
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND

February 14, 2024
10:09 a.m.

PRESENT

HONORABLE WES MOORE

Governor

HONORABLE DERECK DAVIS

Treasurer

HONORABLE BROOKE LIERMAN

Comptroller

JOHN GONTRUM

Secretary, Board of Public Works

ATIF CHAUDHRY

Secretary, Department of General Services

JOSH KURTZ

Secretary, Department of Natural Resources

VALERIE RADOMSKY

Chief Procurement Officer, Department of Transportation

THOMAS HICKEY

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

RYAN B. MORAN

Deputy Secretary, Health Care Financing & Medicaid
Maryland Department of Health

LISA GRIGSBY

Recording Secretary, Board of Public Works

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PROCEEDINGS

GOVERNOR MOORE: Morning.

ALL: Morning

GOVERNOR MOORE: Good morning, everybody. Welcome to today's meeting of the of the Board of Public Works. I want to start by wishing everyone a happy Lunar New Year, a happy Valentine's Day, and to our magnificent Comptroller, a happy birthday. Sincerely grateful for you and your -- and this revolution around the sun and wish you many, many more. But happy birthday, Brooke.

COMPTROLLER LIERMAN: Thank you.

GOVERNOR MOORE: And we're thankful to be here to celebrate on the actual day, it's pretty amazing. A birthday on Valentine's Day. That's awesome. That's very good. And I also want to turn it over to the Comptroller also. I know you have a few remarks on (indiscernible).

COMPTROLLER LIERMAN: Thank you. Thank you, Mr. Governor. Mr. Treasurer, thank you all. And happy Valentine's Day. And also a happy birthday to our appointment secretary, if she is here, I don't see her, but hopefully she's doing something fun. It is an honor to share a birthday with her, and an honor to be born on the day that Frederick Douglass chose as his birthday. Briefly though, I did want to share a few words to mark the passing of Sandy Zink. Sandy was the director of our general accounting division in the Office of the Comptroller, which means she was basically like the general accountant for the State of Maryland. She was a bright light and a really strong and quiet spirit that everyone who knew her loved her. I feel honored to have had the privilege of working with her for the past year. After a career in the private sector, she joined

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the Office of the Comptroller and dedicated the last decade of her life to public service. She passed away on Monday. She was answering calls and emails a week previous to that, still battling cancer. So I -- she -- I think of the accounting team as sort of the spine of the State. Everything else really permeates out from our ability to keep our books balanced, to secure that AAA bond rating, and work -- the three of us working together, and Secretary Grady as well at DBM. And so I just wanted to thank her family for sharing her with us, with the State, with Marylanders. She will be missed and we'll carry on to celebrate her legacy. So thank you.

GOVERNOR MOORE: Thank you so much. Yeah, to Sandy's family we seen our deepest, deepest condolences. I was actually speaking with Manny, who by the way is celebrating a birthday in the next few days as well, so happy early birthday, Manny. And he was actually speaking about Sandy where literally that she was in the middle of chemotherapy and taking work phone calls. So to Sandy's family from all of us, the entire State, we're grateful for Sandy and send our deepest condolences.

With that, we'll go ahead and get started with the business of the day. First up, Secretary's agenda, Mr. Secretary, happy Valentine's Day.

SECRETARY GONTRUM: Happy Valentine's Day Governor, and good morning to you and good morning to you and happy birthday, Comptroller. Mr. Treasurer, good morning.

Before I introduce the Secretary's agenda just really quickly, I'd like to introduce you to the new board general counsel, Ms. Rachel Hershey. Very happy to have Ms. Hershey joining the board staff after an already distinguished career in Maryland procurement at the Department of Budget and Management, Department of Health, and most recently the Department of General Services.

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COMPTROLLER LIERMAN: Welcome.

MS. HERSHEY: Thank you.

GOVERNOR MOORE: Great to have you on board.

MS. HERSHEY: Look forward to serving the board.

COMPTROLLER LIERMAN: Thank you. We love more lawyers.

TREASURER DAVIS: Absolutely.

(Laughter.)

SECRETARY GONTRUM: There are 16 items on the Secretary's agenda this morning. I'm happy to assist with answering any questions.

GOVERNOR MOORE: Thank you so much, Mr. Secretary, and I'd like to call up Item 5 and Item 15, which are requests to compensate Mr. Anthony Hall for claims made under the Walter Lomax Act. Unfortunately, Mr. Hall is under the weather and not with us today. But I hope Mr. Hall is listening because I think it's important that when such wrongs happen that they are acknowledged, and that I -- and as a chief executive of the State, I first want to say to Mr. Hall, who I hope is listening, how deeply sorry we are for the wrongs that happened to you.

