Office of Tourism Development (OTD) is responsible for promoting Maryland to the traveling consumer, tour operators and wholesalers and-group leaders through a full range of marketing activities such as advertising, information center operations, inclusion in itineraries in both domestic and international markets, etc., in an effort to enhance the economic impact of travel and tourism in Maryland. In addition, we strive to instill in our residents a sense of pride and awareness of the scenic beauty, attractions and destinations within our borders.

CONTRACT NO. & TITLE (See Attached Addendum Sheet)

DESCRIPTION: To administer the operations of the Visitors Information Centers.

TERM: 10/1/90 - 6/30/93

PROCUREMENT METHOD: Multi-step Competitive Sealed Bidding

BIDS OR PROPOSALS: (Single Bids Received)
(See Attached Addendum Sheet)

AWARD: (See Attached Addendum Sheet)

INCUMBENT: (See Attached Addendum Sheet)

AMOUNT: (See Attached Addendum Sheet)

FUND SOURCE: 100% General

APPROP. CODE: 38.07.00.02 - Office of Tourism Development
SUB-PROGRAM: .004 - (Maryland Tourism)
OBJECT: .08 - Contractual Services
SUB-OBJECT: H37 - Tourist Information Centers

DBFP Agenda - 10/10/90

Item 10-S (Continued)

REQUESTING AGENCY REMARKS: The solicitation for these contracts was advertised in the MD. Register and posted on the DEED bid board for 20 days; 13 bidders were directly solicited, only one bid was received in each case, and it was determined that this bid was fair and reasonable.

Funds are specifically appropriated in OTD's annual budget under the object/subobject stated above. FY'91 appropriation is \$766,139, for operating nine information centers. The I-95 North and South Visitor Information Centers have been relocated to their new permanent buildings from their temporary facilities.

Furnishing of long-term services are required to meet State needs; estimated requirements cover the period of the contract and are reasonably firm and continuing; and a multi-year contract will serve the best interests of the State by promoting economies in State Procurement.

DBFP REMARKS: DBFP recommends BPW approval. General Funds in the amount of \$766,139 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

Approved

Disapproved

Deferred

~~Withdrawn~~

With Discussion

Without Discussion

DBFP Agenda - 10/10/90

Item 10-S (Addendum)

ADDENDUM SHEET 3 of 3 SHEETS

<u>Contract No.</u>	DEED/OTD/C-91-01, Youghiogheny
<u>Award</u>	Deep Creek Lake-Garrett Co. Promotion Council. Inc. Oakland, Md.
<u>Amount</u>	\$254,029.24
<u>Incumbent</u>	(Same - 10/7/87-9/30/90 - \$241,405)
 <u>Contract No.</u>	 DEED/OTD/C-91-03, I-70 E.
<u>Award</u>	Tourism Council of Frederick County, Inc. Frederick, Md.
<u>Amount</u>	\$233,162.32
<u>Incumbent</u>	(Same - 10/7/87-9/30/90 - \$191,805.00)
 <u>Contract No.</u>	 DEED/OTD/C-91-04, U.S. 15 S.
<u>Award</u>	Tourism Council of Frederick County, Inc. Frederick, Maryland
<u>Amount</u>	\$275,496.51
<u>Incumbent</u>	(Same - 10/7/87-9/30/90 - \$191,790.00)
 <u>Contract No.</u>	 DEED/OTD/C-91-05, I-95, N. & S.
<u>Award</u>	Corridor Information Center, Inc.\ Laurel, Md.
<u>Amount</u>	\$710,119.00
<u>Incumbent</u>	(Same - 10/7/87-9/30/90 - \$507,275.00)

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

CONTRACT MODIFICATION (Services)ITEM - 11-S-MOD

Agency Contact: J. Handzo (768-7695)
Contract Admin: Same

DEPARTMENT-

Transportation
Office of Assistant Secretary for Administration
DOT Data Center

Program -

This program provides centralized data processing services for the Department of Transportation and other state agencies. The center is responsible for developing, coordinating and implementing a consolidated information processing (IP) plan which satisfies the operating needs of the various users. Included in this program are all IP-related costs for the Department, including the data processing equipment, procurement, operating, and maintenance of the Functional Data Center building in Glen Burnie. The Department employs 283 people and has an FY 1991 operating budget of approximately \$25,000,000.

ORIGINAL CONTRACT NO. & TITLE DOTDC 87-047 Maryland Department
of Transportation Data Center/Unisys Computer Agreement.

ORIGINAL CONTRACT APPROVED 4/29/87 BPW Item 1S

CONTRACTOR Unisys Corporation, Blue Bell, PA.

DESCRIPTION OF ORIGINAL CONTRACT Upgrade computer system and network with an 1100/92 unit and consolidate all equipment and services in a single agreement.

DESCRIPTION OF MODIFICATION Amendment VIII providing for terminal interface equipment, 1100/92 upgrade and associate maintenance.

TERM OF ORIGINAL CONTRACT

5/1/87 - 6/30/93

TERM OF MODIFICATION

10/10/90 - 6/30/93

FUND SOURCE 100% SpecialAPPROPRIATION CODE: 29.01.03.02

Object 08 (Contractual Services)

Sub-objects J01 (CPU/Memory)

J08 (Terminal Teleprocessing Equipment)

Object 11 (Equipment - Additional)

S01 (Data Processing Equipment)

DBFP Agenda - 10/10/90

Item 11-S-MOD (Continued)

<u>ORIGINAL CONTRACT AMOUNT</u>		\$21,649,693
<u>MODIFICATIONS TO DATE (AMOUNTS) AND PURPOSE</u>		\$ 2,406,217
I. \$2,985,605	Additional equipment and ongoing maintenance services.	
II. \$ 133,428	Additional terminals and the conversion of software from monthly lease to one-time license.	
III. (\$2,583,752)	Replacing leased terminals with purchased terminals and purchase of additional equipment for new MVA on-line title system (TARIS).	
IV. \$ 877,751	Additional terminals and associated equipment primarily for MVA in its overall expansion of public service.	
V. \$ 312,672	Additional disk, tape cartridge, terminals, software and other associated equipment.	
VI. \$ 528,669	Additional software, front-end communications, and terminal equipment to support expanding and new DOT computer applications.	
VII. \$ 151,844	Additional software, front-end communications, mini-computer upgrade, terminals and associated equipment to support expansion of MVA Branch Office Services, new MTA Computer applications and expansion of the DOT Data Center Communications Network.	
<u>AMOUNT THIS MODIFICATION</u>		\$ 667,788
<u>REVISED TOTAL CONTRACT AMOUNT</u>		\$24,723,698
<u>PERCENTAGE INCREASE (DECREASE) OF RATES</u>		N/A
<u>PERCENTAGE INCREASE (DECREASE) OVERALL</u>		2.8%

DBFP Agenda - 10/10/90

Item 11-S-MOD (Continued)

REQUESTING AGENCY REMARKS

ESTIMATING AGENCY REMARKS This Amendment VIII provides for terminal interface equipment and the upgrade of the 1100/92 SV Computer System CPU to a full 1100/92. The terminal interface equipment is needed for the expansion/renovation of MVA Branch Offices in Largo, Waldorf and Mondawmin. The CPU upgrade is required to provide sufficient resources to process the increasing workload of the Unisys Computer System. The cost of this equipment is \$1,000,000.

The cost of this equipment in this amendment is \$667,788 including ongoing maintenance and support costs through FY '93. The FY '91 funds (\$628,648.00) for this Amendment are available in the current budget. On-going FY '92 - '93 funds (\$39,140) for maintenance services will be addressed in those specific budget requests.

DBFP REMARKS

REMARKS DBFP recommends approval. This action to upgrade the DOT Data Center Unisys computer is required to meet the increasing workload resulting primarily from the expansion of Motor Vehicle Administration services. The recent implementation of the Commercial Drivers License System and the on-line Titling and Registration System has resulted in increased demand for instantaneous computer access. MVA's expanded hours of operation have also contributed to the additional workload. Overall, the volume of computer transactions has increased by an average of 1 million per month over the last year.

FY 1991 funds were specifically appropriated for this purpose and the requested upgrade is in accordance with the approved FY 1991 IP.

Board of Public Works Action - The above referenced item was:
☒ Approved ☐ Disapproved ☐ Deferred ☐ Withdrawn
☐ with Discussion ☐ Without Discussion

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNINGACTION AGENDACONTRACT MODIFICATION (Services)

Item - 12-S-MOD

Agency Contact: D. Niemeyer 225-4222

Contract Admin: P. Woods 225-4409

DEPARTMENT - Department of General Services
Baltimore Buildings and Grounds

PROGRAM Baltimore Public Buildings and Grounds is responsible for the operation, maintenance, and security of the State Office Complex which consists of 4 buildings of approximately one million square feet, landscaped grounds, and 9 acres of parking lots. Around-the-clock security of the entire complex is the responsibility of the agency's special police officers and building guards. Approximately 6,000 employees and several thousand citizens are provided these services on a daily basis.

ORIGINAL CONTRACT NO. AND TITLE BPB&G 89/007s Uniformed Guard Service

ORIGINAL CONTRACT APPROVED 9/6/89, Item 1-S
CONTRACTOR Laughlin Security Agency, Inc.

DESCRIPTION OF ORIGINAL CONTRACT Provide uniformed guards for six state parking lots at the State Office Center, 201, 300, 301 W. Preston Street and 2100 Guilford Avenue, Baltimore.

DESCRIPTION OF MODIFICATION Extend the term of the original contract from October 8, 1990 through November 7, 1990.

TERM OF ORIGINAL CONTRACT 9/1/89 to 9/7/90
TERM OF MODIFICATION 10/8/90 to 11/7/90

FUND SOURCE 100% General
APPROPRIATION CODE 28.03.03.01 - Balto. Public Buildings & Grounds
Object .08 - Contractual Services
Sub-object H.23 - Security Services

<u>ORIGINAL CONTRACT AMOUNT</u>	\$145,017
<u>MODIFICATION TO DATE (AMOUNTS) AND PURPOSE</u>	\$ 9,999 (EXT)
<u>AMOUNT THIS MODIFICATION</u>	\$ 9,999
<u>REVISED TOTAL CONTRACT AMOUNT</u>	\$165,015
<u>PERCENTAGE INCREASE\DECREASE OF RATES</u>	None
<u>PERCENTAGE INCREASE\DECREASE OVERALL</u>	+ 13.79

REQUESTING AGENCY REMARKS This contract modification will extend the current contract to provide for this service while a new contract is being competitively procured.

DBFP REMARKS DBFP recommends BPW approval. Funds in the amount of \$148,643 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:
☒ Approved ☐ Disapproved ☐ Deferred ☐ Withdrawn
☐ With Discussion ☒ Without Discussion

BPW - 10/10/90

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

CONTRACT MODIFICATION (Services)ITEM 13-S-MODAgency Contact: D. Niemeyer 225-4222
Contract Admin: F. DeJong 333-4099DEPARTMENT - Department of General Services
Office of Facilities Management
Saratoga State CenterPROGRAM Saratoga State Center provides building services such as, maintenance, security and janitorial services to the building tenants. The Saratoga State Center is located at 310/311 W. Saratoga Street, Baltimore, Maryland.ORIGINAL CONTRACT NO. AND TITLESSC-0300-FY90
Uniformed Guard ServiceORIGINAL CONTRACT APPROVED

9/20/89, Item 1-S

CONTRACTOR

Stop Private Investigation Agency, Inc.\Balto.,Md.

DESCRIPTION OF ORIGINAL CONTRACT

To provide Security Guard Service to protect State property, employees and visitors.

DESCRIPTION OF MODIFICATION

To extend the term of the original contract from October 1, 1990 to December 21, 1990 for the same amount of guards at the same rate.

TERM OF ORIGINAL CONTRACT

10/1/89 - 9/30/90

TERM OF MODIFICATION

10/1/90 - 12/31/90

FUND SOURCE

100% General

APPROPRIATION CODE

Object

28.03.03.002 - Saratoga State Center

Sub-Object

.08 - Contractual Services

H.23 - Security Services

ORIGINAL CONTRACT AMOUNT

\$392,281.34

MODIFICATION TO DATE (AMOUNT) AND PURPOSE

None

AMOUNT THIS MODIFICATION

\$ 98,070.33

REVISED TOTAL CONTRACT AMOUNT

\$490,351.67

PERCENTAGE INCREASE (DECREASE) OF RATES

No Change

PERCENTAGE INCREASE (DECREASE) OVERALL

25%

REQUESTING AGENCY REMARKS

This contract modification will extend the current contract to provide for this service while a new contract is being competitively procured.

DBFP REMARKS

DBFP recommends BPW approval. Funds in the amount of \$401,107 have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

Approved

Disapproved

With Discussion

Deferred

Withdrawn

Without Discussion

DEPARTMENT OF BUDGET AND FISCAL PLANNING
ACTION AGENDA

CONTRACT MODIFICATION (SERVICES)

ITEM	14-S-MOD
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Agency Contact: S. Giraldi 987-2360
Contact Admin: S. Bienen 987-2360

DEPARTMENT:

Health and Mental Hygiene
Mental Hygiene Administration

PROGRAM: The Program provides funding for community mental health programs grants. The Mental Hygiene Administration employs 5,584 positions and operates on an annual budget of \$285,092.003.

ORIGINAL CONTRACT NO. & TITLE

149/MH091PRS; MH091PRS; Omni
House, Inc.

ORIGINAL CONTRACT APPROVED:

BPW 6/28/89, Item 14-S

CONTRACTOR:

Omni House, Inc., Glen Burnie, MD

DESCRIPTION-ORIGINAL CONTRACT: To provide residential rehabilitation services for 33 chronically mentally ill clients in Anne Arundel County. 13 level II beds, 11 level III beds and 9 level IV beds were originally provided.

DESCRIPTION OF MODIFICATION: To upgrade 3 level II beds to 3 level V beds and to provide a 2.5% inflationary increase no the original award.

TERM OF ORIGINAL CONTRACT:

7/1/89 to 6/30/92

TERM OF MODIFICATION:

10/1/90 to 6/30/92

FUND SOURCE: 100% General

APPROP. CODE: 32.12.01.12
1216.08.H99

ORIGINAL CONTRACT AMOUNT

\$1,130,020

MODIFICATIONS TO DATE (AMOUNTS/PURPOSE)

\$ 265,844

3 new level V beds for the dually diagnosed.

AMOUNT THIS MODIFICATION:

\$ 175,564

REVISED TOTAL CONTRACT AMOUNT:

\$1,571,428

PERCENTAGE INCREASE/DECREASE OF RATES:

N/A

PERCENTAGE INCREASE/DECREASE:

15.53%

DBFP Agenda - 10/10/90

Item 14-S-MOD (Continued)

REQUESTING AGENCY REMARKS: For FY 91, \$68,000 is for upgrading 3 level II beds to level V beds; \$8,583 is to provide a 2.5% inflationary increase on the original award. For FY 92, \$81,600 will fund the beds for 12 months; \$17,381 will fund 2.5% inflation.

DBFP REMARKS General Funds in the amount of \$79,043,439 have been appropriated for a variety of community based residential, clinic, rehabilitative, and therapeutic support services to be delivered through 24 local health departments and local contractors.

Board of Public Works Action - the above referenced Item was:

APPROVED

DISAPPROVED
WITH DISCUSSION

~~DEFERRED~~ ~~WITHDRAWN~~
WITHOUT DISCUSSION

BPW - 10\10\90

DEPARTMENT OF BUDGET AND FISCAL PLANNING

ACTION AGENDA

CONTRACT MODIFICATION (Services)

ITEM - 15-S-MOD

Agency Contact: L. Payne - 225-1722
Contract Admin: Same

DEPARTMENT - Department of Health and Mental Hygiene
Medical Care Compliance Administration

PROGRAM: The Maryland Medical Assistance Program provides access to a broad range of health care services for eligible low income Maryland residents.

The design and development of mechanisms to determine reasonable norms or patterns of care appropriate to each type of service provided under the State Plan are the responsibility of the program, together with continuous surveillance activities to detect abuses by either providers or recipients.

ORIGINAL CONTRACT NO. & TITLE: C000726 - Utilization Control of Selected Institutional and Community Services Reimbursed by the Maryland Medical Assistance Program

ORIGINAL CONTRACT APPROVED: June 27, 1990, BPW Item 13-S

CONTRACTOR: Delmarva Foundation for Medical Care (DFMC), Inc.

DESCRIPTION OF ORIGINAL CONTRACT: * To provide utilization review for the 3 year period in acute facilities, long term facilities, and selected community services for the Medical Assistance applicants and recipients in accordance with Federal Regulations, 42 CFR Part 456. To perform medical record review or form review as appropriate for each MA recipient discharged from acute hospitals to identify and deny medically unnecessary admissions and days. To perform initial and continuing assessment of needs of nursing facility applicants and residents which is required for the nursing facility reimbursement system, and review a sample of HMO recipient records.

DESCRIPTION OF MODIFICATION Contract amended to include the completed review of 3000 ambulatory medical records for a specific set of Medical Assistance enrollees. Machine-readable files, plus the completed data abstract forms and any medical record photocopies will be provided to the Department.

TERMS OF ORIGINAL CONTRACT 07/1/90 to 06/30/91

TERM OF MODIFICATION 10/3/90 to 04/1/91

FUND SOURCE Federal APPROP. CODE 32.16.01.01
121.08.H99

DBFP Agenda - 10/10/90

Item 15-S-MOD (Continued)

<u>ORIGINAL CONTRACT AMOUNT</u>	\$8,863,792
<u>MODIFICATIONS TO DATE (AMOUNTS/PURPOSE)</u>	N/A
<u>AMOUNT THIS MODIFICATION</u>	\$ 89,488
<u>REVISED TOTAL CONTRACT AMOUNT</u>	\$8,953,280
<u>PERCENTAGE INCREASE/DECREASE OF RATES</u>	+1.010%

REQUESTING AGENCY REMARKS The ambulatory medical record reviews conducted by DFMC will be used to investigate the quality and continuity of care provided to Medical Assistance enrollees.

It will provide data to be used in the development of process and outcome quality of care indicators and additionally it will indicate what medical record information is available and reliable for the purpose of quality assurance.

It will provide data which can be used to validate information presented on Medicaid claims.

These medical record reviews will be funded entirely through a federal grant.

DBFP REMARKS DBFP recommends BPW approval. Federal Funds have been appropriated for these services in the FY'91 operating budget.

Board of Public Works Action - The above referenced item was:

APPROVED

DISAPPROVED
With Discussion

DEFERRED

WITHDRAWN
Without Discussion

1C

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

SERVICE CONTRACT

BPW - October 10, 1990

ITEM 1-S

DEPARTMENT University of Maryland College Park

CONTRACT NO. & TITLE T-290109-M Annual Service of a Thinking
Machines Corporation

DESCRIPTION Service contract for a scientific computer system located at the University of Maryland Institute for Advanced Computer Studies. The contract period is one year beginning with BPW approval and award date of the contract. The University of Maryland expects to renew this contract annually at the then current rates as long as the specified vendor remains the sole source of service for this computer system and the cost is reasonable.

PROCUREMENT METHOD Sole Source

BIDS OR PROPOSALS Thinking Machines Corporation

AWARD Thinking Machines Corporation
Peabody, MA

AMOUNT \$147,201 per year

FUND SOURCE 36.02.22.00 (FY 1991 Current Unrestricted
Funds)
Subobject J90

REMARKS The source of funds for this contract is Institute for Advanced Computer Studies Operating Budget for Contractual Services, Equipment Maintenance and Repair. In 1988, the Defense Advanced Research Projects Agency (DARPA), an agency within the Department of Defense, placed a "Connection Machine" at the University of Maryland Institute for Advanced Computer Studies (UMIACS). The Connection Machine is a "supercomputer". It was provided by DARPA to support campus research in parallel computing and to serve as a parallel supercomputing facility for government and industrial laboratories in the Baltimore-Washington corridor. The computer was purchased by DARPA and is currently valued at approximately \$3 million. Prior to this year, maintenance of the machine was funded and paid by DARPA. Due to budgetary constraints at DARPA, the University must now assume the cost of maintenance. The University was one of a very few Universities provided with such a machine. Its placement at UMIACS represented a significant accomplishment for the University and State of Maryland and has resulted in considerable positive publicity. Thinking Machines Corporation is the sole source of service for this computer. The costs of the services reflect an approximate 10% educational discount and are considered fair and reasonable.

Board of Public Works - The above referenced item was:

Approved ✓

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

2C

SERVICE CONTRACT

BPW - October 10, 1990

ITEM 2-S

DEPARTMENT

University of Maryland College Park

CONTRACT NO. AND TITLE

Bid No. 72277-F, Project No. E-900255, Technical Programming Services for Ritchie Coliseum

DESCRIPTION

Contractor to furnish all labor, materials and supervision and provide technical assistance in support of the development of a facilities program for the renovation of Ritchie Coliseum.

PROCUREMENT METHOD

Sole Source

AWARD

Celentano, Esposito & Associates, Inc.
5103 Baltimore Avenue
Hyattsville, MD 20781-2042

AMOUNT

\$20,000

FUND SOURCE

36.02.22.48 Plant Funds (System Funded Construction Program) Subobject X-14

REMARKS

The source of funds for this project is Auxiliary Facilities Fee.

The Ritchie Coliseum has been sited as a facility in support of the '93 Olympic trials leading to the '96 Olympics. To satisfy this requirement, the facility must be ready for use by January 1993, i.e., renovation must be completed by 12-31-92. An 19 month renovation project is contemplated which mandates the start of construction by 5-1-91.

In view of the Department of Engineering and Architectural Services extensive work load, only with contractual assistance can the programming requirements for the project be met in time to comply with the completion date.

The University has determined that the firm Celentano, Esposito & Associates, Inc. is best suited to perform the technical assistance services. Mr. Robert Esposito was involved in a Ritchie Coliseum feasibility study in the 1981-1982 time frame, and, thereby, is the only technically qualified professional in the area who is intimately familiar with the planning document and with the nuances involved in the proposed renovations. In addition, the firm Celentano, Esposito & Associates has been involved with the University process as well as University facilities, staff entities and the environment encompassing the renovation. This knowledge is vital to overcoming the current time lag which exists in completing the bidding documents to meet the established deadlines. Mr. Esposito will assist the University's technical staff to accomplish the work. Mr. Esposito's proximity to the University will be helpful in case of last minute problems or questions.

The University has reviewed the proposed fee and finds the fee reasonable and acceptable. The work to be performed will be managed by the Department of Engineering and Architectural Services of the College Park Campus.

BOARD OF PUBLIC WORKS ACTION:

THE ABOVE REFERENCED ITEM WAS:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

BPW - October 10, 1990

SERVICE CONTRACT**ITEM** 3-S

DEPARTMENT University of Maryland Baltimore County and
 University of Maryland System Administration

CONTRACT NO. & TITLE RFP-16739-G Service Agreement for
 Personal Computers and Peripheral
 Equipment

DESCRIPTION Multiple purchase orders for annual service
 (maintenance) contracts for various brands and configurations of
 personal computers and peripheral equipment located at the two
 University sites listed above

PROCUREMENT METHOD Competitive Sealed Proposals

BIDS OR PROPOSALS

	Technical <u>Score</u>	Financial <u>Score</u>	Total <u>Score</u>
Digital Equip. Corp.	52.62	40.00	92.62
Hewlett Packard	49.52	34.96	84.48

AWARD Digital Equipment Corporation
 8400 Corporate Drive
 Landover, Maryland 20785

AMOUNT \$449,882.93 (Baltimore County Campus \$318,805.76,
 System Administration \$131,077.17)

FUND SOURCE 36.02.31 and 36.02.36 (FY 1991 Current
 Unrestricted Funds)
 Subobject J91 and J90

REMARKS The source of funds for this contract is the Operating
 Budgets for UMBC Department of Administrative Computing, various
 UMBC academic departments and System Administration. Initial
 contract period will commence upon Board approval and continue
 through June 30, 1991. The University shall have a unilateral
 right to extend the contract for two additional one-year periods.
 A price escalation cap of 5% per year has been established for
 each of the one-year renewal periods. Vendor will provide on-
 site depot maintenance on a weekly basis at three sites, UMBC
 Administrative Computing Department, UMSA at Adelphi and UMSA at
 Bowie. In addition, vendor will offer time and material
 services, next-day response, and 4-hour response services. These
 additional services will provide flexibility and as well as
 favorable cost options which will be of particular interest to
 the various academic departments at UMBC.

Board of Public Works - The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW - October 10, 1990

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

SERVICES CONTRACT**ITEM** 4-S**DEPARTMENT** University of Maryland at Baltimore**CONTRACT NO. & TITLE** P.O. #783190, Service for Brain Scans

DESCRIPTION Service contract for brain scans to include PET Scans, MRI Scans and SPECT scans for the Department of Psychiatry-Maryland Psychiatric Research Center (MPRC) at the Spring Grove Hospital Grounds, Catonsville, MD 21205. The contract period is for one year beginning with BPW approval with 3 (1) year renewal options.

PROCUREMENT METHOD Sole Source**BIDS OR PROPOSALS** The Johns Hopkins University/Hospital

AWARD The John Hopkins University/Hospital
 600 N. Wolfe Street
 Blalock B-179
 Baltimore, MD 21205

AMOUNT \$192,500

FUND SOURCE The funds sources are all 36.02.21 (FY 1991
 Current Restricted Funds) FY 1991
 Subcode 3750-H99

REMARKS The sources of funds are: Federally Sponsored Research Grant Neuroscience Center for Research in Schizophrenia; Federally Sponsored Research Grant Clozapine Treatment of Schizophrenic out Patients; and State Grant - Interagency Agreement between the Department of Health and Mental Hygiene and the Maryland Psychiatric Research Center.

These brain scanning services support schizophrenia research and other related mental illness research being conducted by MPRC. This project is receiving supplemental funding from several Federal granting agencies which require establishment of a contract with Johns Hopkins University (JHU). JHU has the only commercially available PET and SPECT scanning facility in the Baltimore/Washington area. Even though MRI scans are available elsewhere, it is neither practical nor acceptable from a scientific design standpoint to have patients scanned by MRI at one facility and then transported to JHU for PET and SPECT scans. Funding has been provided by the granting agencies during this current year for a one year service contract. The charges for these services are consistent with industry standards.

Board of Public Works Action: The above referenced item was:

Approved	Disapproved	Deferred	Withdrawn
With Discussion		Without Discussion	

BPW - October 10, 1990

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

SERVICE CONTRACTITEM 5-SDEPARTMENT University of Maryland at Baltimore

CONTRACT NO. & TITLE P.O. #778665-B - Consulting services provided by Leonard Frank to the Department of Biochemistry in the School of Medicine

DESCRIPTION To develop and implement computer assisted learning programs which will aid the students' course work. The intent of the research is to produce two types of software packages: 1) a computer-based review course for the National Board of Medical Examiner's licensing examination (Part 1) which all biochemistry students are required to take; and 2) a disease-oriented rendition of basic biochemistry that motivates the student along clinical lines but also supplies the fundamental biochemical course work. Period: From BPW approval through June 30, 1991.

