

MINUTES
OF THE
MEETING OF THE
BOARD OF PUBLIC WORKS
DECEMBER 19, 2012

BOARD OF PUBLIC WORKS

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DECEMBER 19, 2012

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**MINUTES OF THE MEETING OF
THE BOARD OF PUBLIC WORKS, DECEMBER 19, 2012**

The Board of Public Works met in the Governor's Reception Room, State House, Annapolis, Maryland, on Wednesday, December 19, 2012.

Board Members present:

The Honorable Martin O'Malley, Governor
The Honorable Nancy K. Kopp, Treasurer
The Honorable Peter Franchot, Comptroller

Also present:

Al Collins, Secretary, Department of General Services
Eloise Foster, Secretary, Department of Budget & Management

CONSTRUCTION:

General Construction Project Contingency Fund 1988
Maryland Consolidated Capital Bond Loan of 2005
Maryland Consolidated Capital Bond Loan of 2006
Maryland Consolidated Capital Bond Loan of 2007
Maryland Consolidated Capital Bond Loan of 2008
Maryland Consolidated Capital Bond Loan of 2009
Maryland Consolidated Capital Bond Loan of 2010
Maryland Consolidated Capital Bond Loan of 2011
Maryland Consolidated Capital Bond Loan of 2012

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.

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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1. DEPARTMENT OF AGRICULTURE
Maryland Agricultural Cost-Share Program Grant Requests

Recommendation: That the Board of Public Works approve funding a total of 23 individual grants under the Maryland Agricultural Cost-Share Program.

Total submission amount: \$246,300

<u>Agreement #</u>	<u>Recipient</u>	<u>County</u>	<u>Amount</u>
AT-2013-2000	SHIPPING CREEK FARM LLC	Kent	28,400
AT-2013-2095-R	JOSEPH W. LLOYD, JR	St. Mary's	400
AT-2013-2096-R	JOSEPH W. LLOYD, JR	St. Mary's	3,400
AT-2013-2156	J. GARY MARSH	Allegany	2,100
LS-2013-2063	GARDEN FENCE FARM, LLC	Harford	11,200
LS-2013-2065	BLUE VALLEY FARMS, LLC	Harford	35,000
MP-2013-2133	WAYNE E. RHODERICK	Frederick	9,400
MP-2013-2135	WAYNE E. RHODERICK	Frederick	4,000
MP-2013-2136	RIPLEYVALE FARMS	Frederick	8,700
MP-2013-2137	RIPLEYVALE FARMS	Frederick	14,500
MP-2013-2138	RIPLEYVALE FARMS	Frederick	7,300
MP-2013-2139	RIPLEYVALE FARMS	Frederick	7,200
MP-2013-2140	RIPLEYVALE FARMS	Frederick	4,300
MP-2013-2141	RIPLEYVALE FARMS	Frederick	4,700
MP-2013-2142	RIPLEYVALE FARMS	Frederick	7,200
MP-2013-2143	MARYLAND LOCUST CREST, INC	Carroll	35,000
MP-2013-2160	LEASE BROTHERS	Carroll	11,700
PA-2013-1987	CLARKS ELIOAK FARM LLC	Howard	11,700
PA-2013-1988	CLARKS ELIOAK FARM LLC	Howard	13,400
PA-2013-2013	CLARKS ELIOAK FARM LLC	Howard	10,000
RS-2013-2124	ANTHONY WHEELER	Carroll	4,300
RS-2013-2155	ANTHONY WHEELER	Carroll	4,300
SA-2013-2153	CENTERDEL FARM, INC.	Kent	8,100

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SECRETARY'S AGENDA

**1. DEPARTMENT OF AGRICULTURE
*Maryland Agricultural Cost-Share Program Grant Requests***

Fund Source: MCCBL of 2011/Item 11071: *Provide funds for assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms.*

Authority: "Cost-Sharing - Water Pollution Control" Sections 8-701 to 8-705, Agricultural Article, Maryland Code; COMAR 15.01.05

Remarks: The Maryland Department of Agriculture has determined that each of these projects is eligible for cost-share funds. Each project has received technical certification from the appropriate Soil Conservation District Office. The farmer has signed the requisite cost-share agreement and accepts the grant conditions.

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION		WITHOUT DISCUSSION	

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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2. DEPARTMENT OF AGRICULTURE

Maryland Agricultural Cost-Share Program Additional Funding Requests

Recommendation: That the Board of Public Works approve **ADDITIONAL FUNDING** of 6 individual grants under the Maryland Agricultural Cost-Share Program.

Total submission amount: \$8,238.76

Agreement #	Recipient	County	Amount \$
MP-2010-2242	ELIZABETH H. BOYCE	Frederick	2,250.60
MP-2011-1816	GEORGE L. STOTTLEMYER	Frederick	612.38
MP-2012-2039	CAROLYN ANN BARKDOLL	Washington	3,703.64
MP-2012-2557	HENRY BARBERIS	Frederick	1,188.87
NW-2011-1976	MICHAEL G. TRICE	Dorchester	137.34
UP-2011-1507	VERDA K. WINDERS	Washington	345.93

Fund Source: MCCBL of 2010/Item 10077: *Provide funds for assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms.*

Authority: "Cost-Sharing - Water Pollution Control" Sections 8-701 to 8-705, Agricultural Article, Maryland Code; COMAR 15.01.05

Remarks: The Maryland Department of Agriculture has determined that each of these projects is eligible for cost-share funds. Each project has received technical certification from the appropriate Soil Conservation District Office. The farmer has signed the requisite cost-share agreement and accepts the grant conditions.

Additional funds are requested for these projects to offset additional costs realized at the completion of the project. These additional costs are a result of design changes required based on site conditions encountered during construction, design changes to improve project effectiveness, or because the level of co-cost share funding originally anticipated was not available when the project was completed.

Board of Public Works Action: The Above Referenced Item Was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

Contact: Gregory Bedward, 410-260-7335
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3. **BOARD OF PUBLIC WORKS**

List of Companies Engaged in Investment Activities in Iran

Recommendation: That the Board of Public Works finalize for publication a list of companies engaged in investment activities in Iran. Inclusion on the *Investment Activities in Iran List* would make these businesses ineligible to bid on, submit a proposal for, or enter into or renew a contract with a public body in Maryland for goods or services. Inclusion on the IAI List also bars financial institutions extending credit to those persons in certain situations from contracting with public bodies in the State. The IAI List will be published on the Board of Public Works Web site.

Authority: Investment Activities in Iran Act, Chapter 447 (Laws of 2012), codified at §17-701, State Finance and Procurement Article, Annotated Code of Maryland.

Background: This law requires the Board to use credible public information to create a list of persons who are engaged in investment activities in Iran. The list must be published by December 31, 2012. Engaging in investment activities in Iran is defined as:

- Providing goods or services of at least \$20 million in the energy sector of Iran; or
- For financial institutions, extending credit of at least \$20.0 million to another person for at least 45 days if the person is on the Board of Public Works list and will use the credit to provide goods or services in the energy of Iran.

Before publishing the list, the Board must provide 90 days' written notice that the Board intends to include the person on the list; and that inclusion on the list makes the person ineligible to bid on, submit a proposal for, or renew a contract with a public body for goods or services.

Reference is made to Secretary's Agenda Item 9 (Sept. 19, 2012), in which the Board approved the issuance of a 90-day notice to companies that would be included on the final list. The companies proposed to be listed were given 90 days to provide written documentation demonstrating that they do not engage in investment activities in Iran.

Removed from Proposed List: The following companies on the September proposed list should not be included on the final list because they have ceased engaging in investment activities in Iran:

- Petroleos de Venezuela
- Zhuhai Zhenrong
- Emirates National Oil Company
- China National Offshore Oil Corporation
- Belneftkhim/Belarusneft
- Hyundai Heavy Industries
- Sonangol

- Maire Tecnimont
- ONGC (Oil and Natural Gas Corporation)
- Grimley Smith Associates
- Snam Rete Gas S.p.A.
- Kuo Oil
- INA (Industrija Nafta)

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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4. BOARD OF PUBLIC WORKS

State Procurement Regulations

***COMAR 21.05.08.07 (Bid/Proposal Affidavit); COMAR 21.10.02.01(Filing of Protest)
Board Advisory 2013-1(Investment Activities in Iran)***

Recommendation: That the Board of Public Works:

- (1) Propose amendments to and new regulations within COMAR Title 21, State Procurement Regulations, to implement the 2012 Investment Activities in Iran Act; and
- (2) Issue BPW Advisory 2013-1 to provides general guidance to State agencies concerning the Investment Activities in Iran Act.

Authority: Section 17-701, State Finance and Procurement Article, Annotated Code of Maryland. [Chapter 447, Laws of 2012].

Explanation: The proposal would amend regulations concerning the bid/proposal affidavit and the filing of protests to conform COMAR Title 21 to the Investment Activities in Iran Act. Specifically, the regulatory proposal: (1) requires persons bidding on or renewing contracts to certify that they are not engaged in certain investment activities in Iran; and (2) prohibits unsuccessful bidders from filing protests on the basis of a false certification regarding investments in Iran (public bodies are exempt from the protest prohibition)..

The Procurement Advisory Council concurred with this proposal at its November 29, 2012 meeting. Approval of this Item will allow submission to the AELR Committee and publication for public comment in the *Maryland Register*.

Background: Chapter 447, Laws of 2012 prohibits a person who engages in investment activities in Iran from bidding on, submitting a proposal for, or renewing a contract for goods and services with a public body in the State. Engaging in investment activities in Iran is defined as:

- Providing goods or services of at least \$20 million in the energy sector of Iran; or
- For financial institutions, extending credit of at least \$20.0 million to another person for at least 45 days if the person is on the Board of Public Works list* and will use the credit to provide goods or services in the energy of Iran.

*The Act requires the Board of Public Works to publish a list of companies engaged in investment activities in Iran. See Secretary's Item 3 on today's Agenda for action on final list.

Beginning January 1, 2013, public bodies must obtain a certification regarding investments in Iran from each bidder or offeror for new contracts and from each contractor seeking to renew a contract. Bidders, offerors, and renewing contractors have to certify that at the time the bid/proposal is submitted or the contract renewed that the company is neither identified on the Investment Activities in Iran list nor engaging in investment activities in Iran.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

Contact: Mary Jo Childs, 410-260-7335
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5. BOARD OF PUBLIC WORKS

State Procurement Regulations: COMAR Title 21

Recommendation: That the Board of Public Works propose new regulations and amendments to COMAR Title 21, State Procurement Regulations, to implement 2012 Legislation.

Proposal: Changes to the State Procurement Law that were enacted by the 2012 General Assembly require regulatory action. The Procurement Advisory Council concurred with this recommendation at its November 29, 2012 meeting. Approval of this Item authorizes submission of the regulatory proposal to the AELR Committee and subsequent publication for public comment in the *Maryland Register*.

Chapter 258 requires bidder disclosure of certain information regarding conflict minerals originating in the Democratic Republic of Congo or its neighboring countries.

COMAR Amendment: 21.05.08.07 Bid/Proposal Affidavit

Chapter 372 establishes environmental standards for electronic products to be used by the State.

COMAR Amendment: 21.11.07.01 Definitions

New COMAR Regulation: 21.11.07.13 Purchasing Electronic Products

Chapter 450 increases the Board approval threshold from \$500,000 to \$1 million for services and capital improvement contracts awarded by USM, Morgan State University, and St. Mary's College of Maryland.

COMAR Amendment: 21.01.03.01-1 Public Universities and Colleges

Chapter 539 changes the standards for eligibility as a State-certified small business.

COMAR Amendment: 21.01.02.01 Definitions

COMAR Amendment: 21.11.01.04 Small Business Eligibility/Certification

COMAR Amendment: 21.11.01.06 Small Business Reserve Program

Department definition must include the Department of Information Technology and the Department of Public Safety and Correctional Services for procurements in connection with State correctional facilities.

COMAR Amendment: 21.01.02.01 Definitions

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

Contact: Mary Jo Childs, 410-260-7335
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6. BOARD OF PUBLIC WORKS***State Procurement Regulations – Minority Business Enterprises: COMAR Title 21***

Recommendation: That the Board of Public Works propose amendments to COMAR Title 21, State Procurement Regulations, to effect changes to the State's Minority Business Enterprise program.

Background: Changes to the State Procurement Law MBE provisions enacted by the 2012 General Assembly require regulatory action. The Procurement Advisory Council concurred with this recommendation at its November 29, 2012 meeting. Approval of this Item authorizes submission of the regulatory proposal to the AELR Committee and subsequent publication for public comment in the *Maryland Register*.

Authority: Chapter 154, Laws of 2012:

- Requires the Office of Minority Affairs, in consultation with the Department of Transportation and the Attorney General, to establish the overall percentage MBE goal on a biennial basis and to promulgate agency guidelines for setting subgoals.
- Requires that contracts with MBE goals contain a liquidated damages provision for when a contractor fails to comply in good faith.
- Clarifies that MBE solicitation documents are part of the procurement contract.
- Requires bidders to complete a document providing a percentage of the total dollar amount that the bidder agrees will be performed by MBEs.
- Prohibits a contractor from terminating an MBE listed on the participation schedule unless certain conditions are met.
- Requires agencies to monitor contractors' MBE compliance and take corrective action when the contractors do not make good-faith efforts to meet MBE participation goals.
- Clarifies restrictions on the goal-setting process.

NOTE: The legislation also requires the Office of Minority Affairs to adopt regulations setting forth the State's overall MBE goal, and procedures for counting MBE participation. These regulations are not part of the regulatory proposal recommended in this Item.

BOARD OF PUBLIC WORKS

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SECRETARY'S AGENDA

**6. BOARD OF PUBLIC WORKS (continued)
State Procurement Regulations – Minority Business Enterprises: COMAR Title 21**

Proposal:

COMAR 21.11.03.01 deletes restriction on applicability of MBE laws to smaller construction contracts to be consistent with statute.

COMAR 21.11.03.02 requires that agencies attempt to achieve MBE participation goals and subgoals.

COMAR 21.11.03.03 updates references within the regulation.

COMAR 21.11.03.04 clarifies that the Board may develop MBE forms for agency use.

COMAR 21.11.03.07 adds the veterans small business programs as a race neutral measure to increase MBE participation.

COMAR 21.11.03.09 clarifies that agencies may not bundle contracts to preclude MBE or small business participation. The regulation also prohibits the use of quotas; a goal-setting process that relies solely on the State's overall percentage goal; or a goal-setting process that does not incorporate a full analysis of MBE availability and the feasibility of subcontracting.

COMAR 21.11.03.10 confirms that MBE solicitation documents are made part of the procurement contract. The regulation also requires a liquidated damages provision for all contracts containing an MBE goal.

COMAR 21.11.03.12 provides procedures for changes to the MBE participation schedule.

COMAR 21.11.03.13 adds monitoring and collecting data to agency responsibilities for ensuring MBE compliance. Also clarified is the requirement that contractors make good faith efforts to meet MBE goals.

COMAR 21.07.01.14 adds liquidated damages clause as a mandatory contract terms for all contracts with MBE participation goals.

COMAR 21.11.03.09 repeals the requirement that agencies send paper copies of solicitation documents to GOMA. Solicitation documents are more effectively provided electronically through *eMaryland Marketplace* or directly from agencies.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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7. BOARD OF PUBLIC WORKS
Final Action on Regulations
State Tidal Wetlands Licensing Procedures
COMAR 23.02.04.15 Compensation

Recommendation: That the Board of Public Works take final action to adopt – as proposed – amendments that will conform COMAR 23.02.04.15 to 2012 General Assembly legislation.

