

MINUTES
OF THE
MEETING OF THE
BOARD OF PUBLIC WORKS
January 28, 2004

BOARD OF PUBLIC WORKS

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January 28, 2004

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MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS, JANUARY 28, 2004

The Board of Public Works met in the Governor's Reception Room, State House, Annapolis, Maryland, on Wednesday, January 28, 2004.

Board Members present:

The Honorable Robert L. Ehrlich, Jr., Governor
The Honorable William Donald Schaefer, Comptroller
The Honorable Nancy K. Kopp, Treasurer

Also present:

Boyd K. Rutherford, Secretary, Department of General Services
James DiPaula, Secretary, Department of Budget & Management

CONSTRUCTION:

General Construction Loan of 1970	Maryland Consolidated Capital Bond Loan of 1995
General Construction Loan of 1986	Maryland Consolidated Capital Bond Loan of 1996
General Construction Loan of 1987	Maryland Consolidated Capital Bond Loan of 1997
General Construction Project Contingency Fund 1988	Maryland Consolidated Capital Bond Loan of 1998
General Construction Loan of 1989	Maryland Consolidated Capital Bond Loan of 1999
Maryland Consolidated Capital Bond Loan of 1992	Maryland Consolidated Capital Bond Loan of 2000
Maryland Consolidated Capital Bond Loan of 1992-POS	Maryland Consolidated Capital Bond Loan of 2001
Maryland Consolidated Capital Bond Loan of 1994	Maryland Consolidated Capital Bond Loan of 2002
	Maryland Consolidated Capital Bond Loan of 2003

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 as adopted by the Department of Natural Resources.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONSTRUCTION CONTRACT

ITEM 1-C

MARYLAND SCHOOL FOR THE DEAF

Columbia Campus
Howard County

CONTRACT NO. AND TITLE

Project No.: AH-000-030-002
Adpics No.: 001B4900470
Upgrade Boys & Girls Dormitory Bathrooms
Baker Building

DESCRIPTION - The base bid of this contract provides for upgrading four (4) boys and three (3) girls dormitory bathrooms. Upgrades include ADA hardware, accessible sinks, toilet stalls and bathtubs to meet ADA requirements.

Alternate #1: Provide six (6) lift systems in the bathrooms to carry the children in wheel chairs from entrance floors to shower areas and back.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDS OR PROPOSALS

	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Total</u> <u>(Base Bid + Alt. #1)</u>
Site Construction Inc.; Lanham, MD	\$264,300.00	\$48,000.00	\$312,300.00
Trison Construction Inc.; Hyattsville, MD	\$287,000.00	\$40,000.00	\$327,000.00
Emjay Engineering & Construction Co.; Baltimore, MD	\$288,259.00	\$42,161.00	\$330,420.00
Mirable Construction Co., Inc.; Baltimore, MD	\$322,920.00	\$10,800.00	\$333,720.00
North Point Builders, Inc.; Baltimore, MD	\$333,700.00	\$44,400.00	\$378,100.00
Ostach Construction, Inc.; Rockville, MD	\$378,000.00	\$40,000.00	\$418,000.00
Nastos Construction, Inc.; Washington, DC	\$475,000.00	\$40,000.00	\$515,000.00

AWARD

Site Construction Inc.

AMOUNT

\$312,300.00

PERFORMANCE BOND

100% of Full Contract Amount

Continued

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CONTRACT MODIFICATION (Construction)

ITEM 2-C-MOD

REMARKS

The racquetball courts are being deleted due to a change in the College's athletic program requirements. A portion of this credit was used to replace skylights over the pool which was approved by the Board of Public Works on January 7, 2004 as Item 1-C-MOD.

A unilateral change order is being issued because the contractor failed to provide supporting documentation for subcontractor fees. This unilateral change order deducts the subcontractor fees.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

bpwsmc.sh11

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 3-M

DEPARTMENT OF GENERAL SERVICES Saratoga State Center
Baltimore, Maryland

CONTRACT NO. AND TITLE 001B4900535
Janitorial Services

DESCRIPTION - This contract will provide Janitorial Services for the Saratoga State Center for a period of one (1) year beginning February 1, 2004 through January 31, 2005.

PROCUREMENT METHOD Preference Purchase

BIDS OR PROPOSALS **AMOUNT**
Alliance, Inc. - Baltimore, Maryland \$496,663.97

AWARD Alliance, Inc.

AMOUNT \$496,663.97

FUND SOURCE H00 04 33409 0813 - \$206,943.30
H00 05 33409 0813 - \$289,720.67

REMARKS

Alliance, Inc. is the incumbent for this contract and a Certified Sheltered Workshop under the Maryland Rehabilitation and Employment Program pursuant to COMAR 21.11.05. State Use Industries and Blind Industries and Services of Maryland have relinquished their priority for this procurement.

Pricing for this contract was approved by the Pricing and Selection Committee on December 16, 2003. Housekeeping supplies in support of this contract are to be purchased from Blind Industries and Services of Maryland (BISM) to the extent they are available.

Continued

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 3-M

REMARKS

The Office of the State Comptroller has verified, under **Control Number 03-2531-0110**, that the recommended contractor **has no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor **IS** a resident business under the guidelines of BPW Advisory P-003-95 Revised.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

jansaratoga.bpw

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 4-M (Revised)

REMARKS

These repairs and routine maintenance are necessary to restore areas damaged by storms and the tides.

This project was advertised on eMaryland Marketplace and in the Maryland Contract Weekly. Three (3) responsive and responsible bids were received.

Minority Business Enterprise participation for this project is 21% to a woman-owned company. Due to the scope of work and location of the project, 4% of the established goal has been waived.

The Office of the State Comptroller has verified, under Control Number 03-2242-1111, that the recommended contractor **has no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, of Department of Assessments and Taxation, as applicable, that the Contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor **IS** a resident business under the guideline of BPW Advisory P-003-95 Revised

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion /

Without Discussion

OceanCityBeach

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 6-RP

DEPARTMENT OF NATURAL RESOURCES

North Point State Park
Baltimore County
File # 3942

REFERENCE - Reference is made to Item 9-RP of the Department of General Services' Agenda on May 21, 2003 wherein the Board declared surplus and approved the disposal of 11 unimproved lots in Baltimore County located west of the intersection of North Point Rd and Wood Ave. Board of Public Works approval is now requested for five (5) Agreements of Sale resulting from the offer to sell these lots to adjacent property owners.

The contracts have been approved and signed by the Attorney General's Office.

SPECIAL CONDITION

1. The purchaser(s) agree to covenants that restrict the building or rebuilding of a primary structure, and agree to the limitations of the term "accessory structure" as defined by Baltimore County Zoning Regulations.
2. The purchaser(s) shall not sell, transfer, or convey the property(s) unless the property is formally consolidated with the contiguous parcel or sold, transferred or conveyed along with the contiguous parcel.

<u>GRANTEE</u>	Ronald S. & Carol R. Abrams
<u>PROPERTY</u>	Lots #15,16 & 18
<u>PRICE</u>	\$7,467.00 + \$125.00 Administration fee
<u>APPRAISAL VALUE</u>	\$7,467.00 - Beach - 8/13/03

<u>GRANTEE</u>	Wesley Hardwick & Elsie R. Hardwick
<u>PROPERTY</u>	Lot #8
<u>PRICE</u>	\$3,247.00 + \$125.00 Administration fee
<u>APPRAISAL VALUE</u>	\$3,247.00 - Beach - 8/13/03

<u>GRANTEE</u>	Edward Norman Glaeser & Sharon Lee Glaeser
<u>PROPERTY</u>	Lots #13 & 14
<u>PRICE</u>	\$5,235.00 + \$125.00 Administration fee
<u>APPRAISAL VALUE</u>	\$5,235.00 - Beach - 8/13/03

Continued

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM 6-RP

<u>GRANTEE</u>	Sharon K. Krieger & Bertha D. Abbotts
<u>PROPERTY</u>	Lot #9
<u>PRICE</u>	\$3,247.00 + \$125.00 Administration fee
<u>APPRAISAL VALUE</u>	\$3,247.00 - Beach - 8/13/03



<u>GRANTEE</u>	Jeremiah Morgan
<u>PROPERTY</u>	Lots 1,2,3, & 4
<u>PRICE</u>	\$9,149.00 + \$125.00 Administration fee
<u>APPRAISAL VALUE</u>	\$9,149.00 - Beach - 8/13/03

REMARKS

1. The Department of Natural Resources recommends disposition of these lots.
2. The Clearinghouse conducted an intergovernmental review of the project under MD20020507-0414 and has recommended to declare the 11 lots for sale. It is understood that the owners of the adjacent parcels have expressed an interest in acquiring the subject parcels. The Maryland Historical Trust determined that the proposed action would have "no effect" on historic properties.

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

Approved	Disapproved	Deferred	Withdrawn
With Discussion ✓		Without Discussion	

northpointsale.bpw

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REVENUE LEASE

ITEM 7-L

DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONAL SERVICES

Jessup
Howard County

Tenant CSX Transportation, Inc.
301 West Bay Street, Suite 800
Jacksonville, Florida 32202-5184

Property Location 109.884 Acres of Land on Dorsey Run Road
Jessup, Maryland

<u>Space Type</u>	Land	<u>Lease Type</u>	Rent Adjustment	<u>Acres</u>	109.884
<u>Duration</u>	5 Years	<u>Effective</u>	June 1, 2003		
<u>Annual Rent</u>	\$1,213,119.00	<u>Rate Per Acre</u>	\$11,040		
<u>Prev. Annual Rent</u>	\$ 646,117.92	<u>Prev. Rate Per Acre</u>	\$ 5,885		

Utilities Responsibility Tenant
Custodial Responsibility Tenant

Remarks

1. The Tenant, CSX Transportation, Inc., leased from the State under three (3) separate agreements, 115.1 acres of land, more or less, for the expansion of its automotive handling and distribution center (10/28/87 BPW, Item 16-L, 50 acres; 8/30/89 BPW, Item 56-L, 20 acres; and 8/5/92 BPW, Item 13-L, 45.1 acres). The term commenced on June 1, 1988 and collectively all agreements will terminate on May 30, 2018.

2. On the January 8, 2003 Board of Public Works Agenda as Item 7-RP, the Board approved the agreement of sale of 7.904 acres of land along Dorsey Run Road to Howard County. This sale provided land necessary for the realignment of Dorsey Run Road and the development of a new roadway. Of the 7.904 acres of land required for the road realignment, 5.216 acres were within the 115.1 acres of land leased to CSX Transportation, Inc. described above thereby reducing the land leased to CSX Transportation, Inc. to 109.884 acres.

3. The sale of land to Howard County, the significant increase in the area land values and the subsequent lengthy review of appraisals and comparable properties contributed to the delayed renegotiation of the rent for the 109.884 acres.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

REVENUE LEASE

ITEM 7-L

Special Conditions

1. The lease provides for quarterly rent payments on June 1st, September 1st, December 1st and March 1st of each lease year.
2. The Tenant has deposited with DGS a check in the amount of \$409,382.49 which represents the difference between the previous quarterly rent and the new quarterly rent for June, September and December, 2003.
3. The lease requires a re-evaluation of the rent every five (5) years through an appraisal process to determine fair market value. For the period June 2003 through May 2008, the appraised value increased to \$92,000 per acre from \$49,000 for the previous term. A 12% rate of return is applied to the fair market value to determine annual rent.
4. The Tenant may not assign, sublease or in any way encumber the property.
5. The Tenant is to coordinate any redevelopment and/or construction plans with appropriate State agencies through the Department of General Services.
6. Tenant is responsible for obtaining all permits, licenses, inspections and approvals required for its use and occupancy of the premises.
7. Tenant is self-insured and maintains master property coverage for all property owned, used or intended for use by the company and property of others in the company's care, custody or control, including all risk of direct physical loss, with a minimum retention of \$35 million.
8. Tenant shall indemnify and hold harmless the State of Maryland and the Department of Public Safety and Correctional Services against any and all liability or claim of liability (including reasonable attorney's fees), arising out of Tenant's use and occupancy, conduct, operation or management of the premises during the Term.
9. Tenant may terminate this lease by providing one (1) year prior notice to the Landlord.
10. Provided the Tenant is not in default and the lease agreement has not expired or been terminated, the Tenant has a first right-of-offer to purchase the property.
11. Tenant shall pay promptly any and all taxes assessed in connection with Tenant's use and occupancy of the property.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion ✓

Without Discussion

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 8-CGL

BOARD OF COUNTY COMMISSIONERS 701 Kelly Road
OF ALLEGANY COUNTY Cumberland, Allegany County

PROJECT NO. AND TITLE SL-001-991-038
Design and Repair Flood Mitigation Projects

DESCRIPTION

In accordance with the provisions of the Capital Appropriations (Fiscal Year 2001) - Western Maryland Flood Mitigation, DGS Item 085, Chapter 204, Acts of 2000, which provided a grant of \$3,900,000 to the Board of County Commissioners of Allegany County to design, repair, renovate, reconstruct, or protect facilities damaged by flood, Board of Public Works approval is requested for capital expenditures toward the following contract to replace and repair the storm drains at McKinley Street in the Town of Westernport including new pipes, manholes, and drains to relieve flooding.

PROCUREMENT METHOD Emergency

AWARD Carl Belt, Inc.
Cumberland, MD

AMOUNT \$162,500

FUND SOURCE \$162,500 - Item 085, CA 2001

REMARKS

Due to recent and repeated flooding in the McKinley Street area, the Town of Westernport procured an emergency contract to repair the drain system to prevent future flooding. Allegany County concurred with this decision.

No State funds will be disbursed until after such time as the Maryland Historical Trust has advised the Board that it has completed its review of the project. After the grantee has met this requirement, all future invoices will be submitted to the Department of General Services, who will process the disbursement of the State's portion in amounts equal to the invoices submitted.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 9-CGL

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION

2644 Riva Road
Annapolis, MD

PROJECT NO. AND TITLE

SL-021-881-038
Renovation of Maryland Hall for the Creative Arts
801 Chase Street, Annapolis

DESCRIPTION

In accordance with the provisions of the Maryland Consolidated Capital Bond Loan - Maryland Hall for the Creative Arts Loan of 2003, Chapter 204, Acts of 2003, which provided a grant of \$500,000 to the Anne Arundel County Board of Education to assist in the design and renovation of the Maryland Hall for the Creative Arts, Board of Public Works approval is requested for capital expenditures toward the following contract for the installation of a new fire protection sprinkler system throughout the facility including new piping and sprinkler heads.