On September 26th, 1991, a 28-year-old Anthony Hall was charged with murdering Gerald Dorsey in an alley in West Baltimore. His trial in April 1992 lasted two days, with the prosecution calling four witnesses and Mr. Hall's defense attorney calling none. The prosecution called up two witnesses identifying Mr. Hall as the killer, and the jury deliberated for five hours and returned a guilty verdict for a second degree murder and use of a handgun in the commission of a felony. When he was convicted, he was convicted to 50 years in prison. In 1997, Mr. Hall's defense attorney was disbarred for ethics and tax violations, and over the course of 24 years, Mr. Hall filed numerous petitions,

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numerous petitions, to overturn his conviction.

In March 2017, Mr. Hall was released on parole and with the help of the Mid-Atlantic Innocence Project, including countless records and reviews and interviews, he was finally vindicated in March 2023, when a judge vacated his 1992 conviction and ordered a new trial, which resulted in a dismissal of the prosecution. The Mid-Atlantic Innocence Project review found numerous violations, including prosecutors withholding exculpatory evidence and the police pressuring and intimidating witnesses that they put on the stand to make sure that Mr. Hall got convicted.

Because of this gross miscarriage of justice, Mr. Hall spent 9,072 days behind bars for a crime that he did not commit, for convictions that he knew that he was innocent of; 9,072 days, that is 25 years of his life, for a crime that he did not commit. And it took the State more than three decades to acknowledge Mr. Hall's innocence. Mr. Hall was robbed of this time of his life, of his time with his family, of his time to pursue his dreams. And he's now 61 years old. He's providing full-time care for his elderly mother. He's living in a world that was vastly different than the one that he was wrongfully incarcerated, when he was wrongfully incarcerated that he was separated from.

And I want Mr. Hall to know and also to stand and to say to all the people from the Mid-Atlantic Innocence Project, his legal team, including Mr. Barry Pollack, Mr. Colby Flowers, Ms. Caitlin O'Brien, Ms. Monique Guillum, and Ms. Samantha Duckworth and everyone else who worked on behalf of this, I want them to know that there is no amount of money, nor apologies, nor acknowledgment to truly be adequate to right the wrongs that happened to this gentleman's life. But I hope that for him, for his family, and for his legal team hearing from the Governor of the State how truly all of us are, how truly sorry all of us are, can hopefully have some form of solace and meaning to a gross

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misjustice that was done inside this State.

With that, is there any further discussion on the Secretary's agenda?

TREASURER DAVIS: Governor, I don't have any comment, but I'd like to separate out item 16 for a separate vote.

COMPTROLLER LIERMAN: Mr. Governor, I'd just like to echo and be associated with your comments regarding Mr. Anthony Hall and perhaps revise my earlier comments a little. We like more lawyers, we like more ethical lawyers. Right? And I think here we see how damaging it can be for people who do not live up to the ethics of our profession. And I'm so grateful for the attorneys who I was associated with in the past and the work that they did, and so deeply apologetic to Mr. Hall for the failure of our judiciary system in the beginning. And I'm grateful for those who did not give up and who -- and to him for not giving up and persevering. So thank you, Mr. Governor.

GOVERNOR MOORE: Thank you so much.

We will separate item 16 and we will -- and we'll vote on that separately.

Is there any further discussion on this item or any of the other items of this agenda? If not, let's take up 5 and 16 first. Is there a motion to approve this item?

COMPTROLLER LIERMAN: Item 16? Motion to approve.

GOVERNOR MOORE: Okay. I will second the motion. And with the Treasurer recorded in the negative.

TREASURER DAVIS: Yes sir.

GOVERNOR MOORE: So the item passes. On the remainder of the Secretary's agenda, is there a motion to approve the agenda?

COMPTROLLER LIERMAN: So moved.

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GOVERNOR MOORE: Is there a second?

TRESURER DAVIS: Second.

GOVERNOR MOORE: Thank you so much.

We'll proceed with the Department of Natural Resources agenda.
Secretary Kurtz, happy Valentine's Day.

MR. KURTZ: Happy Valentine's Day. Good morning, Mr. Governor, Mr. Treasurer, Madam Controller happy birthday.

COMPTROLLER LIERMAN: Thank you.