Authority: Section 16-205, Environment Article, Annotated Code of Maryland, as amended by Chapter 722 (2012 Laws of Maryland).

Background: Reference is made to Secretary's Agenda Item 7 [June 20, 2012] in which the Board of Public Works approved a regulatory proposal that was subsequently published in 39 *Maryland Register* 1460-1462 [November 2, 2012]. No public comments were received.

Proposed Amendments to 23.02.04.15:

- Require that all cables, pipelines, or similar structures located on State wetlands be assessed compensation by repealing exemptions to the requirement.
- Increase annual compensation rate for cables, pipelines or similar structures located on State wetlands from \$1.00 to \$2.50 per linear square foot.
- Require that the compensation monies be deposited into the Wetlands and Waterways Program Fund.
- Clarify that the Wetlands Administrator is to obtain two appraisals for licensed fill or encroachment regardless of the property size when assessing compensation for licensed fill or other encroachments.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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8. BOARD OF PUBLIC WORKS
Wetlands Licenses

Approval is requested of the following applications for wetlands licenses for projects involving dredging or filling or both in the navigable waters of Maryland. The Board of Public Works' Wetlands Administrator recommends that a license be granted as proposed in the Department of the Environment's Report and Recommendation.

Authority: Title 16, Environment Article, Maryland Code; COMAR 23.02.04.

ANNE ARUNDEL COUNTY

- 12-0819 HERRINGTON HARBOUR NORTH – To reconfigure a marina by extending several docks, enlarging two existing travel lift wells, and filling one travel lift well, providing shore erosion control, and improving navigable access – Tracy's Creek, Deale
- 12-0898 *CEDARHURST CITIZENS ASSOC. – To fill, grade and plant marsh vegetation along an eroding shoreline and emplace a stone sill – Chesapeake Bay, Shady Side

TALBOT COUNTY

- 12-0911 *JOHN THACKER – To fill, grade, and plant marsh vegetation along an eroding shoreline – Island Creek, Oxford

*NOTE: In FY2013, BPW has approved 7.53 of living shoreline.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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9. BOARD OF PUBLIC WORKS
Wetlands License 12-1102

Approval is requested of the following application for a wetlands license for a project involving dredging or filling or both in the navigable waters of Maryland. This case is classified as an extraordinary case because of the recommendation that compensation be assessed. The Board of Public Works' Wetlands Administrator recommends that a license be granted as proposed in the Department of the Environment's Report and Recommendation.

Authority: Title 16, Environment Article, Maryland Code; COMAR 23.02.04.

SOMERSET COUNTY

- 12-1102 VERIZON INC. – To install, by directional bore method, two 208-foot, 4-inch conduits under Kings Creek near Princess Anne in Somerset County
- Application received – July 19, 2012
 - Public comment period ended – October 1, 2012
 - MDE Report and Recommendation to approve received – October 31, 2012

Compensation: \$1000.00 non-recurring fee and an annual fee of \$2.50 per linear foot of cable, totaling \$1040.00/year. The annual fee will be adjusted every five years based on the Consumer Price Index.

Indemnification: As a condition of this wetlands license, the licensee agrees to indemnify, defend and save harmless the State of Maryland, its officers and employees from and against any and all liability, suits, claims and actions of whatever kind, caused by or arising from the placement of the cables under the bottom of Kings Creek.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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10. BONDS

Recommendation: That the following General Obligation Bond authorizations be cancelled in the amount of **\$301,149.67** and, at the same time, reduce the State's spending authority as shown for the following capital projects in accordance with Section 8-128, State Finance and Procurement Article, Maryland Code. The Office of the Comptroller, the Department of Budget and Management and the Department of General Services has reviewed this request and concur.

- A. *Garrett County Detention Center Loan of 2006*
\$178,402.50
 Chapter 46 Acts of 2006
 The Commissioners of Garrett County state that the project is complete and the funds are no longer needed.

- B. *Glenarden Senior Center Loan of 2010*
\$50,000
 Chapter 483 Acts of 2010 Legislative House Initiative
 The Mayor and City Council of the City of Glenarden do not need the grant funds.

- C. *St. Mary's County Tudor Hall Loan of 2008*
\$31,034.77
 Chapter 336 Acts of 2008
 The Director of St. Mary's County Historical Society, Inc. states the funds are not needed.

- D. *Homeport Farm Park Building Rehabilitation Project Loan of 2009*
\$22,042.75
 Chapter 485 Acts of 2009
Anne Arundel County states that the funds are not needed at this time.

- E. *Former Ellicott City Post Office Loan of 2009*
\$14,425.01
 Chapter 485 Acts of 2009
Howard County states that the funds are not needed.

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

10. BONDS (cont'd)

F. Threshold Services Group Home Renovations Loan of 2010

\$4,500

Chapter 483 Acts of 2010 Legislative House Initiative

The Board of Directors for Threshold Services, Inc. does not need the remaining grant funds.

G. National Children's Museum Loan of 2009

\$744.64

Chapter 485 Acts of 2009

The National Children's Museum does not need the remaining grant funds.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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11. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Recommendation: That the Board of Public Works approve a **new grant** up to \$325,000 to the Chesapeake Rivers Association, Inc. for the **Cabin Branch Stormwater Restoration** project in Anne Arundel County. This grant may involve multiple sources of funding including GO bonds, as the required 20% State match of federal funds. (Legislative District 33B)

Project Description: The project is to the construct a regenerative stormwater conveyance system in the headwaters of Cabin Branch. The project comprises an entry pool, riffles, cobble weirs, berms and vegetation using sand, native boulders, cobble rootwad, gravel, wood chips, and native plants to control surface and subsurface hydrology. The project will reduce erosion and sedimentation in Cabin Branch and the Severn River. The land is managed by the Chesapeake Rivers Association, Inc.

Project Funding Sources:

Water Quality State Revolving Loan Fund – Green Grant (this action)	\$325,000
Local Funding	<u>\$347,000</u>
TOTAL ESTIMATED PROJECT COST:	\$672,000

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

MDE has determined this project to be consistent with Maryland's Priority Places Strategy in accordance with Executive Order 01.01.2003.33. The project is consistent with State Clearinghouse comments and recommendations.

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

APPROVED **DISAPPROVED** **DEFERRED** **WITHDRAWN**
 WITH DISCUSSION **WITHOUT DISCUSSION**

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

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12. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Recommendation: That the Board of Public Works approve 22 new grants up to \$1,092,690 from the Bay Restoration Fund for various Wastewater Treatment Plants (WWTP) Enhanced Nutrient Removal (ENR) projects.

Background: Up to 10% of the annual revenue generated from the wastewater treatment plant users fee may be used for ENR operation and maintenance costs. The Department of the Environment recommends operation and maintenance (O&M) grants at a rate of up to \$18,000 per million gallons per day of design capacity, not to exceed \$216,000 per year per WWTP. ENR technologies have been fully implemented at all of the listed ENR WWTPs and are achieving the goals of effluent levels at or below total nitrogen of 3 mg/l and total phosphorous of 0.3 mg/l. Through the ENR upgrade and proper operation, these WWTPs have been successful in reducing nitrogen discharged to Chesapeake Bay by over 1,300,000 pounds of per year and phosphorus by over 190,000 pounds of per year.

ENR Wastewater Treatment Plant	Facility Owner/ Grantee	Approved Design Capacity (in MGD)	Maximum Annual Allowance	Start of ENR Operation	Months in ENR Operation in CY 2011	FY 2013 Recommended Grant Award
Bowie	City of Bowie	3.300	\$59,400	Dec-10	12	\$59,400
Boonsboro	Town of Boonsboro	0.530	\$9,540	Oct-10	12	\$9,540
Brunswick	City of Brunswick	1.400	\$25,200	Sep-08	12	\$25,200
Celanese	Allegany County	2.000	\$36,000	Nov-06	12	\$36,000
Chestertown	Town of Chestertown	0.900	\$16,200	Jun-08	12	\$16,200
Crisfield	City of Crisfield	1.000	\$18,000	Aug-10	12	\$18,000
Cumberland	City of Cumberland	15.000	\$216,000	Feb-11	11	\$198,000
Easton	Easton Utilities	4.000	\$72,000	Jun-07	12	\$72,000
Elkton	Town of Elkton	3.050	\$54,900	Dec-09	12	\$54,900
Federalburg	Town of Federalburg	0.750	\$13,500	Aug-10	12	\$13,500

BOARD OF PUBLIC WORKS

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SECRETARY'S AGENDA

12. MARYLAND DEPARTMENT OF THE ENVIRONMENT (Cont)

ENR Wastewater Treatment Plant	Facility Owner/ Grantee	Approved Design Capacity (in MGD)	Maximum Annual Allowance	Start of ENR Operation	Months in ENR Operation in CY 2011	FY 2013 Recommended Grant Award
George Creek	Allegany County	0.600	\$10,800	Sep-10	12	\$10,800
Hagerstown	City of Hagerstown	8.000	\$144,000	Oct-10	12	\$144,000
Havre de Grace	City of Havre de Grace	2.275	\$40,950	May-10	12	\$40,950
Hurlock	Town of Hurlock	1.650	\$29,700	May-06	12	\$29,700
Indian Head	Town of Indian Head	0.500	\$9,000	Dec-08	12	\$9,000
Kent Island	Queen Anne's County	3.000	\$54,000	Aug-07	12	\$54,000
Mattawoman	Charles County	20.000	\$216,000	Nov-07	12	\$216,000
Mount Airy	Town of Mount Airy	1.200	\$21,600	Nov-10	12	\$21,600
Perryville	Town of Perryville	1.650	\$29,700	Aug-10	12	\$29,700
Pocomoke City	City of Pocomoke City	1.470	\$26,460	Sep-11	4	\$8,820
Poolesville	Town of Poolesville	0.750	\$13,500	Jul-10	12	\$13,500
Talbot Region II	Talbot County	0.660	\$11,880	Oct-08	12	\$11,880

\$1,092,690

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

Board of Public Works Action: The Above Referenced Item Was:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

Contact Person: Terri Wilson (410) 537-4155
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13. MARYLAND DEPARTMENT OF THE ENVIRONMENT

Recommendation: That the Board of Public Works approve **further funding** up to \$87,975,000 to Baltimore City for the **Patapsco Wastewater Treatment Plant Biological Nutrient Removal and Enhanced Nutrient Removal** project in Baltimore City. The project involves multiple sources of funding which are being provided over several years based on project schedule.
 (Legislative District 46)

A. New Loan up to \$11,260,000 - Water Quality State Revolving Loan Fund. The loan will be repaid over 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. Based on this formula, recent loan recipients have received a 0.80% interest rate. To secure this debt, the City of Baltimore will deliver to the Maryland Water Quality Financing Administration a revenue bond that is on parity with its outstanding sewer utility revenue bonds which have a first lien on the gross revenues of the system. This loan may involve multiple sources of funding including GO bonds as the required 20% State match to Federal funds.

B. New Loan Forgiveness up to \$1,500,000 – Water Quality State Revolving Loan Fund. This loan will be forgiven as a Disadvantaged Community under the Federal Clean Water Act. The principal forgiveness loan terms are enforceable should there be a programmatic default on the Loan Agreement. This loan may involve multiple sources of funding including GO bonds as the required 20% State match to Federal funds.

C. Grant Increase up to \$75,215,000 - Bay Restoration Fund (BR-NR 02.03). The source of these grant funds is the Bay Restoration Fund. These funds may be expended using multi-year appropriations based on project schedule and will be used for eligible Enhanced Nutrient Removed (ENR) costs, as determined by the Department. The ENR projects may be funded using special funds, revenue bonds or State GO bonds.

Project Description: The proposed project entails the planning, design and construction of Biological Nutrient Removal (BNR) and ENR upgrades and the expansion of the existing 73 million gallons per day (mgd) Patapsco Wastewater Treatment Plant. Upon completion of the BNR and ENR upgrades along with expansion to 81 mgd permitted design capacity, the plant will be capable of achieving an effluent with a Total Nitrogen goal of 3.0 mg/l and a Total Phosphorus of 0.3 mg/l. This will allow 83% reduction in nitrogen and 85% reduction in phosphorus; significantly reducing nutrients to Patapsco River and ultimately to the Chesapeake Bay. This action will primarily fund the work related to contract SC845, which is the Nitrification modifications to existing facilities.

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SECRETARY'S AGENDA

13. MARYLAND DEPARTMENT OF THE ENVIRONMENT (cont'd)

Project Funding Sources:

Water Quality State Revolving Loan Fund (this action)	\$ 11,260,000
Water Quality State Revolving Loan Fund – Principal Forgiveness (this action)	\$ 1,500,000
Water Quality Loan – Baltimore City (previously approved 6/1/11)	\$ 3,706,500
Water Quality Loan – Baltimore City Principal Forgiveness (previously approved 6/1/11)	\$ 1,235,500
Water Quality Loan – Baltimore County (most recent action 4/18/12)	\$ 25,878,000
ARRA Baltimore City Principal Forgiveness Loan (most recent action 3/24/10)	\$ 6,000,000
ARRA Baltimore City Water Quality Loan (most recent action 3/24/10)	\$ 3,000,000
ARRA Baltimore County Water Quality Loan (most recent action 3/24/10)	\$ 9,000,000
Bay Restoration Fund Grant BR-NR 02.03 (this action)	\$ 75,215,000
Bay Restoration Fund Grant BR-NR 02.03 (most recent action 12/15/10)	\$ 83,707,000
Biological Nutrient Removal NR 08.03 (most recent action 6/20/12)	\$ 58,216,230
Local Share	<u>\$ 48,966,495</u>
TOTAL ESTIMATED PROJECT COST:	\$327,684,725

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

MDE has determined this project to be consistent with Maryland's Priority Places Strategy in accordance with Executive Order 01.01.2003.33. MDE has reviewed the State Clearinghouse comments.

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

APPROVED

 DISAPPROVED

 DEFERRED

 WITHDRAWN

WITH DISCUSSION

 WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS
DECEMBER 19, 2012
SECRETARY'S AGENDA

Contacts: Patricia Sylvester 410-514-7481 sylvester@dhcd.state.md.us
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14. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BORROWER: Burwood Gardens Senior, LLC
AUTHORITY: Annotated Code of Maryland, Housing & Community Dev't Article,
Section 4-1201 through 4-1209;
COMAR 05.05.01 through .29

The Partnership Rental Housing Program finances rental housing that will be occupied by individuals with incomes of 50% or less of the statewide median income.

PROJECT: Burwood Gardens Phase I
6670 Roberts Court, Glen Burnie, Anne Arundel County, 21061

AMOUNT: \$2,238,397

COLLATERAL: Deed of Trust

RECOMMENDATION: That the Board of Public Works approve lending general obligation bond proceeds to Burwood Gardens Senior, LLC to support this project.

DESCRIPTION: The project involves the acquisition, demolition, and construction of a 100-unit senior rental housing complex located in Glen Burnie, Anne Arundel County. The project will offer 89 one-bedroom and 11 two-bedroom affordable units. Penrose Properties, LLC, will sponsor the project. The DHCD loan will be used to partially finance the project as 53 units will meet the requirement to serve households at 50% of the Statewide median income. The remaining units will serve a range of incomes, all at or below 60% of the area median income. DHCD has also reserved \$1,147,000 in 9% Low Income Housing Tax Credits valued at \$11,146,300 for the project.