PROCUREMENT METHOD

Competitive Sealed Bidding

BIDDERS

AMOUNT

Strickland Fire Protection, Inc. - College Park, MD	\$432,776
NAA, Inc. - McLean, VA	\$537,000
Reliance Fire Protection, Inc. - Baltimore, MD	\$626,900

AWARD

Strickland Fire Protection, Inc.

AMOUNT

\$432,776

FUND SOURCE

\$432,776 - MCCBL - Maryland Hall for the
Creative Arts Loan of 2003

REMARKS

No State funds will be disbursed until after such time as the Maryland Historical Trust has advised the Board that it has completed its review of the project.

Continued

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 9-CGL

REMARKS

No State funds will be disbursed until the grantee has presented suitable evidence to the Comptroller that it has expended the required matching funds for this project. After the grantee 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.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

mdhallpg.fv

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 10-CGL

<u>PROPOSALS</u>	<u>AMOUNT</u>
CAM Construction - Timonium, MD	\$297,830
Harbor View Contractors, Inc. - Baltimore, MD	\$298,900
McKenzie Contracting Company, LLC - Lutherville, MD	\$379,050
Hopkins Construction Co., Inc. - Kingsville, MD	\$429,780
Kinsley Construction - Timonium, MD	\$515,000

AWARD CAM Construction

AMOUNT \$2,600,000 GMP (Guaranteed Maximum Price)

FUND SOURCE \$1,000,000 - MCCBL - Baltimore International College Loan of 2003
\$1,600,000 - Baltimore International College

REMARKS

The Guaranteed Maximum Price includes the construction fee of \$297,830. The contractor was selected on the basis of the lowest construction fee which included cost of general conditions, contractor's fee, and pre-construction services. After the drawings were completed, the contractor provided a guaranteed maximum price.

No State funds will be disbursed until after such time as the Maryland Historical Trust has advised the Board that it has completed its review of the project.

No State funds will be disbursed until the grantee has presented suitable evidence to the Comptroller that it has expended the required matching funds for this project. After the grantee 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.

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

Approved Disapproved Deferred Withdrawn
 With Discussion Without Discussion

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: David Lever 410-767-0610

1. STATE PUBLIC SCHOOL CONSTRUCTION PROGRAM:
Public School Construction Capital Improvement Program – Fiscal Year 2005

Recommendation: The Interagency Committee on School Construction recommends that the Board of Public Works approve the State School Construction Program for the Fiscal Year 2005. The Interagency Committee is recommending a total statewide program in the amount of \$100 million. The Interagency Committee's proposed \$100 million statewide program comprises recommendations for specific projects in the approximate amount of \$75 million and a Statewide contingency in the approximate amount of \$25 million. The recommended Program would be funded by \$97.6 million from a proposed new bond authorization and \$2.4 million from Stadium Authority funds.

Background: The Interagency Committee has considered each local school system's capital improvement school construction program request submitted for Fiscal Year 2005. After reviewing and evaluating the submissions from each local education agency, including discussion between local representatives and Interagency Committee staff, the Interagency Committee recommends the 2005 Program to the Board of Public Works.

Generally, the recommended Program reflects the priority given to projects that address the mandates of the Bridge to Excellence in Education Act, urgent major projects that require a high level of State commitment to move forward, the high school science classroom initiative, and the highest priority systemic renovation projects.

The Program also includes planning approval for a number of major projects and for projects that will address Bridge to Excellence requirements for full-day kindergarten and for pre-kindergarten for disadvantaged four-years olds. Planning approvals have been recommended in accordance with the *Rules, Regulations, and Procedures for the Administration of the School Construction Program*, which require, among other things, that all design costs be paid by the local education agency.

Authority: This action is consistent with Section 5-301 of the Education Article, Maryland Code and the *Rules, Regulations, and Procedures for the Administration of the School Construction Program*.

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

Approved ✓	Disapproved	Deferred	Withdrawn
With Discussion ✓		Without Discussion	

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact : George Keller 410-537-3746
gkeller@mde.state.md.us
creilly@mde.state.md.us

2. MARYLAND DEPARTMENT OF THE ENVIRONMENT

A. Submission of a request by the Maryland Department of the Environment for approval of capital construction grants for the following projects to be funded from proceeds of various general obligation bonds:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount of Grant</u>
(1) Town of Millington	Millington WWTP Flood Protection and Upgrade Supplemental Assistance Program (SWQH 13.15) Grant Increase MCCBL 1992 MCCBL 1998	Kent	\$ 56,513
(2) Town of Federalsburg	Marshyhope Creek Multi-Phase Shoreline Rehabilitation Small Creeks and Estuaries Restoration Cost-Share Program (SCE 06.06) Grant Increase MCCBL 2003	Caroline	\$ 200,000
(3) Town of Denton	Denton Stormwater Control Facility Stormwater Pollution Control Cost-Share Program (SW 02.06) Grant Increase MCCBL 2003	Caroline	\$ 150,000
(4) Montgomery	Sherwood Forest Stream Restoration Small Creeks and Estuaries Restoration Cost-Share Program (SCE 12.17) Grant Increase MCCBL 1998 MCCBL 1999 MCCBL 2000	Montgomery	\$ 120,000

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

2. MARYLAND DEPARTMENT OF THE ENVIRONMENT (Cont'd)

(5) Montgomery	Dumont Oaks SWM Retrofit Stormwater Pollution Control Cost-Share Program (SW 22.17) Grant Increase MCCBL 2003	Montgomery	\$ 170,500
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B. Request to REVERT unneeded funds within the Water Quality Infrastructure Program:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount of Reversion</u>
Worcester	Ocean Pines Salt Water Marsh Restoration Project Small Creeks and Estuaries Water Quality Cost-Share Grant (SCE 02.24) MCCBL 1998 MCCBL 1999 MCCBL 2000	Worcester	\$ 150,000

MDE certifies that the proposed actions comply with the tax-exempt bond provisions of the Internal Revenue Code and do not constitute a change in use or private activity.

Comments of the State Clearinghouse have been reviewed by the Maryland Department of the Environment.

The MDE has determined these projects to be consistent with Maryland's Economic Growth, Resource Protection and Planning Policy, in accordance with Executive Order 01.01.1992.27; and Maryland's Smart Growth and Neighborhood Conservation Policy, in accordance with Executive Order 01.01.1998.04.

Board of Public Works Action:

The above referenced item was:

Approved Disapproved
With Discussion

Deferred Withdrawn
Without Discussion

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: George Keller 410-537-3574
gkeller@mde.state.md.us
creilly@mde.state.md.us

3. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Submission of a request by the Maryland Department of the Environment for a **loan increase** of up to \$1,500,000.00 from the Maryland Water Quality Revolving Loan Fund for:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount of loan</u>
St. Mary's County Metropolitan Commission	Marlay Taylor WRF Solids Handling Project	St. Mary's	\$1,500,000.00

MDE recommends that the Board approve a loan increase of up to \$1,500,000.00 to be repaid in a period not to exceed 20 years following project completion, at an interest rate of 25% of the Average of the Bond Buyer 11-Bond Index for the month preceding loan closing. The St. Mary's County Metropolitan Commission will deliver its bond, along with its full faith and credit endorsement of the Commissioners of St. Mary's County to the Maryland Water Quality Financing Administration to secure this debt.

This request for a loan increase is a result of a need for additional loan money to fund higher than estimated construction costs. This project was previously presented to the Board of Public Works at the September 17, 2003 meeting, where the Board of Public Works approved \$3,250,000.00 to be utilized by the St. Mary's County Metropolitan Commission. The total loan funds requested for this project will be \$4,750,000.

MDE has determined that this project is consistent with Maryland's Economic Growth, Resource Protection and Planning Policy, in accordance with Executive Order 01.01.1992.27; and Maryland's Smart Growth and Neighborhood Conservation Policy, in accordance with Executive Order 01.01.1998.04. MDE has reviewed the State Clearinghouse comments.

Authority: Sections 9-1601 through 9-1622, Environment Article, Maryland Code, known as the Maryland Water Quality Financing Administration Act.

Board of Public Works Action:

This above referenced item was:

Approved Disapproved

Deferred

Withdrawn ✓

With Discussion ✓

Without Discussion

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: George Keller 410-537-3574
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creilly@mde.state.md.us

4. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Submission of a request by the Maryland Department of the Environment for a **loan increase** of up to \$66,000.00 from the Maryland Water Quality Revolving Loan Fund for:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount of loan</u>
St. Mary's County Metropolitan Commission	Wastewater Pumping Station Replacements Project	St. Mary's	\$66,000.00

MDE recommends that the Board approve a loan increase of up to \$66,000.00 to be repaid in a period not to exceed 20 years following project completion, at an interest rate of 25% of the Average of the Bond Buyer 11-Bond Index for the month preceding loan closing. The St. Mary's County Metropolitan Commission will deliver its bond, along with its full faith and credit endorsement of the Commissioners of St. Mary's County to the Maryland Water Quality Financing Administration to secure this debt.

This request for a loan increase is a result of a need for additional loan money to fund additional project costs. This project was previously presented to the Board of Public Works at the September 17, 2003 meeting, where the Board of Public Works approved \$934,000.00 to be utilized by the St. Mary's County Metropolitan Commission. The total loan funds requested for this project will be \$1,000,000.

MDE has determined that this project is consistent with Maryland's Economic Growth, Resource Protection and Planning Policy, in accordance with Executive Order 01.01.1992.27; and Maryland's Smart Growth and Neighborhood Conservation Policy, in accordance with Executive Order 01.01.1998.04. MDE has reviewed the State Clearinghouse comments.

Authority: Sections 9-1601 through 9-1622, Environment Article, Maryland Code, known as the Maryland Water Quality Financing Administration Act.

Board of Public Works Action:

This above referenced item was:

Approved Disapproved
With Discussion ✓

Deferred **Withdrawn** ✓
Without Discussion

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: George Keller 410-537-3574
gkeller@mde.state.md.us
creilly@mde.state.md.us

5. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Submission of a request by the Maryland Department of the Environment for a new loan of up to \$6,200,000.00 from the Maryland Water Quality Revolving Loan Fund for:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount of loan</u>
Worcester County	Pocomoke Landfill Capping and Closure	Worcester	\$ 3,000,000.00
	Snow Hill Landfill Capping		3,000,000.00
	Newark Wastewater Treatment Upgrade		200,000.00
	TOTAL LOAN FUNDS AVAILABLE:		\$ 6,200,000.00

MDE recommends that the Board approve a loan of up to \$ 6,200,000.00 to be repaid in a period not to exceed 20 years following project completion, at an interest rate of 10% of the Average of the Bond Buyer 11-Bond Index for the month preceding loan closing. The County of Worcester will deliver its bond, along with its full faith and credit endorsement, to the Maryland Water Quality Financing Administration to secure this debt.

MDE has determined that this project is consistent with Maryland's Economic Growth, Resource Protection and Planning Policy, in accordance with Executive Order 01.01.1992.27; and Maryland's Smart Growth and Neighborhood Conservation Policy, in accordance with Executive Order 01.01.1998.04. MDE has reviewed the State Clearinghouse comments.

Authority: Sections 9-1601 through 9-1622, Environment Article, Maryland Code, known as the Maryland Water Quality Financing Administration Act.

Board of Public Works Action:

Approved

Disapproved

With Discussion

This above referenced item was:

Deferred

Withdrawn

Without Discussion

BOARD OF PUBLIC WORKS

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Secretary's Agenda

6. MARYLAND DEPARTMENT OF THE ENVIRONMENT (Cont'd):

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount</u>
4. Garrett County Commissioners	Crellin Acquisitions Phase I CFM 00.01 Legislative District: 1A MCCBL of 2001-01196	Garrett	\$85,128.45
5. Garrett County Commissioners	Crellin Acquisitions Phase II CFM 01.01 Legislative District: 1A MCCBL of 2001-01126	Garrett	\$39,125.00

MDE certifies that the proposed actions comply with the tax-exempt bond provisions of the Internal Revenue Code and do not constitute a change in use or private activity.

Comments from the State Clearinghouse, which are incorporated into Clearinghouse File Number MD20010810-0919 have been reviewed by the Maryland Department of the Environment. (Copy enclosed).

MDE has determined that these projects are consistent with Maryland's Economic Growth, Resource Protection and Planning Policy, in accordance with Executive Order 01.01.1992.27; and Maryland's Smart Growth and Neighborhood Conservation Policy, in accordance with Executive Order 01.01.1998.04.

Board of Public Works Action:

This above referenced item was:

Approved *

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

** - Item 6B was approved. Item 6A was Deferred (Grant to St. Mary's County for the Great Mills Acquisition Comprehensive Flood Management Grant Program.*

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: Kevin G. Wagner 410-537-3582
kwagner@mde.state.md.us
creilly@mde.state.md.us

6. MARYLAND DEPARTMENT OF THE ENVIRONMENT:

A. Submission of a request by the Maryland Department of the Environment for approval of capital construction grants for the following projects to be funded from proceeds of various general obligation bonds:



<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount</u>
St. Mary's County	Great Mills Acquisition Comprehensive Flood Management Grant Program CFM 02.06 Grant Increase Legislative District: 29A MCCBL of 1998-98007	St. Mary's	\$5,569.00

B. Request to REVERT unneeded funds within the Comprehensive Flood Management Program:

<u>Recipient</u>	<u>Project</u>	<u>County</u>	<u>Amount</u>
1. Allegany County Commissioners	Rainbow Lane/Barton Acquisition CFM 02.07 Legislative District: 1A MCCBL of 2001-01196	Allegany	\$268.31
2. Allegany County Commissioners	George's Creek - 2000 Acquisitions CFM 01.04 Legislative District: 1A MCCBL of 2001-01196	Allegany	\$1,056.56
3. Allegany County Commissioners	George's Creek - Pekin Acquisitions CFM 01.13 Legislative District: 1A MCCBL of 2001-01196	Allegany	\$946.69

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: Nick Williams 410-514-7900
nwilliams@dnr.state.md.us

7. **DEPARTMENT OF NATURAL RESOURCES:**
Maryland Environmental Trust

The Maryland Environmental Trust requests Board of Public Works approval to ratify the following:

Donation of a perpetual conservation easement to the Maryland Environmental Trust and Patuxent Tidewater Land Trust by Chesapeake Bay Foundation, Inc. on its 132.253-acre property in Oakville in St. Mary's County.