MR. KURTZ: Great to be with you all today. For the record, Josh Kurtz, secretary of the Department of Natural Resources. The Department has five items for your consideration today. I'm happy to answer any questions that you may have.

GOVERNOR MOORE: Thank you so much, Mr. Secretary.
Is there any discussion?

COMPTROLLER LIERMAN: No discussion. Thank you.

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

COMPTROLLER LIERMAN: Motion to approve the DNR agenda.

GOVERNOR MOORE: And is there a second?

TRESURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thanks, Mr. Secretary.
University System of Maryland, Mr. Hickey.

MR. HICKEY: Happy Valentine's Day. Good morning to you, Mr. Treasurer. Happy birthday, Madam Comptroller. Tom Hickey representing University System of Maryland. There are four items on our agenda this morning for your consideration. Happy to answer any questions.

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GOVERNOR MOORE: Wonderful. Thank you so much.
Is there any discussion on the on the USM agenda? Do I have a motion to approve the agenda.

COMPTROLLER LIERMAN: Move to approve the USM agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much.

MR. HICKEY: Thank you very much.

GOVERNOR MOORE: Thank you.

Next, we'll go to the MDOT agenda, Ms. Radomsky, happy Valentine's Day.

MS. RADOMSKY: Happy Valentine's Day. Good morning, Mr. Governor, Mr. Treasurer, happy birthday Madam Comptroller.

COMPTROLLER LIERMAN: Thank you.

MS. RADOMSKY: For the record, my name is Valerie Radomsky, chief procurement officer at the Maryland Department of Transportation. Today we are presenting ten agenda items for your consideration. We are seeking approval of two contract actions equaling approximately \$5 million awarded to certified small business enterprises. And we have representatives available to answer any questions you may have.

GOVERNOR MOORE: Thank you so much.
Is there any comments toward the MDOT Agenda?

COMPTROLLER LIERMAN: No, I just wanted to briefly state it's nice to see you working with Maryland Work as a provider, and nice to see in 3M that certified promoting small business is acting the prime. And then there was also a subcontracting role as well. So thank you.

MS. RADOMSKY: Thank you.

GOVERNOR MOORE: Is there a motion to approve MDOT's

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agenda?

COMPTROLLER LIERMAN: Motion to approve the MDOT agenda.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. And we'll conclude with DGS agenda. Secretary Chaudhry, happy Valentine's Day.

MR. CHAUDHRY: Happy Valentine's Day. Thank you, Mr. Governor, Mr. Treasurer, and a very, very happy birthday to you, Madam Comptroller.

COMPTROLLER LIERMAN: Thank you.

MR. CHAUDHRY: For the record, I am Atif Chaudhry, secretary of the Maryland Department of General Services. Today, the Department is presenting 39 items in our agenda. We are withdrawing one item, that is 28-S. Our agenda features over \$7.1 million in capital grants and loans. I just want to highlight one of those, and that is item 5-CGL. It provides \$2.5 million in state support to the Baltimore County for the renovation of Holt Park and the Center for Arts in the Overlea-Fullerton community. This project consists of multiple enhancements and renovations to the 16.4-acre park and the art center. Improvements will include existing paths, additional paved and mowed pathways, which will then accommodate a new storybook trail in conjunction with the Baltimore County Public Library system. Additional improvements will also include enhanced seating to the amphitheater there.

As we continue to keep an eye on minority business participation, our agenda does include four contracts for awards to certified MBE prime contractors totaling more than \$2 million. And we agency representatives here to answer any questions you may have.

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GOVERNOR MOORE: Fantastic. Thank you so much.

There are a couple items I'd like to call, Madam Comptroller has as well. First I'd like to call up Items 1-CGL and 5-CGL, which are our two capital grants given to Baltimore County. That's a \$300,000 capital grant for the Banneker Community Center gymnasium renovations, and also \$2.5 million in capital grants. And that's towards improvements towards Holt Park. And we are pleased today to be joined by the Deputy Administrative Officer Elizabeth Sachs who will be testifying on behalf of this bill by County Executive Olszewski. Elizabeth, it is great to see you.

MS. SACHS: Thank you. Thank you very much.

GOVERNOR MOORE: Happy Valentine's Day.

MS. SACHS: Same, happy Valentine's Day, happy birthday to Madam Comptroller.

COMPTROLLER LIERMAN: Thank you.