FUND SOURCE: MCCBL 2011 – Partnership Rental Housing Program – Provide funds for rental housing developments that serve individuals with incomes of 50% or less of the statewide median income.

SOURCE:	<u>Amount</u>
Partnership Rental Housing Program – <u>Special Funds APPN A2510</u>	\$ 1,745,000
Partnership Rental Housing Program – MCCBL 2011 <u>(this item)</u>	2,238,397
Capital One Housing	3,485,471
ACDS, Inc. (CDBG)	650,000
Tax Credit Equity	11,146,300
Developer's Equity	\$ 209,000
Total	\$19,474,168

REMARKS: The Department of Planning reviewed and approved the project for consistency with the Economic Growth, Resource Protection, and Planning Policy (Project # SP 20111021-5283) on November 5, 2011.

BOARD OF PUBLIC WORKS ACTION: THE ABOVE REFERENCED ITEM WAS

<u>APPROVED</u>	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION		<u>WITHOUT DISCUSSION</u>	

BOARD OF PUBLIC WORKS**DECEMBER 19, 2012****SECRETARY'S AGENDA**

Contacts: Jean Peterson (410) 514-7358 peterson@mdhousing.org
 George Eaton (410) 514-7348 eaton@mdhousing.org

15. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BORROWER: Interfaith Housing Development Corporation of the Maryland Eastern Shore, Inc.

LOAN AUTHORITY: Maryland Rental Housing Production Program
Annotated Code of Maryland,
Housing and Community Development
Article, Section 4-1501, et seq.

**AUTHORITY TO GRANT
TRANSFER OF DEBT
OBLIGATION:** Annotated Code of Maryland,
State Finance and Procurement Article, Section 10-305

PROPERTY: St. Martin's House
14374 Benedictine Lane
Ridgley, MD 21660

ORIGINAL LOAN AMOUNT: \$523,300.00
CURRENT LOAN BALANCE: \$514,000.00

RECOMMENDATION: That the Board of Public Works authorize the release of a first lien on the borrower's leasehold interest and accept a first lien on 390 acres of property owned by the Benedictine Sisters as substitute collateral for the loan.

BACKGROUND: In September 1992, DHCD's Rental Housing Production Program lent \$523,300 to Interfaith Housing Development Corporation of the Maryland Eastern Shore to finance the rehabilitation of St. Martin's House, providing 22 units of transitional housing for single women and their children. The project was built on one acre of 524+ acres owned by the Benedictine Sisters at St. Gertrude's Monastery. In addition to the project, the grounds also included the monastery, a school, a food distribution center and a thrift store. As collateral for the Loan, the borrower provided DHCD a first lien on the leasehold interest in the real property and assigned the interest in Zero Coupon Treasury Bonds sufficient at maturity to repay the loan.

BOARD OF PUBLIC WORKS

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15. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (cont'd)

Since rehabilitation of the building was completed in 1993, the project has been continually and effectively operated as a transitional housing facility receiving satisfactory or better ratings on physical inspections and management reviews. The borrower has provided experience and oversight while the Sisters are responsible for day-to-day operations.

The Sisters now propose to sell 134 acres of the 524-acre parcel to the Benedictine School for Exceptional Children (the Benedictine School), a facility that serves children with autism. The sale includes the project subject to the long term lease provided in 1992 to the Borrower. To facilitate the sale to the Benedictine School, the Sisters request that DHCD release its first lien on the leasehold interest in exchange for a first lien on the remaining 390 acres.

Under the proposal, the loan collateral will be the interest in the Zero Coupon Treasury Bonds which should be sufficient at maturity to repay the remaining principal balance and a first lien interest in the remaining land. The remaining land was appraised in May 2010 in excess of \$2 million. DHCD has determined that the collateral is more than adequate to secure the loan.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

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

DECEMBER 19, 2012

SECRETARY'S AGENDA

APPENDIX

Contact: Jane Bailey 410-767-4307
Jane.Bailey@dgs.state.md.us

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 1

DEPARTMENT OF GENERAL SERVICES

Maryland Department of Veterans Affairs

CONTRACT NO. AND TITLE: Emergency Roof Replacement
Outpatient Clinic, Charlotte Hall Veterans Home
ADPICS No.: 001B3400194
Project: VH-781-131-003

CONTRACT TYPE: Maintenance

DESCRIPTION: Labor, materials, and equipment to replace 8,000 sq. ft. built-up roof. New roof system will consist of energy efficient flat and tapered insulation (1/8" per foot for positive drainage) and a heavy thermoplastic polyolefin single-ply roofing membrane. The 20-year full system warranty will include all metal work. The membrane is tan, energy efficient (Energy Star rated), environmentally friendly, fire and chemical resistant, and fully recyclable. All parapet walls will be capped with 24 gauge, pre-finished steel coping to match existing facade. Also included: all roof drains, overflow drains (now code required) and a new roof access hatch, complete with safety rails.

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: August 16, 2012

AWARD DATE: August 22, 2012

BIDS:

Ruff Roofers, Inc., Baltimore	\$148,160.00
Liberty Roofing Co., LLC, Baltimore	\$164,019.00

AWARD: Ruff Roofers, Inc.

AMOUNT: \$148,160.00

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

APPENDIX

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 1 (cont'd)

TERM: 30 Calendar Days

MBE PARTICIPATION 0%

FUND SOURCE: Agency Funds: D55.11.725VH.05.0899
Transferred to DGS 025 Clearing Account

REMARKS:

Nature of Emergency: The roof, which was designed to last 20 years and has been in place for 25 years, failed and cannot be repaired. Leaks which are damaging the substructure and interior, if addressed at this time, can be minimized and easily repaired. Due to the immediate need for replacement, the contractor was not able to provide MBE subcontractors.

Basis for Selection: Ruff Roofers, Inc. had the low responsive and responsible bid. Both roofing companies solicited have a long history of performing at a high level on projects of a similar scope.

Reason for Late Report: All work has been completed. DGS was awaiting fund certification from Veterans Affairs to submit the report.

TAX COMPLIANCE NO.: 12-2269-1111

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED

WITH DISCUSSION

WITHOUT DISCUSSION

REPORT REMANDED TO DEPT/AGENCY

REMARKS:

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

APPENDIX

Contact: Jane Bailey 410-767-4307
Jane.Bailey@dgs.state.md.us

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 2

DEPARTMENT OF GENERAL SERVICES

Maryland State Police
Easton and LaPlata Barracks

CONTRACT NO. AND TITLE: Ethanol Tanks Emergency Repairs
ADPICS No.: 001B3400223
Project: B-000-090-101

CONTRACT TYPE: Maintenance

DESCRIPTION: Labor, materials, and equipment to repair ethanol fueling systems at the Easton and the LaPlata State Police barracks.

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: September 21, 2012

BID:
Datanet Engineering, Inc., Owings Mills \$66,650

AWARD: Datanet Engineering, Inc.

AMOUNT: \$66,650.00

AWARD DATE: October 18, 2012

TERM: 30 Calendar Days

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

SECRETARY'S AGENDA

APPENDIX

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 2 (cont'd)

MBE PARTICIPATION: 0%

FUND SOURCE: MCCBL 2008 Item 014: Provide funds to design, construct ethanol fueling systems

REMARKS:

Nature of Emergency: External tank inspection uncovered deficiencies that required immediate closure of the fueling systems and remediation. Immediate repairs to the tanks are needed to provide ethanol fuel to the eastern and southern areas of the State. Repairs include removing leak detectors, correcting venting, reinstalling leak detectors and testing. Work included installing new overfill valves and catch basins, and removing and disposing of unusable fuel in the tanks.

Basis for Selection: Datanet Engineering conducted the inspection of the systems and is knowledgeable of repairs needed to bring the systems on line. The procurement officer concluded that the price was reasonable and bidding it further would not provide a better price or time frame. The tanks were bid separately for a total of \$66,650.

No MBE subcontracting goal was available as this is a specialty system requiring the use of only one crew.

TAX COMPLIANCE NO.: 12-502-0111

RESIDENT BUSINESS: Yes

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED

WITH DISCUSSION

WITHOUT DISCUSSION

REPORT REMANDED TO DEPT/AGENCY

REMARKS:

BOARD OF PUBLIC WORKS**DECEMBER 19, 2012****APPENDIX****SECRETARY'S AGENDA**

Contact: Mary Beth Pohl 410-764-2673
Mary.Pohl@maryland.gov

REPORT OF EMERGENCY PROCUREMENT**ITEM: Appendix 3****DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Health Services Cost Review Commission

CONTRACT TITLE: Demonstration Waiver Application
ADPICS No. MOOB3400393

CONTRACT TYPE: Service

DESCRIPTION: Develop federal demonstration Medicare waiver application

PROCUREMENT METHOD: Emergency

DATE EMERGENCY DECLARED: November 7, 2012

BIDS:
Health Management Associates \$170,000

AWARD: Health Management Associates
Washington, D. C.

AMOUNT: \$170,000

AWARD DATE: November 19, 2012

TERM: 11/19/12-3/19/13

MBE PARTICIPATION: None

FUND SOURCE: 100% Special

APPROP. CODE: 32.18.01

PERFORMANCE SECURITY: None

INCUMBENT: None

BOARD OF PUBLIC WORKS

DECEMBER 19, 2012

APPENDIX

SECRETARY'S AGENDA

REPORT OF EMERGENCY PROCUREMENT

ITEM: Appendix 3 (cont'd)

REMARKS:

Nature of Emergency: Federal law affords Maryland the ability to waive Medicare payment rules and develop its own hospital payment rates for all payers. Maryland is the only state in the nation with such a waiver. However, Maryland was at risk of violating certain Medicare waiver requirements. A breach of the Medicare waiver would disrupt financing of the State's hospitals and affect the cost of hospital services for most patients, as well as the incentive for hospitals to provide uncompensated care to indigent patients. This potential adverse impact on the availability of health care across the State would present serious damage to public health, safety and welfare.

While DHMH and the Health Services Cost Review Commission engaged in extensive conversations with the federal government for many months, discussion with the Centers for Medicare and Medicaid Services (CMS) in early November established a specific timetable and outline for an application for a new approach to the Medicare waiver. HSCRC expects to submit a federal demonstration waiver application by December 17.

While HSCRC staff is able to develop the application's technical components, the application project required an expert consultant to serve as the consolidator of the various elements, the source of data verification, and strategic advisor on CMS demonstrations waiver applications. The need for the expert became apparent only in early November.

The compressed timeframe and the importance of preparing a successful application compelled the HSCRC to move forward with an emergency procurement. Failing to do so would pose an unacceptable risk to Maryland's health care system and the millions of Marylanders who depend upon it.

Basis for Selection: With considerable current and relevant experience in assisting states with waiver applications to CMS, Health Management Associates is uniquely qualified to provide these services on a timely basis. Members of the Health Management Associates team have deep experience in hospital finance. They also have the modeling experience to greatly assist in this compressed timeframe. Multiple parties confirm that this firm is ideally suited. Health Management Associates has staff resource able to commit for this time-sensitive engagement.

TAX COMPLIANCE NO.: 12-2616-0110

RESIDENT BUSINESS: No

BOARD OF PUBLIC WORKS ACTION:

REPORT ACCEPTED

WITH DISCUSSION

WITHOUT DISCUSSION

REPORT REMANDED TO DEPT./AGENCY

REMARKS:

SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA

December 19, 2012

ITEM 1A
PROGRAM OPEN SPACE LOCAL SHARE

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

Recommendation: Approval to commit \$3,000.00 for the following **development** project.

Oakland Armory Floor, Lighting and Basketball Court Upgrade - \$3,000.00
Town of Oakland, Garrett County
POS #5788-11-186
MD20091215-1575

Background: This project is to install backboards on the basketball court at the Oakland Armory. Previous Program Open Space grants were used to upgrade the flooring on the basketball court, replace a portion of the gym floor, restripe and refinish the entire floor, and replace the gym lights with a recreational lighting system. See Secretary's Agenda Item 7A(1), September 1, 2010, Item 7A(1) (\$16,000.00) and Item 1A, July 27, 2011 (\$4,500.00).

Fund Source: Program Open Space Local Share allocated to Garrett County:
FY 2010 Funds
Program 81.20.04 Item 111 \$3,000.00

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

Approved Disapproved Deferred Withdrawn
With Discussion Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

December 19, 2012

**ITEM 2A
PROGRAM OPEN SPACE LOCAL SHARE**

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

Recommendation: Approval to commit \$31,500.00 for the following **development** project.

King Farm Park (Boonsboro Shafer Park) - \$31,500.00
Town of Boonsboro, Washington County
POS #5176-21-204
MD20070628-0703

Background: Install site amenities in support of Phase I of the King Farm Park. Amenities will include picnic tables, benches, outdoor litter receptacles, a small picnic shelter, bicycle racks and park signage. The first phase of this multi-phased recreational complex, to accommodate the needs of southern Washington County, included landscaping, further development of the Town's new community fishing pond, a 31-space parking lot, playing fields, restrooms, a floating dock, stormwater management, and other site amenities. Funds totaling \$305,000.00 were previously approved by the Board of Public Works on the Secretary's Agenda: Item 9A, August 22, 2007 (\$120,000), Item 6A(1), April 15, 2009 (\$125,000), and Item 10A, August 1, 2012 (\$60,000). Additional funding requests may be made as Program Open Space funds become available.

Fund Source: MCCBL of 2010: Program Open Space, Local Capital Development and Land Acquisition Grants, Washington County:

FY 2011 Funds

Program 89.22.49 Item 055 \$416.31

MCCBL of 2012: Program Open Space, Local Capital Development and Land Acquisition Grants, Washington County:

FY 2013 Funds

Program 89.22.54 Item 057 \$31,083.69

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA

December 19, 2012

ITEM 3A
RURAL LEGACY PROGRAM FUNDS

Contact: Emily Wilson
ewilson@dnr.state.md.us
(410) 260-8448

Recommendation: Approval to grant \$245,607.09 to The Land Preservation Trust, Inc. of Baltimore County for the following project from Rural Legacy Funds.

*Piney Run Rural Legacy Area
Gorsuch Hollow LLC Property*

Background: The Board of Public Works authorized a \$568,000.00 FY 2013 grant for easement acquisitions for the Piney Run Rural Legacy Area. See DNR Agenda Item 3A (10/3/12).

Project Description: Acquisition of this 39.7188-acre conservation easement in Baltimore County will protect productive agricultural and forest lands, and provide permanent protection to 900 feet of stream corridor along Black Rock Run, a tributary to Loch Raven Reservoir and Gunpowder Falls. This easement will be held by the Department of Natural Resources and The Land Preservation Trust, Inc.