PROCUREMENT METHOD Sole SourceBIDS OR PROPOSALS Mr. Leonard Frank

AWARD Mr. Leonard Frank
612 Cliveden Road
Baltimore, MD 21208

AMOUNT \$15,000

FUND SOURCE 36.02.21 (FY 1991 Current Unrestricted Funds)
Subcode H21

REMARKS The source of funds is Medicine, Department of Biochemistry operating budget. This contract is for the exclusive services of Mr. Leonard Frank for the planning and development of computer-assisted teaching and examination materials. Mr. Frank's professional experience and extensive background in the field of biochemistry uniquely qualifies him to provide these services. Compensation to Mr. Frank is \$50.00/hour which is favorably competitive with the customary fee for a individual of this expertise and background.

Board of Public Works Action: The above referenced item

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW - October 10, 1990

UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

SERVICE CONTRACTITEM: 6-SDEPARTMENT Coppin State CollegeCONTRACT NO. & TITLE: CSC 1AUX-91
COLLEGE BOOKSTORE OPERATIONDESCRIPTION: To provide a bookstore operation that services all areas and needs of Coppin State College. Period of contract is from Board approval through July 31, 1993.PROCUREMENT METHOD Competitive Sealed BidBIDS OR PROPOSALS: Follett College StoresAWARD: Follett College Stores
P.O. Box 888
400 West Grand Avenue
Elmhurst, Illinois 60126-0888AMOUNT: 7.5 Percent Commission on Net RevenueFUND SOURCE: 36.02.27REMARKS: This is a revenue generating contract. The contractor is to pay Coppin State College a commission of seven and half (7.5) percent of net revenue as a fee for operating the bookstore. Estimated annual College revenue from the bookstore is \$ 42,000.00. The College may renew the contract at the same terms for three additional one year periods. Follett College Stores, the current vendor, submitted the only bid.

BOARD OF PUBLIC WORKS ACTION:

APPROVED

DISAPPROVED

WITH DISCUSSION

THE ABOVE REFERENCED ITEM WAS:

DEFERRED

WITHDRAWNWITHOUT DISCUSSION

BPW - October 10, 1990

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

SERVICE CONTRACTITEM 7-SDEPARTMENT Towson State UniversityCONTRACT NO. & TITLE 60401 Occupational Medical Services

DESCRIPTION To provide professional licensed Occupational Medical Services to the University in accordance with various O.S.H.A./M.O.S.H. and E.P.A. requirements. The contract period is from the date of award through June 30, 1991.

PROCUREMENT METHOD Sole SourceBIDS OR PROPOSALS Center for Occupational and Environmental Health

AWARD Center for Occupational and Environmental Health
c/o The Johns Hopkins University System
301 Bayview Boulevard, Room 2B-34
Baltimore, Maryland 21224

AMOUNT Not to exceed \$15,000

FUND SOURCE 36.02.24.(FY 1991 Current Unrestricted Funds)
Subobject H99

REMARKS The source of funds is the operating budget of the University's Risk Management Department. The Center will provide medical services and tests required by various federal and state regulatory agencies. The selected hospital, which already has a contract with the State for asbestos related medical services, would provide a centralized facility for providing required medical services not covered under the State contract. This centralization would ensure that an employee's medical records were kept in one place and reviewed by one medical team in order to ensure timely and effective services as required under the applicable OSHA/MOSH/EPA regulations.

Board of Public Works - The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

BPW - October 10, 1990

SERVICE MODIFICATION CONTRACT**ITEM** 8-S-MOD**DEPARTMENT** University of Maryland College Park**CONTRACT NO. AND TITLE** Bid No. 71305-F, Contract No. F-190066-N,
Project No. U-652-846-001, Alterations &
Additions to Computer & Space Sciences
Building.**DESCRIPTION** Change Order #1 covers the cost for the Contractor to perform additional Architectural and Engineering Services for the inclusion of "SCUB" (Satellite Central Utility Building) into the design for the Alteration and Addition to the Computer & Space Sciences Building Phase I, II & III. The Contractor shall provide design and construction phase services including calculations, equipment sizing and layouts based upon load estimated on a square foot basis for the future facilities for Phases II & III. This shall include piping diagrams and electrical service for the configuration of the SCUB system at the end of each of the two future phases. The design for Phases II & III will approximate the 50% construction documents submittal as defined by the DGS manual as supplemented by UMCP. The final design for the SCUB at Phase I will be modified in accordance with the design for Phases II & III, and be complete in all respects as required for full operation of the Phase I facility in conjunction with the existing building. The original contract was approved by the Board of Public Works Item 11-AE (DGS), Date 8-30-89.**PROCUREMENT METHOD** Maryland Architectural and Engineering Services Act.**AWARD** Sverdrup Corporation
Center Park, 4041 Power Mill Road
Suite 300
Calverton, MD 20705**AMOUNT** \$53,377**FUND SOURCE** Item 056, CA 1990**REMARKS** The source of funds for this project is the Department of General Services' General Construction Loan account made available under the Board of Public Works policy for Delegation of Construction Projects to the University of Maryland System.

		<u>Cumulative Change</u>
Original Contract	\$1,806,490	
Change Order #1	<u>53,377</u>	3.0%
Revised Total	\$1,859,867	

It is important that the noted work be incorporated into the contract in order to properly complete the project.

The Department of General Services will present an agenda item for BPW authorization of funds. The Contractor's work will be managed by the Engineering and Architectural Services Office of College Park Campus.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

BPW - October 10, 1990

SERVICE MODIFICATION CONTRACT**ITEM** 9-S-MOD**DEPARTMENT** University of Maryland College Park**CONTRACT NO. AND TITLE** Proposal Nos. 70335-F and 70336-F, Hazardous Waste Removal and Disposal Services for the University of Maryland College Park.**DESCRIPTION** Change Order #1 covers the cost for the Contractor to perform an increased amount of work, including additional removal and disposal service and performing on-site packaging services, to comply with State and Federal regulations which limit the length of time hazardous waste can be stored. The original contract was approved by the Board of Public Works, Item 3-S, Dated 12-6-89.**PROCUREMENT METHOD** Competitive Sealed Bid**AWARD** Kimmins Thermal Corp.
256 Third Street
Niagara Falls, N. Y. 14303**AMOUNT** \$590,000**FUND SOURCE** 36.02.22.00 (FY 91 - Current Unrestricted Funds)
Sub Object X-99**REMARKS** The source of funds for this contract is the Department of Environmental Safety operating budget.

		<u>Cumulative Change</u>
Original Contract	\$400,000	
Change Order #1	<u>590,000</u>	147.5%
Revised Total	\$990,000	

It was estimated that the initial Contract amount would cover the services required, but due to unanticipated research waste, the need to employ an intensive amount of on site packaging services, and increased disposal/landfill costs, additional funding is required to provide service through December, 1990.

The services will be managed by the Department Environmental Safety.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

Approved	Disapproved	<u>Deferred</u>	Withdrawn
<u>With Discussion</u>		Without Discusssion	

BPW - October 10, 1990

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

CONSTRUCTION CONTRACT**ITEM** 10-C**DEPARTMENT** University of Maryland College Park**CONTRACT NO. AND TITLE** Bid No. 72259-F, Project No. D-890175-B,
Heating, Ventilation, Air Conditioning (HVAC)
Modifications At LaPlata Hall.**DESCRIPTION** Furnish all labor, equipment, materials, supervision and perform the demolition and/or removal of existing equipment, piping, controls, electrical work and install new equipment, piping and perform related work to provide a new HVAC system.**PROCUREMENT METHOD** Competitive Sealed Bid**BIDS OR PROPOSALS**

	<u>AMOUNT</u>
Emjay Engineering and Construction Co., Inc.	\$798,900
American Combustion, Inc.	799,900
H. V. Lancon Construction Company	1,189,400

AWARD Emjay Engineering and Construction Co., Inc.
4205 Menlo Drive
Baltimore, MD 21215-3372**AMOUNT** \$798,900**FUND SOURCE** 36.02.08.48 Plant Funds (System Funded Construction Program) Sub Object X-15**REMARKS** The source of funds for this project is the University of Maryland System Construction Program reimbursed from student dormitory fees.

It is most cost effective to replace the existing HVAC system because the existing system, having been in place in excess of twenty year, has outlived its useful life.

The project was approved by the Board of Regents on June 16, 1988.

The Contractor's work will be managed by the Engineering and Architectural Services Office of College Park Campus.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

CONSTRUCTION CONTRACT

BPW - October 10, 1990

ITEM 11-C**DEPARTMENT** University of Maryland College Park**CONTRACT NO. AND TITLE** Bid No. 72256-F, Project No. D-870464, Super Conductivity Research Laboratory, Physics Building #082**DESCRIPTION** Furnish all labor, equipment, materials, supervision and perform alterations and additions in the existing Cyclotron area of the Physics Building, including converting 12,000 gross square feet of existing space to laboratories, construction of a new mezzanine and the construction of a new two story office area consisting of approximately 3,400 gross square feet and performing related work to complete the project.**PROCUREMENT METHOD** Competitive Sealed Bid**BIDS OR PROPOSALS**

	<u>AMOUNT</u>
Donohoe Construction Company	\$1,347,000
H. V. Lancon Construction Company	1,395,000
Dustin Construction, Inc.	1,397,000
Atlantic Builders Group, Inc.	1,399,000
E. A. Baker Company, Inc.	1,400,000
Columbia Construction Company	1,415,000
Triangle General Contractors, Inc.	1,427,000
The Gassman Corporation	1,428,000
Edmar Construction Company, Inc.	1,450,000
William F. Klingensmith Inc./	1,481,000
William F. Klingensmith, JV	
BCI Contractors, Inc.	1,496,000
Corum Construction Company, Inc.	1,579,000

AWARD Donohoe Construction Company
A Division of the Donohoe Companies, Inc.
2101 Wisconsin Avenue, N. W.
Washington, D. C. 20007**AMOUNT** \$1,347,000**FUND SOURCE** 36.02.22 (FY 1991 Current Unrestricted Funds)
Subobject X-15**REMARKS** The source of funds for this project is unrestricted funds from the Super Conductivity Research Laboratory. It is important that the noted work be undertaken without delay in order to provide much needed laboratory and office space for ongoing research in the Department of Physics. The Contractor is required to complete the work within three hundred sixty five (365) calendar days after award of contract. The project was approved by the University's System Board of Regents in June 1989. The Contractor's work will be managed by the Engineering and Architecture Services Office of the College Park Campus.

BOARD OF PUBLIC WORKS ACTION:
Approved Disapproved
 With Discussion

THE ABOVE REFERENCED ITEM WAS:
 Deferred Withdrawn
Without Discussion

THE UNIVERSITY OF MARYLAND SYSTEM
ACTION AGENDA

BPW - October 10, 1990

CONSTRUCTION MODIFICATION CONTRACTITEM 12-C-MODDEPARTMENT University of Maryland College Park

CONTRACT NO. AND TITLE Proposal No. 70400-F, F-190105-K, Design/Build Three Buildings on Three Separate Sites; Administration Building, South Campus Surge Building and Agriculture/Life Sciences Surge Building.

DESCRIPTION Change Order #3 covers the cost for the Contractor to furnish all labor, equipment, materials, supervision and install seventeen (17) stationary shelves with special resin finishes, thirty six (36) gas outlets, fourteen (14) sinks, one dark room door and single sliding door, install fifty seven (57) four gang electrical boxes with 48A duplex receptacles in lieu of twenty three (23) 120A duplex receptacles, additional wiring, conduit plus fittings and perform related work to complete the project. The original contract was approved by the Board of Public Works, Item 7-C, Date 12-6-89.

PROCUREMENT METHOD Competitive Sealed Bid

AWARD Glen Construction Company, Inc.
9055 Comprint Court
Gaithersburg, MD 20877

AMOUNT \$99,807

FUND SOURCE 36.02.08.48 Plant Funds (System Funded Construction Program) Sub Object X-15

REMARKS The source of funds for this project is the University of Maryland System Construction Program.

		<u>Cumulative Change</u>
Original Contract	\$13,479,300	
Change Order #1-2	53,074	0.4%
Change Order #3	99,807	1.1%
Revised Total	\$13,632,181	

It is important that the noted work be completed without delay in order to complete the project.

After careful review of the various cost/price factors, it was determined that the price was reasonable and acceptable to the University.

The Contractor's work will be managed by the Engineering and Architectural Services Office of College Park Campus.

BOARD OF PUBLIC WORKS ACTION:

Approved

Disapproved

With Discussion

THE ABOVE REFERENCED ITEM WAS:

Deferred

Withdrawn

Without Discussion

BPW -October 10, 1990

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
ACTION AGENDA

SERVICE CONTRACTITEM 1-SDivision of CorrectionMaryland House of Correction
Jessup, Anne Arundel CountyCONTRACT NO. AND TITLE

- (a) KJ-005-861-101
 Site Work & Utilities (Phase I)
 (b) KJ-006-861-001
 Perimeter Security (Phase I)

DESCRIPTION This contract is for the resident inspection and testing services during construction of the project and involves inspection relating to soils, concrete and utility lines.

PROCUREMENT METHOD Competitive sealed proposals

BIDS OR PROPOSALSAmount (\$)

Indam Engineers, Ellicott City, Md.	385,125
Kidde Consultants, Baltimore, Md.	391,404
O'Brien-Kreitzberg & Assoc., Pennsauken, N.J.	432,125
Earth Engineering and Sciences, Baltimore, Md.	497,095

AWARD Indam Engineers

AMOUNT NTE \$385,125

FUND SOURCE Item 011, GCL 1990
 (Funds to design, construct and equip capital improvement projects for the Division of Correction)

 BPW Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW - October 10, 1990

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACTITEM 2-CDivision of CorrectionMaryland House of Correction
Jessup, Anne Arundel CountyCONTRACT NO. AND TITLE

- (a) KJ-005-861-101
Site Work and Utilities (Phase I)
(b) KJ-006-861-001
Perimeter Security (Phase I)

DESCRIPTION

Base Bid - site work for the whole master plan site, utilities and perimeter security fence for the housing units No. 1,2,3 and 4; and 4 guard towers.

(Deduct) Alternate No.1 - Use of 2 x 2 chain link fence fabric to lower mid-height and 3/8 x 3/8 chain link fence fabric above it instead of 1/2 x 3 welded mesh fabric for the whole height, for the curved inner perimeter fence.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

	<u>Base Bid</u> (\$)	(Deduct) <u>Alt. #1</u> (\$)
Joseph Averza & Sons, Baltimore, Md.	15,249,100	150,000
Cam Construction Co., Hunt Valley, Md.	15,352,715	210,000
Cherry Hill Construction, Jessup, Md.	15,721,917	230,000
W.M.Schlosser Co., Hyattsville, Md.	16,197,000	210,000
The Whiting-Turner Contracting Co., Baltimore, Md.	17,971,266	210,000
Triangle General, Hanover, Md.	18,424,450	250,000

AWARD

Joseph Averza and Sons

AMOUNT

\$15,249,100 (Base bid)

FUND SOURCE

\$4,105,005.32 - Item 016, GCL 1989
"Construct New Utilities and prepare site for new construction..."
\$6,400,000.00 - Item 011, GCL 1990
"...Construct site work and utilities..."
\$2,065,947.00 - Item 017, GCL 1989
"Construct Perimeter Security"
\$2,678,147.68 - Item 011, GCL 1990
"...Construct Perimeter Security..."

(Contd.)

DPSCS Agenda - 10/10/90

Item 2-C (Continued)

REMARKS - Responding to Joseph Averza and Son's bid protest of the Procurement Officer's decision to award the contract to CAM Construction, the Board of Contract Appeals has ruled that Averza's bid is the responsive low bid and it may be awarded the contract.

BPW Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion*

Without Discussion

* - The Board requested that pages 91 through 133 be included as part of the official record.

RECEIVED

OCT 4 1990

BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS

DEPT. OF TRANSPORTATION
CONTRACT LITIGATION UNIT

Appeal of JOSEPH AVERZA & SONS,)
INC.)

Under DPS&CS Project Nos.)
KJ-005-861-101 and)
KJ-006-961-001)

Docket No.
MSBCA 1544

APPEARANCES FOR APPELLANT:

M. Albert Figinski, Esq.
Thomas P. Barbera, Esq.
Weinberg & Green
Baltimore, MD

APPEARANCE FOR RESPONDENT:

Jeffrey H. Myers
Assistant Attorney General
Baltimore, MD

APPEARANCES FOR INTERESTED PARTY:

Cam Construction Co., Inc.

Louis J. Kozlakowski, Jr., Esq.
Lawrence J. Yumkas, Esq.
Blum, Yumkas, Mailman,
Gutman & Denick, P.A.
Baltimore, MD

OPINION BY MR. PRESS

Appellant timely appeals a Department of Public Safety and Correctional Services (DPS&CS) procurement officer's final decision sustaining the protest of the Interested Party, Cam Construction Co., Inc. (CAM) that Appellant's bid was non-responsive.

Findings of Fact

1. On June 15, 1990, DPS&CS issued an Invitation for Bids (IFB) for construction of Phase I Site Work and Utilities and Perimeter Security at the Maryland House of Correction in Jessup, Maryland. The bidders were to submit their bids on the 22 page Construction Bid Form, which was made available to Bidders in the Project Manual. (Agency Report, P-2).

2. Pages 5 through 22 of the Construction Bid Form contain a Price Schedule, listing 85 items for which the contractor is to provide individual prices. Items 1 through 22 of the Price Schedule are lump sum items which encompass most of the work the contract documents require for the project. The Price Schedule contained an "Amount" line for insertion of each lump sum bid item. Items 23 through 85 list various types of work, for which DPS&CS required the contractor to provide unit prices. With respect to items 23 through 85 the contract documents instructed bidders to extend their unit price figure for a particular item by the quantity indicated in the "Quantity" column and arrive at a dollar amount, which is then inserted in the "Amount" column. (Agency Report, p 3&4).

3. The bidders were instructed to total all the "amounts" for both the unit price items and lump sum items¹ and include this in their base bid price, which was to be written in on page 2 of the Construction Bid Form. The Form provided in relevant part as follows:

Having carefully examined the "Instruction to Bidders," the "General Conditions," the specifications, drawings, addenda and having received clarifications on all items of conflict or upon any item on which doubt arose, the undersigned proposes to furnish all material, labor, equipment, supervision, managerial and professional services necessary for the project in accordance with the contract documents for the stipulated sum of:

Base Bid: _____
(written)

Dollars: \$ _____
(figures)

The Base bid price includes all applicable taxes and fees including sales tax. The Base bid price includes the Lump Sum price of all work shown in the Contract Documents and also includes the

¹Bidders were also instructed to provide a subtotal amount for the lump sum and unit price items and a total amount for such items on page 22 of the Price Schedule.

prices for the quantities of additional work shown on items 23 through 85 of the attached Price Schedule.

(Agency Report, Exhibit 2, page 2).

4. It was anticipated there might be a large amount of work that would have to be paid for under the unit price figures, therefore the project engineer (O'Brien & Gere Engineers, Inc.) and DPS&CS decided to estimate how much additional work might be needed in each of the unit price categories and include the cost of that amount of work in the contract price. The estimates provided the quantity figures in the "Quantity" column of the Price Schedule. (Agency Report, P-5)

5. At the bid opening on August 2, 1990 six bids were received, and the base bid amounts written on page 2 of the Construction Bid Forms were read aloud. Appellant's bid was not read aloud because it had not filled in the base bid lines on page 2. The lowest bid read aloud was that of CAM which was \$15,352,715.00. Appellant's bid contained prices for all the items in the Price Schedule. However, because of Appellant's failure to fill in the base bid lines on page 2, DPS&CS treated Appellant's bid as incomplete. (Agency Report, P-6). All other bidders submitted bids in which their base bid amounts on page 2 as written in words and figures equaled the sum of the eighty-five bid items on the Price Schedule. See Exhibit A attached.

6. S.K. Kulkarni, a DPS&CS engineer assigned to the project, reviewed all the bids submitted after bid opening. In reviewing Appellant's bid, he ascertained that Appellant had filled in all of the 85 items on the Price Schedule, but had failed to total those items on the Price Schedule and on the lines indicated on page 2 of the Construction Bid Form. (Agency Report,

P-6). It was determined through mathematical addition of each of the individual bid items that Appellant's total for the 85 items was \$15,249,100.00.

This figure was lower than CAM's base bid by \$103,615.00. Mr. Kulkarni called Appellant and requested it to confirm its bid. (Agency Report, P-6).

7. On August 6, 1990, Appellant telefaxed a letter to DPS&CS confirming its bid at \$15,249,100.00. Upon receipt, Dale Strait, Director of Engineering and Construction for the Department of General Services (DGS)² concluded Appellant's failure to total all of the 85 items in the Price schedule was a minor irregularity and that its bid had been correctly confirmed by Appellant. Mr. Strait reported this to Earl Seboda, Secretary of DGS, who telephoned Appellant on August 7, 1990 to advise it of Mr. Strait's conclusions and that it would be up to DPS&CS to make an award. (Agency Report P-7).

8. On August 7, 1990, the Tabulation of Bids was revised by Dorothy N. Niemeyer, Chief of the Contract Services Division of DGS, to include in the Base Bid column the sum total of Appellant's prices for items 1 through 85 on the Price Schedule. This sum was \$15,249,100.00 (\$103,615.00 less than CAM's bid). By letter dated August 8, 1990, Ms. Niemeyer notified all bidders of this revision. (Agency Report, P-7).

9. On August 10, 1990 CAM filed a protest alleging Appellant's bid was non-responsive. The protest indicated items 1 through 22 in the Price Schedule did not include all items of work pursuant to the contract documents. In particular, the work required to be performed under Division 11 among others³ was not included in any items listed in the Price Schedule. CAM thus alleged DPS&CS was not able to add all of the totals for items 1

²Both DPS & CS and DGS had certain administrative responsibilities for this procurement.

³The Price Schedule did not cover any of the work set forth in Divisions 11 and 13 and did not cover portions of the work set forth in Divisions 2 and 15. For a description of the work omitted from the Price Schedule see the contract specifications (Board Exhibit 1).

through 85 to arrive at the base bid price intended, because the Price Schedule did not include any costs for certain work. Therefore, CAM argued Appellant's bid was non-responsive due to its omission in not inserting a base bid on page 2 of the Construction Bid Form, because Appellant allegedly was not offering to perform all the work required by the contract specifications but only offering to perform work listed in the Price Schedule. (Agency Report, P-7&8).

10. CAM, in addition, alleged Appellant's bid bond was defective. Appellant's bid bond stated its amount was "5% of the amount bid." CAM concluded that if the amount of the bid was uncertain, then the amount of the bid bond was uncertain and defective. Also, Appellant in the appropriate space on Page 2 of the Construction Bid Form entered the figure \$726,500.00 as 5% (the penal sum) of its total bid price. \$726,500.00 is 5% of \$14,530,000.00, not \$15,249,100.00 which is the total of Appellant's prices entered for the 85 bid items. CAM therefore asserted the bid bond amount was unclear thus raising a question regarding the intended base bid amount. (Agency Report, P-8).

11. In view of the matter raised by CAM's protest the Procurement Officer concluded the omissions in Appellant's bid rendered it non-responsive and sustained CAM's protest by letter dated August 27, 1990. (Agency Report, Exhibit 10).

12. On August 29, 1990, a notice of Appeal was filed with the Appeals Board in which Appellant maintains (1) its errors or omissions on the bid form were obvious and caused no disadvantage to other bidders, (2) its failure

to place a Base Bid amount in the spaces provided was and is a minor irregularity which could be properly corrected from the face of the bid documents, and (3) Appellant's Incorrect Bid Bond penal sum was an arithmetic error which could be corrected. (Appellant's Notice of Appeal, P-3&4)

Decision

During the course of the hearing all parties accepted DPS&CS statement of facts with respect to the IFB, bid opening and post bid developments.

It was further agreed Appellant's bid form contained omissions, ie. it failed to complete the Base Bid lines on the Construction Bid Form.

The precise issue is whether the Appellant's obvious omissions on the bid form were material thus rendering its bid non-responsive or minor irregularities which the Procurement Officer might waive.

DPS&CS first determined that the omissions were minor relying on the provisions of COMAR 21.06.02.04 which provides:

A. A minor irregularity is one which is merely a matter of form and not of substance or pertains to some immaterial or inconsequential defect or variation in a bid or proposal from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to other bidders or offerors.

B. The defect or variation in the bid or proposal is immaterial and inconsequential when its significance as to price, quantity, quality, or delivery is trivial or negligible when contrasted with the total cost or scope of the procurement.

C. The procurement officer shall either give the bidder or offeror an opportunity to cure any deficiency resulting from a minor informality of irregularity in a bid or proposal or waive the deficiency, whichever is to the advantage of the State

The Appellant's bid was incomplete, because sub-totals for items 1 through 22 and items 23 through 85 of the Price Schedule had not been totaled in the spaces provided on page 22 of the Price Schedule and the spaces for the Base Bid price in words and figures on page 2 of the Construction Bid Form had not been completed. DPS&CS personnel initially treated these omissions as minor irregularities, and the failure to provide the totals on page 22 of the Price Schedule and the totals on page 2 of the Construction Bid Form were waived as minor irregularities by the Procurement Officer.

Therefore, the Procurement Officer after evaluating the Appellant's bid determined to treat as a minor omission as to form Appellant's failure to enter the amounts in the spaces provided and waive such deficiencies.⁴

The Board finds (and the parties agree) that the Procurement Officer should properly have concluded that Appellant's bid suffered from minor irregularities of an inconsequential and insignificant nature had the Price Schedule included all the work. Appellant's omissions would not have prevented the bid from being in substantial compliance.

We thus find DPS&CS personnel and the Procurement Officer were on the correct path when initially adding items 1 through 85 and deriving a base bid total of \$15,249,100 and treating the Appellant's failure to include such total on page 22 of the Price Schedule and page 2 of the Construction Bid Form as a minor irregularity.

⁴During the hearing DPS&CS and Cam acknowledged that Appellant's bid bond amount could be determined by a mathematical calculation and abandoned any separate grounds of protest based on any defect in Appellant's bid bond as such. We agree that Appellant's bid was not rendered non-responsive by any defect relating to its bid bond.

When the Procurement Officer was made aware that the Price Schedule did not include line items for a bidder to insert its price for certain work (i.e. Division 11) the Procurement Officer concluded the law no longer permitted Appellant's omissions to be waived as minor irregularities.

In this appeal, however, the Board finds that the determination of whether the omissions were minor is not affected by the fact that the Price Schedule did not contain a line item for certain work (i.e. Division 11).

All bidders (save Appellant) took the arithmetic sum of items 1 through 85 and placed such sum in the appropriate space on the Price Schedule and on page 2 of the Construction Bid Form. This sum was the sole determinant of the low bidder. This sum controlled before CAM filed its protest and after CAM filed its protest. The failure of the Price Schedule to include blanks for filling in prices for items of work contained in the contract specifications does not convert a waivable minor irregularity to a material defect making Appellant's bid non-responsive where all other bidders in the instant case submitted a Base Bid price consistent with the sum of the 85 items on the Price Schedule.

Therefore, the appeal is sustained.

Dated:

October 2, 1990

Sheldon H. Press
Sheldon H. Press

I Concur:

Robert B. Harrison III
Robert B. Harrison, III
Chairman

Neal A. Malone
Neal A. Malone
Board Member

* * *

I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSCBA 1544, appeal of JOSEPH AVERZA & SONS, INC., under DPS&CS Project Nos. KJ-005-861-101 and KJ-006-961-001.