The Board of Trustees of the Maryland Environmental Trust has reviewed this easement donation offer and recommends ratification by the Board of Public Works.

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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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

January 28, 2004

Secretary's Agenda

APPENDIX

Contact: Boyd K. Rutherford 410-767-4960
brutherford@dgs.state.md.us

REPORT OF EMERGENCY PROCUREMENT

ITEM Appendix 1

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE**

Rosewood Center
Owings Mills, Maryland

CONTRACT NO. AND TITLE

Project No. - M00R4203874
Adpics No. - 001B4900499
Emergency Uniformed Guard Service

CONTRACT TYPE

Maintenance

DESCRIPTION - This contract provides for unarmed uniformed guard service for the Rosewood Center for a period of three months beginning December 1, 2003 through February 29, 2004.

PROCUREMENT METHOD

Emergency

BIDS OR PROPOSALS

Central Security Investigation Agency, Inc.
Baltimore, MD

AMOUNT

\$47,320.00

AWARD

Central Security Investigation Agency, Inc.

AMOUNT

\$47,320.00

FUND SOURCE

M00 04 PA34G 0814

BOARD OF PUBLIC WORKS

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APPENDIX

REPORT OF EMERGENCY PROCUREMENT

ITEM **Appendix 1 (cont'd)**

REMARKS

By letter dated December 30, 2003, members of the Board of Public Works were notified of this emergency procurement.

This three-month contract has been requested due to the unexpected legal challenge and decision by the court to delay the transfer of 15 offenders to Jessup. Security guard services required beyond this time frame will be solicited by the Department of General Services through standard procurement procedures.

The recommended contractor and incumbent, Central Security Investigation Agency, Inc., is currently providing satisfactory service at the facility.

The Office of the State Comptroller has verified, under **Control Number 03-1387-1111**, that the recommended contractor **has no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor **IS** a resident business under the guidelines of BPW Advisory P-003-95 Revised.

Board of Public Works Action:

Report Accepted

With Discussion

Without Discussion

Report remanded to Dept./Agency

PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: James W. Price(410) 260-8426
cprice@dnr.state.md.us

ITEM 1A

Approval is requested to cancel and revert encumbrances on the following projects previously approved by the Board of Public Works. These amounts represent the balance of Program Open Space and Rural Legacy Program funds not expended by the county for the referenced project.

PROGRAM OPEN SPACE LOCAL SHARE: 81.20.04

Ref. Doc. #	Project #	Project Name	Co.	Fund Source	FY	Amount
PZ999040001	3513-12-164	Perryman Park Development	HA	936	99	\$15,000.00
PZ210057028	3802-12-176	Ma & Pa Trail Restroom/Storage Building	HA	736	97	\$ 3,000.00
PZ210057029	3802-12-176	Ma & Pa Trail Restroom/Storage Building	HA	136	01	\$60,000.00
PZ240025009	3802-12-176	Ma & Pa Trail Restroom/Storage Building	HA	136	02	\$49,500.00
PZ220043002	4064-1-155	Georges Creek Regional Library Parklet	AL	125	02	\$ 350.00
PZ200036018	3656-22-126	Pittsville Park Playground Upgrade	WI	046	00	\$ 1,058.89
PZ200036019	3657-22-127	Fairfield Park Improvements	WI	046	00	\$ 1,148.10
PZ22031035	3974-22-138	Winter Place Park - Equestrian Center Roof	WI	046	00	\$ 1,526.00
PZ22031036	3974-22-138	Winter Place Park - Equestrian Center Roof	WI	146	01	\$ 6,763.00

PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A

BOARD OF PUBLIC WORKS

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ITEM 1A (Cont'd.)

FEDERAL LAND AND WATER CONSERVATION FUND: 30.01.05.002.011.00

Ref. Doc. #	Project #	Project Name	Co.	Fund Source	FY	Amount
PZ999070001	3529-7-137	Elk Mills Park Dev. Phase I	CE		99	\$1,267.50

Allegany, Cecil, Harford, and Wicomico Counties have completed these projects and requested that these funds be reverted to their county's unencumbered POS accounts for future projects.

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**

January 28, 2004

Secretary's Agenda

Contact: JamesW. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 2A
PROGRAM OPEN SPACE LOCAL SHARE:

Approval is requested to commit \$32,400.00 for the following project located in **Allegany County** from the Program Open Space Local Share that is allocated to the County and administered through Program Open Space.

**Cresaptown Community Park (26± existing acres) - \$32,400.00 - POS #4501-1-172
MD20031210-1231**

Development of a parking area for track users and the construction of a walking trail around the perimeter of the existing recreation area.

FUND SOURCE:

Program 81.20.04	Item 925	\$ 2,006.00
Program 81.20.04	Item 125	\$ 9,720.71
Program 81.20.04	Item 301	\$20,673.29

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

Approved
With Discussion

Disapproved

Deferred

Withdrawn

Without Discussion

**PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A
BOARD OF PUBLIC WORKS**

**January 28, 2004
Secretary's Agenda**

Contact: JamesW. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 3A
PROGRAM OPEN SPACE LOCAL SHARE:
MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2003:
FEDERAL LAND AND WATER CONSERVATION FUND:
RURAL LEGACY PROGRAM FUNDS:

Approval is requested to commit to **Anne Arundel County**, for the following projects, \$1,473,000 from Program Open Space State Share, Local Share and Rural Legacy, administered through Program Open Space and the Rural Legacy Program and \$2,500,000 from the Federal Land and Water Conservation Fund (L&WCF) administered through Program Open Space.

**1. Newman Street Playground Renovation, City of Annapolis (1± existing acre) - \$96,000
POS #4509-2-209 - MD20031210-1228**

Recreational development includes park evaluation and design, ADA accessible playground apparatus: swing set, picnic tables, sitting benches, lighted basketball court, drinking fountains, bike rack, trash cans, landscaping, a reduction of impervious surfaces and the installation of a bio-retention rain garden.

**2. Riggleman Property Acquisition (1,227± existing acres) - \$1,377,000
(\$2,500,000 L&WCF) POS #4523-2-210 - MD20031217-1254**

Acquisition of 303± acres of improved property that includes approximately 4,700 feet of shoreline along the Patuxent River, a major tributary of the Chesapeake Bay. The acquisition of this property will permanently protect the shoreline and uplands along this section of the river known as Jug Bay. This project is a joint effort by Anne Arundel County, the Department of Natural Resources, the National Park Service and the Trust for Public Lands. The federal Department of the Interior's National Park Service has approved a matching grant in the amount of \$2,500,000. Anne Arundel County has secured another \$1,250,000, in non-Program Open Space county assistance, to complete the necessary match for federal funding.

<u>Appraised Value:</u>	Colliers Pinkard	\$4,400,000.00
	Worthington & Associates	\$5,700,000.00

Property Cost: \$5,127,000.00

<u>FUND SOURCE:</u>	Program 81.20.04 Item 926	\$ 398.71 (Local POS)
	Program 81.20.04 Item 126	\$ 95,601.29 (Local POS)
	** Program 89.22.26 Item 020	\$1,249,813.52 (Stateside POS)
	Program 81.20.04 Item 149	\$ 127,186.48 (Rural Legacy)
	Federal reimbursable	\$2,500,000.00 (L&WCF)

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

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

**PROGRAM OPEN SPACE AGENDA - SUPPLEMENT A
BOARD OF PUBLIC WORKS**

January 28, 2004

Secretary's Agenda

Contact: James W. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 4A

PROGRAM OPEN SPACE LOCAL SHARE:

MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2003:

Approval is requested to commit \$69,079.00 for the following projects located in **Cecil County** from the Program Open Space Local Share that is allocated to the County and administered through Program Open Space.

1. **Cecilton Park Ballfields, Town of Cecilton (24± existing acres) - \$37,500.00**

POS #4562-7-192 - MD20031210-1230

Development of two ballfields at the community park to include signage, backstops, fencing and dimetek surfacing. This development is to occur on the new 18.6 acre parcel of parkland.

2. **North East Little League Dev. VI - Lighting Founder's Field #1 - (12± existing acres)**

\$31,579.00 - POS #4506-7-193 - MD20031210-1227

Lighting of the Founder's Field to include lights, poles, wiring, concrete bases, transformer costs and installation. This request for funding represents one-third of the total development costs. Future installment requests will be made when additional funding becomes available.

<u>FUND SOURCE:</u>	Program 81.20.04	Item 131	\$ 7,039.20
	Program 81.20.04	Item 831	\$ 3,379.80
	** Program 89.22.26	Item 407	\$58,660.00

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**

January 28, 2004

Secretary's Agenda

Contact: James W. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 5A
PROGRAM OPEN SPACE LOCAL SHARE:

Approval is requested to commit \$227,250.00 for the following project located in **Charles County** from the Program Open Space Local Share that is allocated to the County and administered through Program Open Space.

Bensville Park Development II (94± existing acres) - \$227,250.00 - POS #4420-8-54 MD20031023-1142

Development of a park entrance area in accordance with State Highway Administration standards.

FUND SOURCE: Program 81.20.04 Item 132 \$227,250.00

This Item was previously submitted as Item 5A(2) on December 17, 2003.

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

January 28, 2004

Secretary's Agenda

Contact: JamesW. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 7A

MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2003:

Approval is requested to commit \$90,081.00 for the following project located in the **Town of Middletown, Frederick County**, from the Program Open Space Local Share that is allocated to the County and administered through Program Open Space.

Wiles Branch Park Development (24± existing acres) - \$90,081.00 - POS #4120-10-180 MD20020418-0336

Additional funding for the continuation of the Wiles Branch Linear Park Development. This development includes an additional access road, parking, multi-purpose field, sediment and erosion controls, stormwater management controls and additional plantings.

FUND SOURCE: ** Program 89.22.26 Item 410 \$90,081.00

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**

**Secretary's Agenda
January 28, 2004**

Contact: JamesW. Price (410) 260-8426
cprice@dnr.state.md.us

ITEM 9A

MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2001 AND 2003:

Approval is requested to commit to Queen Anne's County, for the following project, \$1,250,000 from Program Open Space State Share and \$1,750,000 from the Federal Land and Water Conservation Fund (L&WCF), pending federal approval, administered through Program Open Space.

Conquest Waterfront Preserve (682± existing acres) - \$1,250,000.00

(\$1,750,000 L&WCF) POS #4497-17-126 - MD20031023-1141

Acquisition of 76 acres with improvements, being the last in-holding within the existing 682-acre park property. This purchase will create a 758-acre waterfront preserve conserving more than 3 miles of shorefront on the Chester and Corsica Rivers. Queen Anne's County has already contributed \$500,000 of county non-Program Open Space funding to this acquisition. This contribution of \$500,000 and \$1,250,000 of Program Open Space funds requested in this item will serve as match for the anticipated \$1,750,000 in federal Department of the Interior's, National Park Service, Land and Water Conservation Fund assistance.

Appraised Value: Tidewaters Properties, LLC \$3,600,000.00
Cadell & Associates, Inc. \$4,100,000.00

Property Cost: \$3,500,000.00

Incidental Costs: \$ -0-

FUND SOURCE: ** Program 89.20.10 Item 189 \$ 389,285.00 (Stateside POS)
** Program 89.22.26 Item 018 \$ 860,715.00 (Stateside POS)
Federal reimbursable \$1,750,000.00 (LWCF)

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

Approved **Disapproved** **Deferred** **Withdrawn**
With Discussion **Without Discussion**

PROGRAM OPEN SPACE - SUPPLEMENT A

BOARD OF PUBLIC WORKS

January 28, 2004

Secretary's Agenda

Contact: Pamela F. Bush (410) 260-8428
pbush@dnr.state.md.us

ITEM 11A

CONSERVATION RESERVE ENHANCEMENT PROGRAM
PROGRAM OPEN SPACE FUNDS:

Approval is requested to grant to the Potomac Conservancy (\$52,338.38), Lower Shore Land Trust, Inc. (\$223,739.61) and the Somerset Soil Conservation District (\$70,836.07) the following projects from the Program Open Space State Share that is administered by Program Open Space.

PROJECT NAME: Conservation Reserve Enhancement Easement Program (CREP)

BACKGROUND: On March 24, 1999 the Board of Public Works approved the Conservation Reserve Enhancement Easement Program (Program Open Space Agenda Item 2A) and as amended on October 3, 2001 (Program Open Space Agenda Item 8A) authorized the Department of Natural Resources to administer the acquisition of perpetual conservation easements for the purpose of reducing sediments and nutrients from runoff into the Chesapeake Bay, and enhancing wildlife habitat.

PROJECT DESCRIPTION:

1. **Richards, K. David and Marv (\$52,338.38)**
Acquisition to purchase a perpetual conservation easement to be held by the Department of Natural Resources with the Potomac Conservancy in Allegany County on 25.282 acres of forested buffers within the Town Creek watershed to reduce the run off of sediments and nutrients into the Chesapeake Bay.
2. **Figgs, William T., Jr., William T., and Laura (\$119,091.71)**
Acquisition to purchase a perpetual conservation easement to be held by the Department of Natural Resources with the Lower Shore Land Trust in Wicomico County on 92.66 acres of forested, wetland and vegetative buffers within the Pocomoke River watershed to reduce the run off of sediments and nutrients into the Chesapeake Bay.

PROGRAM OPEN SPACE - SUPPLEMENT A

BOARD OF PUBLIC WORKS

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Secretary's Agenda

Contact: Pamela F. Bush (410) 260-8428
pbush@dnr.state.md.us

ITEM 11A (Cont'd.)

3. **Patey, Walter H., Sr., David A., and Randy M. (104,647.90)**
Acquisition to purchase a perpetual conservation easement to be held by the Department of Natural Resources with the Lower Shore Land Trust in Wicomico County on 80.00 acres of forested, wetland and vegetative buffers within the Pocomoke River watershed to reduce the run off of sediments and nutrients into the Chesapeake Bay.

4. **Quindocqua Partnership (\$66,168.67)**
Acquisition to purchase a perpetual conservation easement to be held by the Department of Natural Resources with the Somerset Soil Conservation District in Somerset County on 66.21 acres of forested and vegetative buffers within the Pocomoke Sound watershed to reduce the run off of sediments and nutrients into the Chesapeake Bay.

5. **White, Gary R. and Ruth G. (\$4,667.40)**
Reimbursement of incidental costs related to the acquisition of easements on a property permitted under Conservation Reserve Enhancement Program guidelines.