Value of Easement: Total easement value \$228,309.91 - \$5,748.16 per acre

Total Other Costs: \$ 17,297.18

Administrative:	\$6,849.00	
Incidental:	\$7,023.53	(\$1,600.00 Title Work \$ 300.00 Settlement Fees \$5,028.53 Surveys/closing boundary \$ 95.00 Recording fees)
Program Compliance:	\$3,424.65	

Amount Requested: \$245,607.09

Fund Source: MCCBL of 2011: Rural Legacy Program
 Program 89.22.51 Item 050 \$242,182.44 (FY 2013)
 Program 81.20.04 Item 025 \$3,424.65 (FY 2009)

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

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

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

December 19, 2012

**ITEM 4A
PROGRAM OPEN SPACE STATE SHARE**

Contact: Emily Wilson
ewilson@dnr.state.md.us
(410) 260-8448

*Alice A. Birkel - \$90,000.00
Queen Anne's County
POS # 4469*

Reference: That the Board of Public Works approve the acquisition in fee simple of a 1 +/- acre parcel located in Queen Anne's County. The unimproved property is contiguous to Love Point State Park and will provide a buffer and better egress and ingress to the park entrance. Additionally, acquisition will allow the property to be maintained as woodland and prevent residential development at the entrance to the park

The property is not located within a Target Ecological Area; it has received an ecological ranking of 30 under the Program Open Space Targeting System. This project meets POS Targeting protocol as it is being considered as a recreational project for the park's management purposes.

Grantor: Alice A. Birkel

Grantee: The State of Maryland to the use of the Department of Natural Resources

Property: 1 +/- acre, unimproved

Price: \$90,000.00

Appraisals: \$90,000 (7/30/12) – LouAnne Cline, Reviewed by David Wallenberg

\$115,000 (7/31/11) – David E. Cadell, Reviewed by David Wallenberg

Fund Source: POS Acquisition Opportunity Loan 2009
Program 89.22.45 Item 500 \$90,000.00 (FY2010)

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

December 19, 2012

**ITEM 5A
MARYLAND ENVIRONMENTAL TRUST**

Contact: Elizabeth Buxton
ebuxton@dnr.state.md.us
(410) 514-7903

Recommendation: That the Board of Public Works ratify the following donation of perpetual conservation easements.

1. **Property:** 194.453 acres, Talbot County, 9479 Chapel Road, Easton
Tax Map 26, Parcel 35, Legislative District 37B

Grantor: Meadow Farm Joint Venture LLP

Grantees: Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc.

Estimated Value: \$ 1,879,278

2. **Property:** 9.634 acres, Dorchester County, Friendship Hall Court, East New Market
Tax Map 200, a portion of parcel 26, and tax map 200, parcel 26, lots 2 through
20, Legislative District 37B

Grantor: Commissioners of East New Market

Grantees: Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc.

Estimated Value: \$92,995

3. **Property:** 1.34 acres, Talbot County, First Street, Oxford
Tax Map 400, parcels 426 and 446, Legislative District 37B

Grantor: Jennifer Stanley, Trustee of the Jennifer Stanley Trust Dated December 10, 2002

Grantees: Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc.

Estimated Value: \$12,980

**SUPPLEMENT A
DEPARTMENT OF NATURAL RESOURCES REAL PROPERTY
ACTION AGENDA**

December 19, 2012

**ITEM 5A (con't)
MARYLAND ENVIRONMENTAL TRUST**

4. Property: 85.454 acres, Talbot County, Voit Road, Easton
Tax Map 15, a portion of parcel 4, Legislative District 37B

Grantors: Peter B. Stifel and Flaccus M.B. Stifel

Grantees: Maryland Environmental Trust and Eastern Shore Land Conservancy, Inc.

Estimated Value: \$823,395

Note:

Estimated easement value is an MET estimate only. To estimate the easement value, MET multiplies the number of acres in the proposed easement by the average per-acre value of easements MET accepted in that region in the previous four years. (The previous year's average per-acre value is derived by totaling the appraised values for MET easements in a region and dividing by the number of acres.)

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

Approved

Disapproved

Deferred

Withdrawn

With Discussion

Without Discussion

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMarylandmarketplace.com* and on DBM's Procurement web site. Copies of the solicitation notice are mailed directly to nine prospective vendors, of which five are Maryland firms and included no MBEs. A copy of the IFB was also sent to the Governor's Office of Minority Affairs.

Three bids were received in response to the IFB; all of which were deemed to be responsive. White Glove Drug & Alcohol Testing, Inc. submitted the lowest responsive bid and was deemed to be a responsible bidder. Therefore, White Glove Drug & Alcohol Testing, Inc. is recommended for contract award.

The State of Maryland has been testing applicants and employees for the illegal use of drugs since 1990 to assure its citizens that State employees are not impaired by the illegal use of drugs in the workplace. This practice ensures compliance with the Federal Omnibus Drug Abuse Act of 1988 ("Federal Act") which requires any State receiving Federal funds to establish a drug-free workplace.

The Federal Act also requires the State to have a policy on the use of substances, an employee awareness program and a procedure for employees to report their own convictions. The State conducts testing in seven different situations and for a panel of seven drugs. The contractor will provide all labor on-site at State specified locations and the minimal materials necessary for the collection of urine specimens. The contractor then sends the collected specimens to the State's contracted testing laboratory in pre-paid shipping kits provided by the testing laboratory.

In accordance with Executive Order 01.01.1991.16 and Code of Maryland Regulations (COMAR) 17.04.09, all applicants for employment in designated sensitive State job categories, as well as State employees in the same sensitive categories, must be tested to detect the illegal use of drugs based on an analysis of a specimen of their urine. In addition, any employee for which there is reasonable suspicion of illegal drug use must be tested. The bulk of the sensitive positions that require testing are Correctional Officers and other personnel of the Department of Public Safety and Correctional Services (DPSCS).

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

An estimated 6,900 specimen collections and subsequent drug tests will be performed each year. In addition, it is possible that contractor officials will have to appear at administrative and legal proceedings to testify as to the circumstances pertaining to a particular urine collection or the "chain of custody" of that urine specimen. The bid prices were evaluated based upon a model used in the IFB for evaluation purposes. The bid price evaluation model included estimates of the number of regular and emergency (incident related) collections and of preparation time and attendance (testimony) at administrative and legal proceedings. The *Award Amount* above is estimated based on the projected amount of collections and testimony needed for the duration of the five year contract period. Since this is an indefinite quantity, fixed unit price contract, the contractor will be paid for collection services and testimony based on the actual amount and type of services provided at the unit prices that are fixed in the contract.

There is no MBE goal established for this contract for two reasons: (1) there are no subcontracting opportunities. The specimen shipping kit used for each collection is supplied by the State's contracted testing laboratory and the collection sites are on State or local government premises. Accordingly, aside from very minimal supplies such as bluing agent, specimen cups, tape, signs, etc., virtually the entire expense of this contract is for the salaries of the certified personnel who conduct the collections and travel expenses for these personnel to and from the approximately 80 established collection sites; and (2) there is a need to strengthen the legal defensibility of the chain of custody of the samples being collected and tested by having as few vendors as possible involved in this contract. However, White Glove Drug & Alcohol Testing, Inc. is a Maryland certified MBE.

The source of funds for this contract comes from various sources within the specific agencies that request specimen collections under this contract.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

FUND SOURCE: Various

APPROP. CODE: Various

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2598-0111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.) **ATTACHMENT**

BID OR PROPOSALS.(Cont.):

<u>Bidders</u>	<u>Bids</u>
White Glove Drug & Alcohol Testing, Inc Severna Park, MD	\$275,729
National Safety Compliance, Inc Laguna Hills, CA	\$485,050
Forensic Drug & Alcohol Testing, LLC Chantilly, VA	\$541,492

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 2-S (Cont.)

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised on *eMarylandMarketplace.com*, which electronically distributed the RFP to 77 vendors, including 67 certified minority businesses. The RFP was also reported in the trade periodical *Pensions & Investments On-Line* and made available for review and download at the MSRP Board's website.

Two offers were received in response to the RFP; however, only one was deemed to be reasonably susceptible of being selected for award. The returned proposal failed to comply with MBE requirements. Nationwide Retirement Solutions, Inc. (Nationwide), the incumbent, was determined to be responsible, the financial offer was considered fair and reasonable, and it was determined that other potential offerors had a reasonable opportunity to respond to the solicitation. Therefore, award is recommended to Nationwide as proposing an advantageous offer to the State.

Nationwide's proposal met or exceeded all requirements, and continues the flexible, cooperative approach to plan administration which has been highly valued in the past. Nationwide has also committed to maintaining a substantial presence in the State and, of course, their local office in Hunt Valley, MD. Compared to the expiring contract rate, the difference in cost for State employee participants going forward is estimated to be a savings of five dollars per year per \$10,000 account balance.

The proposed contract award includes a fixed rate fee of 0.09% of the Plans' assets on an annual basis, taken directly from participants' supplemental retirement accounts. Assuming an asset base of \$2.76 billion, the first year value of this contract would approximate \$2,485,800. Subsequent year costs to participants will vary only with changes in their total assets.

As the incumbent, Nationwide has been under five separate contracts with durations of four to 11 years. Currently the fixed charge rate is 0.14% of plans assets annually. From an initial level of over 0.95%, this charge rate has decreased over the past 37 years through negotiations and voluntary concessions as well as scheduled competitive procurements. The successful growth of the Maryland Plans has been the greatest factor in making such cost reductions possible.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 2-S (Cont.)

By law, all costs of the Maryland supplemental retirement plans must be paid from the participant contributions or their earnings. No State funds may be used to pay the expenses of these plans. In addition to the participant fee proposed for this Plan Administrator Contract, other fees may be collected from participant accounts to support the operations of the Board of Trustees and several related financial service and advisor contracts. Investments offered to MSRP participants bear their own, individual management fees that are published in participant statements and in the MSRP Board's annual reports.

The RFP required the successful Offeror to provide a fidelity bond or an unconditional guaranty of its contractual obligations by a solvent corporate affiliate. In lieu of a bond, this Contract contains an unconditional guaranty of performance by the vendor's parent company, Nationwide Financial Services, Inc. This guaranty is the effective equivalent of a fidelity bond and is broader in scope because it is underwritten by a similar, presumptively solvent entity.

A 15% MBE participation goal established for this contract based upon the limited subcontracting opportunities available and the historic MBE compliance on previous contracts. Nationwide has committed to achieving a 15.12% MBE goal through the use of six MDOT certified MBEs.

FUND SOURCE:	100% Non-Budgeted (Fees collected directly from participant accounts)
APPROP. CODE:	G50L00
RESIDENT BUSINESS:	Yes
MD TAX CLEARANCE:	12-2660-0011

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION ✓		WITHOUT DISCUSSION	

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

REVISED

ITEM: 3-S (Cont.)

REQUESTING AGENCY REMARKS: The DHMH is requesting the Board of Public Works (BPW) declare this contract void for the following reasons:

- DHMH improperly entered into a contract with the Blind Industries and Services of Maryland (BISM), a Preference Provider, to provide call center services. Even though DHMH had the delegated authority from the Department of Budget and Management (DBM) to enter into this contract on its own, no formal contract was ever signed or executed.
- BISM was notified by the DHMH Office of Inspector General (OIG) at the suggestion of the DHMH Office of Procurement to begin providing call center services. Based upon the information received, BISM acted in good faith by providing four operators to make the phone calls and provided the services requested for three months.
- BISM believed a formal contract would be forthcoming based upon conversations with DHMH and did not knowingly contribute to the violation or have any knowledge of the violation before the procurement contract was awarded.

The call center services provided by BISM for the three-month period, while useful in detecting some potential fraud, were deemed to be expensive in comparison to the amount of potential recovery. Therefore, the call center services were discontinued.

The federal government indicated through initiatives that there was a high percentage of fraud, waste and abuse with Durable Medical Equipment (DME) providers. Medicaid and the Office of Inspector General (OIG) met with potential vendors at their request that provided a similar service of phone calls for explanation of benefits on claims submitted to Medicaid. Medicaid and the OIG decided to use BISM for this effort at the suggestion of the DHMH procurement office.

BISM provided four operators to call a specified number of Medicaid recipients that received DME products and to ascertain whether products that were paid for by Medicaid were in fact delivered. The information was then forwarded to the OIG for further review and investigation. Medicaid was to provide client names, phone numbers, medical assistance numbers and items received to Blind Industries. The objective was to recover funds for Medicaid from DME providers that did not provide products as indicated in the claim that was submitted and to serve as a deterrent from further abuse of the Medicaid system.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

REVISED

ITEM: 3-S (Cont.)

DHMH became aware of the lack of an executed contract when BISM submitted the invoices for payments. No monies have been paid to BISM for these services.

In accordance with COMAR 21.03.01.02(B), as total compensation (for actual expenses reasonably incurred under the contract, plus reasonable profit), DHMH requests approval to award the Contractor \$36,000, which is the actual amount to be paid for the services rendered through December 2011.

FUND SOURCE: 50% General; 50% Federal

APPROP. CODE: M00A0101

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2492-1010

DBM REMARKS: Retroactive approval requested pursuant to 11-204(b) State Finance & Procurement Article.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 4-S **Agency Contact:** Courtney Lewis
410-767-0824
courtney.lewis@maryland.gov

DEPARTMENT/PROGRAM: Health and Mental Hygiene (DHMH)
Prevention and Public Health Administration
Cancer Prevention and Control

CONTRACT ID: OPASS 12-10844;
ADPICS # M00B3400401

CONTRACT DESCRIPTION: Provide breast and cervical cancer screening services, education, and follow-up of abnormal results to women residing in Calvert County who are of low income (under 250% federal poverty level), uninsured or underinsured, and aged 40 to 64.

AWARD: Calvert Memorial Hospital
Prince Frederick, MD

TERM: 1/1/2013 - 6/30/2017

AMOUNT: \$1,027,019 (4 Years; 6 Months)

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS: Only One Proposal Received

MBE PARTICIPATION: None (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: N/A

INCUMBENT: Same

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised on *eMarylandMarketplace.com* and the DHMH website. Copies of the solicitation notice were sent directly to 10 prospective vendors, all of which are Maryland firms. A copy was also sent to the Governor's Office of Minority Affairs.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 4-S (Cont.)

One proposal was received in response to the RFP, and it was determined to be reasonably susceptible of being selected for award. In addition, the Offeror was determined to be responsible, the financial offer was considered fair and reasonable, and it was determined that other potential offerors had a reasonable opportunity to respond to the solicitation. Therefore, award is recommended to Calvert Memorial Hospital, the incumbent and sole Offeror.

The Maryland Breast and Cervical Cancer Program (BCCP) is a major program within the Prevention and Health Promotion Administration's Center for Cancer Prevention and Control, supporting the Center's mission to reduce the burden of cancer in Maryland. The BCCP has been in existence since 1992 and has screened more than 53,000 women during that time. Calvert Memorial Hospital provides breast and cervical cancer screening and diagnostic services to BCCP-eligible women in Calvert County. In FY 12, Calvert Memorial Hospital provided 243 mammograms and 101 Pap tests to eligible women and diagnosed three breast cancers.

Clinical services, consisting of a Pap test, pelvic exam, clinical breast exam, mammogram, and diagnostic services will be delivered at the Calvert Memorial Hospital Women's Wellness Center to an estimated 235 Calvert County BCCP-eligible women each year of the contract.

No MBE participation goal was established for this contract due to the limited subcontracting opportunities, and the budget for the remaining opportunities for subcontracting was less than 1% of the total contract amount.

FUND SOURCE: 60.8% Federal; 32.1% General;
7.1% Special (Cigarette Restitution Fund)

APPROP. CODE: M00F0304

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2187-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

(revised)

ITEM: 5-S **Agency Contact:** Valerie Roddy
410-402-8610
Valerie.rodde@maryland.gov

DEPARTMENT/PROGRAM: Health and Mental Hygiene (DHMH)
Alcohol & Drug Abuse Administration (ADAA)

CONTRACT ID: DHMH-OPASS 12-10967;
Statewide Residential Behavioral Health Treatment
Services for Criminal Justice Patients and Pregnant
Women and Women with Children (Level III.3 and
Level III.5)
ADPICS # M00B3400392

CONTRACT DESCRIPTION: Multiple awards contract to six vendors to provide a
varying number of treatment beds for Statewide Residential Behavioral Health Treatment
Services for Criminal Justice Patients (Level III.3 and Level III.5) and Pregnant Women and
Women with Children (Level III.3).