Dated: 10/2/90

Mary F. Priscilla /mc

Mary F. Priscilla
Recorder

EXHIBIT A

<u>CONTRACTOR</u>	<u>LUMP SUM SUBTOTAL</u>		<u>UNIT PRICE SUBTOTAL</u>		<u>TOTAL BASE BID</u>
Joseph Averza & Sons, Inc.	\$14,530,000	+	\$ 719,100.00	=	\$15,249,100.00
CAM Construction, Inc.	\$14,396,400	-	\$ 956,315.00	=	\$15,352,715.00
Cherry Hill Construction, Inc.	\$14,752,646	-	\$ 969,271.75	=	\$15,721,917.75
W. M. Schlosser, Inc.	\$14,976,825	+	\$1,220,175.00	=	\$16,197,000.00
Whiting-Turner Contracting Co.	\$16,538,677	-	\$1,432,589.00	=	\$17,971,266.00
Triangle General	\$17,144,500	+	\$1,279,950.00	=	\$18,424,450.00

* These figures are taken from the face of the bids of each bidder.



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

SUITE 310, PLAZA OFFICE CENTER
6776 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215-2341
(301) 764-4000
TTY FOR THE DEAF: 486-0677

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 27, 1990

Louis J. Kozlakowski, Jr., Esquire
Blum, Yunkas, Mailman, Gutman & Denick, P.A.
1200 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201-2914

Re: Project No. KJ-005-861-101 (Site Work & Utilities, Phase I)
Project No. KJ-006-871-001 (Perimeter Security, Phase I)

Dear Mr. Kozlakowski:

This letter is in response to Cam Construction Co., Inc.'s bid protest dated August 10, 1990, which you directed to Mr. Francis W. Kuchta.

We find your protest to be meritorious for the reasons set forth in your August 10, 1990 letter. Consequently, we have rejected the bid of Joseph Averza & Sons, Inc. on the grounds that it is not responsive. The Department of Public Safety and Correctional Services will recommend award of the contract to Cam Construction, Inc.

We find that the following problems make Averza's bid unresponsive. First, Averza failed to supply a base bid figure on the lines indicated on page two of the bid form (which was page nine of addendum number two). These are two of the most critical lines on the bid form. Only by filling in these lines would a contractor affirm that he is committing to do all of the work shown in the contract documents. Filling in the lump sum items subtotal on page nine of the price schedule portion of the bid form does not suffice because items one through twenty-two do not cover all of the work shown in the contract documents. Thus, while the State could waive as a minor irregularity Averza's failure to complete the final line on page twenty-two of the price schedule, since this figure easily could be derived by summing items one through eighty-five, it cannot do so with respect to the failure to fill in the line for the base bid on the second page of the bid form.

Second, the bid bond supplied by Averza is defective because the amount of the bond is not clear on the face of the bond. Just as the base bid price must be apparent on the face of the bid, so must the amount of the bid bond. The bid bond itself indicates that it is for the sum of "5% of bid." However, because of

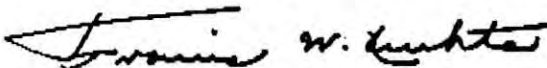
Louis J. Kozlakowski, Jr., Esquire
 Baltimore, Maryland
 August 27, 1990
 Page - 2 -

the problem discussed in the above paragraph, the amount of Averza's bid is unclear. This problem is exacerbated by the fact that on page two of the bid form Averza has stated that \$726,500.00 is 5% of the total bid price. This amount, however, is 5% of \$14,530,000.00, which is Averza's lump sum prices for items one through twenty-two on the price schedule. As set forth above, this amount does not even cover the base work set forth in the contract documents, let alone the projected unit price work, which was also to be included in the base bid price on page two of the bid form. Because the amount of Averza's bid is not ascertainable from the face of its bid form, it is unresponsive. Similarly, because the amount of the bid bond cannot be ascertained from the face of Averza's bid form, it is also unresponsive.

We therefore find that Cam Construction, Inc.'s bid protest in this matter is sustained. This decision is the final action of this agency. It may be appealed to the Maryland State Board of Contract Appeals in accordance with COMAR 21.10.07.02. If you decide to take such an appeal, you must file written notice of appeal with the Appeals Board within ten (10) days from the date you receive this decision. The address of the Appeals Board is 501 St. Paul Place, Suite 1110, Baltimore, Maryland 21202.

Very truly yours,

DIVISION OF CAPITAL CONSTRUCTION



Francis W. Kuchta
 Procurement Officer

FWK/ba

cc: Ralph L. Arnsdorf, Esquire
 Thomas P. Barbera, Esquire
 John O'Neill, Deputy Secretary
 Alan D. Eason, Esquire
 Jeffrey Myers, Esquire ✓
 Files

LPOCAM.FK

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL
JUDSON P. GARRETT, JR.
DENNIS M. SWEENEY
DEPUTY ATTORNEYS GENERAL

OFFICES OF



WILLIAM A. KAHN
PRINCIPAL COUNSEL
JEFFREY H. MYERS
DEPUTY COUNSEL
JAY N. BERNSTEIN
BRIAN W. CRAVER
MARK S. DACHILLE
JOSEPH P. GILL
ASSISTANT ATTORNEYS GENERAL

THE ATTORNEY GENERAL
CONTRACT LITIGATION UNIT
Departments of
Transportation and General Services
University of Maryland
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October 11, 1990



Hand-Delivered

Honorable Lucille Maurer
State Treasurer
Treasury Building
Room 109
Annapolis, Maryland 21401

Honorable Louis L. Goldstein
Comptroller
Louis L Goldstein Building
Room 121
P.O. Box 466
Annapolis, Maryland 21404

Re: Board of Public Works Meeting of October 10, 1990;
Secretary's Agenda, Item Number 2C

Dear Ms. Maurer and Mr. Goldstein:

At the Board of Public Works meeting on October 10, 1990 you requested copies of three documents related to the bid protest and appeal on the award of site grading and utilities contract for the Maryland House of Corrections.

1. Mr. Kuchta's final procurement officer's decision;
2. The Maryland State Board of Contract Appeals decision;
3. Judge Prevas' decision.

I understand the first two documents were handed to you and the Governor yesterday. Enclosed is a copy of the third document: Judge Prevas' decision refusing to issue the injunction CAM Construction was seeking to stop the State from awarding the contract. I am sending a copy of Judge Prevas' opinion to the Governor also via Trudy Jeffers.

TTY FOR DEAF
BALTO. AREA - 576-6372
D.C. METRO - 565-0451

Lucille Maurer, Treasurer
Louis L. Goldstein, Comptroller
October 11, 1990
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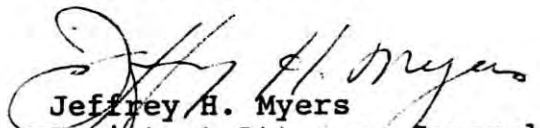
Our office assisted Mr. Kuchta in preparing his procurement officer's decision, and we were not happy to see his decision overturned by the Board of Contract Appeals. Basically, the Board took a different view of the facts. It was of the opinion that there was enough information set forth in Averza's bid to extrapolate what the numbers were that Averza intended to place in the portions of the bid it had left blank. When one considered how important it is to start the prison construction project immediately and that the facts of this particular matter are so peculiar the Board's opinion will not set any precedent that will disadvantage the State in the future, we did not feel an appeal was warranted.

The bid bond issue was an interesting corollary matter. The bid bond itself was filled out adequately. It indicated that it was to be in the amount of "5% of the bid." The problem was that, in Mr. Kuchta's view and in our view, the amount of the bid was uncertain and thus one could not determine the exact amount of the bid bond. Of course, once the Board of Contract Appeals determined that the amount of the bid could be determined from other information in the bid documents, the significance of the bond issue became de minimis. (You may note that footnote 4 on page 7 of the Board's decision indicates that the Department and CAM did not press their arguments concerning the bid bond. This is not totally accurate, but the inaccuracy is really of no consequence at this point.)

Judge Prevas' opinion does not deal with the merits of the case very much. His decision concerns whether or not an injunction should be issued to preclude the State from awarding the contract to Averza until CAM's appeal of the Board's decision was final. Fortunately, we were able to convince the Judge that the public policy concerns surrounding the prison overcrowding problems outweighed any interests of CAM. He therefore refused to issue the injunction.

I have discussed this letter with Mr. O'Neil and if either of you have any additional questions, please feel free to call me.

Very truly yours,


Jeffrey H. Myers
Assistant Attorney General

JHM:cla
1213A

cc: John J. O'Neill
Francis W. Kuchta
Allan B. Blumberg, Esquire
William A. Kahn, Esquire
James McGinty (w/encl.)
Trudy Jeffers (w/encl.)

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2
3 CAM CONSTRUCTION,

4 Movant,

5 vs.

Case No. 90271060/CL120185

6 STATE BOARD OF CONTRACT APPEALS,

7 Respondent.

8
9 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
10 (Motion for Injunction)
(Excerpt - Opinion of the Court)

11 Baltimore, Maryland

12 Tuesday, October 9, 1990

13 BEFORE:

14 HONORABLE JOHN N. PREVAS, Associate Judge

15
16 APPEARANCES:

17 For the State:

18 JEFFREY H. MYERS, ESQ.

19 For Cam Construction:

20 LOUIS J. KOZLAKOWSKI, ESQ.

JOSEPH C. KOVARS, ESQ.

21 LAWRENCE J. YUMKAS, ESQ.

22 For Joseph Averza and Sons, Inc.:

M. ALBERT FIGINSKI, ESQ.

23 THOMAS P. BARBERA, ESQ.

24 REPORTED BY:

Patricia A. Rosado

25 Official Court Reporter

507 Courthouse West

Baltimore, Maryland 21202

P R O C E E D I N G S

(Excerpt only - Opinion of the Court)

THE COURT: This case arises from a competitive sealed bid procurement for site work, utilities and prison security at the Maryland House of Correction in Jessup, Maryland. The total cost of the prison construction project exceeded \$15 million.

The invitation for bids included a construction bid form to which was attached a price schedule listing 85 items for which bidders were to provide individual prices. Items 1 through 22 of the price schedule listed most of the work required for the project, along with the anticipated quantity for each item. For each of these items, bidders were required to extend these unit price figures by the quantity indicated to arrive at a total price to be inserted in an "amount" column for each individual item. All of the amounts were to be totaled to arrive at the base bid, which was to be set forth on Page 2 of the construction form. Then there were a total after that of a number of other pages that had other bid items going up to the number of 85.

And what happened in this particular case was that on August 2nd, 1990, the bids received were opened, and the base bid amounts written on Page 2 of the construction bid forms were read aloud. The lowest bid

1 read aloud was that of Cam Construction Company, the
2 moving party here, in the amount of \$15,352,715. Another
3 bidder, Joseph Averza and Sons, Incorporated, submitted
4 a bid which was not read aloud because, although the
5 85 bid items on the price schedules were completed, the
6 space for the base bid on the construction bid form was
7 left blank. So at that point it appeared that Cam was
8 going to be the party that would be awarded the contract.

9 However, -- and it appears, for whatever it's
10 worth, that the Project Engineer, following normal
11 procedure, because nobody, whether the Procurement
12 Officer, nor the Board of Contract Appeals, nor anybody
13 here has claimed that there was any irregularity in doing
14 so -- the Project Engineer, Mr. Colcarini, totaled up
15 Items 1 through 85 himself, determined that that
16 constituted a lower bid, and then called Averza for
17 verification of the bid, and Averza on August the 6th
18 submitted a letter of verification.

19 The Procurement Officer, Mr. Cookda, at that
20 point proposed to award the bid to -- award the contract
21 to Averza. However, at that point Cam filed a protest
22 with the Procurement Officer, and the Procurement Officer
23 at that point began to function as an Administrative
24 Hearing Examiner and made a determination that because
25 there were two reasonable inferences which could be drawn

1 from the absence of the information on Page 2, that one
2 of those inferences was that it was inadvertent, but
3 that the other inference was that it gave some special
4 advantage to Averza in that Averza could have what's
5 called in the trade or the profession, "two bites of
6 the apple," and that Averza could use the absence of
7 that written figure on Page 2 to either walk away from
8 the award of the contract if the additional money for
9 the items called "Division 11, 13 and 15," which were
10 not requested to be itemized in Numbers 1 through 85,
11 turned out to be prohibitively expensive and affect the
12 profit structure, or could make a claim for some further
13 negotiation and adjustment because of the fact that those
14 figures were not committed to by the language of the
15 wording of the base bid on Page 2 as opposed to the total
16 bid at, I believe, Page 9.

17 And the particular wording is, after the dollar
18 figure has to be written, "The base bid price includes
19 all" -- excuse me. "The base bid price includes the
20 lump sum price of all work shown in the contract documents
21 and also includes the prices for quantities of additional
22 work shown on Items 23 through 85 of the attached price
23 schedule," whereas, the other bid on Page -- I believe
24 it's Page 9 -- seemed to indicate a more general acceptance
25 of responsibilities.

1 The Procurement Officer then determined that
2 because that information could lead to that particular
3 consequence, which would have some effect on the integrity
4 of the bidding process, that as a question of fact and
5 as a matter of law, that that bid submitted by Averza
6 was non-responsive.

7 At that point Averza promptly appealed, and
8 a hearing was held by the Board of Contract Appeals.
9 The opinion of the Board of Contract Appeals by Mr. Press
10 makes findings of fact comparable to the ones that I've
11 just indicated here. And then at that point at Page 6
12 of Mr. Press' decision, when he finishes making the findings
13 of fact and he goes to the decision part of his opinion,
14 he indicates:

15 "During the course of the hearing, all parties
16 accepted Department of Public Safety and Corrections
17 statement of facts with respect to the I.F.B. bid
18 opening and post-bid developments. It was further
19 agreed that appellant's bid form contained omissions;
20 i.e., it failed to complete the base bid lines on
21 the construction bid form. The precise issue is
22 whether the appellant's obvious omissions on the
23 bid form were material, thus rendering its bid
24 non-responsive," -- which was essentially the ruling
25 of the Procurement Officer, Mr. Cookda -- "or minor

1 irregularities which the Procurement Officer might
2 waive."

3 They then make reference to COMAR 21.06.02.04,
4 which provides:

5 "A) A minor irregularity is one which is
6 merely a matter of form and not of substance or
7 pertains to some immaterial or inconsequential
8 defect or variation in a bid or proposal from the
9 exact requirement of the solicitation, the correction
10 or waiver of which would not be prejudicial to other
11 bidders or offerers.

12 "B) The defect or variation in the bid or
13 proposal is immaterial and inconsequential when
14 its significance as to price, quantity, quality,
15 or delivery is trivial or negligible when contrasted
16 with the total cost or scope of the procurement.

17 "C) The Procurement Officer shall either give
18 the bidder or offerer an opportunity to cure any
19 deficiency resulting from a minor informality of
20 irregularity" -- it probably should read "or
21 irregularity" -- "in a bid or proposal, or waive
22 the deficiency, whichever is to the advantage of
23 the State."

24 Then the decision of the Board is that:

25 "The Appellant's bid was incomplete because

1 subtitles for Items 1 through 22 and Items 23
2 through 85 of the price schedule had not been totaled
3 in the spaces provided on Page 22 of the price schedule,
4 and the spaces for the base bid price in words and
5 figures on Page 2 of the construction bid form had
6 not been completed."

7 They go on to say that: "D.P.S. and C.S.
8 personnel initially treated these admissions as
9 minor irregularities, and the failure to provide
10 the totals on Page 22 of the price schedule and
11 the totals on Page 2 of the construction bid form
12 were waived as minor irregularities by the
13 Procurement Officer."

14 They go on to say on the same page, Page 7
15 of the opinion:

16 "Therefore, the Procurement Officer, after
17 evaluating the appellant's bid, determined to
18 treat as a minor omission as to form appellant's
19 failure to enter the amounts in the spaces provided
20 and waive such deficiencies."

21 The Board then found that the Procurement Officer
22 should properly have concluded that the appellant's bid
23 suffered from minor irregularities of an inconsequential
24 and insignificant nature had the price schedule included
25 all the work, and the appellant's omissions would not

1 have prevented the bid from being in substantial
2 compliance.

3 The Board then goes on to say that at that
4 point the Procurement Officer was on the correct path
5 but that, when the Procurement Officer was made aware
6 that the price schedule did not include line items for
7 a bidder to insert its price for certain work; i.e.,
8 Division 11, the Procurement Officer concluded as a matter
9 of law that the law no longer permitted appellant's
10 omissions to be waived as minor irregularities.

11 And the Board overturned that conclusion of
12 law by determining that whether the omissions were minor
13 is not affected by the fact that the price schedule did
14 not contain a line item for certain work; for example,
15 Division 11; that all bidders, save the appellant, took
16 the arithmetic sum of Items 1 through 85 and placed such
17 sum in the appropriate space on the price schedule and
18 on Page 2 of the construction bid form.

19 "This sum was the sole determinate of the low
20 bidder. The sum controlled before Cam filed its protest
21 and after Cam filed its protest. The failure of the
22 price schedule to include blanks for filling in prices
23 for items of work contained in the contract specifications
24 does not convert a waivable minor irregularity to a
25 material defect, making appellant's bid non-responsive,

1 where all other bidders in the instant case submitted
2 a bid price consistent with the sum of the 85 items on
3 the price schedule." And, therefore, the appeal was
4 sustained.

5 At that point, Cam filed an injunctive
6 proceeding, which is now before this Court on this date.
7 Evidence has been heard, and excellent memoranda have
8 been prepared by all three parties, and the argument
9 prepared by all three parties has been very stimulating.

10 Initially, I would indicate that I feel somewhat
11 empathetic with the position of Cam, but the question
12 before me is whether or not Cam has met its burden in
13 asking for this extraordinary equitable remedy of an
14 injunction, especially an injunction of a State executive
15 officer or something that's more of one person than an
16 officer determination.

17 And, of course, the applicable law indicates,
18 as was indicated by the Court of Appeals in State
19 Department of Health and Mental Hygiene versus Baltimore
20 County at 281 Maryland 548, that the complainant has
21 the burden of presenting a case, justifying the granting
22 of a preliminary injunction, and that the factors that
23 the Court must consider in exercising its discretion
24 to grant or refuse extraordinary relief are, number one,
25 the likelihood of success on the merits; number two,

1 the balance of convenience; number three, irreparable
2 injury; and number four, the public interest.

3 In view of the fact that this case is probably
4 going to turn on the determination of number one, likeli-
5 hood of success on the merits, and number two, public
6 interest, I'll discuss the other two issues first.

7 The balance of convenience is to be accorded
8 no weight here for the reason that it's essentially
9 inapplicable. The balance of convenience generally occurs
10 when there are disputes between private parties, and
11 generally so that a party that doesn't have time to get
12 counsel or is not in a financial position to litigate
13 numerous matters might be inconvenienced by the filing
14 of an injunction by a party that's sort of better
15 equipped, the Court has to weigh the balance of
16 convenience. Obviously, in all cases that the State's
17 involved in, the Court's been told by prior appellate
18 decisions that there is no balance of convenience because
19 the State is not in the same position as parties, and
20 essentially what happens is that the critical analysis
21 moves from the balance of convenience to the public
22 interest issue. Therefore, I will accord no weight to
23 the balance of convenience.

24 The issue of irreparable injury is an important
25 one here. The burden is on the party seeking the

1 injunction to show that it will suffer irreparable harm
2 if an injunction is denied. The essence of its showing
3 is that if the injunction is not granted, the Board of
4 Public Works, A), will act tomorrow in awarding Averza
5 the contract; number two, that that will deny Cam the
6 opportunity to be awarded that contract; and that,
7 number three, that Cam will lose approximately \$700,000
8 in profits as a result of the inability to contract with
9 the State with respect to that particular bid; and that
10 Cam urges that it's spent considerable money in preparing
11 this bid, and that if it seeks to sue for money damages,
12 that the defense of sovereign immunity will be interposed
13 against it, and that the State will prevail with respect
14 to that issue, and that, therefore, it has no remedy.

15 The Court must then analyze those allegations
16 to see whether or not, number one, they in fact exist;
17 number two, whether or not the burden of proof that any
18 injury that might be proven is irreparable.

19 Issue number one is that tomorrow the Board
20 of Public Works will award the contract.

21 I find from the experience of counsel in their
22 arguments that that's probably correct but that that's
23 not absolutely irrefutably correct. The Board of Public
24 Works has the right and the privilege to do pretty much
25 anything that it wants, and although it's relied on the

1 Board of Contract Appeals in the past, as the Legislature
2 has essentially set out a scheme that it should, it may
3 or may not do so.

4 Number two, that if the Board of Public Works
5 awards the contract to Averza, as everybody more or less
6 believes that they will, that that will deny Cam
7 approximately \$700,000 in profits. And I think, in order
8 to meet its burden of proof, Cam would have to prove
9 that that's an ironclad fact.

10 I take notice of the fact that the construction
11 industry is an industry where determinations as to profit
12 are more of an art than a science and that there are
13 a lot of variables as to what could occur. Equipment
14 problems, materials problems, labor problems, problems
15 in terms of how the State, the contracting party, treats
16 them with respect to what is occurring, all make it possible
17 that any profits could, in fact, be ephemeral and may
18 not, in fact, be realized.

19 And an additional point was raised that if,
20 in fact, the injunction were granted, it would force
21 the State at that point to issue a change order and that
22 there would be nobody on the site to negotiate with the
23 change order about but Cam, which would then profit from
24 that.

25 So looking at the issue of irreparable harm,

1 there has been a demonstration that there is an injury
2 in the sense that a different party will be awarded the
3 contract, but it has not been shown to me that that injury
4 is irreparable in the sense that I cannot see into the
5 future and predict whether or not this contract will
6 lead to a profit, or will lead to a break-even situation,
7 or will lead to a loss, or will lead to further litigation
8 before the issue is ever finally resolved.

9 Going then to likelihood of success. The Court
10 of Appeals has told us in General Motors -- excuse me.
11 The Court of Special Appeals has told us in General Motors
12 Corporation versus Miller Buick, Incorporated, 56 Md.App.
13 374 from 1983, certiorari denied, 299 Maryland 136 from
14 1984, that, "Satisfying this requirement requires the
15 would-be appellant to make a strong showing of likely
16 success." The Court noted that this standard is tantamount,
17 in most cases, to proving the likelihood that the trial
18 judge committed some reversible error. "The requirement
19 of a strong showing of probable success on the merits
20 is based on the fact that the party seeking the injunction
21 has already lost on the merits."

22 This principle is pertinent in the instant
23 case, given the deference accorded administrative agencies
24 in their application of their distinct expertise to
25 specialized subject-matter.

1 Mr. Figinski in his argument made an analogy
2 to whether or not there is reasonable doubt in a criminal
3 case as to the burden here. However well or ill-placed
4 that analogy is, there's an analogy that I think probably
5 is more guiding to me and more instructive to me in the
6 criminal law, and that falls within the search and seizure
7 area, and that has to do with the Supreme Court decision
8 in Franks versus Delaware, which says that if there's
9 a showing of either a lie by the affiant to the issuing
10 magistrate or a wanton and reckless disregard for the
11 truth of information that's presented to the magistrate,
12 that the burden of the showing of the party seeking to
13 redact that information from the affidavit, and therefore
14 making it not a factor to be considered in determining
15 whether there's probable cause is a clear showing,
16 preferably by affidavit, of the fact that this is either
17 a lie or a wanton and reckless disregard for the truth.

18 And in the particular case, basically, counsel
19 for Franks had a signed affidavit from the party that
20 supposedly, in the affidavit, saw a particular item,
21 saying "No, I did not see the item." And the Court,
22 after doing a very delicate balancing test on the
23 preference for staying within the four corners of the
24 warrant, which has, for most of our Constitutional history,
25 been the only way that warrants were assessed, was staring

1 down the barrel of the gun of the fact that here there
2 was no dispute as to the fact and that the Government
3 might be able to benefit by a lie, that just because
4 of a particular procedural rule, that in most instances
5 benefitted. And that's why the Supreme Court drafted
6 this kind of narrow exception.

7 And I think that the likelihood of success
8 issue was sort of framed out of the same kinds of guiding
9 principles, that if it's clear on its face that the lower
10 court or other administrative agency has clearly ruled
11 wrongly, then the party is entitled to an injunction
12 to prevent itself from irreparable harm if irreparable
13 harm exists.

14 I find in this particular case that, rather
15 than that clear showing occurring, that there's almost
16 sort of a balance in terms of the chances of success.
17 I find the issue of the finality of the order to be evenly
18 balanced in that I think that Mr. Figinski is correct
19 in the sense that a "final order" means nothing is left
20 to be done, but I find somewhat persuasive Holiday Spas,
21 in that if there is a clear harm that's occurring as
22 a result of a particular action, whether or not that
23 action is a final order or not, that the courts will
24 allow access.

25 As to the issue of the deference to be given

1 to the Procurement Officer, I do find that the statute
2 here was designed to consolidate all appeals from cases
3 where the Government had sovereign immunity into one
4 body, and that body essentially acted as an administra-
5 tive agency, and that even though that body, the Board
6 of Contract Appeals, has in the past on several occasions
7 accorded great weight and, therefore, was extremely
8 deferential to Procurement Officers, whether because
9 they were persuaded to by lawyers or because they felt
10 themselves to be less experienced in these matters than
11 the Procurement Officers, that that was essentially a
12 question of weight and a matter of choice for them to
13 do, and that this particular Board on this particular
14 date was not bound by any precedent to -- without invading
15 determinations of fact, to almost act as a rubber stamp
16 for the Procurement Officer.

17 I find that the relationship between the
18 Procurement Officer and the Board of Contract Appeals
19 is not one where the Procurement Officer is superior
20 in scope to the Board of Contract Appeals. I do not
21 even find that the relationship between them is lateral
22 in that they're on the same plane. I find that the
23 Procurement Officer is like any other Hearing Examiner
24 and that the Board of Contract Appeals is like any other
25 administrative agency, with the exception that there

1 are certain specific directives that the Legislature
2 has given to the Board of Contract Appeals that makes
3 it somewhat unique, but that they have the basic power
4 that a reviewing agency has as we know it in our
5 administrative law.

6 I find, therefore, that the deference that
7 was accorded to the decision of the Procurement Officer
8 was a proper deference; that some rational -- bear with
9 me just a second -- that some reasoning mind could have
10 reasonably reached the conclusion reached by the agency
11 with respect to any deference to the Procurement Officer.

12 The next issue then becomes whether or not
13 the Board of Contract Appeals was clearly erroneous in
14 using the wrong standard in reversing the Procurement
15 Officer. And the allegation here is as in an analogy
16 to the decision of Judge DeWaters for the Circuit Court
17 of Baltimore County, an appeal of Solon Automated
18 Services, Incorporated, that what masquerades as a
19 determination of law is, in fact, an invasion of the
20 factual component of a mixed question of fact in such
21 a way as to substitute the judgment of the Board of Contract
22 Appeals for the Procurement Officer.