<u>FUND SOURCE:</u>	CREP Program 88.54.04	Item 022	\$ 8,699.44
	CREP Program 88.54.04	Item 023	\$.50
	CREP Program 89.12.04	Item 044	\$ 32,400.00
	CREP Program 89.12.04	Item 046	\$ 15,588.96
	CREP Program 89.12.04	Item 049	\$ 62,402.81
	CREP Program 81.20.03	Item 367	\$227,822.35

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

January 28, 2004

Secretary's Agenda

Contact: Jack Perdue (410) 260-8505
jperdue@dnr.state.md.us

ITEM 12A

SALE OF FOREST PRODUCTS:

Submission of a request by the Department of Natural Resources for the approval by the Board of Public Works of the following timber sale pursuant to the timber sale policy adopted by the Board on October 7, 1987.

PROJECT NAME: Savage River State Forest - Garrett County

SALES DESIGNATION: SR-06-04

AREA DESCRIPTION: 71 acres / Compartment #70

DESCRIPTION: This sale will involve the selective harvest of mature and defective trees on 71 acres. The stand is overstocked and in an advanced stage of decline. This condition has been worsened by a damaging ice storm in October 2002. There is adequate residual trees and advanced regeneration to fully stock the next stand. This treatment will promote accelerated growth and overall forest health. Future work will include harvesting the remaining trees in about 25 years. This sale includes 372,630 board feet of sawtimber and 246 cords.

PROCUREMENT METHOD: Competitive Sealed Bid

PROPOSALS RECEIVED: 4

Coastal Lumber Company (WV)	\$171,971.00
TAZ Hardwoods Co., Inc. (WV).....	\$148,722.00
William Richter & Sons (PA)	\$135,613.00
Appalachian Timber Products (PA)	\$127,000.00

AWARD: Coastal Lumber Company

AMOUNT: \$171,971.00

ESTIMATED VALUE: \$138,516.00

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 1-S (Cont)

BIDS OR PROPOSALS: See Attachment 1

AWARDS: See Attachment 1

INCUMBENTS: See Attachment 2

FUND SOURCE: 50% Fed. (Low Income Home Energy Assistance Block Grant)
50% Spec. (Electric Utility Ratepayers)

APPROP. CODE: N00C0112

AMOUNTS: *Grand Totals (14 Contracts)*
\$5,188,530 (3 years; Base Contract)
\$1,823,956 (1 Year; 1st Renewal Option)
\$1,879,312 (1 Year; 2nd Renewal Option)
\$8,891,798 Total (5 Years; see Attachment 1 for details by contractor)
(\$4,445,899 Spec.; \$4,445,899 Fed.)

PERFORMANCE BOND: None

REQUESTING AGENCY REMARKS: A notice of the availability of the Request For Proposals (RFP) was advertised in the *Maryland Contract Weekly*. Copies of the solicitation notice were mailed directly to 22 prospective vendors, 21 of which were Maryland firms, and included no MBEs. A copy was also sent to the Governor's Office of Minority Affairs. Ten of the prospective offerors were non-profit organizations. No MBE subcontracting goal was established for this solicitation due to the lack of subcontracting opportunities.

Multiple awards, one per jurisdiction, resulted from this Request for Proposals. Fourteen jurisdictions were targeted for award and a total of 14 proposals were received in response to this solicitation. All proposals were deemed reasonably susceptible of being selected for award. Attachment 1 summarizes the recommended awards for each jurisdiction.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 1-S (Cont)

The purpose of this contract is to provide Local Administrative Agency Services for the Maryland Energy Assistance Program (MEAP) and the Electric Universal Service Program (EUSP) in designated jurisdictions. It is projected that, overall, 97,734 intake applications will be received over the course of the three-year base contract through these agencies. Approximately 76,500 EUSP bill payment benefits are projected for approval while 85,000 MEAP benefits are projected during the three-year base-contract period.

While in most instances applicants receive benefits from both programs there are instances where they may receive one, but not the other. About 3,700 applications are projected to receive EUSP arrearage benefits during the three-year base contract. Inspection of weatherized units over the course of the three-year base-contract are projected to number 1,035.

As mentioned above under the *Program Description*, OHEP operates several mandated programs through a mixture of local departments of social services, local government agencies and private contractors (all of which are currently non-profit agencies called Community Action Agencies). Details of these programs are:

- The Maryland Energy Assistance Program (MEAP) funded through the Federal Low Income Home Energy Assistance Program (LIHEAP);
- State special electric ratepayer funded program called the Electrical Universal Service Program (EUSP); and
- The Utilities Service Protection Program (USPP) in cooperation with the Public Service Commission and utilities.

MEAP provides assistance with energy bills for gas, electric, fossil fuel and/or weatherization services with emphasis on heating/cooling assistance. EUSP provides assistance with electricity expenses and limited electrical weatherization assistance. USPP provides added assurances to prevent utility service termination.

Assistance is provided to eligible households and homeless and domestic violence shelters to help pay utility and fuel bills, minimize energy-related crises, and to assist in making utility and/or heating and cooling expenses more affordable. This mission is accomplished through Local Area Agencies (LAAs), which provide application services and links and/or referrals to other related community services.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 1-S (Cont)

LAA vendors provide outreach, application intake, review and certification of household eligibility and payment functions for the 14 jurisdictions served by this multiple-award contract, along with related data entry into OHEP's database for these activities. LAAs provide sufficient staff, supervision, office space and time to perform these functions.

Of the 24 jurisdictions in Maryland, 8 are being served by local departments of social services, two by local government agencies and the remaining 14 jurisdictions by non-profit LAAs, under this multiple-award contract. The 14 jurisdictions to receive an award under this contract are:

- Allegany County
- Anne Arundel County
- Carroll County
- Calvert County
- Charles County
- Howard County
- Harford County
- Garrett County
- St. Mary's County
- Somerset County
- Talbot County
- Washington County
- Wicomico County
- Worcester County

The Office of the State Comptroller has verified, under the Control Numbers in Attachment I, that the recommended contractors have no known deficiencies in the payments of their Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractors are appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractors **are all** resident businesses under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS:

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.

By approving this contract, the Board grants DBM the authority to approve the unilateral exercise of the renewal option(s) at the scheduled times as provided for in the contract, and directs that the exercise of each option renewal be reported on a DBM PAAR.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 1-S (Cont)

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

BIDS OR PROPOSALS (Cont):

<u>Offerror/Awardee</u>	<u>Number of Participants</u>	<u>Offer Amount *</u>
<i>Allegany County</i> Allegany County Human Resources Development Commission, Inc. Cumberland, MD Comptroller #: 03-2353-0110 ADPICS ID: N00B4200367 Contract Number: CSA/OHEP 04-001	13,449	\$1,128,448
<i>Anne Arundel</i> Anne Arundel County Equal Opportunity Committee, Inc. Annapolis, MD Comptroller #: 03-2358-0110 ADPICS ID: N00B4200368 Contract Number: CSA/OHEP 04-002	8,488	\$ 779,866
<i>Carroll County</i> Human Services Programs of Carroll County, Inc. Westminster, MD Comptroller #: 03-2359-0110 ADPICS ID: N00B4200378 Contract Number: CSA/OHEP 04-006	6,355	\$ 634,755
<i>Garrett County</i> Garrett County, Maryland, Community Action Committee, Inc. Oakland, MD Comptroller #: 03-2357-0000 ADPICS ID: N00B4200380 Contract Number: CSA/OHEP 04-011	6,907	\$1,108,199
<i>Harford County</i> Harford County Community Action, Inc. Bel Air, MD Comptroller #: 03-2360-0110 ADPICS ID: N00B4200370 Contract Number: CSA/OHEP 04-012	14,268	\$1,060,713

***Offer amount includes the three-year base amount plus the two one-year renewal options amount.**

BIDS OR PROPOSALS (Cont):

<u>Offerror/Awardee</u>	<u>Number of Participants</u>	<u>Offer Amount *</u>
<p><i>Howard County</i> Community Action of Howard County, Inc. Columbia, MD Comptroller #: 03-2361-0110 ADPICS ID: N00B4200371 Contract Number: CSA/OHEP 04-013</p>	5,402	\$ 681,160
<p><i>Somerset County</i> Shore Up! Inc. Salisbury, MD Comptroller's #: 03-2504-0110 ADPICS ID: N00B4200373 Contract Number: CSA/OHEP 04-019</p>	3,723	\$ 315,874
<p><i>Wicomico County</i> Shore Up! Inc. Salisbury, MD Comptroller #: 03-2362-0110 ADPICS ID: N00B4200376 Contract Number: CSA/OHEP 04-022</p>	8,890	\$ 483,186
<p><i>Worcester County</i> Shore Up! Inc. Salisbury, MD Comptroller #: 03-2505-0110 ADPICS ID: N00B4200377 Contract Number: CSA/OHEP 04-023</p>	3,953	\$ 300,454
<p><i>Calvert County</i> Southern MD Tri-County Community Action Committee, Inc. Hughesville, MD Comptroller #: 03-2506-0110 ADPICS ID: N00B4200369 Contract Number: CSA/OHEP 04-004</p>	2,654	\$ 215,932

*Offer amount includes the three-year base amount plus the two one-year renewal options amount.

BIDS OR PROPOSALS (Cont):

<u>Offerror/Awardee</u>	<u>Number of Participants</u>	<u>Offer Amount *</u>
<i>Charles County</i> Southern MD Tri-County Community Action Committee, Inc. Hughesville, MD Comptroller #: 03-2355-0110 ADPICS ID: N00B4200379 Contract Number: CSA/OHEP 04-008	5,531	\$ 431,860
<i>St. Mary's County</i> Southern MD Tri-County Community Action Committee, Inc. Hughesville, MD Comptroller #: 03-2356-0110 ADPICS ID: N00B4200372 Contract Number: CSA/OHEP 04-018	5,461	\$ 431,860
<i>Talbot County</i> Neighborhood Services Center Inc. Easton, MD Comptroller #: 03-2363-0110 ADPICS ID: N00B4200374 Contract Number: CSA/OHEP 04-020	3,227	\$ 456,918
<i>Washington County</i> Washington County Community Action Council, Inc. Hagerstown, MD Comptroller #: 03-2354-0110 ADPICS ID: N00B4200375 Contract Number: CSA/OHEP 04-021	9,426	\$ 862,573
Grand Totals	97,734	\$8,891,798

*Offer amount includes the three-year base amount plus the two one-year renewal options amount.

INCUMBENTS (Cont):

<i>Vendor</i>	<i>Prior Term</i>	<i>Prior Amount</i>
Allegany County Human Resources Development Commission, Inc. Cumberland, MD	7/1/98 – 12/31/2003	\$2,853,102
Anne Arundel County Equal Opportunity Committee, Inc. Annapolis, MD	7/1/98 – 12/31/2003	\$1,792,336
Human Services Programs of Carroll County, Inc. Westminster, MD	7/1/98 – 12/31/2003	\$1,368,554
Garrett County, Maryland, Community Action Committee, Inc. Oakland, MD	7/1/98 – 12/31/2003	\$2,405,970
Harford County Community Action, Inc. Bel Air, MD	7/1/98 – 12/31/2003	\$2,234,680
Community Action of Howard County, Inc. Columbia, MD	7/1/98 – 12/31/2003	\$1,299,662
Shore Up! Inc. (For Somerset, Worcester and Wicomico Counties) Salisbury, MD	7/1/98 – 12/31/2003	\$3,571,115
Southern MD Tri-County Community Action Committee, Inc. (For Calvert, Charles and St. Mary's Counties) Hughesville, MD	7/1/98 – 12/31/2003	\$2,638,951
Neighborhood Services Center Inc. (For Talbot County) Easton, MD	7/1/98 – 12/31/2003	\$792,604
Washington County Community Action Council, Inc. Hagerstown, MD	7/1/98 – 12/31/2003	\$1,995,232
Total –		\$20,952,206

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 2-S (Cont)

<u>BIDS OR PROPOSALS:</u>	<u>Tech. Rank</u>	<u>Financial Offer (Rank)</u>	<u>Overall Rank</u>
Pearson Educational Measurement Iowa City, IA	1	\$4,611,931 (1)	1
Measurement Incorporated Durham, NC	2	\$4,612,454 (2)	2

AWARD: **Pearson Educational Measurement**
Iowa City, IA

INCUMBENT: None

FUND SOURCE: 100% Fed. (Federal Special Education Funds)

APPROP. CODE: R00A0104

AMOUNT: **\$4,611,931** (5 Years)

PERFORMANCE BOND: None

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised in the *Maryland Contract Weekly* and at the *eMaryland Marketplace.com* website. Copies of this solicitation were mailed or emailed directly to 27 prospective vendors, 9 of which were Maryland firms and included 8 MBEs. A copy of the solicitation was also sent to the Governor's Office of Minority Affairs.

There is a 10% MBE goal established for this contract. Most of this goal will be met by the recommended contractor by subcontracting with Douglas Consulting & Computer Services (1.6%) for scanning the portfolios; Heaven's Gate Eatery (1.7%) for catering services; Camera Ready, Inc. (3.9%) for parent video production and distribution; and Time Printers, Inc. (0.6%) for parent brochure layout and printing (total of 7.8% MBE subcontracting). All the subcontractors are MD certified MBEs located in Baltimore. A waiver has been granted for the remaining 2.2% MBE participation goal.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 2-S (Cont)

Representatives from five firms attended the pre-proposal conference, but only two vendors submitted responses to this solicitation effort. A survey of the non-responding vendors disclosed the following reasons for not participating: too busy at this time; not mutually beneficial; and not qualified to provide the services.

ALT-MSA is Maryland's alternate assessment for students with severe cognitive disabilities who cannot participate in Maryland's general education assessment - the Maryland School Assessment (MSA), even with accommodations. ALT-MSA is a key component of the State's Education Accountability Program, as required by the NCLB Act of 2001. All students in Maryland in grades 3 - 8 and 10 participate in either the MSA or the ALT-MSA. (In the 2003-2004 school year students in Grade 11 will also be assessed by the ALT-MSA, as the alternate assessment in previous years was given in Grade 11. The upcoming school year is the transition year to a Grade 10 annual administration in high school.)

Participation in the ALT-MSA is determined by the grade that a student would normally be in based on his or her age, rather than based on his or her level of cognitive functioning. The ALT-MSA consists of portfolio artifacts for reading and mathematics that are collected during the period from October - February each year. Each student portfolio also includes a videotape of the student engaged in a task representing one of his or her reading or mathematics mastery goals.