MS. SACHS: Mr. Governor, Madam Comptroller, and Mr. Treasurer, thank you for having me today. For the record, I am Elizabeth Sachs. I am Baltimore County's deputy administrative officer for Health and Community Services, and I'm here to support these two Baltimore County recreation and park items before the Board. First, we're grateful for our -- to our legislative partners who worked to shepherd these items through the process and thank the Board for the opportunity to speak in support. We're excited about all the community -- the Baltimore County items on the agenda, but these two are particularly special to us.

First, as the Governor mentioned, the capital dollars for the Banneker Community Center will benefit, in particular, the community of Catonsville. This is already a high-use facility and this funding will greatly improve the park, including -- I mean, the facility, greatly improving particularly

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the gym facility because it will include installation of new flooring as well as replacement of basketball backboards and rims inside the building. So we are very excited about that project for the Catonsville community.

And second, the funding for Holt Park, which as has been mentioned, is in the Overlea-Fullerton community and many of the details were described by the secretary. I do want to mention that this Holt Park is envisioned by its namesake, Lilian Holt, and in addition to it being a tranquil natural setting, she also wanted to include elements of the arts. And this funding will specifically, as you heard, support story trail and an amphitheater to include performances and hiking trails as well connected to our master plan trail system. So we are very grateful as well for this funding.

I just want to say in closing that the Olszewski administration has literally made record investments in our recreation and parks facilities all around the County, creating a more equitable accessible recreation and park space. And of course, during the pandemic, we saw just how great the need was for families and for residents of all ages. And thank you again for your support for these two projects. Thank you.

GOVERNOR MOORE: Thank you, Ms. Sachs.

MS. SACHS: Thank you.

GOVERNOR MOORE: You continue to do great work.

MS. SACHS: Thank you so much.

GOVERNOR MOORE: And we are we are very grateful for these two projects, but also for the continuum of just great work. Please tell County Executive Olszewski as well.

MS. SACHS: I will. Thank you all very much.

GOVERNOR MOORE: Thank you.

COMPTROLLER LIERMAN: Thank you.

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GOVERNOR MOORE: And I'd like to call up item 39-S, which is a recommendation from the Department of Health to award contract to Carelon to serve as Behavioral Health Administrative Service Organization. The reason I just wanted to call this one up is it's a critically important contract that allows us to effectively serve more -- to better serve the hundreds of thousands of Marylanders who receive mental and behavioral health services all across the State. For years the current vendor has just failed to deliver the level of service that our residents and the type of service that our State deserves. And whether it's processing claims and reimbursements timely to accurately maintaining accurate records. Earlier this week, I was actually in the Shore. We were talking about the Enough Act, which is a bill that is going to continue with full frontal assault on child poverty that we have in the State. And while I was there, a behavioral services provider actually pulled me to the side and was telling me about their experiences working with this current system. Her story and her experience echo the countless, countless, public reports, legislative hearings, and audits that have highlighted the significant performance issues and deficiencies that we have seen with the current vendor. And that's why we are thrilled that today we are awarding this new contract to a new vendor with a strong record of actually delivering those services.

And so I'd like to call up Deputy Secretary Ryan Moran to discuss the importance of this contract that we're being asked to approve today.

Deputy Secretary, happy Valentine's Day.

MR. MORAN: Happy Valentine's Day. Thank you, Governor Moore, happy birthday, Comptroller Lehrman, and Treasurer Davis.

For the record, my name is Ryan Moran, I'm the deputy secretary of Health Care Financing and the State's Medicaid director. As you mentioned, Governor, today's recommendation for Carelon to serve as the Behavioral Health

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Administrative Service Organization beginning on January the 1st of 2025 represents a significant step forward to serve the behavioral health needs of Marylanders. The Behavioral Health Administrative Service Organization serves as the backbone for providers to effectively serve Marylanders who need behavioral health services by processing claims, reimbursing providers, and also, importantly, overseeing provider quality across the State.

Our public behavioral health system serves 240,000 Marylanders who receive specialty mental health services and 100,000 Marylanders who receive substance use services. Ninety-six percent of those are Medicaid recipients. When the incumbent vendor assumed operations in January of 2020, its claims processing system had significant system malfunctions that have continued throughout the COVID-19 pandemic, a time where we all know in this room that was critical for people to get the care and the support that they need, and for the providers to also support them as well. Over the last four years, performance issues of the incumbent vendor have continued to cause strain on provider operations, while the State also grapples with the long-term behavioral health implications of the pandemic. And as you cited Governor Moore, that is why today's recommendation for this award is so crucial. The Maryland Department of Health's evaluation committee has unanimously recommended Carelon, formerly Beacon, for their demonstrated wealth of technical experience to deliver these services. So if approved today, I can assure you that the Department will be laser focused on the next ten months to ensure a successful transition. So we respectfully request a favorable vote, and I'm happy to answer any questions that any of you have.