23 I find, having read into the record the decision
24 where the Board of Contract Appeals finds that the Procure-
25 ment Officer was wrong, has direct reference to the

1 procedural requirements for the treatment of irregularities
2 in terms of whether they're minor and merely a matter
3 of form and not of substance or whether they're
4 material, and thereby make the bid non-responsive was,
5 in fact, a question of law, because the Board of Contract
6 Appeals was, in fact, referring to COMAR 21.06.02.04
7 and found that because no party had to say anything about
8 Division 11, Division 13, or Division 15 as affected
9 the total contract price, that the Procurement Officer
10 exceeded his authority in considering irrelevant material
11 as a matter of law; that as I understand the essence
12 of this particular issue, that Mr. Press would have been
13 impressed with a factual determination that somehow the
14 playing field was unlevelled and made different if other
15 parties had to account for Division 11, 13, and 15, and
16 that at that point the Procurement Officer could have
17 concluded as a question of fact that the omission of
18 this particular information had the strategic purpose
19 that he indicated that he could draw the inference that
20 was there, but that he was not permitted to draw that
21 inference because there were no facts that would allow
22 him to draw that inference.

23 Therefore, his consideration of that particular
24 issue was irrelevant as a matter of law. He lacked the
25 power to enter into that reasoning and, therefore, all

1 that was left was the mechanical legal determination,
2 based on the COMAR section that I've indicated, as to
3 whether or not this was a minor irregularity that was
4 waivable and the determination then was a correct
5 determination as a matter of law that would probably
6 not be subject to reversal on appeal at the Circuit Court
7 for Baltimore City or Anne Arundel County, or whatever
8 happens to be applicable forum, or in an appellate level,
9 that there was any determination that exceeded the
10 authority of the Board of Contract Appeals by invading
11 the province of fact-finding.

12 Finally, following the suggestion of the
13 United States Court of Appeals for the District of
14 Columbia Circuit in Virginia Petroleum Jobbers Association
15 versus The Federal Power Commission, -- which I believe
16 that I've seen Maryland cases, and I believe one of them
17 is Impala Platinum versus Impala Sales, 283 Maryland 296
18 from 1978 -- that the issue of public interest, which
19 oftentimes is peripheral or of minor consequence, is
20 elevated to major consequence when we are dealing with
21 State activity.

22 Here, if I allowed an injunction to occur,
23 I would stop the State from doing something that the
24 State fully intends to do whether or not, in the past,
25 they've contributed to any delay by allowing slippage

1 in terms of the progression of this bid process. And
2 I don't think that I have to consider, "Well, they allowed
3 slippage before so, therefore, the public interest is
4 not affected here."

5 We do have a crisis in Corrections. We have
6 overcrowding. We have Federal court orders. We have
7 the State rushing against time to try to get buildings
8 up, and this particular two sets of improvements having
9 to do with grading and having to do with the heating
10 are conditions precedent to getting a certain number
11 of beds in; that there is pressure on the courts and
12 the Parole Commission to release prisoners, which endangers
13 the public safety; that there is a fiscal impact on the
14 taxpayers with any delay that occurs here, and that the
15 prison officials are basically caught between these two
16 contractors and are also subject to contempt proceedings
17 from the courts if they allow themselves to basically
18 be whipsawed between disputes of the contractors.

19 So the public interest in this case is very
20 strong to proceed forward; number one, to address the
21 Corrections problems and the attendant litigation that
22 could come from it, but again, number two, the public
23 interest is also very strong not to make the circuit
24 courts sort of the micromanager of the Board of Contract
25 Appeals; that if the circuit courts could enjoin the

1 Board of Public Works from acting every time that somebody
2 was aggrieved by the Board of Contract Appeals, that
3 the State board of Public Works would delay, delay, delay.

4 And I posed a question which counsel seemed
5 to make moot in this particular case, but I don't know
6 that it would be moot in other cases, that injunctions
7 could be obtained while proceedings were being stayed,
8 pending appeals, which could run on for months and months
9 and months and months, and the whole prison construction
10 process could come to a grinding halt until myriad issues
11 were litigated in courts.

12 So that I think that the public interest requires
13 that the Department of Corrections and Public Safety
14 have some finality and disputes between contractors
15 resolved quickly so that the Board of Public Works can
16 act and provide them with the money to expedite this
17 project and that, therefore, it's not in the public
18 interest to allow injunctions, plural, generically, or
19 an injunction in this particular case, given the balance
20 of the public interest with the not complete likelihood
21 of irreparable injury and the not complete likelihood
22 of success in this particular case.

23 Also, an issue was made by Cam that to allow
24 the Board of Contract Appeals to make determinations
25 as it made here would have a major detrimental effect

1 on the entire contract process because if, willy-nilly,
2 there were waivers of irregularities in non-responsive
3 bids, then all contractors would then try to find a way
4 to steer between the narrow straits of a responsive bid
5 and non-responsive bid so that they could get a second
6 bite at the apple.

7 I don't believe from my reading of this
8 decision that the Board of Contract Appeals is opening
9 that door. They're indicating that initially the
10 Procurement Officer made the determination that the
11 irregularity was minor and then was waivable, and then
12 upon probably very persuasive argument from Cam, with
13 whom the Procurement Officer probably wanted to maintain
14 good relations with, then turned around and made this
15 determination, and when the Board of Contract Appeals
16 said that he got off of the track by determining that
17 it was anything other than a minor irregularity by
18 speculating as to the motives of the various parties,
19 that, in fact, -- I don't find that the door is opened
20 to contractors attempting to cheat, defraud, or do some-
21 thing equally sinister to the State in what's occurring
22 here.

23 The whole issue of minor irregularities and
24 incomplete bids seems to go back in administrative law
25 and procurement law for a long time. That's why whatever

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2 there were waivers of irregularities in non-responsive
3 bids, then all contractors would then try to find a way
4 to steer between the narrow straits of a responsive bid
5 and non-responsive bid so that they could get a second
6 bite at the apple.

7 I don't believe from my reading of this
8 decision that the Board of Contract Appeals is opening
9 that door. They're indicating that initially the
10 Procurement Officer made the determination that the
11 irregularity was minor and then was waivable, and then
12 upon probably very persuasive argument from Cam, with
13 whom the Procurement Officer probably wanted to maintain
14 good relations with, then turned around and made this
15 determination, and when the Board of Contract Appeals
16 said that he got off of the track by determining that
17 it was anything other than a minor irregularity by
18 speculating as to the motives of the various parties,
19 that, in fact, -- I don't find that the door is opened
20 to contractors attempting to cheat, defraud, or do some-
21 thing equally sinister to the State in what's occurring
22 here.

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17 it was anything other than a minor irregularity by
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19 that, in fact, -- I don't find that the door is opened
20 to contractors attempting to cheat, defraud, or do some-
21 thing equally sinister to the State in what's occurring
22 here.

23 The whole issue of minor irregularities and
24 incomplete bids seems to go back in administrative law
25 and procurement law for a long time. That's why whatever

1 -- whatever agency or body drafted COMAR 21.06.02.04
2 took the time and the effort to address in such detail
3 this particular issue, discussing in A) the definition
4 of a minor irregularity; B), talking about the defect
5 or variation in the bid or proposal being immaterial;
6 and, C), giving directions to the Procurement Officer
7 as to how the Procurement Officer is supposed to proceed,
8 which is to give the bidder or offerer an opportunity
9 to cure any deficiency resulting from a minor informality
10 or irregularity in a bid or proposal or waive the
11 deficiency, whichever is to the advantage of the State.

12 They wouldn't have said that in COMAR if this
13 was sinister. They would have only said it if this is
14 a frequent occurrence that happens a lot and is not unusual
15 in the complicated procedure of filling out bids.

16 Therefore, giving heavy weight to the public
17 interest, giving only slight weight to the likelihood
18 of success because I believe there's only a 50-50 chance
19 of the party prevailing in some future appeal, finding
20 zero weight as to the balance of convenience, and finding
21 only slight proof of injury, and not finding that it
22 is irreparable, other than in the sense that the contract
23 isn't gotten, but then beyond that, that even if the
24 contract's gotten, that the anticipated profits are not
25 necessarily purely there, I will deny the injunction.

1 Mr. Myers, I guess you're the neutral party
2 here even though your interests are more like Averza's
3 than they are like Cam's. Would you prepare an order
4 that I can sign and place in the file?

5 MR. MYERS: Certainly, Your Honor.

6 THE COURT: And have signature lines for both
7 counsel to inspect the order.

8 I guess, because of the press of time, there's
9 no real need to reduce that oral opinion to a written
10 decision; is that correct?

11 MR. FIGINSKI: No, Your Honor. I don't feel
12 you have to reduce it to a written opinion, but I do
13 think you have to have a written order.

14 THE COURT: I've asked for the order, but I
15 wanted to see whether I had to go further and write that
16 into a written opinion. But apparently that does not
17 appear to be necessary.

18 MR. FIGINSKI: We could buy it from the reporter.

19 THE COURT: All right. Thank you very much.
20 I found the memoranda and the arguments to be very
21 stimulating, and I'm sorry for the party that didn't
22 prevail, and I'm happy for the party that prevailed.

23 Thank you very much.

24 MR. FIGINSKI: Thank you, Your Honor.

25 MR. MYERS: Thank you, Your Honor.

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MR. KOZLAKOWSKI: Thank you, Your Honor.

(End of excerpt.)

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BPW - October 10, 1990

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACTITEM 3-C

Division of Correction

Maryland Correctional Training Center
Hagerstown, Washington CountyCONTRACT NO. AND TITLEKA-611-831-101
Restoration of Roofs
Housing Units No. 1 and 2

DESCRIPTION - Base Bid - Removal and replacement of approximately 44,304 s.f. roofing using contractor's own labor.

Option Bid - Performance of all work of the Base Bid above with a combination of contractor's labor and the inmate labor provided by the Institution as proposed by the contractor.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

Man hours of
Base Bid(\$) Option Bid(\$) Inmate Labor

Lloyd Construction Co., Uniontown, Pa.	343,745	304,471	2,000
Korb Roofers, Inc., Baltimore, Md.	335,041	313,041	3,000
Raintree Ind., Inc. Elkridge, Md.	567,450	585,450	1,400

AWARD

Lloyd Construction Company

AMOUNT

\$304,471 (Option bid)

FUND SOURCE

\$109,471 - Item 045 GCL 1986
 "Restore roofs on 2 housing units and complete restoration of roofs on Administration, Food Service and Education Buildings"
 \$195,000 - Item 002 GCL 1989
 "Provide funds for various critical maintenance projects (Statewide)...replace roofs various buildings - MCTC"

(Contd.)

DPSCS Agenda - 10/10/90Item 3-C (Continued)

REMARKS - The estimated construction cost was \$739,000. The existing roofs are approximately 22 years old and they will be replaced with a four-ply coal tar built-up roof with 1/8" per foot slope.

The contract award to Lloyd Construction Company is based on the use of 2,000 hours of inmate labor to be provided by the Division of Correction. The estimated cost of inmate labor and the Correctional Officer is \$7,000 which will be funded from the Division of Correction Operating Budget.

BPW Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓*

Without Discussion

* - The Board requested that pages 136 through 144 be included as part of the official record.

F

OFFICE OF THE ATTORNEY GENERAL
 Department of General Services
 300 West Preston Street, Room 403
 Baltimore, Maryland 21201

July 6, 1990

MEMORANDUM

TO: Dorothy N. Niemeyer
 FROM: Allan B. *AB* Rosenberg, Principal Counsel
 SUBJECT: Late Bid for KA-611-831-101
 Roofs, Housing Units 1 and 2
 MCTC, Hagerstown

This is in response to your memorandum of July 5, 1990 regarding the above. For the reasons outlined herein, it is my opinion that the bid referenced in your memorandum can be opened.

COMAR 21.05.02.10B states as follows:

B. Treatment. A late bid, late request for modification, or late request for withdrawal may not be considered. Upon the written approval of the Office of the Attorney General, exceptions may be made when a late bid, withdrawal, or modification is received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of State personnel directing the procurement activity or their employees.

It is clear from the facts set forth in your memorandum that ~~that~~ the bid would have been timely but for the action of State personnel directing the procurement or their employees. The bid, having been stamped in at 9:48 a.m. at the Office of Engineering and Construction easily could have been at the appropriate place well within the time for opening. By placing an envelope addressed to Room 1311 in a locked bid box on the 14th floor, the State employee who did so erred and as a result of that error, the bid must be opened. We can be confident that it was a Department of General Services' employee because it was received and stamped in at the Office of Engineering and Construction on the 14th floor at 9:48 a.m. Accordingly, the bid is not late and falls within the exception noted above.

It is my recommendation that you notify all of the other vendors who participated and were either present or had bids opened on June 26, 1990 and advise them of the particular set of circumstances that have arisen. You should then select a time for opening the bid and advise them ~~that the bid~~ will be opened at that time. They should be given the opportunity to participate.

Dorothy N. Niemeyer

-2-

July 6, 1990

Although contract award recommendations for construction of correctional facilities are submitted to the Board by the Department of Public Safety and Correctional Services as of July 1, 1990, it is my opinion that this particular bid would remain a DGS maintenance contract not under the jurisdiction of DPS&CS. Even if it were, it would remain a DGS procurement because of the bid opening on June 26, 1990.

Should you have any further questions, please do not hesitate to let me know.

QM2886.1t

cc: Jerome W. Klasmeier
Eric S. Walbeck

BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS

Appeal of KORB ROOFERS, INC.

Under DGS Project No.
KA-611-831-101

)
) Docket No.
) MSBCA 1533
)

APPEARANCE FOR APPELLANT:

Krank L. Kollman, Esq.
Kollman & Sheehan, P.A.
Baltimore, MD

APPEARANCE FOR RESPONDENT:

John H. Thornton
Assistant Attorney General
Baltimore, MD

OPINION BY MR. MALONE

Appellant files this appeal from a Department of General Services (DGS) procurement officer's final decision denying Appellant's bid protest.

Findings of Fact

1. On May 29, 1990 DGS issued an Invitation for Bids (IFB) for Contract No. KA-611-831-101 for roof repair of housing units at the Maryland Correctional Training Center at Hagerstown, Maryland.
2. On June 11, 1990, DGS amended the Specifications which included a revised bid form.

BASE BID

(PERFORM ALL WORK OF THE CONTRACT WITH THE
CONTRACTOR'S OWN FORCES)

_____ Dollars (\$ _____)
Written Figures

OPTION BID

(PERFORM ALL WORK OF THE CONTRACT WITH A
COMBINATION OF CONTRACTOR'S FORCES AND
PARTIAL PRISON INMATE LABOR PROVIDED BY
THE OWNER)

_____ Dollars (\$ _____)
Written Figures

3. The specification further stated in Section 1016, paragraph 2b that,

The State reserves the right to award the contract based upon either the Base Bid or the Option Bid prices received from the bidders. Bid prices will be selected at the State's discretion....

4. The bids were due at 2:00 p.m. on June 26, 1990 and opened with the following results:

<u>Bidder</u>	<u>Base Bid</u>	<u>Option Bid</u>
Penn Perry, Inc.	\$592,238	None
Raintree Industries	\$567,450	\$558,450
Korb Roofers, Inc.	\$335,041	\$335,041

5. On July 3, 1990 a DGS employee discovered an unopened bid for this project from L.R. Lloyd Co. (Lloyd). Lloyd's bid was received via U.S. mail by DGS on June 25, 1990. This bid was delivered erroneously by DGS personnel to DGS Office of Engineering and Construction (OEC) in room 1405, 301 W. Preston Street instead of room 1311 to which the bid envelope was addressed.

6. OEC conducts construction related procurement for DGS. OEC procedure is for construction contract bids to be sent to Room 1311, 301 W. Preston Street and bids for professional service contracts to room 1405, 301 W. Preston Street.

7. Regina Turner, a DGS employee in room 1405, failed to notice the bid was addressed to room 1311 rather than 1405. The bid of Lloyd remained in the wrong office until its discovery on July 3, 1990.

8. Rosella Taylor, a DGS employee in charge of room 1311 bids for construction, took Lloyd's unopened bid and notified Dorothy A. Neimeyer, Chief of DGS Contract Services, of the erroneous delivery.

8. Pursuant to COMAR 21.05.02.10B, DGS decided after written approval of the Attorney General to publicly open the Lloyd bid on July 13, 1990 at 10:00 a.m.

9. On July 10, 1990, Dorothy A. Niemeyer notified Appellant by phone of the discovery of the Lloyd bid and that it would be opened on July 13, 1990. (No reason was offered why it took from July 3 to July 10 to notify the parties.). Appellant's president, Clarence Wolf III, was invited to attend the bid opening. From this date Appellant knew or should have known the basis to protest the unopened bid of Lloyd.

10. On July 11, 1990 DGS sent a letter to all bidders detailing the lost Lloyd bid and DGS's plan for its public opening on July 13, 1990.

11. Lloyd's bid was opened giving a Base Bid of \$343,745 and an Option Bid of \$304,471.

12. The record is clear that Lloyd's bid was timely delivered to DGS and that only the errors and omissions of DGS employees caused its delayed opening. The grounds for the protest were that (1) Lloyd's bid should not have been opened and Lloyd was ineligible for award, and (2) the solicitation stated the award should be made on the basis of the Base Bid only (not the Base Bid or the Option Bid), so Lloyd was not the low bidder and could not receive the award. On July 26, 1990, the procurement officer issued a final decision denying the protest. The basis for the decision was Korb's protest against the opening of Lloyd's bid was late since it was filed more than seven days after Korb was informed that the bid would be opened, and that the solicitation clearly stated that the award could be made on either the Base Bid or the Option Bid. From that decision Korb filed a timely appeal to this Board.

Decision

Timeliness of the Protest.

Appellant's protest that Lloyd's bid should not have been opened and that Lloyd's bid was ineligible was not timely. A bid protest must be filed within seven days after the basis for the protest is known or should have been known. COMAR 21.10.02.03B.

Appellant knew on July 10, 1990 that Lloyd's misplaced bid had been found and a DGS decision made to open it on July 13, 1990. Appellant did not protest until July 19, 1990, and the protest on that ground is untimely.

Furthermore, Appellant's protest that award would be made on the basis of the Base Bid only, was not timely. Appellant should have known the basis of this protest upon its receipt of the bid package which clearly stated the bid could be awarded to the low Option Bid. Therefore, the protest on this ground should have been made before bid opening. While we accordingly dismiss the appeal on grounds that the protests were not timely filed, we believe some comment on the merits of the protests to be appropriate.

Merits

Appellant argues that the Lloyd bid was late and cannot be opened. However, COMAR 21.05.02.10 provides for the opening of late bids where the bid would have been timely, but for the action or inaction of State personnel with the written approval of the Office of the Attorney General prior to award. In this case all of the requirements of this COMAR exception to open a late bid were met.

Testimony showed that during an office move at DGS an error was made in the delivery of the Lloyd bid. The State then properly proceeded to correct the error of its employees prior to award.

This provision in COMAR 21.05.02.10B. is to provide protection to innocent bidders from the errors and omissions of State employees. This remedy promotes active bidding. Bidders who spend the time and money to provide bids can do so knowing if the State fails or acts in error as to their properly filed bid, a remedy is in place to correct any such State error. Even in this case where 7 days passed from bid opening to the discovery of the error, the application of this exception was proper.

For its other basis of protest Appellant argues that since its base bid of \$335,041.00 was lower than Lloyd's base bid of \$343,745.00, it must be awarded the contract under Section 15.B of the Instructions to Bidders, which states:

A contract will be awarded to the responsible bidder submitting the lowest total bid including base bid and all alternatives determined to be accepted by the state.

Appellant's reliance on Section 15.B is misplaced. Bid documents must be read as whole and specific direction will govern over general instruction.¹

Section 1016 deals specifically with Base Bid, Option Bid and Unit Price. This section is as follows:

DIVISION 1 - GENERAL REQUIREMENTS

SECTION 1016 - BASE BID, OPTION BID AND UNIT PRICES

1. SCOPE:

General Conditions, Amendments to General Conditions and Division 1 General Requirements are hereby made part of this section as fully as if repeated herein.

2. BASE BID, OPTION BID AND UNIT PRICES:

- a. The Contractor shall furnish, inclusive in the Base Bid and Option Bid, unit prices for addition or deletion of the following work as shown on the Drawings and described in the Specifications.

¹Standard language contained in the Instructions to Bidders is used for a wide range of procurements and must be read in the context of more specific direction that may appear elsewhere in the bid documents.

b. The State reserves the right to award the contract based upon either the "Base Bid" or the "Option Bid" prices received from the bidders. Bids will be selected at the State's discretion and bid prices shall be held firm as stipulated in the Bid Form.

1. Base Bid: The base bid shall include furnishing of all services, equipment, materials and labor to complete demolition and replacement of existing roofs flashing curbs, cant strips and related items and addition of new roof drains for Housing Units 1 and 2 and the quantities and prices for the scope of work defined under the unit prices below.

2. Option Bid:

a. The Contractor shall provide all work of the contract for the stipulated sum as indicated, with a combination of labor from his own forces and labor provided by the State from the inmate population located at the site. This inmate labor will be unskilled. The State will provide a maximum of 10 inmates at any one time, or as requested by the Contractor, and the inmate labor force will be available for the full term of the contract. The inmate labor shall be restricted to the immediate onsite work. Inmate labor shall not be allowed outside the secured area of the prison. A Division of Corrections Officer will be assigned to the project to maintain Institution Security.

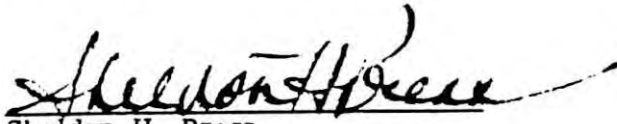
A reasonable reading of the plain language of the bid documents as a whole provided DGS in this procurement with a clear choice of either the lowest Base Bid or Option Bid.

In this case the clear, specific contract language of section 1016 must prevail.

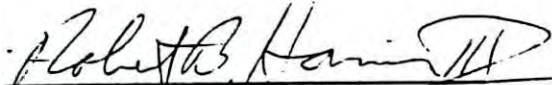
Dated: 9/20/90


Neal E. Malone
Board Member

• I concur:



Sheldon H. Press
Board Member

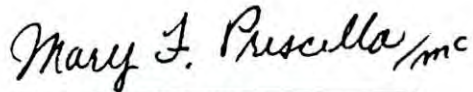


Robert B. Harrison III
Chairman

* * *

I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSBCA 1533, appeal of KORB ROOFERS, INC., under DGS Project No. KA-611-831-101.

Dated: 9/20/90



Mary F. Priscilla
Recorder

BPW - October 10, 1990

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
BPW AGENDA

CONTRACT MODIFICATION (Construction)ITEM - 4-C-MODMaryland Correctional Institution
Hagerstown, Washington County

Division of Correction

ORIGINAL CONTRACT NO. & TITLEKB-000-834-001
Central Food Service FacilityORIGINAL CONTRACT APPROVED

Item 3-C BPW 4/22/87, DGS Agenda

CONTRACTOR

Callas Contracting, Inc.

MODIFICATION

Change Order No. 29 covers rework at Capkold platform, hollow metal door frame, general cleanup, new fire suppression system and stainless steel cladding at door frame.

MODIFICATION AMOUNT

\$ 12,952.00

ORIGINAL CONTRACT AMOUNT

\$3,802,000.00

CHANGE ORDERS PREVIOUSLY APPROVED

\$ 754,887.50

REVISED CONTRACT AMOUNT

\$4,569,839.50

PERCENTAGE INCREASE

Less than 21%

FEE APPLICABLE

N/A

FUND SOURCE

Item 049 GCL 1988

REMARKS(Renovate and equip existing
kitchens...and complete the
Central Kitchen project)-----
BPW Action - The above referenced Item was:Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDACONSTRUCTION CONTRACTITEM: 1-C

MARYLAND AVIATION ADMINISTRATION: Baltimore/Washington International
(BWI) and Martin State Airports

CONTRACT NUMBER & TITLE: MAA-CO-90-020
Rehabilitation of Access Roads
and Parking Lot Pavements

DESCRIPTION: This contract provides for the necessary pavement repairs on the MD Route 46 access road and Poplar Avenue Satellite Parking Lot at BWI Airport. Pavement repairs will also be made on the access road and parking lot pavements at Martin State Airport. The work includes concrete paving, asphalt paving, removal and patching of asphalt pavements, construction overlays, adjustments and rebuilding of manholes and inlets, and repairing and replacing concrete pavement structures.

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS:

The Driggs Corporation Capital Heights, MD	\$281,200.00
Melvin C. Benhoff & Sons, Inc. Baltimore, MD	\$287,686.35
General Paving & Contracting, Inc. Brooklandville, MD	\$289,709.00
Central Maintenance Corp. Baltimore, MD	\$347,545.25
Bituminious Construction Company, Inc. Baltimore, MD	\$350,506.70
Montgomery Construction Company, Inc. Baltimore, MD	\$357,201.36
Dixie Construction Company, Inc. Churchville, MD	\$366,521.60

CONTINUED

ITEM: 1-C
Continued

BPW--10/10/90

AWARD: The Driggs Corporation

AMOUNT: \$281,200.00

FUND SOURCE: 100% Special Funds budgeted to MAA

Appropriation Code: 29.09.00.03
Object/Subobject: 14.55
Title of Program: Airport Facilities
Construction

REMARKS: The Engineer's Estimate for this project is \$393,649.00. In review of the low bid and the Engineer's Estimate, we find the major cost differences in the following items:

Maintenance of Traffic	\$23,800.00
Bituminous Concrete Patch Type A	\$47,404.00
Adjustment of Manholes	\$18,110.00
New Precast Concrete Inlet	\$18,400.00

The Engineer's Estimate was developed using the average unit prices and costs from previous contracts. The unit prices and cost were then increased to account for the following factors:

1. The contractor will have to work at several locations.
2. The type and amount of work required at each location will not allow high efficiency or productivity.
3. The contractor would often be working in high traffic areas.
4. The contractor would be required to work at night in at least two (2) locations.

It appears that the contractors did not see these factors as a basis for additional cost.

Time of completion: 45 Calendar Days from Award

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received*

BPW—10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDACONSTRUCTION CONTRACTITEM: 2 -CSTATE RAILROAD ADMINISTRATIONCONTRACT NO. & TITLE:

SRA 4996-210

Rehabilitation of the Building at the
Perryville Commuter Rail Station in
Cecil County, MD

DESCRIPTION: This work involves the rehabilitation of the existing rail-road station building in Perryville, Cecil County, MD. The work shall include, but not be limited to, roofing, plumbing, electrical, mechanical, structural, glazing, painting, and erection of CMU and brick walls.

PROCUREMENT METHOD:

Competitive Sealed Bids

BIDS:

John E. Day Associates, Inc. Monkton, MD	\$327,000.00
L. A. Hilte Associates, Inc. Hunt Valley, MD	\$366,000.00
Allied Contractors, Inc. Baltimore, MD	\$409,148.00
Jack H. Kidd Associates Baltimore, MD	\$418,000.00
J. J. Mundth Construction Co. Bel Air, MD	\$478,000.00
Amakor Delaware City, DE	\$570,223.00

AWARD:

John E. Day Associates, Inc.