Services of this contract include the designing and development of the test, storing and management of test materials, scoring of the test, and analysis and reporting of test results. The recommended contractor not only demonstrated thorough understanding of the Maryland unique ALT-MSA test requirements, but also exhibited proven experience by: assigning highly qualified staff with relevant experience from similar assessment projects; presented a complete and thorough project plan; and charted a well documented approach to ensuring quality assurance.

The Office of the State Comptroller has verified, under Control Number 03-2139-1111, that the recommended contractor has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor **is not** a resident business under the guidelines of BPW Advisory P-003-95 Revised.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 2-S (Cont)

DBM REMARKS: 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.

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

SERVICES CONTRACT

ITEM: 3-S **Agency Contact:** Debi Chronister (410) 767-2211
DChronister@choosemaryland.org

DEPARTMENT: Business and Economic Development (DBED)

PROGRAM: Division of Tourism, Film and the Arts
Maryland Office of Tourism Development (MOTD)

DBED's Division of Tourism, Film and the Arts promotes economic development of Maryland by enhancing the attractiveness of cultural activities, historical sites, recreational centers and sites for film and television productions, and to generally position Maryland as a competitive tourism destination, worldwide. MOTD seeks to convince consumers to select Maryland as their travel destination.

CONTRACT NO. & TITLE: T00R4200407;
Advertising Services for the Division of
Tourism, Film and the Arts

ADPICS DOCUMENT ID NUMBER: T00B4200006

DESCRIPTION: Task order contract to provide for a full-service advertising, public relations and graphic design agency to develop marketing, advertising programs and tools designed to convince consumers within a 400-mile radius of Maryland to select Maryland as their travel destination.

TERM: 2/1/2004 - 1/31/2005

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS: See Attachment

AWARD: Gray, Kirk/VanSant Advertising,
Inc.
(GKV)
Baltimore, MD

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 3-S (Cont)

INCUMBENT: Trahan, Burden & Charles, Inc.
(7/1/98 - 12/31/2003; \$38,000,000)

FUND SOURCE: 100% Gen. **APPROP. CODE:** T00E001

AMOUNT: \$2,747,413 (1 Year)

PERFORMANCE BOND: \$250,000

REQUESTING AGENCY REMARKS: A notice of the availability of the Request For Proposals (RFP) was advertised in the *Maryland Contract Weekly*. Copies of the solicitation notice were mailed directly to 117 prospective vendors, 68 of which were Maryland firms, and included 10 MBEs. A copy was also sent to the Governor's Office of Minority Affairs.

There is a 20% MBE goal established for this contract with sub-goals of 10% of the total contract dollar amount to be allocated to women-owned businesses and 7% of the total contract dollar amount to be allocated to African-American owned businesses. The contractor has met this goal by using four MBEs as follows:

- 1) Carol Hirschburg Consulting, Owings Mills, MD; performing Public Relations (Woman-owned business category @ 1.1%);
- 2) Partyke & Partners, Columbia, MD; performing Media Planning/Buying (Woman-owned business category @ 8.9%);
- 3) Mid-Atlantic Marketing Consultants, Baltimore, MD; performing Strategic Planning, Ad/Collateral Development and Media Planning/Buying (African-American owned business category @ 7.0%); and
- 4) The Canton Group, LLC, Baltimore, MD; performing Web/Interactive Services ("Other" MBE owned business category @ 3.0%);

Six offers were received in response to the solicitation. Five of these six offers were deemed reasonably susceptible of being selected for award, as indicated in the Attachment.

This contract is a continuation of a series of advertising contracts employed to promote the State which date back to 1985. The contracts have provided the following benefits to the State:

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 3-S (Cont)

- Increased consumer interest in Maryland as a tourist destination both domestically and internationally;
- Increased visitations to Maryland by tourists;
- Increased awareness of Maryland's quality of life; and
- Increased awareness of Maryland as a desirable location for major motion pictures and their commercial production.

The purpose of this contract is to have a full-service advertising agency work in conjunction with MOTD to develop tourism; film and the arts marketing; and provide advertising programs and tools. This contract utilizes a task order process, requiring the contractor to provide a written task order/project estimate for every project to be delivered. Under task orders, payments will only be made for actual services delivered and accepted by DBED.

Through proposed aggressive promotion of tourism campaigns, the main effort of this contract is to convince consumers within a 400-mile radius of Maryland's borders to select Maryland as their travel destination. The 400-mile radius was selected because of the ease of overnight travel to Maryland destinations. This is the optimal range of the directed advertising campaigns.

According to research by MOTD, spending by Maryland's visitors generates nearly \$8 billion in tourism-related expenditures per year and nearly \$709 million in tax revenue per year for the State and its jurisdictions. MOTD research also indicates a return on investment whereby for every \$1.00 invested in aggressive promotion of tourism, \$18.00 is returned to the State in expenditures by visitors.

The *Award Amount* above and the *Offer Amount* shown in the Attachment are different. The *Offer Amount* came from a one-year pricing model in the RFP for evaluation purposes and was based on a blended hourly labor rate for professional services and media placement flat-fees. The cost of media buys was not included in the *Offer Amount*. However, these costs are included in the *Award Amount* above.

The deliverables for this contract include tourism advertising and public relations efforts for:

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 3-S (Cont)

- Television and radio;
- Print;
- Outdoor;
- Developing and distributing point-of-sale items;
- Direct marketing, media planning, strategic development and support;
- Tourism research;
- Public Relations;
- Tourism promotion copywriting;
- Product development and positioning;
- Full media support services;
- Creative design and production;
- Strategic promotion development;
- Web site development and graphic design assistance;
- Photo database management;
- Contact management; and
- Buying and placement of all media.

The RFP provided that technical factors had greater weight than financial factors in the overall award determination. As indicated in the Attachment, the recommended contractor, Gray, Kirk/VanSant Advertising, Inc. (GKV), was ranked second in technical merit. However, it was ranked very closely to the offeror with the highest technical merit and its price proposal was lower than any of the other offerors. Award is recommended to GKV because this responsible offeror's proposal was determined to be the most advantageous to the State, considering the price and evaluation factors set forth in the RFP.

The Office of the State Comptroller has verified, under Control Number 03-2407-1111, that the recommended contractor has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor is a resident business under the guidelines of BPW Advisory P-003-95 Revised.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 3-S (Cont)

DBM REMARKS: Approval recommended.

*Note: This item originally appeared on the 1/7/2004 DBM Agenda as item 2-S and was deferred.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

BIDS OR PROPOSALS (Cont):

<u>Offeror</u>	<u>Tech. Rank</u>	<u>One-year Financial Offer (Rank)*</u>	<u>Overall Rank</u>
Gray, Kirk/VanSant Advertising, Inc. Baltimore, MD	2	\$ 515,750 (1)	1
The Campbell Group Baltimore, MD	1	\$ 535,500 (2)	2
Euro RSCG Brann Baltimore, MD	3	\$ 982,500 (4)	3
Herrmann Advertising Annapolis, MD	5	\$ 637,000 (3)	4
Mullen Agency Pittsburgh, PA	4	\$1,303,019 (5)	5

* **Note:** The one year financial offer is based upon a pricing model in the RFP for evaluation purposes and was based on a blended rate including hourly labor rates and media placement flat fees (cost of media buys was not included).

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

INFORMATION TECHNOLOGY CONTRACT RENEWAL OPTION

ITEM: 4-IT-MOD **Agency Contact:** Ellis Kitchen (410) 260-2994
ekitchen@dbm.state.md.us

DEPARTMENT: Budget & Management (DBM)

PROGRAM: Office of Information Technology (OIT)
Telecommunications Division

DBM's OIT oversees the management and integration of Information Technology (IT) and Telecommunications throughout the Executive branch of State government and has direct responsibility for the State's planning, policy formation, implementation and administration of all Statewide IT, Telecommunications and Wireless contracts. The Telecommunications Division is responsible for coordinating and managing telecommunications based activities Statewide, including long distance and calling card services.

ORIGINAL CONTRACT NO. & TITLE: DBM-LD-9914;
Statewide Long Distance Services

ADPICS DOCUMENT ID NUMBER: 050B4800030

ORIGINAL CONTRACT APPROVED: 11/29/2000 DBM BPW Agenda Item 11-IT

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

CONTRACTOR: **AT&T Corp.**
Linthicum, MD

DESCRIPTION OF ORIGINAL CONTRACT: Contract to provide Statewide Long Distance Services and State calling cards.

DESCRIPTION OF OPTION: **Continue existing services by exercising the first of two one-year renewal options on the contract.**

TERM OF ORIGINAL CONTRACT: 2/1/2001 - 1/31/2004 (W/2 one-year renewal options)

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 4-IT-MOD (Cont)

TERM OF OPTION: 2/1/2004 - 1/31/2005

FUND SOURCE: Various **APPROP. CODE:** Various Agencies

ORIGINAL CONTRACT AMOUNT: \$15,000,000 Est.

AMOUNT OF THIS OPTION: \$5,000,000 Est. (1 Year)

PERFORMANCE BOND: None

REVISED TOTAL CONTRACT AMOUNT: \$20,000,000 Est.

PERCENTAGE INCREASE/DECREASE
OF RATES: N/A

REQUESTING AGENCY REMARKS: This request is to exercise the first of two renewal options for Statewide Long Distance and State Calling Card services. All State agencies, the University System of Maryland, and most of Maryland's local subdivisions use this contract. Additionally, many community colleges, local school boards, municipalities, and libraries, use this contract. All of these entities are benefiting from the current average rate of 5 cents per minute.

The Office of the State Comptroller has verified, under Control Number 03-2529-1111, that the recommended contractor has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor is a resident business under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS: Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

INFORMATION TECHNOLOGY CONTRACT RENEWAL OPTION

ITEM: 5-IT-MOD **Agency Contact:** Thomas K. Lee (410) 625-5600
tlee@sra.state.md.us

DEPARTMENT: State Retirement Agency (SRA)

PROGRAM: The State Retirement and Pension System of
Maryland (SRPSM)

SRPSM is an agent multiple-employer public employee retirement system (the "System"). SRPSM provides death, disability and retirement allowances to State employees, teachers, police, judges, legislators, and employees of participating subdivisions. The mission of SRPSM is to efficiently and effectively administer the benefits provided by law to participants, while keeping employer cost as affordable as possible though excellence in execution of its fiduciary responsibility.

ORIGINAL CONTRACT NO. & TITLE: 02-02;
Legacy System Maintenance Services

ORIGINAL CONTRACT APPROVED: 2/13/2002 DBM BPW Agenda Item 1-IT

ORIGINAL PROCUREMENT METHOD: Multi-Step Sealed Bidding

CONTRACTOR: **Artech Information Systems, LLC**
Morristown, NJ

DESCRIPTION OF ORIGINAL CONTRACT: Contract to continue to provide on-site maintenance services using firm fixed labor hour rates to support SRA's Legacy Pension Application System until the production release of SRA's new Strategic System Pension Application is implemented.

DESCRIPTION OF OPTION: **Continue existing services by exercising the second and final renewal option on the contract.**

ADPICS DOCUMENT ID NUMBER: G20B4200009

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 5-IT-MOD (Cont)

TERM OF ORIGINAL CONTRACT: 2/16/2002 - 2/15/2003 (W/2 one-year renewal options)

TERM OF OPTION: 2/16/2004 - 2/15/2005

FUND SOURCE: 100% Spec. (Pension Trust Fund)

APPROP. CODE: G20J0101

ORIGINAL CONTRACT AMOUNT: \$500,000

MODIFICATIONS/OPTIONS TO DATE (AMOUNTS/PURPOSE):

Opt. #1	\$500,000	Renewed contract for the period 2/16/2003 - 2/15/2004.
Mod. #1	\$ 8,000	Adjusted contract for an allowed CPI increase as of 12/31/2002.
	\$508,000	Total

AMOUNT OF THIS OPTION: **\$519,684** Est. (1 Year; see Requesting Agency Remarks below)

PERFORMANCE BOND: None

REVISED TOTAL CONTRACT AMOUNT: **\$1,527,684**

PERCENTAGE INCREASE/DECREASE OF RATES: N/A

REQUESTING AGENCY REMARKS: This is the second and final year of two one-year renewal options on this contract. The contractor has performed well on this contract and has successfully completed all tasks assigned per the contract's Statement of Work. It is in the best interest of the State to exercise this renewal option to continue to support the SRA Legacy Pension Application.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 5-IT-MOD (Cont)

This contract provides for a price escalation that is based on the CPI-U Index for the 12-month period that ended December 31, 2003. This rate is 2.3%. The base amount of the contract during 2003 is \$508,000. The CPI-U applied to this amount is \$11,684 for a total of \$519,684 for the requested renewal period.

The SRA Legacy Pension Application processes more than 90,000 retiree and beneficiary payments monthly along with performing active payroll and retirement/pension processing for more than 275,000 members. This is the last year of this contract. Plans call for re-bidding it prior to its expiration.

The Office of the State Comptroller has verified, under Control Number 04-0024-0111, that the recommended contractor has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor is **not** a resident business under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS:

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 7-S-MOD (Cont)

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

CONTRACTOR: Campaign For Our Children, Inc.
Baltimore, MD

FUND SOURCE: 84.5% Gen; 15.5% Reimb.

APPROP. CODE: D15DA05

ORIGINAL CONTRACT AMOUNT: \$3,300,000 (3 years, \$1,100,000 per
year) NTE

MODIFICATIONS/OPTIONS TO DATE
(AMOUNTS/PURPOSE): None

MODIFICATION AMOUNTS: (\$ 650,000) Contract Year 3 (FY
2004)
(\$ 650,000) Option 1 (Year 4)
(\$ 650,000) Option 2 (Year 5)
(\$1,950,000) Total reduction (See requesting
Agency Remarks Below)

PERFORMANCE BOND: None

REVISED TOTAL CONTRACT AMOUNT: \$1,350,000

PERCENTAGE INCREASE/DECREASE
OF RATES: N/A

PERCENTAGE INCREASE/DECREASE
FROM ORIGINAL CONTRACT
(THIS MODIFICATION): 59.1 % Reduction

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 7-S-MOD (Cont)

REQUESTING AGENCY REMARKS: The original contract provided for an expenditure of \$1.1 million per year for each of the 3 base years of the contract, as well as the 2 option years (total maximum expenditure of \$5.5million). Due to funding restrictions, GCAP is cutting back on services from this contract from \$1.1 million per year to \$450,000 per year. This will apply for the third year of the base contract (FY04) as well as the two option years, if exercised. The reduced services will be restricted to only include the media placement of television and radio products and the copying, duplication, and distribution and placement of written and audiovisual materials that the State already owns. No additional media advertising or other materials will be developed. Via this modification, the payments under the contract will be adjusted as of 8/15/2003. The contractor has been operating under a written order to limit contract activities since that date.