AWARDS: See Attachment 1

TERM: 1/1/2013 – 12/31/2017

AMOUNT: \$55,925,260 NTE (5 Years)

PROCUREMENT METHOD: Multi-Step Competitive Sealed Bidding

BIDS OR PROPOSALS: See Attachment 2

MBE PARTICIPATION: None (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: None

INCUMBENTS: See Attachment 1

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S (Cont.)

(revised)

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on the DHMH website, ADAA website, and on *eMaryland marketplace*. In addition, email notifications were sent to eight prospective vendors, all of which are Maryland firms and none are MBEs. A copy of the notice was also sent to the Governor's Office of Minority Affairs.

The procurement method used was Multi-Step Competitive Sealed Bidding. An evaluation committee was formed to review the technical qualifications of the bidders, and only after a bidder was deemed technically qualified were the bids opened and recorded. A total of six bids, including the Washington County Health Department (WCHD), were received for this contract. All bidders were deemed technically qualified.

The WCHD submitted a bid to perform the services requested in the IFB, but was not included as part of this agenda item because as a government entity it is exempt from procurement. WCHD will be performing these services through a Memorandum of Understanding (MOU). The Not-to-Exceed (NTE) amount of this contract includes the MOU for services provided by WCHD.

The selected vendors will provide Statewide Residential Behavioral Health Treatment Services for Criminal Justice Patients and Pregnant Women and Women with Children for a varying number of treatment beds, Statewide. Services to Criminal Justice patients will help to meet the demand for court-ordered commitments to substance abuse treatment programs in lieu of incarceration. Services to substance abusing pregnant women and women with children will allow mothers to bring their children into the facility with them for the duration of their treatment. The number of children each patient may bring will depend on a facility's physical limitations, but at a minimum each facility will allow two children for each patient. Each facility will directly provide or arrange for the children's educational, medical, recreational and social needs. Allowing children to enter treatment with their mothers will obviate the need for finding foster care or other child placements, thereby eliminating a major impediment to treatment for this population.

The IFB allowed for awards to multiple vendors statewide for two service categories. Each bidder could submit bids for Category 1: Criminal Justice Services, which required bidders to submit bids for both Level III.3 and Level III.5, and/or Category 2: Pregnant Women and Women with Children Services, which is Level III.3. Each bidder was required to bid their per-diem cost for each bed/day of services (cost per patient per day) by level of care. All six bidders, including WCHD, are recommended for award to provide a varying number of treatment beds to be available for Alcohol & Drug Abuse Administration (ADAA) placements Statewide.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S (Cont.)

(revised)

The *Award Amount* above is a not-to-exceed (NTE) amount based upon the budget for these services. Vendors will be paid their respective bid amount in each service category for each bed/day of service provided by level of care. See Attachment 2.

The ADAA will authorize each patient placement. Placements will be made entirely in Maryland and will be determined by the proximity of a vendor's facility to a patient's residence. In instances where there are multiple vendors in proximity to a patient's residence, placements will be determined by the vendor's per-diem rate and bed availability, with preference given to the lowest-priced vendor. The anticipated length of stay for patients will depend on each patient's particular treatment needs.

There is no MBE participation goal for this contract because the MDOT MBE website listed no certified MBEs that directly provided residential behavioral health treatment services. Also, there will be no guaranteed minimum number of placements to any vendor under the terms of this contract, thus a vendor could not guarantee a subcontractor a minimum amount of work/ payment.

FUND SOURCE: 92.32% General; 7.68% Federal
APPROP. CODE: M00K0201
RESIDENT BUSINESSES: Yes for all
MD TAX CLEARANCES: See Attachment 1

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

APPROVED **DISAPPROVED** **DEFERRED** **WITHDRAWN**
WITH DISCUSSION **WITHOUT DISCUSSION**

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 5-S (Cont.)

ATTACHMENT 1

(revised)

AWARDS (Cont.):

Maryland Treatment Center, Inc.
Avery Road Combined Care
Rockville, MD
MD Tax Clearance: 12-2530-0111

Chrysalis House, Inc. *
Crownsville, MD
MD Tax Clearance: 12-2511-0110

Gaudenzia, Inc. *
Norristown, PA
(local office in Baltimore, MD)
MD Tax Clearance: 12-2512-0110

The Jude House, Inc. *
Bel Alton, MD
MD Tax Clearance: 12-2513-0110

Potomac Healthcare Foundation Ltd. *
(New Horizon)
Emmitsburg, MD
MD Tax Clearance: 12-2514-0010

{And, FYI, Washington County Health Department (WCHD), Hagerstown, MD}*

Note: * Incumbents, plus Second Genesis, Inc., Silver Spring, MD.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

(revised)

ATTACHMENT 2

ITEM: 5-S (Cont.)

BIDS OR PROPOSALS (Cont.):

<u>Category 1:</u> CRIMINAL JUSTICE	PER PATIENT PER DAY PRICE						
	YEAR 1 CY 2013	YEAR 2 CY 2014	YEAR 3 CY 2015	YEAR 4 CY 2016	YEAR 5 CY 2017		
VENDOR							
Maryland Treatment Center, Inc. Avery Road Combined Care Rockville, MD	III.3 \$159.85 III.5 \$181.50	III.3 \$164.65 III.5 \$186.95	III.3 \$169.50 III.5 \$192.50	III.3 \$174.70 III.5 \$198.30	III.3 \$179.90 III.5 \$204.25		
The Jude House, Inc. Bel Alton, MD	III.3 \$90.00 III.5 \$110.00	III.3 \$94.50 III.5 \$115.50	III.3 \$99.23 III.5 \$121.28	III.3 \$104.19 III.5 \$127.34	III.3 \$109.40 III.5 \$133.71		
Gaudenzia, Inc. Norristown, PA (Local Office in Baltimore, MD)	III.3 \$149.99 III.5 \$149.99	III.3 \$154.99 III.5 \$154.99	III.3 \$159.99 III.5 \$159.99	III.3 \$164.99 III.5 \$164.99	III.3 \$169.99 III.5 \$169.99		
Potomac Healthcare Foundation Ltd. (New Horizon) Emmitsburg, MD	III.3 \$156.50 III.5 \$178.00	III.3 \$161.20 III.5 \$183.30	III.3 \$166.00 III.5 \$188.85	III.3 \$171.00 III.5 \$194.50	III.3 \$176.15 III.5 \$199.75		
<u>Category 2:</u> PREGNANT WOMEN & WOMEN WITH CHILDREN	PER PATIENT PER DAY PRICE						
Chrysalis House Inc. Crownsville, MD	III.3 \$188.00	III.3 \$194.00	III.3 \$200.00	III.3 \$206.00	III.3 \$212.00		
Gaudenzia, Inc. Norristown, PA (Local Office in Baltimore, MD)	III.3 \$199.99	III.3 \$215.00	III.3 \$225.00	III.3 \$235.00	III.3 \$245.00		
Potomac Healthcare Foundation Ltd. (New Horizon) Emmitsburg, MD	III.3 \$262.00	III.3 \$269.86	III.3 \$277.95	III.3 \$286.29	III.3 \$294.88		
<i>FYI: Washington County Health Dept. Hagerstown, MD</i>	III.3 \$190.00	III.3 \$200.00	III.3 \$210.00	III.3 \$220.00	III.3 \$230.00		

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 6-S (Cont.)

A single proposal was received in response to the RFP, and it was determined to be reasonably susceptible of being selected for award. In addition, the Offeror was determined to be responsible, the financial offer was considered fair and reasonable, and it was determined that other potential offerors had a reasonable opportunity to respond to the solicitation. Therefore, award is recommended to PSI Services LLC, the sole Offeror, in accordance with COMAR 21.05.05.

After polling potential offerors, it was determined that the majority of vendors did not respond for the following reasons: the subject of the contract was not something normally provided; the scope of work was beyond their current capacity; inexperience in the work/commodities required; or other commitments precluded their participation at this time.

This contract is to provide for the development of valid and defensible licensing examinations in English and Spanish and a standardized electronic examination process, which increases the efficiency and frequency of administering qualifying examinations that test the minimum competency of those candidates seeking licensure within the authority of DLLR and the Commission.

The home improvement law provides that the examination fee shall be set by the Commission to cover the cost of providing examination services. There are no direct payments from the DLLR to the Contractor under this contract. The Contractor shall receive payment of examination fees for each exam paid directly by the Applicant. Applicants for contractors' licenses must meet education and/or experience requirements as specified in Section 8-302.2, Business Regulation Article, and COMAR 09.08.01.23.

A 10% MBE participation goal was established for this contract. PSI Services LLC has committed to a 10.25% MBE goal. In addition, this contract contains the Statewide Veteran-owned Small Business Enterprise (VSBE) participation goal of 0.5%.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 6-S (Cont.)

FUND SOURCE: 100% Non-Budgeted
(Exam Fees Paid Directly to Contractor)

APPROP. CODE: P00F0101

RESIDENT BUSINESS: No

MD TAX CLEARANCE: 12-2424-1110

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 7-S **Agency Contact:** Joselyn Hopkins
410-339-5013
jmhopkins@dpscs.state.md.us

DEPARTMENT/PROGRAM: Public Safety & Correctional Services (DPSCS)
Community Supervision (CS)

CONTRACT ID: DPSCS Q0013011;
Female Transitional Housing
ADPICS # Q00B3400074

CONTRACT DESCRIPTION: Provide transitional housing and services for women being supervised by Community Supervision (CS), formerly the Division of Parole and Probation, in the Baltimore area.

AWARDS: Marian House, Inc.
Baltimore, MD

TERM: 1/1/2013 – 12/31/2015 (w/2 one-year renewal options)

AMOUNT: \$550,032 Est. (3 Years; Base Contract)
\$190,724 Est. (1 Year; 1st Renewal Option)
\$194,537 Est. (1 Year; 2nd Renewal Option)
\$935,294 Est. Total (5 Years)

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS OR PROPOSALS: Only One Responsive Bid Received

MBE PARTICIPATION: 12% (See Requesting Agency Remarks below)

INCUMBENT: Same

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMaryland Marketplace* and the DPSCS website. Copies of the solicitation notice were emailed directly to 29 prospective vendors, 22 of which are Maryland firms, and 22 are MBEs.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 7-S (Cont.)

Two bids were received in response to the IFB; however, one bid was deemed to be non-responsive for failure by the bidder to properly submit the MBE Affidavit. The recommended contractor, Marion House, the incumbent, is responsible, and its bid meets the technical requirements set forth in the IFB. Moreover, the price has been deemed fair and reasonable, and it was determined that other prospective bidders had a reasonable opportunity to respond to the solicitation.

Marion House will provide transitional housing for women in or returning to the Baltimore area, who are being or will be supervised by CS. Marion House has successfully provided these services for the State since 1996, and DPSCS CS is confident in the recommended contractor's ability to continue its successful performance. Additionally, the accessibility of public transportation in the metropolitan Baltimore from the Marion House enables clients to receive other community services they need. Moreover, the structure of the program creates an environment where there is bonding among the residents and a therapeutic rapport is established.

This program will help reduce the percentage of offenders re-entering the correctional system.

The per diem rates for Marion House are as follows:

- Year 1: \$73.06 per night/per individual;
- Year 2: \$74.56 per night/per individual;
- Year 3: \$76.01 per night/per individual;
- Year 4 (Renewal Option #1): \$77.53 per night/per individual; and
- Year 5 (Renewal Option #2): \$79.08 per night/per individual.

A 12% MBE participation goal was established for this contract based upon the limited subcontracting opportunities available.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 7-S (Cont.)

FUND SOURCE: 100% General
APPROP. CODE: Q00A0202
RESIDENT BUSINESS: Yes
MD TAX CLEARANCE: 12-2648-0110

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 8-S **Agency Contact:** Joselyn Hopkins
410-339-5013
jmhopkins@dpscs.state.md.us

DEPARTMENT/PROGRAM: Public Safety & Correctional Services (DPSCS)
Office of the Secretary

CONTRACT ID: DPSCS Q0012009;
Commissary Services and Inmate Banking
ADPICS No. Q00B3400073

CONTRACT DESCRIPTION: Revenue generating contract to provide
Commissary Services and develop an Inmate Banking System for the Department of Public
Safety and Correctional Services (DPSCS).

AWARD: Keefe Commissary Network, LLC
Edison, NJ

TERM: 1/1/2013 – 12/31/2015 (w/2 one year renewal
options)

AMOUNT: *Estimated Total Cost of Goods Sold to Inmates:*
\$45,000,000 (3 Years; Base Contract)
\$15,000,000 (1 Year; 1st Renewal Option)
\$15,000,000 (1 Year; 2nd Renewal Option)
\$75,000,000 Total (5 Years)

Revenue to the State (Per Diem - Kits):
\$ 9,465,087 (3 Years; Base Contract)
\$ 3,155,029 (1 Year; 1st Renewal Option)
\$ 3,155,029 (1 Year; 2nd Renewal Option)
\$15,775,145 Total (5 Years)

PROCUREMENT METHOD: Competitive Sealed Proposals

BIDS OR PROPOSALS: Only One Proposal Received

MBE PARTICIPATION: 20% (See Requesting Agency Remarks below)

INCUMBENT: None

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 8-S (Cont.)

REQUESTING AGENCY REMARKS: A notice of the availability of the Request for Proposals (RFP) was advertised on *eMarylandMarketplace.com* and the DPSCS website. Copies of the solicitation notice were emailed directly to 104 prospective vendors, 57 of which are Maryland firms, and 21 are MBEs.

One proposal was received in response to the RFP, and it was determined to be reasonably susceptible of being selected for award. In addition, the Offeror was determined to be responsible, the financial offer was considered fair and reasonable, and it was determined that other potential offerors had a reasonable opportunity to respond to the solicitation. Therefore, award is recommended to Keefe Commissary Network LLC.

This contract will result in the privatization of the Department's commissary services and the development of a new Inmate Banking System. The Contractor will provide delivery of commissary products directly to the inmate, develop an interface to the Department's existing banking system within 90 days of contract award and develop a new Inmate Banking system within 12 months of contract award at no cost to the State. The Contractor will provide admission and welfare kits to the Department at cost and the Department will receive a per diem per inmate for the entire term of the Contract resulting in millions of dollars in revenue to the Department.

Currently, each facility independently operates a commissary for its inmates and Commissary services are provided by State employees. Correctional Officers who are currently involved in commissary operations will not be available for primary custody objectives. Current commissary staff will be reassigned to improve security and facilitate better inventory management for all materials and supplies. It should be noted that there will be no impact on the employment of any Correctional Supply Officer or Correctional Officer involved in commissary operations as a result of this contract. Those employees that service the Financial and Administrative areas will not be impacted as well. Their positions will only be enhanced by the fully integrated accounting Privatization of commissary services is critical to the Department for the following reasons:

- Millions of dollars are lost each year due to the Department's inability to consolidate purchases for volume discounts;
- Lack of storage space for commissary goods;
- Inmate orders are processed manually, which is time consuming and subject to errors;

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 8-S (Cont.)