AMOUNT:

\$327,000.00

CONTINUED

ITEM: 2 -C
Continued

BPW--10/10/90

FUND SOURCE:

100% Special Funds budgeted to SRA

Appropriation Code: 29.03.01.03

Object/Subobject: 14.82

Title of Program: Rail Facilities &
Capital Equipment

REMARKS:

The contract award is a lump sum price. The Engineer's Estimate for this contract was \$343,088.00. Contract duration is 180 calendar working days from Notice to Proceed.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDACONTRACT MODIFICATION: (Construction)ITEM: 3 -C-MODMASS TRANSIT ADMINISTRATION

ORIGINAL CONTRACT NO. & TITLE: CL-05
Civil & Trackwork
North Avenue to Timonium Fairgrounds

ORIGINAL CONTRACT APPROVED: Item 9-C, DOT Agenda 04/25/90

CONTRACTOR: Dick Enterprises, Inc.
Pittsburgh, PA

MODIFICATION: Change Order No. 004 serves as a temporary draw account for the interim payment of MTA directed changes. These changes, which have an engineer's estimated value of \$662,000.00, consist of the following items of work:

1. Redesign Track

As part of the project cost reduction efforts during the Fall of 1989, a track shift was identified that had the potential to save millions of dollars. After careful evaluation, this shift was adopted as a cost saving measure and was incorporated into the master agreement with BG&E. The shift avoided a conflict with a BG&E underground high voltage line that would have to be relocated at a cost of \$6,000,000.00 - \$10,000,000.00. This measure created a need for additional drainage and embankment work which is far less expensive than the relocation of the underground power line.

2. Relocate Rail

Delivery commitments under the Rail Procurement Contract dictated the delivery of 862 tons of rail prior to the MTA obtaining the right to store the rail on Conrail property. As a result, it became necessary to unload the material at an MTA facility, and direct the CL-05 contractor to transport the material to the jobsite after all agreements had been finalized.

CONTINUED

ITEM: 3 -C-MOD
Continued

BPW--10/10/90

3. Excavation for BG&E Cable

As part of an agreement with BG&E, an existing overhead cable which runs parallel to the trackway from Sta 359+30 to Sta 413+55 was relocated to an underground line.

This change was the result of community pressure to eliminate what they considered to be an eyesore. Funding this change is included in the BG&E master agreement and will be transferred into the CL-05 contract.

4. Unsuitable Material

Trackway excavation work in the vicinity of the new maintenance shop revealed the presence of unsuitable material. This material must be removed and replaced with select fill in order to provide a suitable base for new construction.

The discovery of the unsuitable material was unknown until after the contractor began work.

5. Catenary Foundations

In order to improve the constructability of the catenary pole foundations, the overall size of the various types of foundations was standardized for the entire project. However, this system wide cost saving measure was made subsequent to the bid opening for CL-05, thereby incurring additional costs under this contract.

Although negotiations are currently being conducted for these changes, it must be noted that the contractor has been working without benefit of a method of payment in order to maintain the overall schedule. Consequently, approval of Change Order No. 004 is hereby requested as an interim method of payment prior to final negotiations.

A subsequent change order will be issued once a mutually acceptable settlement has been reached.

AMOUNT: \$550,000.00 (Estimated)

FUND SOURCE: 100% Special Funds budgeted to MTA

Appropriation Code: 29.08.01.05

Object/Subobject: 14/35

Title of Program: Rail Facilities &
Capital Equipment

CONTINUED

ITEM: 3-C-MOD
Continued

BPW--10/10/90

ORIGINAL CONTRACT AMOUNT: \$24,800,687.00

REVISED CONTRACT AMOUNT: \$25,350,687.00

PERCENTAGE INCREASE: 2.2%

REMARKS: This change order will be amended in its entirety and replaced with a subsequent change order for the full cost of the work involved upon completion of negotiations.

The funds for these changes are included in the current approved budget.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAMAINTENANCE CONTRACTITEM: 4-MMARYLAND AVIATION ADMINISTRATION: Martin State AirportCONTRACT NO. & TITLE: MAA-MC-90-028
Upgrade of Fuel Farm at Martin
State AirportDESCRIPTION: Contractor will provide the necessary materials, equipment,
labor, insurance, and expertise to perform rehabilitation
work on the Administration's Martin State Airport fuel farm.PROCUREMENT METHOD: Competitive Sealed BiddingPROPOSALS:Green Contracting Co., Inc. \$153,000.00
Baltimore, MDT. A. Gorman, Inc. \$173,000.00
Baltimore, MDAWARD: Green Contracting Co., Inc.AMOUNT: \$153,000.00FUND SOURCE: 100% Special Funds budgeted to MAAAppropriation Code: 29.09.00.03
Title of Program: Capital Program.REMARKS: The Engineer's Estimate was \$153,000.00. Improvement includes
the replacing and upgrading of pump motors and fuel filter
separators and vessels.

Contract duration is ninety (90) days from Notice to Proceed.

Board of Public Works Action - The above-referenced Item was:Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAMAINTENANCE CONTRACTITEM: 5-MMARYLAND TRANSPORTATION AUTHORITY: Francis Scott Key Bridge
William Preston Lane, Jr. BridgeCONTRACT NO. & TITLE: 19031073
Anemometer SystemDESCRIPTION: To modify and update the anemometer systems at the William
Preston Lane, Jr. and Francis Scott Key Bridges.TERM: 10/01/90 - 01/31/91PROCUREMENT METHOD: Sole SourceAWARD: J. E. Healy Company
Nottingham, PAAMOUNT: \$24,836.74FUND SOURCE: 100% Toll RevenueAppropriation Code: 29.10.02.01
Title of Program: Toll Facilities &
Administrative ServiceREMARKS: This is a Sole Source procurement awarded under the authority
of COMAR 21.05.05. This procurement has been reviewed and
approved as to the reasonableness of price by the Procurement
Officer and the Executive Secretary, MdTA.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDA

CONTRACT MODIFICATION: (Maintenance)

ITEM: 6-M-MOD

MARYLAND PORT ADMINISTRATION: Clinton Street Marine Terminal

ORIGINAL CONTRACT NO. & TITLE: 190058-M
Asbestos Abatement of Pier 1
Terminal Building

ORIGINAL CONTRACT APPROVED: DOT PAAR, August 1990

CONTRACTOR: Potomac Abatement, Inc.
Baltimore, MD

MODIFICATION: Modification No. 1 provides for additional asbestos abatement
and re-insulation work.

AMOUNT: \$23,941.00

FUND SOURCE: 100% Special Funds budgeted to MDOT

Appropriation Code: 29.01.03
Object/Subobject: 14/51
Title of Program: Asbestos Abatement Program

ORIGINAL CONTRACT AMOUNT: \$41,256.85

REVISED CONTRACT AMOUNT: \$65,197.85

PERCENTAGE INCREASE: 58%

REMARKS: Retroactive approval request. MPA solicited competitive sealed
bids for asbestos abatement of the Pier 1 terminal building
based on a MDOT survey performed by Tracor Asbestos Technology
Center. Six (6) vendors furnished proposals to perform the
abatement and re-insulation work. Once work began, Potomac
Abatement ("Contractor") revealed additional asbestos present
in the Pier 1 building that was not identified by Tracor.
Since the work had begun and the additional asbestos revealed
was of obvious danger to the people working in the building,
the Management of Procurement and the Project Manager directed

CONTINUED

ITEM: 6-M-MOD
Continued

BPW--10/10/90

the Contractor to proceed with the removal of the additional abatement work. The work has been completed at the Pier 1 terminal and the area is back to normal operations. Time was of the essence due to the potential health hazards of asbestos.

All prices in this modification have been negotiated and determined to be fair and reasonable by the Procurement Officer.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW—10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDALEASEITEM: 7-LMASS TRANSIT ADMINISTRATION: Section C MetroLESSOR: Mendel Friedman

PROPERTY LOCATION: 20-24 North Eden Street
Ward 5, Section 8, Block 1349, Lots 28,
29 and 30 in Baltimore City, MD

SPACE TYPE: Vacant Lot LEASE TYPE: New SQ. FT.: 3,686

EFFECTIVE DATE: 05/01/90 RENT: \$10,109.00/yr. SQ. FT. RATE: \$2.74

UTILITIES/CUSTODIAL RESPONSIBILITY: Lessee

TERM: One year with an option to renew for an additional one year term
under the same terms and conditions as original lease.

FUND SOURCE: 85% Federal Funds
15% Special Funds budgeted to MTA

Appropriation Code: 29.08.01.05
Object/Subobject: 14-54
Title of Program: Rail Facilities
Capital Equipment

SPECIAL CONDITIONS: None

REMARKS: Section C Metro construction necessitates the rental of space
for use as a contractor's work and storage area.

The subject property was selected as it is located immediately
adjacent to the construction site for the emergency vent
shaft.

The MTA has negotiated a lease for a work and storage area.
Approval of the proposed lease by the Board of Public Works
is requested.

CONTINUED

ITEM: 7-L
Continued

BPW--10/10/90

This item was withdrawn at the September 19, 1990 Board of Public Works Meeting under Item 4-L.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDALEASEITEM: 8-LMASS TRANSIT ADMINISTRATION: Bus OperationsLESSOR: Wilde Lake Interfaith Religious Center, Inc.PROPERTY LOCATION: 10431 Twin Rivers Road
Columbia, MDSPACE TYPE: Parking LEASE TYPE: Renewal NO. OF SPACES: 30TERM: One (1) Year EFFECTIVE DATE: 10/01/90ANNUAL RENT: \$1,000.00/yr.UTILITIES/CUSTODIAL RESPONSIBILITY: LessorFUND SOURCE: 100% Special Funds budgeted to MTA

Appropriation Code: 29.08.01.02

Object/Subobject: 13.62

Title of Program: Bus Operations

SPECIAL CONDITIONS: None

REMARKS: On October 8, 1986, as Item 15-L, the Board of Public Works approved a Lease Agreement between Wilde Lake Interfaith Religious Center, Inc. (Interfaith Center, Inc.) and the MTA, which provided 30 parking spaces at the Interfaith Center in Columbia for bus patrons using the express service from Columbia to downtown Baltimore.

Additional one-year extensions to the lease were approved by the Board of Public Works on December 9, 1987, as Item 7-L-MOD, October 26, 1988, as Item 3-L-MOD, and October 18, 1989, as Item 5-L.

The MTA requests the Board of Public Works' approval to a one-year renewal of the lease with the same terms and conditions.

Board of Public Works Action - The above-referenced Item was:Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAREAL PROPERTY ACQUISITIONITEM: 9 -RPMARYLAND AVIATION ADMINISTRATION: Baltimore/Washington International Airport (BWI)

REFERENCE: Approval is requested for the purchase of real property, as identified below, for the purpose of removing residents on a voluntary basis from an area exposed to noise levels unacceptable for residential land use.

SPECIAL CONDITIONS: None

OWNER: Steven A. Claudy

OWNERSHIP: Mr. Claudy's parents originally purchased the property on December 7, 1976 and conveyed 1/2 interest to their son on January 29, 1987. On June 7, 1990, Mr. Claudy's parents conveyed their remaining 1/2 interest to their son vesting total fee simple title in Steven A. Claudy.

PROPERTY ADDRESS: 7206 Bentwoods Road
Hanover, MD

ACREAGE: +1.0 Acre

ASSESSED VALUE: \$140,639.00 (Fiscal 1991) Assessment - Full Cash Value

OPTION DATE: August 28, 1990

OPTION PERIOD: Six (6) Months

PRICE: Not to exceed \$212,000.00 plus eligible Relocation Assistance payments.

APPRAISED VALUE: This property was appraised by Mr. John V. McDonough on November 10, 1989 as having a market value of \$212,000.00. On February 1, 1990 Mr. Melville E.

CONTINUED

ITEM: 9-RP
Continued

BPW--10/10/90

Peters appraised the property as having a value of \$270,000.00. MAA's Review Appraiser, Mr. Frank T. Haas, has reviewed both appraisals and selected Mr. McDonough's report as most indicative of market value.

FUND SOURCE:

80% Federal Funds
20% Special Funds budgeted to MAA and recovered through airline landing fees.

Appropriation Code: 29.09.00.03
Object/Subobject Code: 14.10
Title of Program: Voluntary Noise Acquisition Program

REMARKS:

The subject property is to be acquired under the MAA's Voluntary Noise Acquisition Program. This property lies within the designated project area for which a Federal Grant has been received. Good, marketable title to this property is vested in Steven A. Claudy by virtue of a Deed dated June 7, 1990 and recorded among the Land Records of Anne Arundel County in Liber 5103, Page 794.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW—10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAREAL PROPERTY ACQUISITIONITEM: 10 -RPMASS TRANSIT ADMINISTRATION: Central Light Rail LineREFERENCE: Approval is requested for the purchase of real property, as identified below, for use in construction of the Central Light Rail Line.SPECIAL CONDITIONS: The subject property is a vacant service station site and contains underground tanks. The property owners must execute a form issued by the Maryland Department of Environment confirming satisfactory removal of the tanks.OWNER: Carroll Trust, Inc.OWNERSHIP: February 2, 1990PROPERTY: Approximately 14,045 square feet of land located at 7183 Baltimore and Annapolis Boulevard in Glen Burnie, Anne Arundel County, MD; further identified on Anne Arundel County Tax Map 4, as Block 23, part of Parcel 863, Lots 248-252, Plat of Ferndale Farms, Section C, improved.FULL CASH VALUE:
Land: \$53,040.00
Improvements: \$52,180.00ASSESSMENT: \$44,715.00OPTION DATE: July 3, 1990OPTION PERIOD: Six (6) MonthsPRICE: \$230,000.00APPRAISED VALUE: \$238,000.00 - Eugene L. Jones
07/26/89\$204,200.00 - Franc X. Korber
06/27/89

CONTINUED

10-10-90

OPTION CONTRACT
(PURCHASE ENTIRE PROPERTY)
with the
MASS TRANSIT ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

CASE NO. 37
PROJECT NO. CLRL

THIS OPTION CONTRACT, granted this _____ day of _____ in
the year 1990.

BY:

Name

Address

Alvin Lapidus, President

Hilton Plaza, Suite 22

Carroll Trust, Inc.

Reistertown Road & Beltway

and the following, who join in this option for the purpose of
agreeing to release the land, improvements and/or rights
hereinafter described from the operation and effect of any
mortgage and/or lien which they may hold upon the property of the
above mentioned persons.

the parties of the first part, hereinafter called the "GRANTORS",
to the MASS TRANSIT ADMINISTRATION of the DEPARTMENT OF
TRANSPORTATION, acting for and on behalf of the STATE OF
MARYLAND, party of the second part, hereinafter called "GRANTEE".

(A) WHEREAS, the said "GRANTEE" proposes to lay out, open,
grade, establish, construct and make certain capital improvements
as a part of the CENTRAL LIGHT RAIL LINE, together with the
appurtenances thereto, belonging, shown on the plans designated
as Contract Number CL01 in Anne Arundel *County*.

(B) WITNESSETH: That in consideration of the mutual benefits,
inuring to each of the parties hereto and the covenants and
agreements between them, incorporated herein, beneficial to each
of the parties to this agreement, the said "GRANTORS" do hereby
give and grant to the "GRANTEE", its successors and assigns, the
exclusive right and option to purchase at any time during the
period six (6) months from the date hereof, for the sum of
~~Two Hundred Thousand and 00/100 Dollars (\$200,000.00)~~ 30,000 *anna*
thirty anna

ALL OF THE LAND AND PREMISES, lying in the County aforesaid,
State of Maryland, and being All of THE SAME LAND AND
IMPROVEMENTS WHICH BY DEED DATED February 2, 1990 and recorded
among the Land Records of Anne Arundel *County* in Liber 4981
Folio 290 was conveyed by Frederick W. and Rita Vollerhausen
to Carroll Trust, Inc.

TOGETHER with the buildings and improvements thereupon erected,
made or being and all and every rights, alleys, ways, waters,
privileges, appurtenances and advantages, to the same belonging,
or in anywise appertaining.

(C) IT IS HEREBY UNDERSTOOD AND AGREED THAT THE "GRANTORS" WILL DO THE FOLLOWING:

The Grantors must submit an executed Tank Removal Form, issued by Maryland Department of Environment (MDE), which confirms that underground tanks on the property have been satisfactorily removed. If additional remedial measures are stipulated on the Tank Removal Form to improve the site, the Grantors must submit a Letter of Compliance, issued by MDE, which confirms that remedial measures have been satisfactorily executed.

(D) BE IT HEREBY FURTHER UNDERSTOOD AND AGREED by the "GRANTORS" herein, that upon the exercise of this option by the "GRANTEE", said "GRANTORS" will, upon demand, convey unto the Mass Transit Administration of the Maryland Department of Transportation (or to such persons as may be designated by the "GRANTEE"), by a fee simple special warranty deed or deeds, title to be good and merchantable, free and clear of all liens and encumbrances, except as specified herein, the same to be delivered to the office of the "GRANTEE" at Baltimore, Maryland, or to a duly appointed Agent, acting for the "GRANTEE".

(E) IT IS HEREBY FURTHER UNDERSTOOD AND AGREED by the "GRANTORS" herein, that the deed or deeds and other instruments of conveyance must meet the approval, as to the title to the land and premises, and as to the form and legal sufficiency of the conveyances themselves, of the Assistant Attorney General of the State of Maryland, assigned to the said "GRANTEE". Payment to be made upon receipt of the deed and the hereinbefore mentioned approval, by check from the Treasurer of the State of Maryland. Deed stamps, transfer tax and recording costs, where necessary, will be paid by Grantee. Current real property taxes on the hereinbefore described premises shall be apportioned as of the date the "GRANTEE" takes possession, or upon the actual transfer of title to the property to the "GRANTEE", whichever occurs first. For the purpose of this option, settlement shall be on or before 90 days from the date of signing of this option, time being of the essence. Notice of election to exercise the option herein granted shall be given by the "GRANTEE" in writing by registered mail, addressed to the "GRANTORS", or its agent.

(F) IT IS HEREBY FURTHER UNDERSTOOD AND AGREED THAT THE "GRANTEE", its members, officers, agents, employees or contractor(s) may enter in and upon the hereinbefore described premises and proceed with the construction of the said CENTRAL LIGHT RAIL LINE and its appurtenances, immediately upon the mailing by the "GRANTEE" to the hereinafter specified Grantor or Agent by registered mail of a notice of the exercise of this option by the "GRANTEE". The taking possession of said land and premises by the "GRANTEE", however, shall not be construed as a waiver of any objection to title.

(G) IT IS FURTHER UNDERSTOOD AND AGREED THAT THE "GRANTORS" herein do hereby authorize and designate: (Name) Alvin Lapidus (Address) Pikesville, Maryland to receive as their agent the notice of the exercise of this option and request that the check for the amount hereinbefore set forth be made payable to:

(H) IT IS HEREBY FURTHER UNDERSTOOD AND AGREED THAT THE contents of this option and the exercise thereof shall be binding upon the Grantors, its successors, heirs, personal representatives and assigns and shall comprise the entire contract and that no verbal representations made before or after the signing hereof, or anything not herein written, shall vary the terms of this option, and that the "GRANTEE" shall have no further obligation or liability for the results of construction, reconstruction, maintenance or further construction of said Central Light Rail Line.

IN WITNESS WHEREOF THE GRANTORS have hereunto set their hands and seals. SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

CARROLL TRUST, INC.

ATTEST: Kimberly A. Davis BY: Alvin Lapidus (SEAL)
ALVIN LAPIDUS, PRESIDENT

STATE OF MARYLAND *COUNTY*CITY of Anne Arundel

I hereby certify that, before me, the subscriber a NOTARY PUBLIC of the State of Maryland, in and for Anne Arundel *City*County personally appeared Alvin M. Lapidus

and each severally acknowledged the foregoing agreement to be *his*~~her~~~~or~~~~their~~ respective act, or *to be the act of the said body corporate. (NOTE: *Strike out the words not applicable.)

AS WITNESS MY HAND AND NOTARIAL SEAL, THIS 3rd DAY OF July IN YEAR 1992.

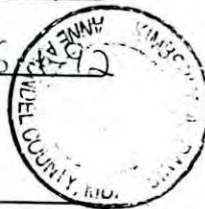
Kimberly A. Davis
NOTARY PUBLIC

My Commission expires: 6-1-92

EXERCISED BY THE MASS TRANSIT ADMINISTRATION

DATE _____

BY _____
Administrator/General Manager



ITEM: 10-RP
Continued

BPW--10/10/90

FUND SOURCE:

100% Special Funds budgeted to MTA

Appropriation Code: 29.08.01.05

Object/Subobject: 14.35

Title of Program: Rail Capital

REMARKS:

The subject property consisting of approximately 14,045 square feet of land and improved with a vacant service station, gas pumps, pavement, and buried fuel tanks is required for a proposed traction power substation for MTA's Central Light Rail Line project.

The review appraiser approved both appraisals as representing a range of value for the subject. An option contract based on the lower appraisal was presented to the property owners but was rejected. The property owners have agreed to an option price of \$230,000.00 and have executed an option contract.

Board of Public Works' approval to the acquisition of the property is requested. There is no relocation involved with this acquisition.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion *

Without Discussion

Received

* - The Board requested that pages 164 through 166 be included in the official record.

BPW-10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAREAL PROPERTY ACQUISITIONITEM: 11-RPSTATE RAILROAD ADMINISTRATION: Maryland Commuter Rail Service (MARC)REFERENCE: Approval is requested for the purchase of real property as identified below, for use as a new commuter rail station facility at Dorsey, MD in Howard County.OWNER: Dorsey Business Center, L.P.OWNERSHIP: November 8, 1984PROPERTY: All the land shown as Parcel G in Dorsey Business Center containing a total of 6.7154 acres in fee simple. Being the land conveyed by Dorsey Enterprises, Inc. to Dorsey Business Center L.P. by Deed dated November 8, 1984 and recorded in the land records of Howard County, Maryland in Liber 1300, Folio 547.ASSESSED VALUE: \$111,200.00OPTION DATE: September 10, 1990OPTION PERIOD: Ten (10) daysPRICE: \$1,158,041.00APPRAISED VALUE: \$1,108,041.00 (Parcel G only)FUND SOURCE: 100% Special Funds Budgeted to SRA

Appropriation Code: 29.03.01.03

Object/Subobject: 14.82

Title of Program: Railroad Facilities &
Capital EquipmentREMARKS: The appraisal of \$1,354,550.00 is for Parcel G & H. We are purchasing only Parcel G. See page 10A of Appraisal for breakdown. This parcel is being acquired along with adjacent

CONTINUED

ITEM: 11-RP
Continued

BPW—10/10/90

Parcel F (Agenda Item 8-RP) as a site for a new MARC commuter rail station on the Camden Line. The new station had been identified as part of the MARC strategic plan and is included in the Department's 6-year capital program. A site selection study, environmental assessment and public hearing on this location has been completed. Howard County supports the selection of this site for a new station.

Settlement is \$50,000.00 over appraisal. Owner pointed out that appraiser reduced value of land due to stormwater management pond which was waived by Howard County.

This item was previously withdrawn at the Board of Public Works Meeting on September 19, 1990 as Item 5-RP.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAREAL PROPERTY ACQUISITIONITEM: 12 -RPSTATE RAILROAD ADMINISTRATION: Maryland Commuter Rail Service (MARC)REFERENCE: Approval is requested for the purchase of real property as identified below, for use as a new commuter rail station facility at Dorsey, MD in Howard County.OWNER: S/K Dorsey Associates, L.P.OWNERSHIP: October 9, 1987PROPERTY: All the land shown as Parcel F in Dorsey Business Center containing a total of 5.42344 acres in fee simple. Being the land conveyed by Dorsey Business Center L.P. to S/K Dorsey Associates L.P. by Deed dated October 9, 1987 and recorded in the land records of Howard County, Maryland in Liber 1733, Folio 655.ASSESSED VALUE: \$156,810.00OPTION DATE: September 10, 1990OPTION PERIOD: Ten (10) daysPRICE: \$1,464,350.00APPRAISED VALUE: \$1,464,350.00 (Parcel F only)FUND SOURCE: 100% Special Funds budgeted to SRA

Appropriation Code: 29.03.01.03

Object/Subobject: 14.82

Title of Program: Railroad Facilities &
Capital EquipmentREMARKS: This parcel is being acquired along with adjacent Parcel G (Agenda Item 5-RP) as a site for a new MARC commuter rail station on the Camden Line. The new station had been identified as part of the MARC strategic plan and is included in

CONTINUED

ITEM: 12 -RP
Continued

BPW--10/10/90

the Department's 6-Year Capital Program. A site selection study, environmental assessment and public hearing on this location has been completed. Howard County supports the selection of this site for a new station.

This item was previously withdrawn at the Board of Public Works Meeting on September 19, 1990 under Item 6-RP.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn ✓

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAMISCELLANEOUSITEM: 13-GMMARYLAND AVIATION ADMINISTRATION: Baltimore/Washington International Airport (BWI)NATURE OF REQUEST: Approval of Agreement MAA-SP-90-022 to provide soundproofing for the Arthur Slade Regional Catholic SchoolFUND SOURCE: 80% Federal Funds
20% Special Funds budgeted to MAA

Appropriation Code: 29.09.00.03

Object/Subobject: 5131415

Title of Program: School Soundproofing

REMARKS: Arthur Slade Regional Catholic School, built in 1954, is within the Airport's Noise Zone and located approximately one mile from the approach ends of BWI's Runways 28 and 33R. The Maryland Aviation Administration (MAA) proposed as part of the noise mitigation measures connected with the extension of the General Aviation Runway the soundproofing of Slade School. The Slade soundproofing proposal was subsequently adopted and required by the FAA in its July 14, 1989 Record of Decision, approving the Environmental Impact Study for the extension of Runway 15L-33R (The General Aviation/Commuter Runway).

The school's soundproofing is estimated to cost approximately \$3,500,000.00. Construction is contingent upon federal financial participation, expected to be at 80% and the balance of expenses would be paid by the MAA and recovered through air carrier landing fees.

The Archdiocese of Baltimore, record owner of the school property, as part of the Agreement, shall grant to the State of Maryland an avigation easement, relieving the State of liability for damage arising, or perceived to arise, from aircraft overflight, noise and associated effects in exchange for the soundproofing modifications.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAMISCELLANEOUSITEM: 14-GMSTATE RAILROAD ADMINISTRATION: MARC Train ServiceNATURE OF REQUEST: Sole source procurement for the initiation of AT&T InfoWorx interactive voice response system service.CONTRACTOR: AT&T
Bridgewater, NJAMOUNT: \$0.10/minute rate (equivalent to \$50,829.00 based on current annual numbers and length of calls)FUND SOURCE: 100% Special Funds budgeted to SRA

Appropriation Code: 29.03.01.01
Object/Subobject: 03.10
Title of Program: General AdministrationDURATION: One (1) year from date new system is operational (no later than 10 weeks from Notice to Proceed).REMARKS: SRA has had a MARC Train Service "800" information number since 1984. Until recently, calls were answered by SRA secretarial staff. As the number of calls increased, an automatic interactive voice response system was installed as part of a demonstration project. This system has been proven to be effective in answering calls as well as expanding access to information for potential customers to 24 hours per day/seven days per week.

SRA now desires to procure a new interactive voice response system, InfoWorx, offered by AT&T. The InfoWorx system is offered as part of AT&T's MEGACOM 800 long distance service promotion. Previously, SRA, with the assistance of the Department of General Services, had selected the MEGACOM 800 service as the long distance carrier. The combined long distance service and interactive voice response system offered by AT&T will provide the following:

CONTINUED

ITEM: 14 -GM
Continued

BPW--10/10/90

- o The AT&T MEGACOM/InfoWorx system would result in both substantial one-time and long term savings. There would be an immediate reduction of over \$40,000.00 annually plus greater savings as volume increases.
- o The InfoWorx service is part of a larger system fully maintained by AT&T facility avoiding maintenance costs and downtime.
- o SRA would not have to purchase separate hardware for an interactive voice response system similar to that currently being leased saving \$30,000.00 - \$50,000.00 for the system hardware and approximately \$20,000.00 in other hardware to "marry" MEGACOM 800 service and an interactive voice response unit.
- o The MEGACOM/InfoWorx system would permit up to 64 incoming lines on an as-needed basis, as a result of continuous monitoring by AT&T. The current service has only 8 lines.
- o SRA would retain the existing "800" number under AT&T which is critical to SRA's marketing and print efforts. A switch to MCI or US Sprint would require a change in the "800" number.
- o Comparable long distance/interactive voice response service is not provided by MCI, U.S. Sprint or any other known carrier.