The Office of the State Comptroller has verified, under Control Number 04-0074-0110, that the recommended contractor has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractor is a resident business under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS: 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.

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

SERVICES CONTRACT MODIFICATION

ITEM: 8-S-MOD **Agency Contact:** Skip Sanders (410) 767-0115
ssanders@msde.state.md.us

DEPARTMENT: Education (MSDE)

PROGRAM: School and Community Nutrition Program
Food Distribution Section

The Code of Federal Regulations (7 CFR II 250.14) requires that a cost effective and efficient system must be in place for warehousing and distributing Federally sourced food commodities to recipient agencies. The regulation allows different State distributing agencies to use commercial distributors and delivery systems to provide food storage and distribution services. MSDE's School and Community Nutrition Program's Food Distribution Section is responsible for the State's central administration of programs available under the Federal National School Lunch Act, Child Nutrition Act of 1966, and the amendments to these Acts. This includes the distribution of donated US Department of Agriculture (USDA) foods to public and non-profit private schools, residential and child care institutions, child and adult day care centers and other qualified recipients.

ORIGINAL CONTRACT NO. & TITLE: R00R3202127;
Storage of USDA Donated Foods

ADPICS DOCUMENT ID NUMBERS: CO771367 (Merchants Terminal Corp.)
CO771362 (Overflow Warehouse LLC)

ORIGINAL CONTRACT APPROVED: 7/30/2003 DBM BPW Agenda Item 2-S

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Bidding

CONTRACTORS: **Merchants Terminal Corporation**
Baltimore, MD
Overflow Warehouse, LLC
Baltimore, MD

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 8-S-MOD (Cont)

DESCRIPTION OF ORIGINAL CONTRACT: Contract for the storage of U.S. Department of Agriculture donated, refrigerated and frozen foods for distribution to sponsoring agencies in the central region of the Maryland.

DESCRIPTION OF MODIFICATION: **Modification request to increase the contract award amounts to two vendors in order to meet the food storage requirements of the Department of Human Resources (see Requesting Agency Remarks below).**

TERM OF ORIGINAL CONTRACT: 7/30/2003-7/29/2006 (W/2 one-year renewal options)

TERM OF MODIFICATION: 2/1/2004 - 7/29/2006 (W/2 one-year renewal Options; See Requesting Agency Remarks below)

FUND SOURCE: 100% Reimb. (See Requesting Agency Remarks below)

APPROP. CODE: R00A0125

ORIGINAL CONTRACTS AMOUNTS: *Merchants Terminal Corporation*
\$285,000 (3 Years; Base Period)
\$ 95,000 (1 Year; 1st Renewal Option)
\$ 95,000 (1 Year; 2nd Renewal Option)
\$475,000 Total (5 Years)

Overflow Warehouse, LLC
\$ 75,000 (3 Years; Base Period)
\$ 25,000 (1 Year; 1st Renewal Option)
\$ 25,000 (1 Year; 2nd Renewal Option)
\$125,000 Total (5 Years)

\$600,000 Grand Total (5 Years)

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 8-S-MOD (Cont)

MODIFICATIONS/OPTIONS

TO DATE (AMOUNTS/PURPOSE):

None

AMOUNTS OF THIS MODIFICATION:

Merchants Terminal Corporation

\$121,000 (2 Years, 5.9 Months; Base Contract)

\$ 45,000 (1 Year; 1st Renewal Option)

\$ 45,000 (1 Year; 2nd Renewal Option)

\$211,000 Total (4 Years, 5.9 Months)

Overflow Warehouse, LLC

\$199,912 (2 Years, 5.9 Months; Base Contract)

\$ 77,304 (1 Year; 1st Renewal Option)

\$ 77,304 (1 Year; 2nd Renewal Option)

\$354,520 Total (4 Years, 5.9 Months)

\$565,520 Grand Total (4 Years, 5.9 Months)

PERFORMANCE BOND:

\$60,000

REVISED TOTAL CONTRACT AMOUNT:

\$1,165,520 (\$686,000 Merchants Terminal,
\$479,520 Overflow Warehouse)

PERCENTAGE INCREASE/DECREASE OF RATES:

N/A

PERCENTAGE INCREASE/DECREASE FROM ORIGINAL CONTRACT (THIS MODIFICATION):

44.4% Merchants Terminal,
283.6% Overflow Warehouse

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 8-S-MOD (Cont)

REQUESTING AGENCY REMARKS: As mentioned above under the *Program Description*, MSDE is responsible for the administration of Federally supported nutrition assistance programs that provide a safety net to help sponsors in schools, residential child care institutions, charitable institutions and adult day care programs to meet the nutritional needs of their participants throughout the State.

MSDE maintains contracts with commercial warehouses to provide centralized points of receipt, storage, and distribution of USDA donated dry, refrigerated and frozen surplus foods for distribution to sponsors. Sponsors contact MSDE for the availability of foods and to place orders. MSDE notifies the storage warehouse to provide specified quantities of foods to the given recipient. The recipient provides transportation for the pickup of its food from the warehouse. The warehouse then bills MSDE for the storage costs of the food quantities disbursed based on the rates contained in the contract. MSDE bills the recipients directly for the storage costs.

The original IFB provided for two separate storage services: (1) refrigerated and frozen foods; and (2) dry and canned foods. The award to Merchants Terminal Corporation of \$211,000 for storage of refrigerated and frozen foods were approved by the BPW as noted above. The award to Overflow Warehouse, LLC of \$125,000 for storage of dry and canned foods was approved by DBM under its authority.

Under the original IFB, there was a provision for DHR: "*to utilize this contract in accordance with the agreed upon prices, requirements and terms and conditions of the contract.*" Exhibit G to the IFB also provided a schedule of the volume of all the commodities to be stored for DHR.

Due to an administrative oversight, the two contracts that were awarded for these services did not include the costs of the services to be used by DHR. The purpose of this Agenda Item is to correct this oversight. As shown above under *Amounts of This Modification*, \$211,000 is being added to this contract for the storage of refrigerated and frozen foods and \$354,520 is being added to this contract for the storage of dry and canned foods.

The Office of the State Comptroller has verified, under Control Numbers 03-1348-0101 (Merchants Terminal Corporation); and 03-1361-0001 (Overflow Warehouse, LLC), that the recommended contractors have no known deficiencies in the payment of their Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractors are appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 8-S-MOD (Cont)

The contractors **are both** resident businesses under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS: 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.

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 9-IT-MOD (Cont)

Spherix, Inc. Call-center
Silver Spring, MD
(Successor to Biospherics, Inc.,
Silver Spring, MD)

DESCRIPTION OF ORIGINAL CONTRACT: Multiple award contract to provide dedicated Toll-free (800/888) and Call-center services to enhance citizen access to Maryland State government. These services support the State's intention of allowing citizens to access all types of information through use of voice communications services. State agencies will utilize these services in support of their various applications and business needs. This contract is intended to meet present and future toll-free access and call-center communications in the most cost-effective manner.

DESCRIPTION OF MODIFICATION: Modification request to extend the toll-free services part of the contract with two vendors for three additional months to provide more time to complete a re-solicitation of these services. The remaining vendor on this contract (Spherix) is not being extended further (see Requesting Agency Remarks below).

TERM OF ORIGINAL CONTRACT: 10/14/98 - 10/13/2000 (W/3 one-year renewal options)

TERM OF MODIFICATION: 2/1/2004 - 4/30/2004 (AT&T Corp., and MCI WorldCom Communications, Inc.)

FUND SOURCE: Various Agencies **APPROP. CODES:** Various

ORIGINAL CONTRACT AMOUNTS:

	<i>Service Type</i>	<i>Amount</i>
AT&T Corp. Linthicum, MD	Toll-free	\$2,500,000 Est.
MCI WorldCom Communications, Inc. (Successor to MCI Telecommunications, Inc.) Towson, MD	Toll-free	\$2,500,000 Est.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 9-IT-MOD (Cont)

<p>Spherix, Inc. Spring, MD (Successor to Biospherics, Inc., Silver Spring, MD)</p>	<p>Call-center</p>	<p>\$2,500,000 Est.</p>
		<p>\$7,500,000 Est. Total</p>

MODIFICATIONS/OPTIONS TO DATE (AMOUNTS/PURPOSE):

Mod. #1	\$ 0	Established call-center unit prices for items contracted with Spherix, Inc., for which pricing was not previously requested (specifically, park reservations services for the Department of Natural Resources).
Opt. #1	\$ 3,375,000 Est.	Exercised the first of three one-year renewal options for the period 10/14/2000 - 10/13/2001.
Opt. #2	\$ 3,375,000 Est.	Exercised second of three one-year renewal options for the period 10/14/2001 - 10/13/2002.
Opt. #3	\$ 9,250,000 Est.	Exercised the final one-year renewal option for the period 10/14/2002 - 10/13/2003.
Mod. #2	\$ 7,750,000 Est.	Extended the toll-free services contracts with AT&T Corp. (\$875,000) and MCI WorldCom Communications, Inc. (\$875,000), for 3.5 months each (for the period 10/14/2003 - 1/31/2004); and extended the call-center services contract with Spherix, Inc. (\$6,000,000), for 7.5 months (for the period 10/14/2003 - 5/31/2004. Total was \$7,750,000.
	\$23,750,000 Est.	Total

AMOUNTS OF THIS MODIFICATION:

\$ 750,000 Est. (3 Months; AT&T Corp.)
\$ 750,000 Est. (3 Months; MCI WorldCom Communications, Inc.)
\$1,500,000 Est. Total (3 Months)

PERFORMANCE BOND: \$250,000 for each contractor

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 9-IT-MOD (Cont)

REVISED TOTAL CONTRACT AMOUNTS: \$ 7,500,000 Est. (AT&T Corp.)
\$ 7,500,000 Est. (MCI WorldCom
Communications, Inc.)
\$17,750,000 Est. (Spherix, Inc.)
\$32,750,000 Est. Total

PERCENTAGE INCREASE/DECREASE
OF RATES: N/A

PERCENTAGE INCREASE/DECREASE
FROM ORIGINAL CONTRACT
(THIS MODIFICATION): 20.0%

PERCENTAGE INCREASE/DECREASE
(OVERALL): 123.3%

REQUESTING AGENCY REMARKS: This modification request extends the toll-free services contracts with AT&T Corp., and MCI WorldCom Communications, Inc., for three months until April 30, 2004, in order to finalize the evaluation process of a re-solicitation for three services. As noted above under *Modifications/Options To Date*, on 10/1/2003 in DBM Agenda Item 6-IT-MOD, the Board approved Modification # 2 which extended the contract for all three vendors. In this modification request, only two of the three vendors are being extended.

These two vendors provide toll-free services. Each agency is required to maintain at least one toll-free (800/888) number. Toll-free services provide a means for citizens to dial toll-free numbers to reach State agencies at no cost to the citizen. The toll-free service, in conjunction with a call-center, is low cost and efficient. It enables the State to fulfill a citizen communication need by allowing multiple agencies to provide this service from a centralized location, which avoids the need to add resources in State agencies.

Offers for the new toll-free services contract have been received (call center services are being re-solicited under another procurement). The toll-free services solicitation evaluation process is taking longer than anticipated. This three-month extension will allow that effort to be completed and for the State to maximize its buying power by incorporating all Statewide toll-free services into a new contract with a single vendor.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 9-IT-MOD (Cont)

The Office of the State Comptroller has verified, under Control Numbers 04-0041-1111 (AT&T Corp.); and 04-0091-1111 (MCI WorldCom Communications, Inc) that the recommended contractors have no known deficiencies in the payment of their Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractors are appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The contractors **are all** resident businesses under the guidelines of BPW Advisory P-003-95 Revised.

DBM REMARKS:

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM: 10-GM **Agency Contact:** Dennis J. Krysiak (410) 767-8481
DKrysiak@opd.state.md.us

DEPARTMENT: Office of the Public Defender (OPD)

PROGRAM: District Operations

FUND SOURCE: 100% Spec. (Baltimore County Drug Court Byrne Grant)

APPROP. CODE: C80B0002

AMOUNT: N/A

DESCRIPTION: Approval request to create one position pursuant to §7-236, State Finance and Procurement Article and Section 19 of House Bill 40 (the Budget Bill for FY 2004). This latter provision enables the Board of Public Works to authorize the creation of up to 250 positions ("The Rule of 250") within the Executive Branch. DBM requests that the Board create one position within the Rule of 250.

<u>Qty</u>	<u>Position Description</u>	<u>Grade/Step</u>	<u>Salaries & Wages</u>
1	Assistant Public Defender I	18/0	\$42,453

REQUESTING AGENCY REMARKS: OPD is requesting a new position to meet the requirements under the Memorandum of Understanding (MOU) between OPD and the Circuit Court for Baltimore County for the purpose of implementing a Juvenile Drug Court (JDC) Program. Pursuant to this MOU, OPD, through this position request, will provide one full time Assistant Public Defender to represent indigent juveniles eligible to participate in the Program.

DBM REMARKS: OPD's appointing authority has certified that funds are available for this position that are within the Rule of 250. If the Board approves this request for one new position within the Rule of 250, 249 additional positions may be approved during the rest of FY 2004.

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

ITEM: 10-GM (Cont)

Approval recommended.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA

GENERAL MISCELLANEOUS

ITEM: 11-GM **Agency Contact:** James C. DiPaula (410) 260-7041

DEPARTMENT: Budget and Management (DBM)

PROGRAM: Re-employment of Individuals Who Retired Under Senate Bill 1 (SB1), Chapter 353, Acts of 1996

AMOUNT OF REQUEST: See Attachment

APPROP. CODE: D05E01

DESCRIPTION: The Secretary of Budget and Management recommends this new contract for one individual who retired under SB1. SB1 limits to 2% (or a maximum of 40 individuals) the number of retirees in the Executive Branch who may be re-employed subject to the approval of the Board of Public Works. Attached is a listing of this SB1 contractual re-employment request.

REQUESTING AGENCY REMARKS: The BPW has approved re-employing a total of 28 SB1 retirees to date on a contractual basis. With this 1 new contract, 29 SB1 retirees will have been re-employed, leaving a maximum of 11 additional retirees who may be re-employed.