- There is no automated inventory management system resulting in inventory losses due to spoilage, products past expiration date, and pest infestation;
- Inventory records are generally maintained manually which has resulted in legislative audit exceptions regarding segregation of duties and inadequate controls over materials and supplies inventories;
- The current inmate banking system is antiquated and cumbersome;
- There is no ability for commissary staff to verify available balances prior to filing; and,
- Existing commissary operations will not generate adequate revenue to support subsistence of inmate welfare funded programs such as inmate education and maintaining medical and chaplaincy services.

Keefe Commissary Network, LLC (KCN) currently provides commissary services to 66 facilities with inmate populations of 1,000 - 2,999, eight facilities with inmate populations of 3,000 - 5,000 and five facilities with inmate populations of 5,000+. KCN has 19 years of experience in the automated commissary business and provides services in 43 states, of which KCN services ten statewide Department of Corrections. KCN currently has an Inmate Accounting System developed and in production in 20+ institutions in a number of states. KCN will lease a 40,000 square foot warehouse in Howard County, Maryland dedicated to the Maryland Department of Public Safety and Correctional Services. This warehouse will create 98 new jobs to include Regional Operations Managers, Warehouse Managers, Warehouse Staff, Order pickers/checkers, Drivers/transportation and Delivery Agents.

The MBE Participation goal was established at 20% of the total cost of goods sold to inmates. The Contractor has committed to meet the full MBE subcontracting goal by utilizing MBE subcontractors to provide staffing and commissary goods from certified minority businesses.

The new warehouse, the creation of 98 new positions, sales tax and the use of certified minority will result in approximately \$7M being recycled into Maryland's economy.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 8-S (Cont.)

FUND SOURCE: 100% Special (Revenue Generating)

APPROP. CODE: Various

RESIDENT BUSINESS: No

MD TAX CLEARANCE: 12-2509-1110

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 9-S **Agency Contact:** Robert Ward
410-767-2211
rward@choosemaryland.org

DEPARTMENT/PROGRAM: Business and Economic Development (DBED)
Maryland Biotechnology Center

CONTRACT ID: Pavilion Space for BIO 2013 International
Convention
ADPICS # T00B3400020

DESCRIPTION: Provide a large official pavilion, containing 2,500 square feet of booth space, for the use of the State of Maryland and agencies and subdivisions of the State of Maryland and private sector business entities selected by DBED (the "State's participating exhibitors") at the BIO 2013 International Convention to be held April 22-26, 2013 in Chicago, Illinois.

AWARD: Biotechnology Industry Organization
Washington, DC

TERM: 4/22/2013 - 4/26/2013

AMOUNT: \$105,000 (5 Days)

PROCUREMENT METHOD: Sole Source

BIDS OR PROPOSALS: N/A

MBE PARTICIPATION: None (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: None

INCUMBENT: Same

REQUESTING AGENCY REMARKS: DBED contributes to the economic development of Maryland by promoting the State as a valuable place to do business. This contract is to purchase 2,500 square feet of booth space for the Maryland Pavilion at the BIO 2013 International Convention in Chicago, Illinois in April 2013. The Biotechnology Industry Organization is the only source from which to procure booth space. This show is the primary promotional event for Maryland's biotechnology industry sector, the State's second largest industry.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 9-S (Cont.)

DBED has been participating in this show for more than 13 years. All states organizing pavilions are required by the show organizers to pre-purchase all of the booth spaces and then coordinate the leasing of the spaces to bioscience companies or organizations, etc. within their state. Each participating Maryland company/organization will be billed its portion for the booth space it requests. DBED will pay \$16,000 for booth space. DBED will collect the remaining \$89,000 from participating companies/organizations.

The BIO International Convention affords DBED the opportunity to meet with bioscience companies and leaders from all over the world. Maryland ranks in the top five states in the nation in the number of bioscience companies. While at this show, DBED coordinates a Maryland Pavilion featuring up to 30 organizations including; leading bioscience companies such as Dynport Vaccine and Human Genome Sciences, the University of Maryland, Baltimore BioPark, and Johns Hopkins University. This pavilion showcases Maryland's strength in the industry and helps brand Maryland as a bioscience leader to the world. During the show, Maryland representatives meet with decision makers to discuss the advantages of doing business in Maryland. The show also offers the opportunity to see what kinds of new innovations other companies and countries are embarking on. It serves as a great opportunity to promote bioscience growth in the State of Maryland.

There are no subcontracting opportunities since this a contract for pavilion space only; therefore no MBE participation goal was established.

FUND SOURCE:	100% Special (MD Economic Development Assistance Authority & Fund)
APPROP. CODE	T00A0005
RESIDENT BUSINESS:	No
MD TAX CLEARANCE:	12-2753-0010

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICE CONTRACT

ITEM: 10-S **Agency Contact:** Marcus Filson
410-230-3325
filsonm@djs.state.md.us

DEPARTMENT/PROGRAM: Juvenile Services (DJS)
Behavioral Health Services

CONTRACT ID: 12-JS-008;
Clinical Services in the Metro Region
ADPICS # V00B3400030

CONTRACT DESCRIPTION: Provide psychological and psychiatric assessments and consultations for youth who reside in the community of the Metro Region of the State of Maryland (Montgomery and Prince George's Counties).

AWARD: Law & Mental Health Associates, Inc.
Bel Air, MD

TERM: 1/1/2013 - 12/31/2013 (w/1 one-year renewal option)

AMOUNT: \$127,925 (1 Year; Base Contract)
\$133,042 (1 Year; Renewal Option)
\$260,967 Total (2 Years)

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS OR PROPOSALS: See Attachment

MBE PARTICIPATION: None (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: None

INCUMBENT: None

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMaryland Marketplace*. Copies of the solicitation notice were sent directly to 121 prospective vendors, 113 of which are Maryland firms, and included ten MBEs. A copy was also sent to the Governor's Office of Minority Affairs.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 10-S (Cont.)

Six bids were received in response to the IFB. Award is recommended to the lowest priced responsible bidder. Law & Mental Health Associates, Inc. is deemed to be responsible, and it had the lowest priced bid. Therefore, award is recommended to Law & Mental Health Associates, Inc.

This contract is needed to provide court-ordered clinical evaluations for youth residing in this region. These services are for selected youth who are alleged or adjudicated offenders.

If the available one-year renewal option is exercised, the contract provides for up to a 4% increase, if any, based upon the Consumer Price Index (CPI) for the District of Columbia/ Maryland/ Virginia/ West Virginia Region.

No MBE participation goal was established for this contract based upon the limited opportunities for subcontracting and the insufficient number of MDOT certified MBE clinical service providers available to provide core services.

FUND SOURCE: 100% General
APPROP. CODE: V00L0103
RESIDENT BUSINESS: Yes
MARYLAND TAX CLEARANCE: 12-2633-0111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 10-(Cont.) ATTACHMENT

BIDS OR PROPOSALS (Cont.):

<u>Bidders</u>	<u>Bids</u>
Law & Mental Health Associates, Inc. Bel Air, MD	\$127,925
Tena L. Malone, PhD Oxon Hill, MD	\$140,725
TZK Seminars Clarksville, MD	\$153,100
Infinite Potential, P.C. Silver Spring, MD	\$184,750
Campbell Psychological Services, LLC Silver Spring, MD	\$190,840
King Therapeutic & Assessment Services, LLC Bethesda MD	\$207,000

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT

ITEM: 11-S **Agency Contact:** Marcus Filson
410-230-3325
filsonm@djs.state.md.us

DEPARTMENT PROGRAM: Juvenile Services (DJS)
Contractual Residential Operations

CONTRACT IDS: 13-PD-007;
ADPICS # V00B3400029

CONTRACT DESCRIPTION: Provide a residential services program for therapeutic foster care in Easton, Maryland to serve a capacity of 21 youth (male and female) up to age 18 who are referred by DJS and are before the Juvenile Courts of the State.

AWARD: CareRite T.F.C., Inc.
Takoma Park, MD

TERM: 1/1/2013 - 12/31/2015

AMOUNT: \$672,135 (3 Years)

PROCUREMENT METHOD: Non-Competitive Negotiated Procurement of Human, Social or Educational Services

MBE PARTICIPATION: 0% (See Requesting Agency Remarks below)

PERFORMANCE SECURITY: None

INCUMBENT: None

REQUESTING AGENCY REMARKS: Request for approval of a contract to provide a Therapeutic Foster Care Program in Easton, Maryland. This program will serve male and female youth in need of services to address their specific treatment requirements. This Provider has a facility in Easton, Maryland that provides therapeutic and comprehensive services for youth with developmental disabilities, as well as emotional and behavioral challenges.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 11-S (Cont.)

DJS is required to have programs for youth to provide both residential and non-residential services and programming for youth who are ordered by the Juvenile Courts to be placed in specific types of programs. Since DJS does not have a sufficient number of State operated programs, private providers have been relied upon to provide the majority of these services and programs. There are approximately 787 youth in other per diem contracted residential programs.

The types of residential programs include: treatment foster care, group homes, therapeutic group homes, shelter homes, residential treatment centers, residential educational programs or schools and independent living programs.

Providers are paid only for the youth placed in the program for the actual number of days they receive services. Daily (Per Diem) rates are paid in accordance with the State's Office of Children through the Interagency Rates Committee (IRC).

These services were procured through a Non-Competitive Negotiated Procurement of Human, Social or Educational Services. (See State Finance and Procurement Article 13-106 and COMAR 21.14.01.03 G). The reasons for employing this method of procurement are:

- DJS's Secretary and Procurement Officer have determined that two or more sources for the service are available but that because of the absence of effective competition, it is unreasonable to expect those sources to respond to an Invitation for Bids under COMAR 21.05.02 or Request for Proposals under COMAR 21.05.03;
- For these services, the recommended contractor has submitted an acceptable response to a Request for a General Expression of Interest (RGEI) that was last advertised on *eMarylandMarketplace.com* on 3/12/2012;
- Under this procurement method, contractors that respond to the RGEI may be awarded contracts as the need arises, as determined by the agency head. As stated above, the DJS Secretary has made this determination; and,
- The Maryland Office of Children is the single point of entry for these services for In-State providers under approved negotiated rates for youth of the various State agencies.

Based upon the limited subcontracting opportunities available for this contract, which were identified as mental health counseling, temporary personnel and legal assistance, no MBE participation goal was established.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 11-S (Cont.)

FUND SOURCE: 100% General

APPROP. CODES: Various

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2553-0111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 12-S-MOD **Agency Contact:** John G. Cullen
301-777-2260
John.cullen@maryland.gov

DEPARTMENT/PROGRAM: Health & Mental Hygiene (DHMH)
Thomas B. Finan Center

CONTRACT ID: DHMH/OPASS 09-9839-1; M00B9200074;
Dietetic Department Services
Thomas B. Finan Center
ADPICS # COE65287

CONTRACT APPROVED: 6/25/2008 DBM BPW Agenda Item 1-S

CONTRACTOR: Linton's Managed Services, Inc.
East Norriton, PA

CONTRACT DESCRIPTION: Provide professional nutrition care and food management services to the patients of the Thomas B. Finan Center (the Center), the Massie Unit, and two Jackson Units, all of which are located on the grounds of the Center.

MODIFICATION DESCRIPTION: Approval request to increase the available funding based upon the actual number of patients being served exceeding the estimated Average Daily Population (AVP) that was used to calculate the contract amount.

TERM OF ORIGINAL CONTRACT: 7/1/2008 - 6/30/2013

TERM OF MODIFICATION: 1/1/2013 - 6/30/2013

AMOUNT OF ORIGINAL CONTRACT: \$5,667,518 (5 Years)

AMOUNT OF MODIFICATION: \$400,000 (6 Months)

PRIOR MODIFICATIONS/OPTIONS: None

REVISED TOTAL CONTRACT AMOUNT: \$6,067,518

OVERALL PERCENT +/- (THIS MOD): +7.0%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 12-S-MOD (Cont.)

MBE PARTICIPATION: None

REQUESTING AGENCY REMARKS: Request for approval of a modification to the contract to add \$400,000 in order to continue to provide professional nutrition care and food management services to the patients of the Thomas B. Finan Center (the Center). The original contract amount was based upon estimates for the Average Daily Population (AVP) of patients served as written and utilized in the Request for Proposals (RFP) for the financial proposals. During the term of the contract, the actual AVP of patients at the Center has exceeded the previous estimates; therefore, the available funding for the contract will not be enough to continue dietary services (cooking/food preparation, food purchases, personnel, and nutritional planning and care of patients) through the end of the contract term.

The Thomas B. Finan Center (the Center) operates an 88-bed psychiatric facility located in Cumberland, Maryland. The Center serves adult and aged populations from Allegany, Washington, Frederick and Garrett counties. The Dietary Services Program provides services to the entire Center, which, in addition to the Finan Center, includes the Massie Unit, and two Jackson Units, all of which are located on the grounds of the Center. The Massie Unit has 24 beds and treats adults for drug and alcohol abuse. The two Jackson Units have 40 beds and treat adolescents for drug and alcohol abuse. In total, the dietary services program serves a combined total for the Centers/units of up to 152 residents. The AVP has been closer to the maximum capacity than the original estimates.

FUND SOURCE: 100% General

APPROP. CODE: M00L0401

RESIDENT BUSINESS: Yes

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 13-S-MOD **Agency Contact:** Sandy Johnson
410-767-7408
Sjohnso5@dhr.state.md.us

DEPARTMENT/PROGRAM: Human Resources (DHR)
Office of the Secretary (OS)
Maryland Legal Services Program (MLSP)

CONTRACT IDS: See Attachment 1;
Legal Representation for Children Involved
in Children In Need of Assistance (CINA)
Cases and Termination of Parental Rights
(TPR) Proceedings in the State of Maryland
ADPICS NOs. See Attachment 1

CONTRACT APPROVED: 1/3/2007 DBM BPW Agenda Item 3-S

CONTRACTORS: See Attachment 1

CONTRACT DESCRIPTION: Multiple award contracts to 35 providers of
legal services for Children In Need of Assistance (CINA) cases and Termination of Parental
Rights (TPR) proceedings statewide.

MODIFICATION DESCRIPTION: Approval request to modify the contracts to:
(1) retroactively increase the not-to-exceed amount for six contracts for services rendered and
invoiced; (2) proactively extend 30 contracts by three months and approve the three one-month
renewal options, that DHR will exercise if needed, for a total of up to six months in order to
complete the procurement for new legal services contracts.

TERM OF ORIGINAL CONTRACTS: 1/4/2007 – 1/3/2010 (w/2 two-year renewal
options)

TERM OF MODIFICATIONS: 3/1/2012 – 2/28/2013 (Retroactive Mod)
3/1/2013 – 5/31/2013 (Extension Mod w/3
one-month renewal options)

AMOUNT OF ORIGINAL CONTRACTS: \$46,266,991 (3 Years – See Attachment 1)

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

AMOUNT OF MODIFICATIONS: \$1,020,452 (Retroactive Mod)
\$2,637,821 (3 Month Mod Extension)
\$ 454,541 (1st One-Month Option)
\$ 358,941 (2nd One-Month Option)
\$ 299,941 (3rd One-Month Option)
\$4,771,696 Grand Total (See Attachment 1)

PRIOR MODIFICATIONS/OPTIONS: \$56,513,132 (See Attachments 1 & 2)

REVISED TOTAL CONTRACT AMOUNTS: \$107,551,819 (See Attachment 1)

PERCENT +/- (THIS MODIFICATION): +7.9%

OVERALL PERCENT +/-: +51.2%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 3%

MBE COMPLIANCE: Various (See Attachment 1)

REQUESTING AGENCY REMARKS: Request for approval to modify 30 of the 35 legal services contracts for the legal representation of Children In Need of Assistance (CINA) and Termination of Parental Rights (TPR) Proceedings statewide to extend the term of the contracts by three months with three one-month renewal options, as well as request retroactive approval to add funding for increased caseloads during the previous year of the contract.