Board of Public Works Action - The above-referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

BPW--10/10/90

DEPARTMENT OF TRANSPORTATIONACTION AGENDAGENERAL/MISCELLANEOUSITEM: 15 -GMTHE SECRETARY'S OFFICENATURE OF REQUEST:

Submission of a request by the Department of Transportation, made by the Secretary of Transportation, for the adoption of resolutions authorizing the issuance and sale by the Department of Transportation of up to \$210,000,000.00 Department of Transportation, Consolidated Transportation Bond Anticipation Notes - Series 1990 or up to \$210,000,000.00 Department of Transportation, Consolidated Transportation Bonds - Series 1990 (Second Issue) at a public sale to occur on or about October 31, 1990, unless the Department determines that it is appropriate to delay the sale date, such Notes and Bonds being authorized by Subtitle 2 of Title 3 of the Transportation Article of the Annotated Code of Maryland. The issuance of bonds or notes is predicated on providing the maximum amount of flexibility up to the time of sale because of bond market uncertainties.

Board of Public Works Action - The above-referenced Item was:

Approved ✓

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

Received

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 1-C

DEPARTMENT OF NATURAL RESOURCES
(Capital Programs Administration)

Janes Island State Park
Somerset County

CONTRACT NO. AND TITLE

P-057-881-001 & P-057-882-002
Shower Building & Picnic Shelter

DESCRIPTION

Construction of a shower building in the camping area and a picnic shelter and parking lot in the group use area.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

Base Bid

Mervin L. Blades & Son, Inc. - Pocomoke City, MD	\$262,373
Richard D. Wheatley, Inc. - Princess Anne, MD	\$290,846
Beauchamp Const. Co. - Pocomoke City, MD	\$292,200
Carl J. Williams & Sons, Inc. - Delmar, MD	\$306,109

AWARD

Mervin L. Blades & Son, Inc.

AMOUNT

\$262,373

FUND SOURCE

\$207,300 - Item 032, GCL 1988
"Construct Shower Building"

\$ 55,073 - Item 014, CA 1989
"Construct Picnic Shelter"

REMARKS

Estimated cost was \$280,000.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

DLJISP.RT

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 2-C

DEPARTMENT OF NATURAL RESOURCES
(Capital Programs Administration)

Soldiers Delight Natural
Environmental Area
Baltimore County

CONTRACT NO. AND TITLE

P-041-861-101
Exhibit Room Addition

DESCRIPTION

Addition of exhibit room and patio to Multi-purpose
Building.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

Amount

Tech Contracting Co. - Baltimore, MD	\$158,400
Harbor View Contractors, Inc. - Baltimore, MD	168,350
North Point Builders, Inc. - Baltimore MD	168,388
L. A. Hilde Associates, Inc. - Hunt Valley, MD	172,900
R. V. Crowley, Inc. - Rockville, MD	194,177
Key Associates, Inc. - Owings Mills, MD	197,000
J. Cirelli General Contractors Inc. - Severna Park, MD	210,000
T. W. Boys Co., Inc. - Cooksville, MD	237,250

AWARD

Tech Contracting Co.

AMOUNT

\$158,400

FUND SOURCE

\$147,312 - Item 101, Program Open
Space - State Share
\$ 11,088 - General Construction
Contingency Fund

REMARKS

The construction cost estimate was \$175,000.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

RWUMS.RT

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONTRACT MODIFICATION (Construction)

ITEM 3-C-MOD

UNIVERSITY OF MARYLAND SYSTEM

University of Maryland
Baltimore County

ORIGINAL CONTRACT NO. & TITLE

UA-000-851-001
Computer Science/Engineering Building

ORIGINAL CONTRACT APPROVED

Item 1-C, DGS Agenda 9/27/89

CONTRACTOR

Triangle General Contractors, Inc.
Hanover, MD

MODIFICATION

Change Order 9 covers the cost to remove additional
trench rock and open excavation rock at contract unit
costs.

MODIFICATION AMOUNT

\$ 168,800.30

ORIGINAL CONTRACT AMOUNT

\$16,880,000.00

CHANGE ORDERS PREVIOUSLY APPROVED

\$ 51,192.89

REVISED CONTRACT AMOUNT

\$17,099,993.19

PERCENTAGE INCREASE

Less than 1% by contract modification

FUND SOURCE

Item 031, GCL 1989
"Construct Computer Sciences
and Engineering Building..."

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

RWUMS2.RT

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 4-M

DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Spring Grove Hospital Center
Baltimore County

CONTRACT NO. AND TITLE

AU-113-850-020 Asbestos Abatement
and Reinsulation - White Building

DESCRIPTION

This project provides for the removal of all asbestos containing materials in the attic of the White Building. Contractor will then reinsulate. This is a major project requiring four (4) phases of work in an occupied building.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

AMOUNT

WACO, Inc. - Hanover, Md.	\$490,775
BCB Construction, Inc. - Baltimore, Md.	\$496,500
ACI Chesapeake Inc. - Jim Thorpe, Pa.	\$582,500
Kleen-All - Glenshaw, Pa.	\$637,822
Asbestos Engineering, Inc. - Baltimore, Md.	\$779,000
Riparius Environmental Services - Timonium, Md.	\$830,000
DML Corporation - Phoenix, Md.	\$883,400
BARCO Enterprises - Baltimore, Md.	\$998,900

AWARD

WACO, Inc.

AMOUNT

\$490,775.00

FUND SOURCE

\$351,337.30 - Item 002, CA 89
"Abate Asbestos Hazards Statewide."
\$139,437.70 - Item 093, CA 90
"Abate Asbestos Hazards Statewide."

REMARKS

The construction cost estimate for this project was \$500,000.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION RELATED SERVICE CONTRACT

ITEM 5-S

DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

Division of Correction

CONTRACT NO. & TITLE

9030-01 Home Detention System

DESCRIPTION

This contract provides for a leased electronic home detention system for use with the Division of Correction's new home detention program. The term of the contract will be October 15, 1990 to August 31, 1993.

PROCUREMENT METHOD

Competitive Sealed Proposals

BIDS OR PROPOSALS

Vorec Corporation	Tarrytown, NY	\$547,900 (est.)
Hitek Community Control Corp.	Ft. Lauderdale, FL	Not Susceptible of Award
BI Incorporated (Contrac version)	Boulder, CO	Not Susceptible of Award
BI Incorporated (Home Escort version)	Boulder, CO	Not Responsible
Guardian Technologies	Cincinnati, OH	Not Responsible
Mitsubishi Electric Sales America, Inc.	Cypress, CA	Not Responsible

AWARD

Vorec Corporation

AMOUNT

\$547,900 (est.)

The basic cost is \$555.55/mo. for the central control unit and \$4/day for each home subsystem. There are options to purchase additional equipment at fixed prices and there is an option to purchase the system at the end of the contract for a balloon payment of \$130,000.

FUND SOURCE

100% Special Fund Income (Inmate Fees)

Approp. Code:

35.02.01. Division of Correction Headquarters
SubProgram .002 (Classification, Education and Religious Supervision)
Object .08 (Contractual Services)
SubObject H08 (Equipment Rental)

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION RELATED SERVICE CONTRACT

ITEM 5-S (Cont'd.)

REMARKS

The Division is authorized under Art. 27, Sec. 689A, effective July 1, 1990, to operate a program that allows certain inmates to live in private dwellings outside of a correctional facility. In the FY91 budget, \$51,240 was appropriated as Special Fund Income (Inmate Fees) and \$427,757 of General Fund Appropriation was allocated specifically for the Home Detention program. The Inmate Fees will be collected to offset the cost of the leased equipment. In FY91, the home detention equipment lease is estimated to be \$42,016 assuming that there will be a gradual build up to forty persons in the program by the end of March, 1991. In FY92, the lease is estimated to be \$155,992 with the number of persons in the program increasing to 140 by the end of April, 1992. In FY93, the lease is estimated to cost \$349,892 based on the expectation that there will be 300 persons in the program by the end of May, 1993.

The recommended electronic home detention system operates to notify the Division if the inmate is not at his or her home when assumed to be. The inmate wears a small, battery operated transmitter around the ankle at all times. This transmitter has a range of about 200 feet and it is installed on the inmate by the Division. The transmitter sends a coded signal every few seconds to a receiver in the inmate's home.

The receiver is programmed to expect that the inmate will leave at certain times to go to work or to go to treatment programs. If the receiver loses the signal when it does not expect to, the receiver uses its secondary voice recognition technology to check whether the inmate has really left or whether the inmate has just accidentally hit a null spot, such as an iron bathtub, that blocks the transmitter's signal. If the inmate fails the voice test, the receiver, which is connected to the inmate's home phone, calls and notifies the Division that the inmates may have left the home without approval.

To keep the inmate from simply taking the transmitter off and leaving, the strap holding the transmitter onto the ankle is wired so that if the inmate breaks the strap to remove the transmitter, the transmitter alerts the receiver that the inmate is tampering with it. It is very difficult to remove the transmitter without breaking the strap. To reduce the possibility that the inmate could bypass the tamper circuit and leave without the Division knowing about it, the system randomly makes the inmate take one or more secondary voice recognition tests every day.

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION RELATED SERVICE CONTRACT

ITEM 5-S (Cont'd.)

REMARKS (Cont'd)

Other system features handle various other problems such as disconnecting the receiver and power failure. Further, the Division can manually override the control computer at the Home Detention Unit Offices on Guilford Ave. and electronically check on an inmate or check the integrity of the equipment at any time.

The Division called the transmitter/receiver combination the primary subsystem. Every offeror had a similarly designed primary subsystem. The major hardware differences among the offerors lay in the secondary subsystem. Some, such as Vorec, used various types of voice recognition technology; Mitsubishi used video transmission technology; and Hitek used a technology that checked for the physical presence of the ankle transmitter.

The Division's primary concern when evaluating the proposals was protecting the safety of the community. In the evaluation process, it discovered that every system proposed, other than the Vorec system, either was not designed with enough physical security or did not have enough field experience to adequately demonstrate that it would operate securely. Consequently, every system except Vorec's was eliminated from competition.

The Division determined that Hitek proposal was Not Susceptible of Award because its secondary subsystem checked only for the physical presence of the ankle transmitter. If the inmate managed to bypass the tamperproofing and he had a confederate put the transmitter into the Verifier hardware when requested, the Division would not know that the inmate was gone until a physical residence check was done.

The Division determined that BI proposal (Contrac version) was Not Susceptible of Award because it did not have any tamper notification. Consequently, the Division would not have a chance of knowing that the inmate was gone until a random secondary subsystem check was made.

The Division determined that BI (Home Escort version) was Not Responsible because the integrated system proposed had never been used by anyone else. The components, such as the primary and secondary subsystems, had been used separately but they had never before been integrated into a single computer controlled system.

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION RELATED SERVICE CONTRACT

ITEM 5-S (Cont'd.)

REMARKS (Cont'd)

The Division determined that Guardian was Not Responsible because the integrated system proposed had only been marketed since April, 1990. Although Guardian, itself, had been using the system as a Service Bureau, it felt that it had only recently perfected its system to the point that it could sell the system for public operation.

The Division determined that Mitsubishi was Not Responsible because the integrated system proposed had only been marketed since April, 1990. Further, a current user of the system is experiencing problems with water resistance and with the tamperproofing in the transmitter strap.

Although the Division eliminated every system except Vorec's from competition, the Division is optimistic that the procurement situation will become very competitive in the future. As the vendors of integrated home detention systems gain experience with their technologies and can demonstrate with field experience that their systems are secure, the State will be able to choose an electronic home detention system on the basis of price as well as security. As for this procurement, the Division has determined that the price submitted was fair and reasonable since it was less than what the Division had anticipated.

This item was deferred at the August 8, 1990 meeting of the Board of Public Works.

Board of Public Works Action - The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

PSCSHD.BPW

WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR



BISHOP L. ROBINSON
SECRETARY

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

SUITE 310, PLAZA OFFICE CENTER
6776 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215-2341
(301) 764-4000
TTY FOR THE DEAF: 486-0677

September 27, 1990

The Honorable William Donald Schaefer
Governor

The Honorable Louis L. Goldstein
Comptroller

The Honorable Lucille Maurer
Treasurer

Board of Public Works
Room 309
Louis L. Goldstein Treasury Building
Annapolis, MD 21401

Dear Members of the Board:

The 1990 General Assembly authorized the Division of Correction to house selected inmates in the inmates' homes rather than in traditional prisons. Through this home detention program, the Legislature allowed the Division to put into the community inmates who have progressed through the system and have been assigned to work release status -- that is, they now work in the community during the day and return to the institution at night. This program will allow them, under strict supervision, to return to their residences at night rather than the institution.

Although the Division's home detention program has some similarities to the programs in Juvenile Services and in some of the local jurisdictions where HITEK's equipment is being used, the Division's program has fundamental differences because it deals with different types of inmates. The Legislature recognized the security needs involved and gave the Division authority which the other programs in this State do not have:

First, it authorized the officers supervising these inmates to be armed.

Second, it authorized the Division to be able to immediately put an inmate back behind bars at any time, for any reason, without a court order.

The Division recognizes the responsibility which the General Assembly has given, and it is planning to provide the level of security which the Legislature expects:

First, the Division will be actively supervising these inmates 24 hours a day. Notification of potential violations will be investigated on site at any time of the day or night using armed officers traveling in cars equipped with radios operating on a State Police radio frequency.

Second, the Division wants to use the most secure electronic home detention system available, the VOREC system, which is capable of identifying an inmate by electronically checking his voiceprint. The HITEK system electronically checks for the presence only of a tamper resistant bracelet that the inmate should be wearing. The degree of security provided by the VOREC system, as opposed to the HITEK system, of identification is similar to the level of security afforded by using fingerprints, as opposed to credit cards, for identification.

Third, it is building its program gradually in order to safely gain the practical experience it will need to securely operate the largest electronically monitored home detention program in the State, with 300 inmates under supervision in 1993.

Finally, the Division's program is different from the other HITEK-based programs currently operating in the State in that the Legislature has authorized the Division to collect a reasonable fee to cover the cost of electronic supervision. The other programs are paying all of the costs themselves.

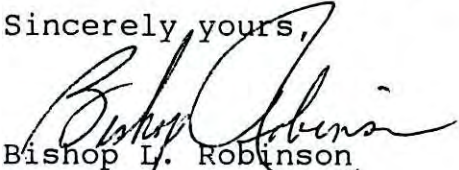
As mentioned earlier, the Division's program has fundamental differences from the programs in some of the local jurisdictions where HITEK's equipment is being used. A chart comparing the various HITEK-based programs to the Division's program is attached.

In fact, as a result of the Board of Public Works' direction, Mr. Arthur Ford, Director of the Home Detention Program, visited the Prince Georges County project. This program does not have personnel on duty 24 hours per day every day as the Division's program will have; the County's program is authorized by the Courts, whereas the Division's program is sanctioned by the Legislature; and Prince Georges County personnel need a court order to retake a prisoner, whereas the Division will be able to take an inmate back with no delay.

Comparing the Prince Georges County program to the Division's is not intended to demean the Prince Georges County program or any other program in the State since all of them are similarly structured. Prince Georges County designed that program to serve a particular type prisoner. The comparison is made only to show

(1) that Prince Georges County's use of the HITEK equipment is consistent with the lower level of security that the County's prisoners need and (2) that the Division's rejection of the HITEK equipment is consistent with the overall greater level of security which its program needs and provides.

Sincerely yours,



Bishop L. Robinson
Secretary

BLR/lib

Attachment

ELECTRONIC MONITORING OPERATIONAL COMPARISON
DOC VS. LOCAL OPERATIONS USING HITEK EQUIPMENT

TYPE OF ELECTRONIC MONITORING EQUIPMENT	DOC/ Hybrid w/ Biometric Verifier (VOREC) 1990	BCJ Random Calling (HITEK) Since 1986	PG CO. Hybrid w/Electronic Verifier (HITEK) Since 1986	DJS Random Calling (HITEK) Since 1989	Kent Co. Random Calling (HITEK) 1986-1989
PRIMARY BASIS OF VENDOR SELECTION	Security	Low Bid	Low Bid	Sole Source	Sole Source
INMATE SIZE MAX/ACTUAL	40/begin 10/90	200/130	80/40-60	60/50	10/2-3
AUTHORIZATION	Article 27 Section 689A	Court Order	Court Order	Court Order	Court Order
INMATE OFFENSES	Property; Possession CDS	Property, Possession CDS; pretrial Some Assaults	Property Possession CDS	Juvenile; all types of offenses	DWI; Traffic
ELIGIBILITY CRITERION	Restricted by Law; COMAR	General Guidelines Non-Binding	Criterion, but can be over-ridden by court	Guidelines; Very General	Detailed Criterion; but was overridden by court
PROGRAM STATUS	Pending Start-up	Active	Active	Active	Defunct
STAFFING	16 authorized 9 Hired	8	4	4	3
SUPERVISING STAFF/ INMATE RATIO	1:20	Open Ended	Current 1:33	1:20	1:2 max
INMATE REMOVAL	Administrative Immediate	Administrative By Court Order By next business day	Administrative by court order by next business day	Administrative	Court Order

OPERATIONAL HOURS	24 hours; 7 days a week	Daytime only	Daytime only	Daytime only	Daytime only
INMATE EMPLOYMENT	Required	Not Required	Not Required	Not Required	Not Required
ELECTRONIC MONITORING FUNDED BY	Inmate	City	County	State	Inmate
INITIAL INMATE SCREENING DONE BY	Personal Interview; Home Visit	Personal Interview; Phone	Personal Interview; Phone	Personal Interview; Phone	Personal Interview; Home Visit
INITIAL INSTALLATION OF E.M. EQUIPMENT DONE BY	Staff	Inmate	Staff	Staff	Staff
STAFF CONTACT W/INMATE AFTER PLACEMENT	Random Unannounced visits; respond to violation reports; inmate reports to office; visits to employer; Telephone	Telephone; Office Visits; Home Visits; upon violation	Telephone; Office Visits; Home Visits; upon violation	Telephone; Office Visits; Home Visits; Upon violation	Telephone; Office Visit; Home Visits; Upon violation

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EQUIPMENT CONTRACT

ITEM 6-E

UNIVERSITY OF MARYLAND SYSTEM

Maryland Fire & Rescue Institute
College Park, MD

CONTRACT NO. & TITLE

CF 90-058 (P-62796)
Rescue Equipment

DESCRIPTION

One high pressure compressor with air purification
system

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

AMOUNT

V. J. Air Systems - Hebron, Md.	\$26,573.00
Carey Machinery - Baltimore, Md.	26,675.00
Tate Engineering - Baltimore, Md.	28,824.00

AWARD

V. J. Air Systems

AMOUNT

\$26,573.00

FUND SOURCE

Item 071, GCL 1987
"Purchase capital equipment for
Building 199..."

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

90058.rc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EQUIPMENT CONTRACT

ITEM 7-E

UNIVERSITY OF MARYLAND SYSTEM

University of Maryland Eastern
Shore, Princess Anne, MD

CONTRACT NO. & TITLE

CF 90-034 (P-62196)
Research & Teaching Equipment

DESCRIPTION

Multijoint testing and exercise equipment

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

AMOUNT

Alan G. Day, Corp. - Timonium, Md.

\$55,522.50

AWARD

Alan G. Day Corp.

AMOUNT

\$55,522.50

FUND SOURCE

Item 072, GCL 1988

"Purchase capital equipment for use in
former Somerset Junior High School
and Bird Hall..."

REMARKS

Recommend approval of this single bid to the above vendor who is the only exclusive authorized dealer. The price is fair and reasonable and includes a 4% educational discount. The non-responsive bidder failed to meet eight (8) major elements of the bid specifications.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

90034.rc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EQUIPMENT CONTRACT

ITEM 8-E

UNIVERSITY OF MARYLAND SYSTEM

University of Maryland
Eastern Shore, Princess Anne, MD

CONTRACT NO. & TITLE

CF 90-033 (P-62417)
Research Equipment

DESCRIPTION

One ECG treadmill and monitoring system

PROCUREMENT METHOD

Sole Source

BIDS OR PROPOSALS

AMOUNT

Quinton Instruments - Seattle, Wa.

\$29,186.40

AWARD

Quinton Instruments

AMOUNT

\$29,186.40

FUND SOURCE

Item 072, GCL 1988

"Purchase capital equipment for use in
former Somerset Junior High School and
Bird Hall..."

REMARKS

UMES is collaborating in research activities with Howard University in cardiac rehabilitation program. UMES equipment must be compatible and interchangeable with the same equipment being used at Howard University. The price is fair and reasonable and includes a 9% discount from list price.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

90033.rc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EQUIPMENT CONTRACT

ITEM 9-E

UNIVERSITY OF MARYLAND SYSTEM

Horn Point Environmental Labs
Cambridge, MD

CONTRACT NO. & TITLE

CF 90-056
Research Equipment

DESCRIPTION

One preparative ultracentrifuge (90,000 RPM)

PROCUREMENT METHOD

Sole Source

BIDS OR PROPOSALS

AMOUNT

Beckman Instruments - Columbia, MD.

\$68,691.75

AWARD

Beckman Instruments

AMOUNT

\$68,691.75

FUND SOURCE

Item 062, CA 1990
"Purchase capital equipment for Marine
Science Laboratory..."

REMARKS

This ultra-speed unit, 90,000 RPM, is needed to carry on the research activities at Horn Point. Many researchers will be using this unit so the ultra-speed is necessary to reduce back-ups and eliminate long waiting periods. The price is fair and reasonable and includes a 14% discount from list price plus a \$6000 trade-in allowance. Beckman is the only manufacturer of ultra-speed centrifuges.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

90056.rc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL/MISCELLANEOUS

ITEM 10-GM

REFERENCE

U-652-846-001

Alterations and Addition to Computer and
Space Science Building
University of Maryland College Park
Sverdrup Corporation

DESCRIPTION

In accordance with provisions of the "Policy for Delegation of Construction Projects to the University of Maryland" adopted by the Board of Public Works on April 27, 1988, approval is requested to transfer to the University of Maryland System additional funds to support the above referenced architectural/engineering contract.

This request of \$53,377.00 for transfer of funds covers currently projected costs to complete the project. The additional funds for change orders total \$53,377. This request represents less than 3% of the revised contract amount.

AMOUNT

\$53,377.00

FUND SOURCE

Item 056, CA 1990
"Complete detailed plans and
specifications for Phase I..."

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Z.DOC

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL/MISCELLANEOUS

ITEM 11-GM

REFERENCE

UB-000-892-102
Operations & Maintenance Shop
University of Maryland at Baltimore
Browne, Worrall and Johnson

DESCRIPTION

In accordance with provisions of the "Policy for Delegation of Construction Projects to the University of Maryland" adopted by the Board of Public Works on April 27, 1988, approval is requested to transfer to the University of Maryland System additional funds to support the above referenced architectural/engineering contract.

This request of \$858.00 for transfer of funds covers currently projected costs to complete the project. The additional funds for change orders total \$858.00. This request represents less than 1% of the revised contract amount.

AMOUNT \$858.00

FUND SOURCE Item 054, CA 1990
"Design and prepare preliminary plans and specifications for Health Sciences Research Facility..."

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Z.DOC

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 12-RP

DEPARTMENT OF NATURAL RESOURCES

Patapsco State Park
Baltimore County - File #39/141

REFERENCE

Board of Public Works approval is requested to accept an option contract to purchase the following property with title vested in the name of the State of Maryland, to the use of the Department of Natural Resources. Title transfer documents are subject to legal review.

OPTIONOR Samuel Cataldi (deceased), Gladys Cataldi

OWNERSHIP Since 1978

PROPERTY .95 acres ± improved

ASSESSED VALUE \$57,885

OPTION DATE 10/10/90

OPTION PERIOD 6 Months

PRICE \$59,000

APPRAISED VALUE \$59,000 - Walter Lears - 6/13/90

\$52,500 - Don Pollack - 6/20/90

FUND SOURCE 81.20.03.056 Program Open Space - State's Share

REMARKS

1. The Department of Natural Resources recommends the acquisition of this property.
2. There have been no recent purchases of comparable property in this area.
3. There will be no relocation or moving costs.

Board of Public Works Action - The above referenced Item was:

Approved

disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA003.MAH

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 13-RP

DEPARTMENT OF NATURAL RESOURCES

Rocks State Park
Harford County - File #46/07

REFERENCE

Board of Public Works approval is requested to accept an option contract to purchase the following property with title vested in the name of the State of Maryland, to the use of the Department of Natural Resources. Title transfer documents are subject to legal review.

SPECIAL CONDITIONS Settlement shall occur on or before November 1, 1990.

GRANTOR Estate of Elizabeth L. Place
Stephen J. King, Personal Representative

OWNERSHIP Since 1976

PROPERTY 20.346 acres, Improved

ASSESSED VALUE \$79,590 (Land: \$38,880 - Improvement: \$40,710)

OPTION DATE 10/10/90

OPTION PERIOD 11/1/90

PRICE \$150,000

APPRAISED VALUE \$160,000 - Dolan - 7/19/90
\$124,100 - McDonough - 6/19/90

FUND SOURCE \$ 36,269.29 - Item 81.20.03.009 - Program Open Space -
State's Share
\$113,730.71 - Item 81.20.03.075 - Program Open Space -
State's Share

REMARKS

1. The Department of Natural Resources recommends the acquisition of this property.
2. There will be no relocation or moving costs associated with this acquisition.
3. There have been no recent purchases of comparable property in this project.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA122.NJT

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 14-RP

DEPARTMENT OF NATURAL RESOURCES

Seneca Creek State Park
Montgomery County - File #52/88

REFERENCE

Board of Public Works approval is requested to grant an easement on 1.2 acres of unimproved parkland owned by the Department of Natural Resources to the State Highway Administration for required storm drainage on the southwest side of Interstate 270, in exchange for an equivalent amount of land in Anne Arundel County owned by the State Highway Administration. Transfer documents are subject to legal review.

GRANTOR Department of Natural Resources

GRANTEE State Highway Administration

PROPERTY 1.2 acres land exchange

CONSIDERATION None

REMARKS

1. The Department of Natural Resources and the State Highway Administration recommend approval of this item.
2. The Clearinghouse conducted an intergovernmental review of the project under #M890929-0762 and recommended granting the easement of \pm 1.2 acres to the State Highway Administration to continue construction of I-270 North of Great Seneca Creek to South of Maryland Route 124. It is further recommended that the Department of Natural Resources, as it requested, be reimbursed for the easement in the way of replacement land from State Highway Administration equivalent to the 1.2 acres.
3. The Department of Budget and Fiscal Planning concurs with the State Clearinghouse recommendation.