DBM REMARKS: Approval recommended. The respective agency has certified fund availability to effectuate this contractual re-employment request.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

Department	Name	Position	Effective Date	Hourly Rate/ Maximum	Contract Duration	Comments
EXEC. DEPT	Jean Van Buskirk	Maryland Sister States' and Governor's Sub-cabinet on Int'l Affairs' Assistant	1/28/04 – 1/27/05	\$30.00/ \$30,000	1 year	New -- Ms. Van Buskirk will assist in the conduct of the Maryland Sister States Program and the Governor's Sub-cabinet on International Affairs for the Secretary of State's office. Ms. Van Buskirk had previously served as the Maryland Sister States Program Director under Gov. Schaefer and brings a wealth of knowledge and experience to this administration.

SUPPLEMENT C

UNIVERSITY SYSTEM OF MARYLAND

January 28, 2004

Contact: James Salt – 301-445-1987 (jsalt@usmd.edu)
 USM Rep: Robert Stahl

CONTRACT: Service**ITEM:** 1-S**DEPARTMENT:** University of Maryland University College**CONTRACT NO. & TITLE:** 90602 Global Telecommunications Services for UMUC

DESCRIPTION: Contractor will provide internet services to University of Maryland University College (UMUC) facilities World-wide as well as voice services to UMUC facilities in the United States.

PROCUREMENT METHOD: Competitive Sealed Proposals**BIDS OR PROPOSALS:**

	Technical Score (60)	Price Score (40)	Combined Score	Overall Ranking
MCI Digital Government. 1133 19 th NW, Suite 438 Washington, DC 20036	60	40	100	1
AT&T 9160 Guilford Road Columbia, MD 21406	56	40	96	2
Sprint 600 Washington Ave. Towson, MD 21204	54	24	78	3

AWARD: MCI Digital Government Enterprises
 1133 19th NW
 Suite 438
 Washington, DC 20036

SUPPLEMENT C

UNIVERSITY SYSTEM OF MARYLAND

January 28, 2004

Contact: James Salt – 301-445-1987 (jsalt@usmd.edu)
 USM Rep: Robert Stahl

CONTRACT: Service

ITEM: 1-S (cont'd)

AMOUNT: The global total for the initial 2 year contract period and the three one-year renewal options are shown below:

	UMUC–USA	UMUC- Europe	UMUC-Asia	Total
Initial:	\$556,558	\$243,658	\$82,523	\$882,739
1 st Renewal	\$278,279	\$118,212	\$40,908	\$437,399
2 nd Renewal	\$278,279	\$118,212	\$40,908	\$437,399
3 rd Renewal	\$278,279	\$118,212	\$40,908	\$437,399

Note: These expenditures are estimated. Prices for service to each location will be held firm throughout the contract, but the number of locations UMUC will want service may vary. UMUC may add additional internet and phone services to the contract as it opens additional local or overseas facilities. If any facilities are closed during the contract period, services to those facilities will be cancelled and the estimated total will be reduced.

PERFORMANCE BOND: This contract contains a performance bond requirement in the amount of \$100,000.

TERM OF CONTRACT: This is a two year contract and includes the University reserving the right to exercise, at its sole option, three additional one-year renewals.

FUND SOURCE: 30.02.30.00 (Current Unrestricted Funds)
 Subobject H99

REMARKS: The source of funds for this contract is the University's self-support operating budget, including the two UMUC overseas divisions. The University issued a request for competitive proposals in April 2003 to 11 potential proposers. The solicitation was advertised in the Maryland Contract Weekly. Seven proposals were received, but those from Paetec and ABSS were considered not susceptible of award. A Best and Final Offer was issued in July, 2003 to narrow the scope of the internet service to Customer Premise Equipment Service. Proposals from Qwest and T-Systems were dropped from further consideration, as they did not offer acceptable solutions for the Best and Final Offer.

SUPPLEMENT C

UNIVERSITY SYSTEM OF MARYLAND

January 28, 2004

Contact: James Salt – 301-445-1987 (jsalt@usmd.edu)
 USM Rep: Robert Stahl

CONTRACT: Service**ITEM:** 1-S (cont'd)**REMARKS:** (cont'd)

The Office of the State Comptroller has verified under Control Number Control #03-2059-1111 that MCI has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office that MCI is appropriately registered to conduct business within the state to the extent required by the laws of Maryland. MCI is **NOT** a resident business under the guidelines of the BPW Advisory 8-003-95 (Revised).

The Office of the Attorney has reviewed and approved this transaction for legal sufficiency.

By approving this contract, the Board grants the University of Maryland University College the authority to approve the unilateral exercise of the three one-year renewal options at the scheduled times, as provided for in the contract.

This item was previously submitted as Item 1-S on January 7, 2004.

BOARD OF PUBLIC WORKS
THE ABOVE REFERENCED ITEM WAS:
APPROVED
DISAPPROVED
DEFERRED
WITHDRAWN
WITH DISCUSSION
WITHOUT DISCUSSION

SUPPLEMENT E
MARYLAND ENVIRONMENTAL SERVICE
January 28, 2004

Contact: Ellen Frketic (410) 974-7276
 Email: efrke@menv.com

CONSTRUCTION/CONTRACT:

ITEM: 1-C-MOD

ORIGINAL CONTRACT APPROVED: April 3, 2003

ORIGINAL CONTRACT NO. AND TITLE: MES Project No. 03-04-35
 Springfield Hospital Complex Water System
 Rehabilitation

CONTRACTOR: The Matricciani Company
 Baltimore

DESCRIPTION OF ORIGINAL CONTRACT: The scope of work for this project consists of the replacement of all existing 12" water mains (approximately 18,000 linear feet) with 16" inch water mains, new loops, and installation of new check valves, water meters and fire hydrants. The project also includes the installation of a new valve vault with an altitude valve for the existing water tower and connecting several State buildings on the Hospital Campus as well as providing adequate fire protection to the entire campus.

DESCRIPTION OF MODIFICATION: This modification is for the change in the alignment of the 16" water main across the bridge on Main Street, which includes excavation and piping work, replacement of 230 feet of sidewalk, removal and replacement of 40 feet of curb and gutter, and the removal and replacement of 230 feet of guardrail. Also included in this modification is the additional jack and bore pipe casing under the perimeter road of the Central Laundry Facility, a change in the pipe alignment within the laundry compound that was necessary to connect to the existing water main and the replacement of an out of service fire hydrant that was not identified until after the project had gone to bid.

TERM OF ORIGINAL CONTRACT: 270 days

TERM OF MODIFIED CONTRACT: 15 days

FUND SOURCE: MCCBL 02-02226 (PCA# 10876)

ORIGINAL CONTRACT AMOUNT: \$ 1,969,031.00

MODIFICATIONS TO DATE: \$ 85,154.00

AMOUNT OF THIS MODIFICATION: \$ 78,818.00

REVISED TOTAL CONTRACT AMOUNT: \$ 2,133,003.00

SUPPLEMENT E
MARYLAND ENVIRONMENTAL SERVICE
January 28, 2004

Contact: Ellen Frketic (410) 974-7276
Email: efrke@menv.com

CONSTRUCTION/CONTRACT:

ITEM: 1-C-MOD (cont'd)

PERCENTAGE INCREASE: 4.0%

REMARKS: The work involves replacement of the existing 12" water line with a 16" inch water line across a bridge spanning the Piney Run Creek within the Springfield Hospital Complex. The existing 12" water line runs along one side of the bridge under the road surface, which is congested with various utility lines that include gas, electric, and steam. The new 16" water line could not be installed along the originally planned alignment because several obstructions were discovered, mainly components of the original underlying bridge structure. These were not indicated on the as-built drawings of the existing system, which were used during the design of this project. The contractor will relocate the waterline to the opposite side of the bridge to avoid these structures. The task will require additional excavation, concrete, and piping that were initially unforeseen.

The additional work required at the Central Laundry Facility did not become apparent until the contractor was ready to start work. Administrators at the Laundry informed us they would not allow the contractor to open cut a trench line across the perimeter road due to access requirements. As a result it became necessary to jack and bore an additional 21 feet of pipe under that road, at a cost per linear foot much higher than the cost to open cut. An out-of-service fire hydrant was also brought to the attention of MES after work in the laundry had already begun. Since this was a serious safety issue and several new hydrants were in the scope of this project, MES felt this should be replaced. This will require a minor realignment of the new water main being installed.

The contractor has committed to meet the Minority Business Enterprise (MBE) Goal of 21%.

The Office of the State Comptroller has verified, under Control Number 03-0284-1111 that The Matriccianni Co. has no known deficiencies in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or the Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.

The Matriccianni Co. is a resident business under the guidelines of BPW Advisory P-003-95 (Revised).

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

Approved	Disapproved	Deferred	Withdrawn
With Discussion ✓		Without Discussion	

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

CONSTRUCTION CONTRACT:

ITEM: 1-C

MARYLAND AVIATION ADMINISTRATION: Martin State Airport (MTN)

CONTRACT NO. & TITLE: MAA-CO-03-006
Electrical Switchgear Replacement at MTN
ADPICS NO. MAACO03006

DESCRIPTION: This contract provides for replacement of two (2) electrical switchgears at MTN. The electrical switchgears at MTN are outdated with many components over twenty (20) years old and must be upgraded to meet electrical requirements and improve reliability. The specific work involves installing new electrical switchgear equipment, conduits and wiring.

PROCUREMENT METHOD: **Competitive Sealed Bidding**

AWARD: Primo Electric Company, Inc.
Glen Burnie, MD

CONTRACT TERM : The project duration is 364 calendar days

- This Solicitation was advertised in the Maryland Contract Weekly, and The Afro-American.
- The Notice to Contractors was sent to seven (7) minority organizations and five (5) construction industry clearinghouses.
- Fourteen (14) contractors, thirteen (13) of which were Maryland firms, purchased plans and specifications. Copies of the plans and specifications were sent to five (5) minority organizations.
- 9% of the work will be performed by MDOT Certified MBE firms. (The sub-goals are 4% African American Owned firms and 1% Women Owned firms.)

AMOUNT: \$452,807.00

A Performance Bond, of 100% of the award amount, exists for this Contract.

CONTINUED

FUND SOURCE: 100% Special Funds Budgeted to MAA
Appropriation Code: 29.09.00.03
Object/Subject: 1455
Title of Program: Airport Facilities
Capital Equipment

BIDS:

Primo Electric, Inc. Glen Burnie, MD	\$452,807.00
Enterprise Electric Company Baltimore, MD	\$477,604.00
Cynergy Electric Company Baltimore, MD	\$492,900.00
Benefield Electric Company Forest Hill, MD	\$566,771.00
Cinco Electric Company Glen Burnie, MD	\$693,908.00
Fitzgerald Electric Company Baltimore, MD	\$758,800.00

REMARKS: The Engineer's estimate for this project is \$483,825.00.

“The Office of the State Comptroller has verified, under Control No.03-0723-1111, that the recommended contractor has **no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller’s Office, or Department of Assessments and Taxation, as applicable, that the contractor is appropriately registered to conduct business within the State to the extent required by the laws of Maryland.”

The Contractor is a resident business under the guidelines of BPW Advisory P-003-95 **Revised**.

This Item was previously submitted and withdrawn as Item 1-C on the 11/12/03 BPW Agenda.

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

Approved	Disapproved	Deferred	Withdrawn
With Discussion ✓	Without Discussion	Received	99

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

ARCHITECTURAL/ENGINEERING SERVICES

ITEM: 2-AE

STATE HIGHWAY ADMINISTRATION

CONTRACT NO. & TITLE: BCS 2003-13 A & B
Supplemental Consultant Engineering
Services for the Office of Construction
ADPICS NO(s). SBSC0313A,SBSC0313B

DESCRIPTION: These are two (2) open-end contracts to provide various supplemental engineering support services to the SHA Office of Construction, each for three (3) years duration.

The Consultant will perform engineering support services related to construction projects which may include but not be limited to: change order reviews, process reviews, specification review, CADD/computer services, construction office assistance, constructability review, training and other services as required.

PROCUREMENT METHOD: **Maryland Architectural and Engineering Services Act**; recommendation approved by the Transportation Professional Services Selection Board on January 5, 2004.

AWARD: O'Connell & Lawrence, Inc./
DMJM+HARRIS, Inc. Contract A
Olney, MD (22% DBE Participation)

Alpha Corporation/URS Corporation Contract B
Baltimore, MD (22% DBE Participation)

- The Solicitation was advertised in The Daily Record, The Maryland Contract Weekly and SHA web page.
- A total of four (4) engineering consultant firms submitted technical proposals for this project, all of which are Maryland firms.

AMOUNT: \$3,000,000.00

ITEM: 2-AE

BPW – 01/28/04

Continued

FUND SOURCE:

Federal and Special Funds Budgeted to SHA

Appropriation Code: B0101

Object/Subobject: 1430

Title of Program: State Systems Construction and Equipment

TERM:

Three (3) years (ending February 1, 2007)

PROPOSALS:

	<u>Technical Proposal Rating</u>	<u>Technical Ranking</u>	<u>Negotiated Price</u>
O'Connell & Lawrence, Inc./ DMJM+HARRIS, Inc. Olney, MD	436	1	\$3,000,000.00
Alpha Corporation/ URS Corporation Baltimore, MD	431	2	\$3,000,000.00
Rummel, Klepper & Kahl, LLP Baltimore, MD	408	3	N/A
Century Engineering, Inc./ SITE-Blauvelt Engineers, Inc. Towson, MD	404	4	N/A

REMARKS: "The Office of the State Comptroller has verified under the following Control Numbers that the recommended Contractors have **no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the Contractors are appropriately registered to conduct business within the State to the extent required by the laws of Maryland."

	<u>Control Numbers</u>
O'Connell & Lawrence, Inc./ DMJM+HARRIS, Inc.	03-2490-0111
Alpha Corporation/URS Corporation	03-2467-1111

The Prime Consultant is a resident business under the guidelines of BPW Advisory P 003-95 **Revised**.

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

Approved
 Disapproved
 Deferred
 Withdrawn
 With Discussion
 Without Discussion
 Received

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

ARCHITECTURAL/ENGINEERING SERVICES

ITEM: 3-AE

MARYLAND TRANSPORTATION AUTHORITY

CONTRACT NO. & TITLE: MdTA 2003-01 B & C
Preliminary and Final Engineering Design
Services

DESCRIPTION: These are two (2) of eight (8) identical open end contracts to provide comprehensive preliminary and final engineering design services at the various facilities maintained by the Authority for a period of four (4) years.