Retroactive approval is being requested to modify six contracts that exceeded the original contract award; the earliest date being 3/1/2012 and spanning until 11/20/2012. Contract amounts were exceeded due to increased caseloads in certain jurisdictions and the resulting caseload assignments that were made by the Courts on an ongoing and daily basis, as well as in part due to the CINA RFP billing structure. Measures have been taken to enhance MLSP's capacity to review and monitor legal services contracts, and jurisdictional caseloads in the future.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

Reference is made to Item 9-S-MOD on the 12/5/2012 DBM BPW Agenda for legal representation of Indigent Adults involved in Adult Protective Services (APS) Guardianship Hearings and Adult Public Guardianship Review Board Hearings (APGRB). As legal services contracts for DHR's adult and child populations were about to expire within the same time period, DHR decided to solicit for both service areas via one Request for Proposals (RFP). The combined RFP was issued on 8/7/2012, with proposals due on 9/10/2012. Two separate protests from one vendor were received in September and October 2012 regarding alleged ambiguities in the RFP. DHR denied and accepted in part both Protests resulting in the amendment of certain portions of the RFP, including the due date for receipt of proposals. On 10/9/2012, an Appeal to the Protest denial was filed, and then on 10/22/2012 a second Appeal was filed.

To allow time for the Appeals and evaluation process, as well as align the contract terms for adult and child legal services, Maryland Legal Services Program (MLSP) is requesting these modifications for the period 3/1/2013 – 5/31/2013 to complete the procurement process to make new CINA/TPR contract awards. In the event that additional time is needed to complete the procurement process, DHR is requesting Board of Public Works (BPW) approval of the three one-month renewal options, beginning 6/1/2013, that DHR will exercise on a month to month basis without further BPW approval for a possible total extension of six months.

DHR believes that it is in the State's best interest to extend all 35 MLSP contracts for the duration explained above, rather than exercise the remaining two-year renewal option. Five of the contract extensions can be approved under DHR's delegated authority, since they require no additional funding and are for time only. The remaining 30 contracts require BPW approval as additional funding is being added in anticipation of on-going legal representation services for the extension period and/or the amount of funds to be expended during the extension period exceeds DHR's delegated authority. The increased funding directly coincides with the upward trend of cases handled by the Contractors. In addition, the Contractors have maintained the same prices, terms and conditions negotiated for the current renewal option period during the extension period. The breakdown by Contractor is as follows:

<u><i>MLSP Contractors</i></u>	<u><i>Total Payments for</i></u> <u><i>Extended Period</i></u>	<u><i>Mod</i></u> <u><i>Amount</i></u>
Child Advocacy Project of the Eastern Shore, Inc. (Baltimore City)	\$ 207,000	\$ 0
Child Advocacy Project of the Eastern Shore, Inc. (Baltimore)	\$ 160,010	\$ 0
Child Advocacy Project of the Eastern Shore, Inc. (Cecil)	\$ 139,150	\$ 207,145
Child Advocacy Project of the Eastern Shore, Inc. (Somerset)	\$ 57,950	\$ 0
Child Advocacy Project of the Eastern Shore, Inc. (Wicomico)	\$ 60,050	\$ 0
Child Advocacy Project of the Eastern Shore, Inc. (Worcester)	\$ 69,550	\$ 5,632
Children's Legal Services of Baltimore (Baltimore City)	\$ 527,237	\$ 0

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

Darlene A. Wakefield, P.A. (Baltimore City)	\$ 850,686	\$ 0
Darlene A. Wakefield, P.A. (Baltimore)	\$ 330,678	\$ 0
Darlene A. Wakefield, P.A. (Carroll)	\$ 87,410	\$ 42,425
Darlene A. Wakefield, P.A. (Harford)	\$ 191,160	\$ 155,980
Darlene A. Wakefield, P.A. (Howard)	\$ 130,405	\$ 0
Lazarus & Burt, P.A. (Baltimore City)	\$ 368,386	\$ 0
Lazarus & Burt, P.A. (Montgomery)	\$ 369,300	\$ 725,000
Legal Aid Bureau, Inc. (Allegany)	\$ 184,950	\$ 86,795
Legal Aid Bureau, Inc. (Anne Arundel)	\$ 219,240	\$ 0
Legal Aid Bureau, Inc. (Baltimore City)	\$ 2,596,975	\$ 0
Legal Aid Bureau, Inc. (Baltimore)	\$ 401,225	\$ 0
Legal Aid Bureau, Inc. (Calvert)	\$ 227,392	\$ 444,196
Legal Aid Bureau, Inc. (Charles)	\$ 204,288	\$ 194,760
Legal Aid Bureau, Inc. (Frederick)	\$ 271,950	\$ 109,608
Legal Aid Bureau, Inc. (Garrett)	\$ 168,480	\$ 270,634
Legal Aid Bureau, Inc. (Harford)	\$ 317,100	\$ 472,546
Legal Aid Bureau, Inc. (Montgomery)	\$ 468,100	\$ 439,867
Legal Aid Bureau, Inc. (Prince George's)	\$ 1,033,425	\$ 952,975
Legal Aid Bureau, Inc. (St. Mary's)	\$ 319,808	\$ 583,680
Mecca's Place, Inc. (Baltimore City)	\$ 186,135	\$ 0
Mecca's Place, Inc. (Baltimore)	\$ 205,980	\$ 0
Patricia A. Patton Legal & Mediation Services, P.A. (Washington)	\$ 143,660	\$ 80,453
Randall & Sonnier, LLC (Baltimore City)	\$ 642,720	\$ 0
TOTAL	\$10,606,414	\$4,771,696

DHR is statutorily mandated to ensure the provision of quality legal representation to children in need of assistance, and must compensate attorneys for the representation of a child when the services are the responsibility of the Local Department of Social Services. (See § 3-813, Courts and Judicial Proceedings Article and §5-323, Family Law Article, Annotated Code of Maryland).

MLSP is satisfied that CINA/TPR Contractors continue to provide quality legal representation to Maryland's abused and/or neglected children involved in the foster care system. Moreover, Contractors continue to remain in full compliance with the terms of the CINA/TPR contracts, and are satisfactorily taking steps to remain compliant with the 3% MBE participation goal established for these contracts.

For these reasons, it is believed to be in the State's best interest to approve these contract modifications.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

FUND SOURCE: 66% General;
34% Federal (Title IV-E Foster Care)

APPROP. CODE: N00A0104

RESIDENT BUSINESSES: Yes for all

DBM REMARKS: Retroactive approval requested pursuant to 11-204(c) State Finance & Procurement Article.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

ATTACHMENT 1

CONTRACTORS/JURISDICTIONS/ ADPICS/MBE COMPLIANCE	ORIGINAL CONTRACT AMOUNT	MOD #1 A1	MOD #2 A2	OPTION #1 A3	AMOUNT OF THIS MOD #3- A4						REVISED TOTAL CONTRACT AMOUNT	% +/- THIS MOD	% +/- OVER- ALL
					RETRO- ACTIVE MOD	3 MONTH EXT. MOD	1ST ONE MONTH OPTION	2ND ONE MONTH OPTION	3RD ONE MONTH OPTION	TOTAL THIS MOD #3			
CSA\MLSP-07-021-A4; Allegany County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67522 MBE Compliance: 2.07%	\$572,751	\$270,108	\$53,950	\$440,493	\$0	\$46,100	\$13,565	\$13,565	\$13,565	\$86,795	\$1,424,097	8.0%	64.6%
CSA\MLSP-07-022-A4; Anne Arundel County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67523 MBE Compliance: 2.69%	\$1,010,375	\$286,168	\$0	\$795,915	\$0	\$0	\$0	\$0	\$0	\$0	\$2,092,458	0.0%	28.3%
CSA\MLSP-07-001-A4; Baltimore City Child Advocacy Project Eastern Shore, Inc. Chestertown, MD ADPICS #: COE67524 MBE Compliance: 0.87%	\$1,182,300	\$259,250	\$0	\$927,410	\$0	\$0	\$0	\$0	\$0	\$0	\$2,368,960	0.0%	21.9%
CSA\MLSP-07-012-A4; Baltimore City Children's Legal Services of Baltimore Baltimore, MD ADPICS #: COE67516 MBE Compliance: 1.54%	\$2,863,692	\$1,067,078	\$0	\$2,210,809	\$0	\$0	\$0	\$0	\$0	\$0	\$6,141,579	0.0%	37.3%
CSA\MLSP-07-013-A4; Baltimore City Darlene A. Wakefield, PA Baltimore, MD ADPICS #: COE67518 MBE Compliance: 2.11%	\$3,977,199	\$1,576,734	\$201,328	\$3,071,284	\$0	\$0	\$0	\$0	\$0	\$0	\$8,826,545	0.0%	44.7%

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

ATTACHMENT 1 (Cont.)

CSA/MSLP-07-019-A4; Baltimore City Lazarus & Burt, PA Baltimore, MD ADPICS #: COE67476 MBE Compliance: 5.56%	\$2,057,503	\$962,284	\$358,363	\$1,600,552	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,978,702	0.0%	64.2%
CSA/MSLP-07-023-A4; Baltimore City Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67526 MBE Compliance: 3.09%	\$12,783,619	\$4,569,422	\$0	\$10,357,346	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$27,710,387	0.0%	35.7%
CSA/MSLP-07-036-A4; Baltimore City MECCA's Place, Inc. Baltimore, MD ADPICS #: COE67477 MBE Compliance: 2.72%	\$1,586,005	\$457,014	\$0	\$1,379,753	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,422,772	0.0%	28.8%
CSA/MSLP-07-039-A4; Baltimore City Randall & Sonnier, LLC Baltimore, MD ADPICS #: COE67470 MBE Compliance: 2.21%	\$3,282,236	\$1,445,800	\$0	\$2,399,243	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,127,279	0.0%	44.0%
CSA/MSLP-07-002-A4; Baltimore County Child Advocacy Project Eastern Shore, Inc. Chestertown, MD ADPICS #: COE67525 MBE Compliance: 0.80%	\$788,375	\$277,775	\$62,575	\$613,400	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,742,125	0.0%	43.2%
CSA/MSLP-07-024-A4; Baltimore County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67539 MBE Compliance: 3.53%	\$1,356,867	\$349,020	\$0	\$1,099,651	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,805,538	0.0%	25.7%

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

ATTACHMENT 1 (Cont.)

CSA/MLSP-07-029-A4; Frederick County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67549 MBE Compliance: 2.16%	\$745,638	\$280,000	\$0	\$586,580	\$0	\$86,994	\$7,538	\$7,538	\$7,538	\$7,538	\$109,608	\$1,721,826	11.7%	49.2%
CSA/MLSP-07-030-A4; Garrett County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67551 MBE Compliance: 1.75%	\$197,436	\$139,478	\$53,974	\$157,032	\$68,796	\$172,838	\$14,000	\$7,000	\$7,000	\$8,000	\$270,634	\$818,554	122.4 %	220.4%
CSA/MLSP-07-016-A4; Harford County Darlene Wakefield, PA Baltimore, MD ADPICS #: COE67474 MBE Compliance: 1.60%	\$520,013	\$347,722	\$42,267	\$402,315	\$0	\$116,980	\$14,000	\$11,000	\$11,000	\$14,000	\$155,980	\$1,468,297	22.5%	97.5%
CSA/MLSP-07-031-A4; Harford County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67553 MBE Compliance: 1.55%	\$525,224	\$495,392	\$141,906	\$412,519	\$149,406	\$211,140	\$37,000	\$45,000	\$45,000	\$30,000	\$472,546	\$2,047,587	68.6%	190.0%
CSA/MLSP-07-017-A4; Howard County Darlene Wakefield, PA Baltimore, MD ADPICS #: COE67475 MBE Compliance: 4.38%	\$413,342	\$137,764	\$0	\$318,748	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$869,854	0.0%	33.3%
CSA/MLSP-07-020-A4; Montgomery County Lazarus & Burt, PA Baltimore, MD ADPICS #: COE67468 MBE Compliance: 5.73%	\$1,214,141	\$776,854	\$0	\$908,800	\$292,423	\$285,577	\$71,000	\$44,000	\$44,000	\$32,000	\$725,000	\$3,624,795	47.6%	111.6%

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

ATTACHMENT 1 (Cont.)

CSA/MLSP-07-032-A4; Montgomery County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67562 MBE Compliance: 1.77%	\$1,120,904	\$958,462	\$0	\$882,921	\$0	\$335,867	\$52,000	\$30,000	\$22,000	\$439,867	\$3,402,154	30.0%	115.5%
CSA/MLSP-07-033-A4; Prince Georges County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67563 MBE Compliance: 2.82%	\$2,838,717	\$1,088,829	\$150,907	\$2,297,886	\$0	\$636,975	\$114,000	\$107,000	\$95,000	\$952,975	\$7,329,314	22.4%	66.1%
CSA/MLSP-07-034-A4; St. Mary's County Legal Aid Bureau, Inc. Baltimore, MD ADPICS #: COE67566 MBE Compliance: 3.80%	\$301,894	\$235,304	\$23,862	\$245,796	\$248,064	\$275,616	\$24,000	\$24,000	\$12,000	\$583,680	\$1,390,536	173.5 %	259.3%
CSA/MLSP-07-008-A4; Somerset County Child Advocacy Project Eastern Shore, Inc. Chestertown, MD ADPICS #: COE67465 MBE Compliance: 1.22%	\$296,125	\$105,100	\$0	\$229,990	\$0	\$0	\$0	\$0	\$0	\$0	\$631,215	0.0%	35.5%
CSA/MLSP-07-038-A4; Washington County Patricia Patton Legal & Mediation Services, PA Hagerstown, MD ADPICS #: COE67469 MBE Compliance: 2.84%	\$792,825	\$351,348	\$10,032	\$568,825	\$0	\$43,453	\$17,000	\$10,000	\$10,000	\$80,453	\$1,803,483	5.5%	51.1%
CSA/MLSP-07-010-A4; Wicomico County Child Advocacy Project Eastern Shore, Inc. Chestertown, MD ADPICS #: COE67521 MBE Compliance: 1.50%	\$560,200	\$174,125	\$0	\$438,470	\$0	\$0	\$0	\$0	\$0	\$0	\$1,172,795	0.0%	31.1%

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.)

ATTACHMENT 1 (Cont.)