TREASURER DAVIS: I don't know. This isn't really a question so much as a comment. We saw it last week -- I mean, the last meeting, and now we're seeing it this meeting. I guess I just want to commend the Administration

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and certainly its secretaries and deputy secretaries and see it's not enough from our view that we have vendors performing services, we have a certain expectation, a level of service, a level of quality that our citizens have a right to expect. And if we have vendors that aren't coming up to par, then I certainly commend each agency or department who takes steps to rectify that situation and get a new vendor that will come in and serve our citizens appropriately. As far as I'm concerned, we can keep getting new vendors and new vendors until we get it right, until we get someone who is meeting that expectation. So I want to commend the Department and all the other agencies. We find a situation where the public isn't being served the way you know we expect it to and the way you expect it to, then, you know, just make the change. So thank you very much, sir.

MR. MORAN: Thank you, Treasurer.

COMPTROLLER LIERMAN: Well said.

GOVERNOR MOORE: Amen. Thank you, Deputy Secretary.

And thank you to the entire team for just the tireless work on making sure we get it right. So thank you.

I actually -- I want to yield to the Comptroller for discussion on Item 20.

COMPTROLLER LIERMAN: Sure. So thank you, Secretary Moran. And thank you, Mr. Treasurer, I echo those comments. We don't modernize for modernization's sake. We do it to make things work better for the people of Maryland. And there's another very some might say small item that I wanted to just call out because I think it really demonstrates that when we are spending taxpayer dollars, no matter the amount, it's being mindful of how we're spending those dollars to build for the long term is so important. And so I wanted to commend DGS for working on replacing a rooftop air handling unit. This was at a courthouse in St. Mary's County. I think, you know, it really pays to sweat

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the small stuff sometimes. And here what they've done is we have a over 30 percent MBE goal, and this replacement system increases efficiency, will reduce carbon emissions and energy consumption. So we will save money in the long term for taxpayers and reduce greenhouse gas emissions. And all the products meet low global warming and have low global warming potential. And so you know, even from the biggest contracts and providing really good service, like the one we just heard about from the Department of Health, to the smaller contracts, I think this really demonstrates why we review each of these items so in-depth, and how important is that we take the time to get it right, no matter the cost and no matter how small they are. So thank you.

GOVERNOR MOORE: Thank you, Madam Comptroller. And I want to commend the DGS design and construction team for working diligently on the small and the large construction renovation projects to look for efficiencies for, number one, high MBE goals, as high as we can possibly get, but also making sure that we're in compliance with the Climate Solutions Now Act and looking for these really innovative solutions for full electrification and energy saving and sustainability measures.

TREASURER DAVIS: Thank you, sir. I want to echo the Comptroller's acknowledgment of the 30 percent participation that actually exceeds the State's goal. But it sort of begs the question, if a vendor was willing to do 30 percent, but the goal was only 10 percent, so are we not reaching high enough or what happened that vendors came back and basically said we can do 200 percent greater than what the State recommended?

MR. CHAUDHRY: Yeah, it's a great question, Mr. Treasurer. I think we're taking a look at that, especially with these design and construction contracts and these equipment replacements. A lot of times it depends on geographic region. And as sometimes we take a look historically what was done

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in that area, how many MBE firms and other market research is done in that area to help determine the goal, but in certain types of instances, we're able to work with vendors even pre-award to increase the goal to see if we can do that. So this will certainly help lead into additional input for goals like these in these type of geographic areas, where maybe historically there have been lower goals where we can increase the goal. So we're certainly working to help to effectuate change to move the needle in that direction for greater participation with MBE firms.

TREASURER DAVIS: Thank you, sir.

GOVERNOR MOORE: Great work Mr. Secretary.

MR. CHAUDHRY: Thank you, sir.

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

COMPTROLLER LIERMAN: Move to approve the DGS agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. So moved.

Well, with that, this concludes today's meeting of Board of Public Works. Our next meeting is Wednesday, February 28th. Thank you, all. Happy Valentine's Day and we are adjourned.

(Whereupon, at 10:34 a.m., the meeting was concluded.)