Board of Public Works Action - The above referenced Item was:

Approved

disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA006.MAH

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 15-RP

DEPARTMENT OF NATURAL RESOURCES

Ellis Bay W.M.A.
Wicomico County - File #2387

REFERENCE

Board of Public Works approval is requested to accept an option contract to purchase the following property with title vested in the name of the State of Maryland, to the use of the Department of Natural Resources. Title transfer documents are subject to legal review.

SPECIAL CONDITIONS

The Grantors further agree to a gift of approximately 242 acres +/- being the balance of said parcel described below. It is further agreed that the one (1) acre +/- homesite with improvements and any and all lands lying west of Rt. 349 described on Deed liber 629, folio 196 be excluded from this option and gift.

GRANTOR/DONOR Bernard J. Blinke, Eleanor E. Blinke and
Joseph A. Bradley

OWNERSHIP Since April 23, 1966.

PROPERTY 540 acres ± unimproved (option)
242 acres ± unimproved (gift)

ASSESSED VALUE \$45,980

OPTION DATE 10/10/90

OPTION PERIOD 6 Months

PRICE \$226,800 - \$420 P/A (540 acres).

APPRAISED VALUE \$350,550 - \$450 P/A - (782 acres) W. Rayfield - 1/13/89

\$328,500 - \$420 P/A - (782 acres) M. Peters - 3/6/89

FUND SOURCE \$143,280.79 - Item 81.20.03.074 - Program Open Space -
State's Share

\$ 83,519.21 - Item 81.20.03.061 - Program Open Space -
State's Share

REMARKS

1. Department of Natural Resources recommends the acquisition of the property.
2. There will be no relocation or moving costs associated with this acquisition.
3. There have been no recent comparable sales in the immediate area.
4. The Department of Budget and Fiscal Planning has approved the gift of 242 acres.

Board of Public Works Action - The above referenced Item was:

Approved

disapproved

Deferred

~~Withdrawn~~

With Discussion

Without Discussion

LA003.MAH

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 16-RP

DEPARTMENT OF NATURAL RESOURCES

Idylwild W.M.A.
Caroline County - File #2962

REFERENCE

Board of Public Works approval is requested to accept an option contract to purchase the following property with title vested in the name of the State of Maryland, to the use of the Department of Natural Resources. Title transfer documents are subject to legal review.

<u>OPTIONOR</u>	William H. and Edna M. Weir
<u>OWNERSHIP</u>	Since March 6, 1985.
<u>PROPERTY</u>	15.412 acres ± unimproved
<u>ASSESSED VALUE</u>	\$9,320
<u>OPTION DATE</u>	10/10/90
<u>OPTION PERIOD</u>	6 Months
<u>PRICE</u>	\$23,125.50 - \$1,500 P/A
<u>APPRAISED VALUE</u>	\$30,800 - \$2,000 P/A - M. Peters - 3/24/90 \$17,200 - \$1,100 P/A - W. Rayfield - 2/7/90
<u>FUND SOURCE</u>	81.20.03.061 Program Open Space - State's Share

REMARKS

1. Department of Natural Resources recommends approval of this acquisition.
2. There will be no relocation or moving costs associated with this acquisition.
3. There have been no recent comparable purchases in this area.

Board of Public Works Action - The above referenced Item was:

Approved

disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA004.MAH

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 17-RP

DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

Maryland Historical Trust
LaVale Toll Gate House
Allegany County - File #3024

REFERENCE

Board of Public Works approval is requested to transfer the historic LaVale Toll Gate House on the Southwest side of the National Pike - US 40A, adjoining bungalow, and 2.78 acres of land from the Maryland Historical Trust to Allegany County which will assume custodianship. Transfer documents are subject to legal review.

SPECIAL CONDITIONS

1. Grantor reserves a historic preservation easement on the property.
2. Grantee shall maintain and preserve the property.
3. Grantee shall ensure the property is operated as a public museum not less than 30 days a year, and grantor may retake property if museum use is discontinued.
4. Grantee agrees to demolish the bungalow and build a bus parking lot.
5. Grantee agrees to match a state grant of \$26,800 for rehabilitation expenses.

GRANTOR State of Maryland, Department of Housing and Community
Development, Maryland Historical Trust

GRANTEE Allegany County

PROPERTY 2.78 ± acres

CONSIDERATION None

REMARKS

1. The Maryland Historical Trust and Allegany County recommend approval of this item.
2. The Clearinghouse conducted an intergovernmental review of the project under MD890807-0640 and has recommended granting to Allegany Co. the transfer of the LaVale Toll Gate House and 2.78 acres with perpetual protective covenants. It is further recommended that Allegany County be responsible for all improvements, maintenance, operation and continued public use of the property. It is also recommended that the LaVale Toll House Bungalow be demolished for the creation of on-site bus parking and turn around space.

*26,800 - Mem 094 - GCL-1988 **

Board of Public Works Action - The above referenced Item was:

Approved

disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA007.MAH

see attached letter



STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201 - 2377

TELEPHONE: 225 - 4435

TTY FOR DEAF: BALTO AREA 383 - 7555
D.C. METRO 565 - 0451

WILLIAM DONALD SCHAEFER
GOVERNOR

MARTIN W. WALSH, J.
SECRETARY

January 24, 1991

Mr. James McGinty
Secretary, Board of Public Works
P.O. Box 429
Annapolis, Maryland 21404

Dear Mr. McGinty:

This is to advise you of the following changes to Department of General Services' Agenda items previously approved by the Board of Public Works or reported to the Board on the Department's Procurement Agency Activity Report.

BPW October 4, 1989

Item 1-C

Pages 1&2

FROM: \$ 849,000.00 - Item 029, GCL 1989
14,352,401.00 - Revenue Bonds
(University)

TO: \$ 974,987.10 - Item 029, GCL 1989
14,226,413.90 - Revenue Bonds
(University)

Reason: To provide for the release of funds in the ^{Salisbury} ~~Morgan~~ State University Revenue Bonds to pay for Capital Equipment.

BPW February 28, 1990

Item 15-CGL

Pages 17&18

FROM: \$ 250,000.00 - Calvert Mansion
Loan of 1983 Chapter 467, Acts
of 1983
1,025,000.00 - Maryland -
National Capital Park and
Planning Commission

Mr. James McGinty
January 24, 1991
Page 2

TO:\$ 250,000.00 - Calvert Mansion
Loan of 1983 Chapter 467, Acts
of 1983
637,500.00 - Maryland -
National Capital Park and
Planning Commission
387,500.00 - Riversdale Mansion
Loan of 1990 Chapter 567, Acts
of 1990

Reason: To utilize funds for the grant to Calvert Mansion which
were not available at the time of the contract award.

BPW September 12, 1990
Item 17-CGL
Pages 20-23

FROM:\$ 240,333.00 (37.54%) -
Applicant's Share Donation -
Crescent Cities Jaycees
Foundation
400,000.00 (62.46%) - State's
Share Adult Day Care Loans of
1987 - \$15,755 1988 - \$384,245

TO:\$ 240,333.00 (37.54%) -
Applicant's Share Donation -
Crescent Cities Jaycees
Foundation
400,000.00 (62.46%) - State's
Share Adult Day Care Loans of
1987 - \$15,755 1989 - \$384,245

Reason: Due to a \$300,000 funding cap on the 1988 loan, funding is
being changed to the 1989 loan.

Mr. James McGinty
January 24, 1991
Page 3

BPW October 10, 1990 FROM: \$ 26,800.00 - State grant
Item 17-RP
Page 20 TO: \$ 26,800.00 - Item 094, GCL 1988

Reason: Clarification of funding.

If you need any further assistance please do not hesitate to contact me on 225-4960 or have a member of your staff contact Basil Lambros, Director, Office of Administrative and Fiscal Services on 225-4213.

Sincerely,

Martin W. Walsh, Jr.
Martin W. Walsh, Jr.
Secretary

MWW:klr
cc: The Honorable Louis Goldstein
The Honorable Lucille Maurer
Mr. Ronald Kreitner

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 18-RP

DEPARTMENT OF NATURAL RESOURCES

Patapsco State Park
Howard County - File #39/140

REFERENCE

Board of Public Works approval is requested to accept an option contract to purchase the following property with title vested in the name of the State of Maryland, to the use of the Department of Natural Resources. Title transfer documents are subject to legal review.

SPECIAL CONDITIONS Settlement to be made on or before October 31, 1990.

OPTIONOR Vernon F. George and Jean E. George

OWNERSHIP Since 1989

PROPERTY 4.98 acres, unimproved

ASSESSED VALUE \$33,920.00

OPTION DATE 10/10/90

OPTION PERIOD 10/31/90

PRICE \$96,238.58

APPRAISED VALUE \$110,000.00 - \$22,070 P/A - Pollack - 4/27/90

\$ 82,236.00 - \$16,500 P/A - Muller - 5/2/90

FUND SOURCE 81.20.03.056, Program Open Space - State's Share

REMARKS

1. The Department of Natural Resources recommends the approval of this acquisition.
2. There will be no relocation or moving costs associated with this acquisition.
3. There have been no recent purchases of comparable properties in this area.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LA122A.RPS

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LEASE

ITEM 19-L

DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT Frederick County

Reference is made to Item 26-L, May 9, 1990, Department of General Services Action Agenda of the Board of Public Works, wherein the Board approved the leasing of 8,483 square feet of office space by the Department of Economic and Employment Development at North Amber Business Park, 67 Thomas Johnson Drive, Frederick, Maryland 20878. The rental rate approved was \$12.75 per square foot. It has been determined that the actual space in the demised premises is 8,605 square feet, an increase of 122 square feet.

Board of Public Works approval is requested to amend the lease agreement to include the additional 122 square feet at the same terms and conditions as described in the initial agenda item. The additional annual rent requiring approval is \$1,555.50.

The Department of General Services, in conjunction with the using agency, recommends approval of this request.

ANNUAL RENT \$1,555.50

FUND SOURCE Federal 38.03.00.04
38.03.00.06

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

SM207A.RPS

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LEASE

ITEM 20-L

MARYLAND VETERANS COMMISSION/KOREAN WAR
MEMORIAL COMMISSION

Baltimore City

LESSOR/OWNER Mayor and City Council of Baltimore
State of Maryland, to the Use of the
Maryland Korean War Memorial Commission
and the Maryland Veterans Commission

PROPERTY LOCATION 0.9703 Acres of land in the Canton Waterfront Park
Baltimore City

SPACE TYPE Korean War Memorial LEASE TYPE New AREA 0.9703 acre

DURATION Ninety Nine (99) years EFFECTIVE November 20, 1989

ANNUAL RENT \$1.00

SPECIAL CONDITIONS

1. Land used for a Korean War Memorial erected by the Lessee.
2. Lessee is responsible for the cost of all utilities and water used in conjunction with the Memorial.
3. Lessee is responsible for maintenance and security.

REMARKS

1. Lease to be executed by the Chairman of the Korean War Memorial Commission and the Director of the Maryland Veterans Commission.
2. Lease to be certified as approved by the Board of Public Works by Director, Office of Real Estate, Department of General Services.
3. This acquisition is for the purpose of a permanent Korean War Memorial.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussions

Without Discussion

SLEA6.v1

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LEASE

ITEM 21-L

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
(Drinking Driver Monitor Program)

Abingdon
Harford County

LESSOR/OWNER John H. Burdyck
2301 Manor Circle
Havre de Grace, Maryland 21078

PROPERTY LOCATION 3913 Pulaski Highway
Abingdon, Maryland 21009

SPACE TYPE Office LEASE TYPE New SQUARE FEET 850

DURATION Five (5) yrs. EFFECTIVE October 3, 1990

ANNUAL RENT \$11,857.50 SQUARE FOOT RATE \$13.95

UTILITIES RESPONSIBILITY Lessor

CUSTODIAL RESPONSIBILITY Lessor

FUND SOURCE Reimbursable-35.03.02.02

SPECIAL CONDITIONS 1. Escalation-de/escalation for Real Estate taxes,
utilities and custodial services.

REMARKS

1. Lease to be executed by the Deputy Secretary, Department of Public Safety and Correctional Services.
2. Lease to be certified as approved by the Board of Public Works by Director, Office of Real Estate, Department of General Services.
3. This acquisition to be used for the purpose of office space.
4. In accordance with the State Finance and Procurement Article, Annotated Code of Maryland, the above space requirement was advertised in the Maryland Register on July 14, 1989, The Baltimore Sun on July 19, 20 and 21, 1989 and the Aegis on July 19, 1989. As a result, no proposals were received. Telephonic and in person solicitation of the area resulted in the proposed location. The Department of General Services, in conjunction with the using agency, recommends approval of this item.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussions

Without Discussion

SLEA7.v1

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LEASE

ITEM 22-L

DEPARTMENT - BALTIMORE REGIONAL COUNCIL OF GOVERNMENTS Baltimore City

LESSOR/OWNER Mayor and City Council of Baltimore City
City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

PROPERTY LOCATION Greyhound Building
230 West Centre Street
Baltimore, Maryland

SPACE TYPE Office LEASE TYPE New SQUARE FEET 21,775 Office
DURATION Ten (10) Years EFFECTIVE July 1, 1991 700 Storage
ANNUAL RENT Years 1-5 - \$332,827.50
Years 6-10 - \$349,575.50

SQUARE FOOT RATE
Office \$15.10 (Years 1-5); \$15.86 (Years 6-10)
Storage \$5.75 (Years 1-5); \$6.04 (Years 6-10)

EFFECTIVE SQUARE FOOT RATE
Office \$17.00 (Years 1-5); \$17.76 (Years 6-10)
Storage \$6.20 (Years 1-5); \$6.49 (Years 6-10)

UTILITIES RESPONSIBILITY Lessee

CUSTODIAL RESPONSIBILITY Lessee

FUND SOURCE General 33% 23.24.01.01 Special 67% 23.24.01.03

SPECIAL CONDITIONS

1. Lessor to provide standard State fit-up.
2. Excess fit up costs shall not exceed \$110,077.00.
3. Escalation/de-escalation for operating expenses.
4. Agency to lease twenty-four (24) reserved parking spaces at \$64.00 per space per month for one(1) year, thereafter parking rate shall increase 5% per annum beginning with the second (2) year thru the tenth (10) year.

REMARKS

1. Lease to be executed by Executive Director, Baltimore Regional Council of Governments.
2. Lease to be certified as approved by the Board of Public Works by Director, Office of Real Estate, Department of General Services.
3. This acquisition to be used for the purpose of offices.
4. The Department of General Services, in conjunction with the using agency, recommends approval of this item.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

SM210A.RPS

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 23-CGL

CITY OF FREDERICK

Delaplaine Visual Arts Center
40 South Carroll Street
Frederick, Frederick County

AUTHORITY

Delaplaine Visual Arts Center Loan of
1988, Chapter 408, Acts of 1988

PROJECT NO. AND TITLE

SL-011-881-038
Renovation of Delaplaine Visual Arts
Center

DESCRIPTION

In accordance with the provisions of the Delaplaine Visual Arts Center Loan of 1988 which provided a matching grant of \$200,000 to the City of Frederick for the rehabilitation and renovation of the Delaplaine Visual Arts Center, Board of Public Works approval is requested for the following contracts for Phase I rehabilitation of the interior and exterior of the Delaplaine Visual Arts Center.

A. A/E Services to provide design services for the interior and exterior of the Arts Center.

PROCUREMENT METHOD

Negotiated

AWARD

AMOUNT

Bairley, Maginniss & King - Frederick, MD.

\$29,900

B. Construction contract for the stabilization of the interior and exterior of the Arts Center.

Base Bid - Complete exterior stabilization to include removing vegetation from foundation and walls, re-pointing joints, replacing windows and frames, repairing masonry and complete interior stabilization to include removing and replacing damaged flooring and wood support members.

Alternate No. 1 - Deletion of re-pointing for the entire south side of building.

PROCUREMENT METHOD

Competitive Sealed Bidding

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 23-CGL (Cont'd.)

<u>BIDS OR PROPOSAL</u>	<u>Base Bid</u>	<u>Alt. #1 (Deduct)</u>	<u>Base Bid Plus Alt. 1</u>
Frederick Contractors, Inc. - Frederick, MD.	\$590,300	\$21,000	\$569,300
Dustin Construction, Inc. - Gaithersburg, MD.	675,000	35,000	640,000
Morgan-Keller, Inc. - Frederick, MD.	849,000	13,000	836,000
James Buch & Sons, Inc. - Highland, MD.	898,000	24,000	874,000
Glotren - Frederick, MD.	944,850	21,000	923,850

AWARD

Frederick Contractors, Inc.

AMOUNT

\$523,500* - Base Bid Plus Alt. #1

* After the bid opening, the low bidder proposed an alternate method of cleaning the interior masonry (which was accepted by the Architect and the Arts Center). This resulted in a savings of \$45,800.

TOTAL AWARDS

\$553,400

FUND SOURCE

\$200,000 - Delaplaine Visual Arts Center
Loan of 1988
\$353,400 - Delaplaine Visual Arts Center

REMARKS

No State funds will be disbursed until such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who will disburse the State portion in amounts equal to the invoices submitted.

The grantee will be informed that although the project award is approved, bonds for this project have not yet been sold. The date of the availability of funds for this project cannot be determined at this time. The grantee will be advised when disbursements can be made.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

DELAPG.FV

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 24-CGL

BOARD OF PUBLIC WORKS

Historic Annapolis, Inc.

AUTHORITY

State Capital Grant Fund for
Rehabilitation and Renovation of
Historic Facilities

PROJECT NO. AND TITLE

B-001-872-002
Rehabilitation and Renovation of
Historic Properties in Downtown
Annapolis

DESCRIPTION

Historic Annapolis, Inc. requests Board of Public Works approval for the award of a contract for improvements to 77-79 Main Street, 206 Main Street, 4 Pinkney Street, and 43 Pinkney Street. Work includes spot pointing, finished carpentry, painting, HVAC modifications, masonry restoration, roof and siding replacement, stair and floor repair, and sump pump modifications.

PROCUREMENT METHOD

Negotiated

BIDS OR PROPOSALS

AMOUNT

C. Robert Bennett Building and Home Improvements Chester, MD.	\$93,830.75
--	-------------

AWARD

C. Robert Bennett Building and
Home Improvements

AMOUNT

\$93,830.75

FUND SOURCE

\$66,312.50 - Item 002, CA 1988
"Provide a grant to Historic
Annapolis, Inc. for Rehabilitation
and Renovation Projects at Historic
Facilities..."
\$27,518.25 - Item 006, CA 1989
"Provide a grant to Historic
Annapolis, Inc. to Rehabilitate and
Restore Historic Properties..."

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 24-CGL (Cont'd.)

REMARKS

Bids were solicited from three contractors who have been pre-qualified to do restoration work on historic structures. Two of the contractors declined to bid on the project. Historic Annapolis, Inc. is trying to enlarge the pool of qualified contractors in order to ensure more than one bid in the future.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

HISTPPG.FV

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 25-CGL

EDGEWOOD MULTI-PURPOSE
YOUTH CENTER

2200 Cedar Drive
Edgewood, Harford County

AUTHORITY

Harford County Economic Development
Loan of 1988, Chapter 702, Acts of 1988

PROJECT NO. AND TITLE

SL-012-881-038
Rehabilitate Edgewood Multi-Purpose
Youth Center

DESCRIPTION

In accordance with the provisions of the Harford County Economic Development Loan of 1988, which provided a matching grant of \$15,000 to the Edgewood Multi-Purpose Youth Center for the rehabilitation and improvement of the center, Board of Public Works approval is requested for the following contract for the complete roof replacement of the center.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

AMOUNT

Merlo Brothers Roofing, Inc. - Finksburg, MD.
Security Roofing Company - Finksburg, MD.

\$14,725
\$15,490

AWARD

Merlo Brothers Roofing, Inc.

AMOUNT

\$14,725.00

FUND SOURCE

~~\$ 7,362.50~~ ^{14,725.00} - Harford County Economic
Development Loan of 1988
~~\$ 7,362.50~~ - Edgewood Multi-Purpose
Youth Center

Continued

see attached letter

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 25-CGL (Cont'd.)

REMARKS

No State funds will be disbursed until such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who will disburse the State portion in amounts equal to the invoices submitted.

Bonds have been issued to support this transaction.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

EDGEPG.FV



WILLIAM DONALD SCHAEFER
GOVERNOR

STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES
OFFICE OF THE SECRETARY
301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201 - 2377
TELEPHONE: 225 - 4435
TTY FOR DEAF: BALTO. AREA 383 - 7555
D.C. METRO 565 - 0451

10-10-90
EARL F. SEBODA, P.E.
SECRETARY

October 19, 1990

Mr. James McGinty
Secretary, Board of Public Works
P.O. Box 429
Annapolis, Maryland 21404

Dear Mr. McGinty:

[Handwritten signature]
10-29-90

This is to advise you of the following changes to Department of General Services' Agenda items previously approved by the Board of Public Works or reported to the Board on the Department's Procurement Agency Activity Report.

BPW December 20, 1989

Item 10-RP

Page 10

FROM: \$7,583,333.00 - Item 002, CA 1990

TO: \$7,583,333.33 - Item 002, CA 1990

Reason: Typographical error.

BPW June 27, 1990

Item 55-CGL

Page 58

FROM: \$ 14,715.00 - Elderly Citizens
Activities Center Loan of 1987
77,251.00 - Garrett County
Community Action Committee

TO: \$ 14,715.00 - Elderly Citizens
Activities Center Loan of 1987
38,625.50 - Garrett County
Community Action Committee
38,625.50 - Garrett County
Multi Service Center Loan of
1989, Chapter 233, Acts of 1989

Reason: Requested by Project Administrator.

Mr. James McGinty
Page 2

BPW July 11, 1990
Item 54-CGL
Page 69

FROM: \$2,000,000.00 - Montgomery County
Detention Center Loan of 1989
4,588,691.00 - Montgomery County
TO: \$1,713,345.50 - Montgomery County
Detention Center Loan of 1989
3,375,345.50 - Montgomery County
1,500,000.00 - Item 015, CA 1990

Reason: Requested by Project Administrator.

BPW September 5, 1990
Item 70-CGL
Pages 85-86

FROM: \$ 399,056.87 - Carroll Creek
Project Loan of 1987
4,422,711.73 - Flood Management
Grant Program
4,422,711.73 - Frederick County
4,520,685.27 - City of Frederick
TO: \$ 248,515.20 - Carroll Creek
Project Loan of 1987
4,422,711.73 - Flood Management
Grant Program
4,422,711.73 - Frederick County
4,671,226.94 - City of Frederick

Reason: Requested by Project Administrator.

BPW October 10, 1990
Item 25-CGL
Pages 30-31

FROM: \$ 7,362.50 - Harford County
Economic Development Loan of
1988
7,362.50 - Edgewood Multi-
Purpose Youth Center
TO: \$ 14,725.00 - Harford County
Economic Development Loan of
1988

Reason: Requested by Project Administrator.

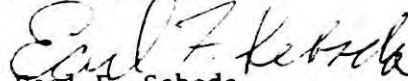
Mr. James McGinty
Page 3

November, 1989
PAAR Item 26-C-Mod
Page 8

FROM:\$ 50,000.00 - Item 015,GCL 1989
TO:\$ 50,000.00 - Item 034,CA 1990

Reason: Requested by Project Administrator.

Very truly yours,


Earl F. Seboda
Secretary

EFS:klr
MCGINTY

cc: The Honorable William Donald Schaefer
The Honorable Louis Goldstein
The Honorable Lucille Maurer
Mr. Ronald Kreitner

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 26-CGL

NATIONAL CENTER FOR
PATHOLOGICAL GAMBLING, INC.

651 Washington Boulevard
Baltimore City, MD. 21230

AUTHORITY

National Center for Pathological
Gambling, Inc. Loan of 1990
Chapter 553, Acts of 1990

PROJECT NO. AND TITLE

SL-002-901-038
Renovation of Treatment Facilities

DESCRIPTION

In accordance with the provisions of the National Center for Pathological Gambling, Inc. Loan of 1990 which provided a matching grant of \$100,000 to the National Center for Pathological Gambling, Inc. for the renovation of the treatment facilities located at 924 and 926 E. Baltimore Street in Baltimore City, Board of Public Works concurrence is requested for the following previously awarded contract.

PROCUREMENT METHOD

Negotiated

BIDS OR PROPOSALS

AMOUNT

Lanocha Construction, Inc. - Jarrettsville, MD. \$339,142

AWARD

Lanocha Construction, Inc.*

AMOUNT

\$339,142

FUND SOURCE

\$100,000 - National Center for
Pathological Gambling, Inc.
Loan of 1990
* ~~\$239,142~~ - National Center for
Pathological Gambling

REMARKS

* Lanocha Construction, Inc. was selected from a list of contractors approved by the City of Baltimore. They were selected because of their reputation and extensive experience in providing excellent workmanship in rehabilitation projects.

*25,000 - National Center for
Pathological Gambling, Inc. Loan of 91*

** see attached*

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 26-CGL (Cont'd.)

REMARKS (Cont'd.)

No State funds will be disbursed until such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who will disburse the State portion in amounts equal to the invoices submitted.

Bonds have been issued to support this transaction.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

PGAMBPG.FV



STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES
OFFICE OF THE SECRETARY

301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201 - 2377

TELEPHONE: 225 - 4435

WILLIAM DONALD SCHAEFER
GOVERNOR

TTY FOR DEAF: BALTO. AREA 383 - 7555
D.C. METRO 565 - 0451

MARTIN W. WALSH, JR.
SECRETARY

January 20, 1992



OK dm
2/8/92

Mrs. Sandra K. Reynold
Secretary, Board of Public Works
P.O. Box 429
Annapolis, Maryland 21404

Dear Mrs. Reynold,

This is to advise you of the following changes to the Department of General Services' Agenda items previously approved by the Board of Public Works or reported to the Board on the Department's Procurement Agency Activity Report.

BPW October 10, 1990
Item 26-CGL
Page 32

FROM: \$ 100,000.00 - National Center for
Pathological Gambling, Inc.
Loan of 1990
239,142.00 - National Center for
Pathological Gambling

TO: \$ 100,000.00 - National Center for
Pathological Gambling, Inc.
Loan of 1990
214,142.00 - National Center for
Pathological Gambling
25,000.00 - National Center for
Pathological Gambling, Inc.
Loan of 1991 Chapter 551, Acts
of 1991

Reason: To utilize the 1991 Grant which became available after
this item was prepared.

BPW September 4, 1991
Item 40-CGL
Pages 60-62

FROM: \$ 300,000.00 (47.04%) - Maryland
Consolidated Capital Bond
Loan 1991 - Community, Mental
Health Project Funds

TO: \$ 300,000.00 (47.04%) - Maryland
Consolidated Capital Bond
Loan 1990 - Community Mental
Health Project Funds

Reason: Bonds for the 1991 bond year have not been sold and no
cash is available to honor payment vouchers submitted by
the grantee.