The Consulting shall perform preliminary and final design services associated with the preparation of construction contract plans and documents. The Consultant shall perform all facets of engineering services as it relates to the design of major and incidental highway facilities and structures.

PROCUREMENT METHOD: **Maryland Architectural and Engineering Services Act**; recommendation approved by the Transportation Professional Services Selection Board on January 5, 2004.

AWARD: Johnson, Mirmiran and Thompson Contract B
Sparks, MD (25% MBE Participation)

KCI Technologies, Inc. Contract C
Hunt Valley, MD (25% MBE Participation)

- The Solicitation was advertised in The Daily Record, The Maryland Contract Weekly and the SHA web page.
- A total of twelve (12) engineering consultant firms submitted technical proposals for this project, all of which are Maryland firms.

AMOUNT: \$6,000,000.00 each contract

FUND SOURCE: 100% Toll Revenue

ITEM: 3-AE
Continued

BPW – 01/28/04

Appropriation Code: 29.10.02.01
Object/Subobject: 14 x 99
Title of Program: MdTA CIP / M&O
Accounts

PROPOSALS:

	<u>Technical Proposal Rating</u>	<u>Technical Ranking</u>	<u>Negotiated Price</u>
URS Corporation Hunt Valley, Maryland	1093	1	Contract A
Johnson, Mirmiran & Thompson Sparks, Maryland	1091	2	\$6,000,000.00
KCI Technologies, Inc. Hunt Valley, Maryland	1080	3	\$6,000,000.00
Whitman Requardt Associates/ McCormick Taylor Associates Baltimore, Maryland	1071	4	Contract D
Whitney, Bailey, Cox & Magnani, LLC/ Wallace Montgomery and Associates Baltimore, Maryland	1070	5	Contract E
Rummel, Klepper & Kahl, LLP Baltimore, Maryland	1053	6	Contract F
Jacobs Civil, Inc. Baltimore, Maryland	1049	7	Contract G
Gannett Fleming, Inc./ Dewberry & Davis, LLC Baltimore, Maryland	1031	8	Contract H
Parsons Brinkerhoff Quade & Douglas, Inc. Baltimore, Maryland	999	9	N/A
Century Engineering, Inc. Baltimore, Maryland	998	10	N/A
A. Morton Thomas & Associates Baltimore, Maryland	989	11	N/A
Greenhome & O'Mara, Inc. Baltimore, Maryland	982	12	N/A

CONTINUED

REMARKS: “The Office of the State Comptroller has verified under the Control Numbers listed below, that the recommended Contractors have **no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the Contractors are appropriately registered to conduct business within the State to the extent required by the laws of Maryland.”

	<u>Control Numbers</u>
Johnson, Mirmiran and Thompson	03-2094-1111
KCI Technologies, Inc.	03-2097-1111

The Prime Consultants are resident businesses under the guidelines of BPW Advisory P 003-95 **Revised**.

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

Approved	Disapproved	Deferred	Withdrawn	
With Discussion ✓	Without Discussion	Received		104

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

ARCHITECTURAL/ENGINEERING SERVICES

ITEM: 4-AE-MOD

MARYLAND TRANSPORTATION AUTHORITY:

CONTRACT NO. & TITLE: MA 334-000-002/6
Project Planning and Traffic Engineering
Services

ORIGINAL CONTRACT APPROVED: Item 9-AE, DOT Agenda 09/18/02

CONTRACTOR: URS Corporation
Hunt Valley, MD

MODIFICATION: Supplement No. 1 provides additional funding for the Consultant to perform necessary "due diligence" reviews to determine the feasibility of potential toll options and/or bond financing by the Authority as a possible source of funding for the construction of the Intercounty Connector (ICC).

AMOUNT: \$1,000,000.00

FUND SOURCE: 100% Toll Revenues

Appropriation Code: 29.10.02.01
Object/Subobject: 1499
Title of Program: MdTA CIP/M&O
Accounts

ORIGINAL CONTRACT AMOUNT **\$3,000,000.00**

REVISED CONTRACT AMOUNT: **\$4,000,000.00**

PERCENTAGE INCREASE: **25%**

REMARKS: The Authority is currently conducting reviews concerning the feasibility of potential toll options and/or potential bond financing for construction of the ICC. These reviews are part of "due diligence" required for potential financing of a transportation facilities project by the Authority.

CONTINUED

ITEM: 4-AE-MOD
Continued

BPW -01/28/04
REVISED

The ICC construction is a potential candidate for a design/build method of contracting. The additional funding request for this consultant is made in order to expedite the Authority's due diligence review and the consultant is aware that their participation in this ICC planning phase may preclude the firm's future involvement in ICC design/build procurements.

"The Office of the State Comptroller has verified under Control No. 03-2095-1111 that the recommended consultant has **no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the consultant is appropriately registered to conduct business within the State to the extent required by the laws of Maryland."

The Consultant is a resident business under the guidelines of BPW Advisory P-003-95, **Revised**.

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

ARCHITECTURAL/ENGINEERING SERVICES

ITEM: 5-AE-MOD

MARYLAND TRANSPORTATION AUTHORITY:

CONTRACT NO. & TITLE: MA 352-000-002/6
ITS Engineering Design Services

ORIGINAL CONTRACT APPROVED: Item 11 -AE, DOT Agenda 06/19/02

CONTRACTOR: Wilbur Smith Associates
Baltimore, MD

MODIFICATION: Supplement No. 1 provides additional funding for the Consultant to perform necessary “due diligence” reviews to determine the feasibility of potential toll options and/or bond financing by the Authority as a possible source of funding for the construction of the Intercounty Connector (ICC).

AMOUNT: \$1,000,000.00

FUND SOURCE: 100% Toll Revenues

Appropriation Code: 29.10.02.01
Object/Subobject: 1499
Title of Program: MdTA CIP/M&O
Accounts

ORIGINAL CONTRACT AMOUNT \$1,000,000.00

REVISED CONTRACT AMOUNT: \$2,000,000.00

PERCENTAGE INCREASE: 100%

REMARKS: The Authority is currently conducting reviews concerning the feasibility of potential toll options and/or potential bond financing for construction of the ICC. These reviews are part of “due diligence” required for potential financing of a transportation facilities project by the Authority.

CONTINUED

The ICC construction is a potential candidate for a design/build method of contracting. The additional funding request for this consultant is made in order to expedite the Authority's due diligence review and the consultant is aware that their participation in this ICC planning phase may preclude the firm's future involvement in ICC design/build procurements.

"The Office of the State Comptroller has verified under Control No. 03-2092-1111 that the recommended consultant has **no known deficiencies** in the payment of its Maryland tax obligations. Verification has also been obtained from the Comptroller's Office, or Department of Assessments and Taxation, as applicable, that the consultant is appropriately registered to conduct business within the State to the extent required by the laws of Maryland."

The Consultant is a resident business under the guidelines of BPW Advisory P-003-95, **Revised**.

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

Approved	Disapproved	Deferred	Withdrawn
With Discussion		Without Discussion	Received

108

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

LEASE AMENDMENT/PARTITION

ITEM: 6-L

MARYLAND TRANSIT ADMINISTRATION

LESSEE: 901, LLC
Principal Partner Also Known As
A&R Development Corporation
1030 Park Ave., Baltimore MD 21201

Managing Member Also Known As
David S. Brown Enterprises
100 Painters Mill Road
Owings Mills MD 21117

OWNER: Maryland Transit Administration (MTA)

PROPERTY LOCATION: 1010 – 1040 Park Avenue
Baltimore MD 21201
Property Known As “Symphony Center”

REFERENCE: On May 10, 2000, the Board of Public Works approved Item 26-L, a ground lease and development agreement by and between the MTA and Symphony Center, LLC, an entity incorporated to manage the ground lease and transit-oriented development of MTA-owned property at 901 N. Howard Street, Baltimore, MD. The managing partner of the Symphony Center LLC, A&R Development Corporation, was granted the rights under the agreement after a competitive expressions of interest process.

The ground lease approved on May 10, 2000, provided, under sections 13.1 and 13.2 the ground lessee the right to assign any interest in the lease provided that all terms, covenants and conditions remain in full force and effect. Pursuant to sections 13.1 and 13.2 of the ground lease, the Ground Lessee assigned its interest in the lease to 901, LLC, an entity in which A&R Development, the managing partner of the ground lessee, continues as a principal partner.

Also, section 20.1 of the lease granted the ground lessee the right to partition the lease into one or more separate leases for a specific part of the four component project, the components being a 650 space garage, two 60,000 sf office buildings, and a residential structure estimated to contain 145 apartment Units.

ITEM: 6-L
Continued

BPW – 01/28/04
REVISED

Approval is requested for MTA to enter into an amendment to the ground lease that approves the assignment of Symphony Center LLC’s interest in the lease to 901, LLC and requires that all future assignments be approved by the BPW. The amendment also eliminates references to the residential building improvement component in order to create a separate ground lease, under the right to partition, for the 1.35 acre residential portion of the parcel identified as 1020 Park Avenue.

Approval is also requested for MTA to enter into the partitioned ground lease for the 1.35 acre residential portion of the parcel, 1020 Park Avenue, upon the same terms and conditions as provided under the ground lease.

TERMS & CONDITIONS: All principal terms and conditions of the May 10, 2000 ground lease remain in full force and effect, including the unsubordinated 50 year land lease, with two twenty year renewal options; annual rental payment to MTA of \$60,000.00 with 10% escalations every ten years, and MTA’s 100% reversionary ownership interest in the property and improvements at the end of the initial term, or any renewal option.

REMARKS: The Ground Lessee has fulfilled its obligations under the terms of the original ground lease to design, construct and manage, within a four year period, a transit-oriented development project consistent with Federal and State guidelines and regulations and neighborhood revitalization goals. The 650 space garage and two 60,000 sf office buildings have been operational since January 2002 and the office buildings are fully occupied. The residential building is under construction with an estimated Summer 2004 completion date. The project benefits to date have included revenue to the MTA, generation of property and income taxes to the City of Baltimore, revitalization of the northern end of the Downtown Baltimore Howard Street corridor in its Cultural Center district, and increased transit ridership on the multiple modes – Light Rail, Metro, and six core bus routes – serving the site.

The Amended Lease and the resulting Partition Lease have been approved for legal sufficiency by the MDOT Office of the Attorney General.

A&R Development Corporation, a principal partner in 901, LLC, is an MDOT Certified Minority Business Enterprise (Certification No. 03004411).

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

Approved Disapproved Deferred Withdrawn
With Discussion Without Discussion Received

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM: 7-RP

STATE HIGHWAY ADMINISTRATION: Located on the southeast corner of the intersection of US 40 and Ingleside Avenue, Catonsville, Baltimore County, MD

EXPLANATION: In accordance with COMAR 14.24.05 of the Code of Maryland Regulations, approval is requested to dispose of a parcel of land, as described which is excess to the needs of the State Highway Administration.

The property to be conveyed consists of 0.12 acres of vacant land.

SPECIAL CONDITIONS: None

GRANTOR: State of Maryland, State Highway Administration

GRANTEE: Pace-East Associates, LLC

CONSIDERATION: \$110,000.00

APPRAISED VALUE: \$123,000.00, Stephen H. Muller, fee appraiser
Reviewed and approved by Paul Mazelis, review appraiser

REMARKS: Approval of conveyance is requested in accordance with Section 8-309(f)(1)(ii) of the Transportation Article, Annotated Code of Maryland.

The property was acquired in 1941 for the Edmondson Avenue Extended project which relocated and improved Old Frederick Road Turnpike.

The property is located in a Commercial Town Center Core District and is not capable of independent use but derives value from assemblage into the adjoining properties.

The grantee requests this parcel for the development needs of a proposed Walgreens Store at US 40 and Ingleside Avenue and will be used for planting trees and low lying shrubbery.

CONTINUED

ITEM: 7-RP
Continued

The Deed has been forwarded to the Executive Secretary, Board of Public Works' for execution.

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

Approved *

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

Received

** Approved 2-0-1. Comptroller Schaefer abstained.*

DEPARTMENT OF TRANSPORTATION

ACTION AGENDA

REAL PROPERTY CONVEYANCE

ITEM: 8-RP

STATE HIGHWAY ADMINISTRATION

Located on the north side Relocated Old Frederick Rd. – west of MD 97 in Howard County, MD

EXPLANATION:

In accordance with COMAR 14.24.05 of the Code of Maryland Regulations, approval is requested to dispose of a parcel of land, as described which is excess to the needs of the State Highway Administration.

The property to be conveyed is from an abandoned project and consists of three (3) parcels totaling 32.9 acres. Parcel 1 is 10.7 acres, Parcel 2 is 21.9 acres, and Parcel 4 is 0.3 acres, all plus or minus. The properties are being sold to the former owner's successor/assign, in accordance with the Annotated Code, for the consideration that the SHA originally paid for the land, plus simple interest at the fair market value calculated from the time of acquisition to the time of disposition, plus SHA's administrative cost.

SPECIAL CONDITIONS:

None

GRANTOR:

State of Maryland, State Highway Administration

GRANTEE:

Quartz Hill II, LLC, & Quartz Hill III, LLC

CONSIDERATION:

Parcel 1 and 4 - \$63,500.00
Parcel 2 - \$118,000.00

APPRAISED VALUE:

Parcel 1 and 4 -\$160,200.00, Stephen H. Muller, fee appraiser – Reviewed and Approved by William T. Caffrey, Jr., Review Appraiser

Parcel 2 - \$510,000.00, Stephen H. Muller, fee appraiser – reviewed and Approved by William T. Caffrey, Jr., Review Appraiser

ITEM: 8-RP
Continued

REMARKS:

Approval of conveyance is requested in accordance with Section 8-309(b)(2)(ii)(2) of the Transportation Article, Annotated Code of Maryland.

Howard County Department of Public Works and Carroll County Department of Planning have determined that the proposed relocation of MD 97 from I-70N through Howard and Carroll Counties is not consistent with either county's master plan. As a result this project has been abandoned by MDOT.

SHA is currently requesting permission to dispose and execution of the deed.

The Deed has been forwarded to the Executive Secretary, Board of Public Works' for execution.

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

Approved

Disapproved

Deferred

Withdrawn ✓


With Discussion

Without Discussion

Received

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sheila C. McDonald". The signature is fluid and cursive, with the first name "Sheila" and last name "McDonald" clearly legible.

Sheila C. McDonald, Esq.
Executive Secretary

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