Mrs. Sandra K. Reynold
January 20, 1992
Page 2

BPW November 27, 1991
Item 23-CGL
Pages 32-34

FROM: \$2,122,762.00 (75%) - State's Share
150,000.00 - (Approved 11/7/90)
Community Mental Health Center
Components. . . Loan of 1989
1,631,255.00 - Community Mental
Health Center Components. . .
Loan of 1989
341,507.00 - Maryland
Consolidated Capital Bond Loan
- 1990 Community, Mental Health
Project Funds

TO: \$2,122,762.00 (75%) - State's Share
150,000.00 - (Approved 11/7/90)
Community Mental Health Center
Components. . . Loan of 1989
1,431,255.00 - Community Mental
Health Center Components. . .
Loan of 1989
541,507.00 - Maryland
Consolidated Capital Bond Loan
- 1990 Community, Mental Health
Project Funds

Reason: Not enough funds remaining in 1989 Bond year to cover
encumbrance.

BPW December 18, 1991
Item 24-CGL (Revised)
Pages 35&36 Revised

FROM: 367,210.00 - Legal Aid Bureau,
Inc. Loan of 1990
500,000.00 - Legal Aid Bureau,
Inc. Loan of 1991
3,207,790.00 - Legal Aid Bureau,
Inc.

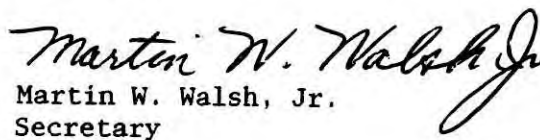
TO: 451,964.00 - Legal Aid Bureau,
Inc. Loan of 1990
500,000.00 - Legal Aid Bureau,
Inc. Loan of 1991
3,123,036.00 - Legal Aid Bureau,
Inc.

Reason: To reflect changes of funds due to recomputation of
matching funds and ineligible costs

Mrs. Sandra K. Reynold
January 20, 1992
Page 3

If you need any further assistance, please do not hesitate to contact me on 225-4960 or have a member of your staff contact Basil Lambros, Director, Office of Administrative and Fiscal Services on 225-4213.

Sincerely,


Martin W. Walsh, Jr.
Secretary

MWW:klr
cc: The Honorable Louis Goldstein
The Honorable Lucille Maurer
Mr. Ronald Kreitner

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 27-CGL

PRESIDENT AND COMMISSIONERS
OF NORTH EAST

Town of North East - Upper Bay Museum
North East, Cecil County

AUTHORITY

Town of North East - Upper Bay Museum
Loan of 1988, Chapter 515, Acts of 1988

PROJECT NO. AND TITLE

SL-013-881-038
Improvements to the Upper Bay Museum

DESCRIPTION

In accordance with the provisions of the Town of North East - Upper Bay Museum Loan of 1988, which provided a grant in the amount of \$75,000 to the President and Commissioners of North East for the renovation, restoration, improvement, and reconstruction of the Upper Bay Museum located in Cecil County, Board of Public Works concurrence is requested for the following A/E contract.

PROCUREMENT METHOD

Small Procurement

BIDS OR PROPOSALS

AMOUNT

Transviron, Inc. - Lutherville, MD.

\$8,000

AWARD

Transviron, Inc.*

AMOUNT

\$8,000

FUND SOURCE

Town of North East - Upper Bay Museum
Loan of 1988

REMARKS

* A bid was solicited only from Transviron, Inc. This firm has done extensive work for the town and was familiar with the project as well as the town's water system and other utilities. The town government felt that this firm would be the best qualified and provide the best bid.

Bonds have been issued to support this transaction.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

UBAY.FV

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 28-CGL

MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Prince George's County Equestrian Center
Marlboro Race Track Road
Prince George's County

AUTHORITY

Prince George's Equestrian Center
Complex Loan of 1988
Chapter 655, Acts of 1988

Capital Appropriation of 1990

General Construction Loan of 1990

PROJECT NO. AND TITLE

SL-016-852-038
Construct Equestrian Center Complex

DESCRIPTION

In accordance with the provisions of the Prince George's Equestrian Center Complex Loans of 1988 which provided matching grants of \$1,000,000 and Item 014 of the Capital Appropriation of 1990 which provided a matching grant of \$2,500,000 and Item 001 of the General Construction Loan of 1990 which provided a matching grant of \$2,000,000, Board of Public Works approval is requested for the following contract to construct the new Equestrian Center.

Base Bid - Construct indoor multi-purpose equestrian arena.

Alternate No. 1 - Paving, curb and gutter

Alternate No. 2 - Carpet, base, drywall, etc.

Alternate No. 3 - Concrete masonry walls, ceiling

Alternate No. 4 - Chillers and condensing tower

Alternate No. 5 - Concrete slab and reinforcing

Alternate No. 6 - PA system

PROCUREMENT METHOD

Competitive Sealed Bidding

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 28-CGL (Cont'd.)

<u>BIDS OR PROPOSALS</u>	<u>Base Bid</u>	<u>Alt. #1 (Deduct)</u>	<u>Alt. #2 (Deduct)</u>	<u>Alt. #3 (Deduct)</u>
S & B Construction Silver Spring, MD.	\$11,414,000	\$266,000	\$36,000	\$44,000
Glen Constr. Co., Inc. Gaithersburg, MD.	\$11,833,300	\$239,000	\$24,000	\$39,000
The Gassman Corp. Silver Spring, MD.	\$12,349,000	\$220,000	\$20,000	\$40,000
Oak Contracting Corp. Baltimore, MD.	\$12,375,000	\$311,800	\$33,600	\$35,700
Prism Constr. Co. Capitol Heights, MD.	\$13,750,000	\$265,000	\$24,000	\$ 3,500

<u>BIDS OR PROPOSALS</u>	<u>Alt. #4 (Deduct)</u>	<u>Alt. #5 (Deduct)</u>	<u>Alt. #6 (Deduct)</u>	<u>Base Bid Alts. 2, 3 & 6</u>
S & B Construction	\$163,000	\$113,000	\$20,000	\$11,314,000
Glen Constr. Co., Inc.	\$163,000	\$113,500	\$26,000	\$11,744,300
The Gassman Corp.	\$160,000	\$120,000	\$26,000	\$12,263,000
Oak Contracting Corp.	\$156,000	\$309,200	\$27,450	\$12,278,250
Prism Constr. Co.	\$245,000	\$ 79,000	\$26,000	\$13,696,500

AWARD

S & B Construction

AMOUNT

\$10,931,340* - Base Bid Plus
Alts. 2, 3, & 6

REMARKS

* Project was value engineered and scope reduced to further reduce final cost to within budget limitations.

FUND SOURCE

\$ 965,670 - Prince George's Equestrian
Center Complex Loan of 1988
\$ 2,500,000 - Item 014, CA 1990
"Provide a grant to Prince George's
County to design, construct...
arena at the Prince George's
County Equestrian Center..."

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 28-CGL (Cont'd.)

FUND SOURCE (Cont'd.)

\$ 2,000,000 - Item 001, GCL 1990
"Provide a grant to Maryland
National...Commission for
construction at Equestrian Center
Complex..."
\$ 5,465,670 - Prince George's County

REMARKS

No State funds will be disbursed until such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who will disburse the State portion in amounts equal to the invoices submitted.

The grantee will be informed that although the project award is approved, bonds for this project have not yet been sold. The date of the availability of funds for this project cannot be determined at this time. The grantee will be advised when disbursements can be made.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

EQUESTPG.FV

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 29-CGL

LEGAL AID BUREAU, INC.

714 E. Pratt Street
Baltimore City

AUTHORITY

Legal Aid Bureau, Inc. Loan of 1990
Chapter 667, Acts of 1990

PROJECT NO. AND TITLE

SL-003-901-038
Construct New Headquarters

DESCRIPTION

In accordance with provisions of the Legal Aid Bureau, Inc. Loan of 1990 which provided a grant of \$750,000, with a match of \$150,000, to the Legal Aid Bureau for the design, construction, and equipping of a new facility in Baltimore City, Board of Public Works approval is requested for the following contracts.

A. A/E Services for the design and preparation of construction documents for the new facility.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

AMOUNT

Hord, Coplan & Macht, Inc. - Baltimore, MD.	\$253,790
Kelly, Clayton & Mojzisek - Baltimore, MD.	\$272,978
Sulton Campbell & Associates - Washington, DC.	\$288,150
Zieger, Hoopes & Snead - Baltimore, MD.	\$293,290
Cho-Wilks & Benn, Inc. - Baltimore, MD.	\$312,745

AWARD

Hord, Coplan & Macht, Inc.

AMOUNT

\$257,790 *

REMARKS

* Final award amount includes reimbursables in an amount not to exceed \$4,000.

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 29-CGL (Cont'd.)

B. Developer services to advise owner on financing, scheduling, review of drawings and specifications, and bidding of construction contract.

PROCUREMENT METHOD

Negotiated Award

BIDS OR PROPOSALS

AMOUNT

Struever Bros. Eccles & Rouse, Inc. - Baltimore, MD. \$125,000

REMARKS

Four firms were solicited based on their reputation and previous work, to make formal presentations to the Legal Aid Bureau addressing specific lists of concerns. The principal concerns were overall experience with similar transactions and experience with multi-story office buildings of comparable size. Three of the firms did not have experience with projects of comparable complexity.

TOTAL AWARDS

\$382,790

FUND SOURCE

\$382,790 - Legal Aid Bureau, Inc.
Loan of 1990

REMARKS

No State funds will be disbursed until such time as the loan recipient has presented suitable evidence to the Comptroller that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who will disburse the State portion in amounts equal to the invoices submitted.

The grantee will be informed that although the project award is approved, bonds for this project have not yet been sold. The date of the availability of funds for this project cannot be determined at this time. The grantee will be advised when disbursements can be made.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

LEGALAPG.FV

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 30-CGL

Department of Health and Mental Hygiene
Community Mental Health Center Components
Addiction and Development Disabilities
Loans of 1987 and 1989

Submission of a recommendation by the Department of Health and Mental Hygiene for approval of a Waiver of Priority of Deed on behalf of the Addict Referral and Counseling Center, Inc., Baltimore, Maryland (hereinafter referred to as Applicant).

Reference is made to Item 23-CGL and Item 69-CGL of the Department of General Services Agendas for the Board of Public Works meetings of December 30, 1987 and August 8, 1990 wherein the Board approved grants of \$195,000 and \$175,000 respectively to assist the Applicant in the cost of acquisition, design, and renovation of a three story office building located at W. 25th Street, Baltimore, Maryland. The building is to be used to provide out-patient, drug free, counseling treatment services to drug abusers.

At the time the Board approved the grant to the Applicant the reverter language required by the Board's approval of State funding was recorded by the applicant in the Land Records of Baltimore City.

The Board is now requested to approve a Waiver of Priority of Deed which will permit the applicant to refinance its mortgage on this property with NCNB National Bank of Maryland in the amount of \$99,000. The reverter language as recorded by the Applicant is considered a prior encumbrance against the title which is unacceptable to the Bank. Execution of the Waiver of Priority of Deed by the Board will permit the Applicant to proceed with obtaining the refinancing.

REMARKS

1. An analysis of Addict Referral and Counseling Center, Inc., submission of financial data has been performed by the Department of Budget and Fiscal Planning. In addition, a procedure has been incorporated in the Agreement in which the State would not delete the reverter clause but would agree to waive it in the event of foreclosure by the bank, provided that certain conditions had been met that would protect the State's interests. As a result of that analysis and incorporation in the Agreement of the procedure for protecting the State's interests, the Department of Budget and Fiscal Planning recommends approval of the Waiver of Priority Deed.

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 30-CGL (Cont'd.)

REMARKS (Cont'd.)

2. The Agreement has been reviewed and approved for legal sufficiency by an Assistant Attorney General for the Department of Health and Mental Hygiene.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

counsel.doc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 31-CGL

DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

NAME OF GRANTEE/BORROWER

Baltimore County Economic Development &
Rehabilitation Alliance, Inc.
7701 Wise Avenue
Baltimore, Maryland 21222

AUTHORITY

Policy and Procedures for Community
Mental Health Center and Comprehensive
Mental Retardation Center Construction
Grants adopted by BPW on 11/29/71.

PROJECT NO. AND TITLE

MH-187 The Alliance
Community Rehabilitation Facility Center

DESCRIPTION

Board of Public Works approval is requested to permit Baltimore County Economic Development and Rehabilitation Alliance, Inc. to contract with Architectural Technologies, Inc. of Columbia, Maryland to design a Community Rehabilitation Center for persons with chronic mental health conditions. The architect's proposed lump sum fee of \$45,800 has been reviewed and approved as reasonable by the staff of both the Department of Health and Mental Hygiene and the Department of General Services. Construction costs for the proposed 12,000 square foot facility are estimated to be \$1,200,000 (\$100.00 per square foot).

AWARD

Architectural Technologies

AMOUNT

\$45,800

FUND SOURCE

\$11,450 (25%) - Applicant's
Share - Baltimore County Bond

\$34,350 (75%) - State's Share
Community Mental Health Center
Components, Addiction Facilities,
and and Developmental Disabilities
Facilities Loan of 1989

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 31-CGL (Cont'd.)

As authorized the Deputy Secretary for Operations for the Department of Health and Mental Hygiene has determined that this project qualifies for incentive funding under Chapter 126 of the 1989 Laws of Maryland and COMAR 10.08.02.

There are no Federal grant funds available for this project.

REMARKS

The proposed facility is to be constructed on a 2.6 acre site located in the Rossville Industrial Park. The applicant has entered into an agreement with KMS, Inc. (subsidiary of Baltimore Gas & Electric) to purchase this property for \$195,000. The applicant is currently operating from leased space in the Eastern Regional Health Center. Upon completion of this proposed facility the applicant will be able to serve an additional 50 clients over the 100 clients presently served.

The applicant has been advised that approval of the architect does not commit the State to participate in the architect's fee or in any other costs associated with this project. A request for State participation in the cost of design, construction, and equipping of this project will be submitted to the Board at a future date.

In the event that State funds are allocated by the Board, the applicant has further been advised that no State funds will be disbursed until such time that it has expended its portion of the required matching funds for this project. After the loan recipient has met this requirement, all future invoices will be submitted to the Comptroller, who shall disburse the State portion in amounts equal to the invoices submitted.

Bonds from which this architect fee may be funded have been sold.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

rehab.doc

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA
APPENDIX

EXPEDITED PROCUREMENT REQUEST (COMAR 21.02.01.05A(3)(B))

ITEM 32-EX

DEPARTMENT/PROCUREMENT AGENCY: Department of General Services
Central Services Building
Annapolis Bldgs. & Grounds
Annapolis, MD

DESCRIPTION OF PROPOSED PROCUREMENT:

Select a contractor on a rapid basis to make necessary repairs to beam J-17 and other areas of the parking garage. The prestressed beam is spalling and the post tensioning strand is corroding. Repairs must be made and the areas sealed to prevent further moisture penetration and deterioration.

REASON FOR REQUEST:

Repairs must be completed before the Legislative session begins and before winter weather causes additional deterioration of the structure. Repairs are estimated to take 30-45 days and should be completed before freezing weather sets in.

ESTIMATED AMOUNT: \$50,000 - \$100,000

FUND SOURCE: Agency 28.03.02, Program 002, Fund 01, Object 14x 15

PROPOSED PROCUREMENT PROCESS: X Competitive _____ Non-Competitive

REMARKS: Plans and specifications are 100% complete. The repairs can proceed as soon as a contractor is selected. The Department will proceed with the selection process in anticipation of the Board's approval. Bid opening is scheduled for mid-October.

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With discussion

Without discussion

PTBPW.RT

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA
APPENDIX

EXPEDITED PROCUREMENT REQUEST (COMAR 21.05.06.01B and .03)

ITEM 33-EX

DEPARTMENT/PROCUREMENT AGENCY: Department of Public Safety and Correctional Services (Data Services Division)

PROJECT NUMBER & TITLE: PZ-478-891-003
Renovations to Building 'G'
Maryland State Police Headquarters
Pikesville, Maryland

DESCRIPTION OF PROPOSED PROCUREMENT:

Upgrading of walls for fire separation, installation of new doors, halon system, supplemental A/C for first floor and new A/C in the basement. This work will accommodate the installation of the MAFIS system workstations in this existing building.

REASON FOR REQUEST:

The Maryland Automated Fingerprint Information System (MAFIS) mainframe computer is located in the Maryland State Police Executive Building in Pikesville and the cable connected workstations will be located on the same site in the Central Repository for Criminal Records (Building 'G'). Most of the MAFIS equipment has been delivered and due to the importance of this system to the State Criminal Justice System, it should become operational as soon as possible. The upgrading of the existing Building 'G' environment is essential to accommodate the MAFIS system operation by February 1991.

ESTIMATED AMOUNT: \$100,000

FUND SOURCE: \$100,000 (Estimated)
- FY 90 Data Services Division
Operating Budget
(35.01.01.0.1.08.263)

PROPOSED PROCUREMENT PROCESS: ☒ Competitive ☐ Non-Competitive

Board of Public Works Action: The above referenced item was:

Approved

Disapproved

Deferred

Withdrawn

With discussion

Without discussion

EXPDPSC.CCJ

BPW 10/03/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA
Appendix

EXPEDITED PROCUREMENT REPORT

ITEM 34-EX

DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

PROJECT NO. AND TITLE

CA 9/07/90-100
Roof Replacement, Central Kitchen
Rosewood Hospital Center

EXPEDITED PROCUREMENT
REQUEST APPROVAL

Item 77-EX, DGS Agenda 9/05/90

DESCRIPTION

Replace leaking roof of the Central Kitchen, using coal tar, fiberglass felts (4 plies), tapered insulation and gravel surfacing.

BIDS OR PROPOSALS

Amount

Roofers, Inc. - Baltimore, Md.	\$221,230
Raintree Industries, Inc. - Elkridge, Md.	234,850

CONTRACTOR

Roofers, Inc.

AMOUNT

\$221,230

FUND SOURCE

Item 046, GCL 1987
"Renovate Central Kitchen"

DATE OF AWARD

September 7, 1990

MARYLAND REGISTER NOTICE

October 19, 1990

REMARKS

Reference is made to Item 77-EX of this Department's September 5, 1990 Action Agenda wherein the Board of Public Works approved the use of expedited procurement for the above referenced contract to provide for replacement of this roof prior to the onset of winter.

An additional bidder was determined to be non-responsive as a result of inability to begin work prior to November 1990.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

225

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BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EXPEDITED PROCUREMENT REPORT - COMAR 21.02.01.05A(3)(b)

ITEM 35-EX

DEPARTMENT/PROCUREMENT AGENCY

Department of Natural Resources
(Maryland Environmental Service)

CONTRACT NO. & TITLE

ES-011-831-101
Wastewater Pumping Station and Treatment
Plant Phase 2 at Green Ridge Youth Center
Allegany County

EXPEDITED PROCUREMENT
REQUEST APPROVAL

Item 64-EX, DGS Agenda 6/13/90

BIDS OR PROPOSALS

AMOUNT

Lashley Construction Co., Inc. - Frostburg, Md.	\$276,000
Ray C. Lapp Air Conditioning, Inc. - Cumberland, Md.	\$299,000
Callas Contractors, Inc. - Hagerstown, Maryland	\$323,000
Beitzel Corporation - Grantsville, Md.	\$343,542
Carl Belt Inc. - Cumberland, Md.	\$363,400
Mineral Fabrication & Machine Co., Inc.	\$450,000

DESCRIPTION

Construction of a slow rate sand filter enclosed in a block building. The project also includes a pumping station, force main, outfall line, and a small precast concrete building to house a flowmeter, chlorination unit, and dechlorination unit.

AMOUNT

\$276,000.00

FUND SOURCE

\$222,876.88 - Item 009 GCL 1989
"Green Ridge Youth Center..Construct
Wastewater Treatment Plant.."
- 11,563.89
\$ ~~12,372.65~~ - Item 029 GCL 1983
"Provide a fund for the design and
construction of Capital Improvements
to Water Treatment and Waste
Disposal Plants...Green Ridge Youth
Center.."
- 20,308.76
\$ ~~19,500.00~~ MES Corporate
"Major Maintenance Fund"
\$ 21,250.47 MES Corporate
"Pretreatment Fund"

* see attach Letter

Continued

BPW 10/10/90

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

EXPEDITED PROCUREMENT REPORT - COMAR 21.02.01.05A(3)(b)

ITEM 35-EX (Cont'd.)

DATE OF AWARD 8/30/90

MARYLAND REGISTER NOTICE 10/19/90

REMARKS

This is the second and remaining phase of the work required to prevent additional discharge permit violations, which could lead to the reopening of the Sierra Club lawsuit. Phase I was the installation of septic tanks.

Board of Public Works Action - The above referenced Item was:

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

EPRGRWWL.WN



STATE OF MARYLAND
DEPARTMENT OF GENERAL SERVICES

OFFICE OF THE SECRETARY

301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201 - 2377
TELEPHONE: 225 - 4435
TTY FOR DEAF: BALTO. AREA 383 - 7555
D.C. METRO 565 - 0451

WILLIAM DONALD SCHAEFER
GOVERNOR

MARTIN W. WALSH, JR.
SECRETARY

10-10-90

March 5, 1991

Mr. James McGinty
Secretary, Board of Public Works
P.O. Box 429
Annapolis, Maryland 21404

Dear Mr. McGinty,

3-8-91

This is to advise you of the following changes to Department of General Services' Agenda items previously approved by the Board of Public Works or reported to the Board on the Department's Procurement Agency Activity Report.

BPW December 7, 1988
Item 26-CGL (D)
Page 29

FROM:\$ 636,100.50 - Baltimore Zoo Loan
of 1987
1,409,635.50 - Baltimore
Zoological Society, Inc. and
Baltimore City Funds

TO:\$ 636,100.50 - Baltimore Zoo Loan
of 1987
386,767.50 - Baltimore Zoo Loan
of 1988
1,022,868.00 - Baltimore
Zoological Society, Inc. and
Baltimore City Funds

Reason: To utilize funds for the grant to the Baltimore Zoo which
were not available @ the time of the contract award.

BPW September 20, 1989
Item 27-CGL
Page 35

FROM:\$ 328,000.00 - Howard County
Detention Center Loan of 1989
368,412.00 - Howard County Funds

TO:\$ 328,000.00 - Howard County
Detention Center Loan of 1989
46,321.45 - Howard County
Detention Center Loan of 1990
322,090.55 - Howard County Funds

Reason: To correctly reflect the established State/Local funding
ratio.

Mr. James McGinty
March 5, 1991
Page 2

BPW June 27, 1990
Item 5-C
Page 5

FROM:\$ 406,457.94 - Item 060, GCL 1988
118,542.06 - Item 460, GCL 1986

TO:\$ 406,457.94 - Item 060, GCL 1988
93,527.06 - Item 460, GCL 1986

Reason: To reflect the correct amount of contract award.

BPW October 10, 1990
Item 35-EX
Page 47

FROM:\$ 222,876.88 - Item 009, GCL 1989
12,372.65 - Item 029, GCL 1983
19,500.00 - MES Corporate
"Major Maintenance Fund"
21,250.47 - MES Corporate
"Pretreatment Fund"

TO:\$ 222,876.88 - Item 009, GCL 1989
11,563.89 - Item 029, GCL 1983
20,308.76 - MES Corporate
"Major Maintenance Fund"
21,250.47 - MES Corporate
"Pretreatment Fund"

Reason: To reflect funding with sufficient funds.

BPW November 7, 1990
Item 13-RP
Page 14

FROM:\$ 800,580.00 - 81.20.03.085
Program Open Space - State's
Share

TO:\$ 613,300.80 - 81.20.03.085
Program Open Space - State's
Share

Reason: To decrease real property acquisition price due to
results of subsequent survey.

BPW November 21, 1990
Item 22-CGL
Page 30

FROM:\$ 586,708.00 - Howard County
Detention Center Expansion Loan
of 1990
515,000.00 - Howard County
Funds

TO:\$ 575,103.50 - Howard County
Detention Center Expansion Loan
of 1990
15,989.55 - Howard County
Detention Center Loan of 1990
510,614.95 - Howard County
Funds

Reason: To correctly reflect the established State/Local funding
ratio.

Mr. James McGinty

March 5, 1991

Page 3

BPW November 28, 1990

Item 3-GM

Page 11

FROM:\$ 2,300,000.00 - Maryland
Agriculture Cost Share Program

TO:\$ 2,300,000.00 - Item 097, CA 1990

Reason: To specifically identify funding.

BPW January 2, 1991

Item 9-GM (Revised)

Page 15 Revised

FROM:\$ 430,720.00 (FY 89) - MDE Water
Supply Assistance Fund
3,000,000.00 (FY 90)

TO:\$ 430,720.00 - Item 044, CA 1989
3,000,000.00 - Item 099, CA 1990

Reason: To specifically identify funding.

BPW February 20, 1991

Item 11-GM

Page 15

FROM:\$ 6,211.00 - Item 053, GCL 1986

TO:\$ 6,211.00 - Item 078, GCL 1987

Reason: To reflect funding with sufficient funds.

June 1990

PAAR Item 108-M

Page 29

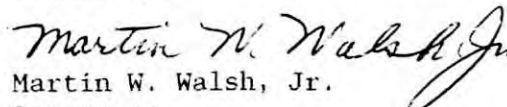
FROM:\$ 68,750.00 - 32.12.06.01.14.141
Project 0076

TO:\$ 34,375.00 - DE-FG43-90R323202
34,375.00 - Item 008, CA 1988

Reason: To correctly reflect established grant funds.

If you need any further assistance please do not hesitate to contact me on 225-4960 or have a member of your staff contact Basil Lambros, Director, Office of Administrative and Fiscal Services on 225-4213.

Sincerely,

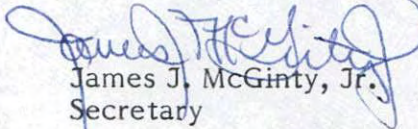

Martin W. Walsh, Jr.
Secretary

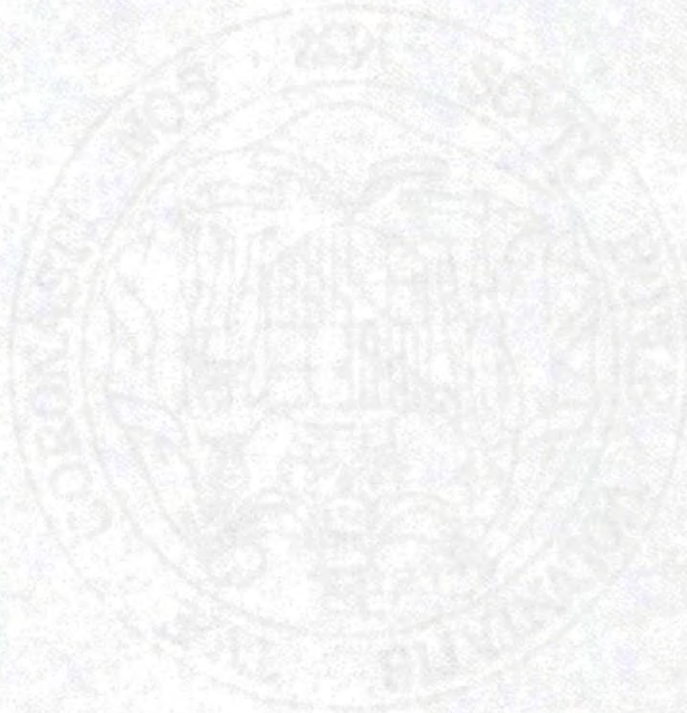
MWW:klr

cc: The Honorable Louis Goldstein
The Honorable Lucille Maurer
Mr. Ronald Kreitner

There being no further business, the meeting was adjourned.

Respectfully submitted,


James J. McGinty, Jr.
Secretary



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