CSAMLSP-07-011-A4; Worcester County Child Advocacy Project Eastern Shore, Inc. Chestertown, MD ADPICS #: COE67473 MBE Compliance: 0.75%	\$336,325	\$134,550	\$0	\$262,960	\$0	\$2,818	\$938	\$938	\$938	\$5,632	\$739,467	0.8%	40.8%
Total for 30 Contracts requiring BPW Approval	\$45,641,641	\$18,455,703	\$1,305,592	\$35,996,975	\$1,020,452	\$2,637,821	\$454,541	\$358,941	\$299,941	\$4,771,696	\$106,171,607	5.8%	49.1%
Grand Total for all 35 ML-SP Contracts	\$46,266,991	\$18,679,828	\$1,346,229	\$36,487,075	\$1,020,452	\$2,637,821	\$454,541	\$358,941	\$299,941	\$4,771,696	\$107,551,819	7.9%	51.2%

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 13-S-MOD (Cont.) **ATTACHMENT 2**

PRIOR MODIFICATIONS/OPTIONS

Mod #1	\$18,679,828	Modified the 35 contracts in three parts: Part A – retroactively increased funds by \$965,369 to 11 contracts that exceeded the original contract award amounts for services rendered and invoiced; Part B - proactively increased funds by \$3,850,821 in anticipation of increased caseloads during the remaining contract term until 1/3/2010; and Part C - extended all 35 contracts for an 8-month period to complete the procurement process for an additional \$13,863,638. Approved on the 9/16/2009 DBM BPW Agenda, Item 15-S-MOD.
Mod #2	\$1,346,229	Modified all 35 contracts for an additional six month period to complete the procurement process; 16 contracts had funding increases and 19 contracts were extended for time only. Approved on the 8/11/2010 DBM BPW Agenda, Item 5-S-MOD.
Opt #1	\$36,487,075	Exercised the first of two two-year renewal options as contained in the original contracts for all 35 contracts for the period of 3/1/2011 to 2/28/2013. Approved on the 2/23/2011 DBM BPW Agenda, Item 5-S OPTION.
Total	<u>\$56,513,132</u>	

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SERVICES CONTRACT MODIFICATION

ITEM: 14-S-MOD **Agency Contact:** Joselyn Hopkins
410-339-5013
jmhopkins@dpscs.state.md.us

DEPARTMENT/PROGRAM: Public Safety & Correctional Services
(DPSCS) Office of Inmate Health Services

CONTRACT ID: DPSCS Q0010021;
Inmate Health Care Services –
Inmate Dental Services
ADPICS # COE67449

CONTRACTS APPROVED: 12/15/2010 DBM BPW Agenda Items 2-S

CONTRACTOR: Correctional Dental Associates (CDA)
Trenton, NJ
(Local Office in Baltimore, MD)

CONTRACT DESCRIPTION: Provide statewide dental services for
inmates in the custody of the Department of Public Safety and Correctional Services.

MODIFICATION DESCRIPTION: Request for retroactive approval of a
modification to increase the contract amount for the repair and replacement of inoperable
equipment.

TERM OF ORIGINAL CONTRACT: 1/1/2011 – 12/31/2013

TERM OF MODIFICATION: 3/1/2011 – 12/31/2013

AMOUNT OF ORIGINAL CONTRACT: \$23,259,040 (3 Years)

AMOUNT OF MODIFICATION: \$56,297 NTE

PRIOR MODIFICATIONS/OPTIONS: \$0 (See Attachment)

REVISED CONTRACT AMOUNT: \$23,315,337 NTE

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 14-S-MOD (Cont.)

OVERALL PERCENT +/- (THIS MOD): +0.24%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 100% (Contractor is a MD Certified MBE)
97% Subcontracting Goal

MBE COMPLIANCE: 92.6%

REQUESTING AGENCY REMARKS: Request for retroactive approval of a modification to increase the contract amount by \$56,297 in order to repair and replace inoperable dental equipment.

Correctional Dental Associates (CDA) conducted a physical dental equipment inventory within the first 90-days of their contract commencement date and discovered that various dental equipment needed repair and/or replacement, as well as other equipment that needed to be purchased to meet their contractual obligations. Since the previous agreement contained language that stated that "The Dental Contractor shall maintain and repair all equipment and shall be responsible for the replacement of any equipment, if replacement becomes necessary," DPSCS began negotiations with FCM-MTC Joint Venture, LLC (FCM-MTC), the previous Contractor, for the repairs. This resulted in DPSCS taking \$40,000 in direct damages from FCM-MTC to offset the additional funds needed to repair and/or replace the dental equipment.

To avoid a delay in the delivery of inmate dental services, in March 2011, DPSCS authorized CDA to move forward with the purchase/repair of \$29,138.97 in dental equipment. However, there is still a balance of \$27,158 in equipment/repairs that were also discovered and require repairs or replacement, which brings the total amount needed for this modification to over \$50,000, and therefore requiring Board of Public Works approval.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 14-S-MOD (Cont.)

FUND SOURCE: 100% General

APPROP. CODE: Various

RESIDENT BUSINESS: Yes

DBM REMARKS: Retroactive approval requested pursuant to 11-204(c) State Finance & Procurement Article.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 14-S-MOD (Cont.) **ATTACHMENT**

PRIOR OPTIONS/MODIFICATIONS (Cont.):

Mod #1	\$0	Modification to change contract language for liquidated damages language, effective 10/25/2012. Approved by DPSCS.
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**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 15-GM **Agency Contact:** Matthew J. Fader
410-576-7906
mfader@oag.state.md.us

DEPARTMENT: Maryland Department of Transportation (MDOT)
Maryland Transit Administration (MTA)

AMOUNT OF REQUEST: \$199,580.30 (interest accrued at \$0.98 per day)

FUND SOURCE: Agency Funds

APPROP. CODES: PCA: 0102; AOBJ: 0299

DESCRIPTION: Pursuant to Md. Code Ann., State Gov't. §§12-404
– 405, the Maryland Transit Administration (MTA) requests approval for payment of a judgment
in *Project Vote/Voting for America, Inc. v. Dickerson*, Civ. A. No. RDB-07-0092 (D. Md.).

REQUESTING AGENCY REMARKS: The Office of the Attorney General recommends
approval of the requested payment of the judgment. The underlying lawsuit challenged the
validity of a State regulation under the First and Fourteenth Amendments to the United States
Constitution. Reference is made to a previous settlement submitted to the Board of Public
Works (BPW) for approval on March 24, 2010 (Item 9-GM) that was disapproved.

If the Board of Public Works approves payment of this judgment, a check should be made
payable to "Brown, Goldstein & Levy Trust Account". The check should be mailed to Matthew
J. Fader, AAG, Office of the Attorney General, 200 St. Paul Pl., 20th Floor, Baltimore, Maryland
21202 for distribution.

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION*		WITHOUT DISCUSSION	

* *No ACTION – Item failed for lack of a second.*

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SUPPLEMENTAL

ITEM: 16-S-MOD (Cont.)

REVISED CONTRACT AMOUNT: \$224,292,585 NTE

PERCENT +/- (THIS MODIFICATION): +52.8%

OVERALL PERCENT +/-: +601.8%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 100% (Contractor is a MD Certified MBE)
4.5% Subcontracting Goal (20% of the Total Contract Value with the exclusion of the price for pharmaceuticals)

MBE COMPLIANCE: 100% (Contractor is a MD Certified MBE)
1.1% Subcontracting Goal (11.5% with the exclusion of the price for pharmaceuticals)

REQUESTING AGENCY REMARKS: Request for approval to extend the contract by six months in order to continue the existing inmate pharmacy services Contract. Pending the appeal by the incumbent for this contract, Correct Rx, with the Maryland State Board of Contract Appeals (MSBCA), this modification is needed to continue inmate pharmacy services. If a decision by the MSBCA has not been issued during this extension period, the Department may request approval by the BPW for an additional extension period.

Since the BPW approved the previous six-months extension on 6/6/2012 (DBM Agenda Item 26-S-MOD), Correct Rx filed another letter of "protest" in which it alleged deficiencies with DBM and DPSCS' production of documents in response to Correct Rx's appeals filed with the MSBCA. As the arguments raised in this most recent letter are not complaints related to the formation of a procurement contract and as they are untimely, this letter cannot be treated as a protest under Maryland law and cannot be considered by the Procurement Officer.

On 11/27/2012, the MSBCA issued an Order vacating the State's recommendation of award and ordering that DPSCS shall issue a new solicitation for the inmate pharmacy services contract. DPSCS filed a Motion for Reconsideration with the MSBCA on 12/4/2012 requesting that the 11/27/2012 Order be withdrawn and the matter be heard on the merits of the procurement. The Motion for Reconsideration is scheduled to be heard on 1/10/2013.

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SUPPLEMENTAL

ITEM: 16-S-MOD (Cont.)

FUND SOURCE: 100% General

APPROP. CODE: Various

RESIDENT BUSINESS: Yes

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SUPPLEMENTAL

ITEM: 16-S-MOD (Cont.) ATTACHMENT

PRIOR OPTIONS/MODIFICATIONS (Cont.):

Mod #1	N/A	Mod for Contract Q0005057B only to make changes in staffing Patterns and rates of compensation for mental health providers in the mental health contract module for the period of 7/1/2005 - 6/30/2007. DBM Agenda Item 12-S-MOD (6/11/2008).
Mod #2	\$0	Mod to clarify portions of the Statement of Work in a non-material change and issue a not to exceed amount for the period of 7/1/2006 - 6/30/2007. Approved by DPSCS.
Mod #3	\$7,804,432	Mod to clarify portions of the Statement of Work & to increase the original amount of the not to exceed limits for the period of 5/12/2007 - 6/30/2007. DBM Agenda Item 26-S-MOD (6/6/2007).
Option #1	\$24,131,340	Exercised the first Renewal Option as contained in the original contract for one year for the period of 7/1/2007 - 6/30/2008. DBM Agenda Item 26-S-MOD (6/6/2007).
Mod #4	\$0	Mod to clarify portions of the Statement of Work in a non-material change and issue a not to exceed amount for the period 7/1/2007 - 6/30/2008. Approved by DPSCS.
Mod #5	\$1,950,000	Mod to clarify portions of the Statement of Work in a non-material change & to increase the not to exceed amount for the period 6/1/2008 - 6/30/2008. DBM Agenda Item 9-S-MOD (7/16/2008).

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SUPPLEMENTAL

ITEM: 16-S-MOD (Cont.) **ATTACHMENT**

PRIOR OPTIONS/MODIFICATIONS (Cont.):

Option #2	\$27,219,572	Exercised the 2nd Renewal Option as contained in the original contract for one year for the period of 7/1/2008 - 6/30/2009. DBM Agenda Item 14-S-OPTION (6/11/2008).
Mod #6	\$1,096,685	Mod to clarify portions of the Statement of Work in a non-material change and increase the not to exceed amount for the period 6/17/2009 - 6/30/2009. DBM Agenda Item 15-S-MOD (6/17/2009).
Option #3	\$28,063,380	Exercised the 3rd Renewal Option as contained in the original contract for one year for the period of 7/1/2009 - 6/30/2010. DBM Agenda Item 15-S-MOD (6/17/2009).
Mod #7	\$16,251,255	Mod to extend the current contract by six months for the period of 7/1/2010 to 12/31/2010. DBM Agenda Item 24-S-MOD (6/23/2010).
Mod #8	\$1,722,669	Mod to increase the not-to-exceed amounts of the contract in order to continue the existing services through the end of the contract term for the period of 12/1/2010 – 12/31/2010. DBM Agenda Item 11-S-MOD (12/1/2010).
Mod #9	\$18,454,796	Mod to extend the contract for a period of six months in order to complete a new procurement for inmate pharmacy services for the period of 1/1/2011 - 6/30/2011. DBM Agenda Item 9-S-MOD (12/15/2010).

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

SUPPLEMENTAL

ITEM: 16-S-MOD (Cont.) ATTACHMENT

PRIOR OPTIONS/MODIFICATIONS (Cont.):

Mod #10	\$14,000,000	Mod to extend the contract for a period of six months in order to complete a new procurement for inmate pharmacy services for the period of 7/1/2011 - 12/31/2011. DBM Agenda Item 14-S-MOD (6/1/2011).
Mod #11	\$16,580,000	Mod to extend the contract for a period of six months in order to allow for the protest appeal process to be completed for the period of 1/1/2012 - 6/30/2012. DBM Agenda Item 7-S-MOD (1/25/2012).
Mod #12	\$18,180,000	Mod to increase the not-to-exceed amounts of the contract in order to continue the existing services through the term of 6/30/2012, in addition to extending the contract for an additional six months in order to allow for the protest appeal process to be completed for the period of 6/30/2012 - 12/31/2012. DBM Agenda Item 26-S-MOD (6/6/2012).
Total	<u>\$175,454,129</u>	

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ARCHITECTURE/ENGINEERING SERVICES

ITEM: 1-AE

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION: University of Maryland, Baltimore for Towson University

CONTRACT ID: Design Services: Smith Hall Addition/Renovations
Project 2012-28-AE-CP

CONTRACT DESCRIPTION: Architectural/engineering services to prepare complete plans and specifications for comprehensive renovation and expansion of Towson University's Smith Hall, relocation of associated utilities, redevelopment of the site surrounding the construction, and the completion of campus utility loop. The project will create modern science facilities for the Jess and Mildred Fisher College of Science and Mathematics. The building will house the Departments of Biology, Chemistry, Physics Astronomy Geology, Science Education, Molecular Biology and Biochemistry, and Environmental Science. The project will result in a new/renovated facility that is 321,945 gross square feet/184,400 net assignable square feet (the addition comprises 106,700 gross square feet of the total).

AWARD: Cannon Design
Baltimore, Maryland 212012

CONTRACT TERM: 74 months from Notice to Proceed

AMOUNT: \$13,169,452

PROCUREMENT METHOD: USM Policies and Procedures for Architect/
Engineer Procurements

PROPOSALS:	<u>Ranking</u>	<u>Technical Score</u>
Cannon Design Baltimore, MD	1	87.936%
Ballinger Philadelphia, PA	2	87.675%
EYP Washington, DC	3	87.101%

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 1-AE (continued)

PROPOSALS (continued):	<u>Ranking</u>	<u>Technical Score</u>
Perkins & Will & RCG Washington, DC	4	86.672%
Wilson Architects Boston, MA	5	86.284%
Ellenzweig & GWWO Cambridge, MA	6	84.864%
MBE PARTICIPATION:	25.74%	
PERFORMANCE BOND:	No	

REQUESTING INSTITUTION REMARKS: The solicitation was advertised in *eMaryland Marketplace*. Sixteen firms responded. The Qualification Committee recommended six firms as potentially eligible to provide the required services based upon the firm's qualifications. Oral presentations were conducted with the six firms and the Qualifications Committee recommended Cannon Design, Inc as the most qualified firm. The price proposal delivered was the result of a negotiated agreement with the University's Qualification Committee. The AE selection process inclusive of the fee negotiations was reviewed and approved by the University's Executive Review Group, which includes a public member outside of the University. The initial contract will be issued through schematic design in the amount of \$2,626,296.00 and amended later for design development, construction documents, bidding, construction administration phase and post construction phases.

FUND SOURCE: MCCBL 2012 *Provide Funds to Begin the Design Expansion and Renovation of Smith Hall*. Item 044

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2496-0001

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT MODIFICATION

ITEM: 2-C MOD

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION:

University of Maryland, Baltimore

CONTRACT ID:

On-Call Construction Management at Risk Services
for the UMB BioMet Pharmacy 5th and 6th Floors
Renovation Task Order #12-305BS against
On Call CM Contract RFP 85592RA

CONTRACT APPROVED:

USM Item 1-C (11/28/2007)
USM Item 3-C MOD (08/22/2012)

CONTRACTOR:

J.Vinton Schafer
Abingdon, Maryland 21009

TASK ORDER DESCRIPTION: Professional management and construction services during pre-construction and construction for renovations of the 5th and partial 6th floor of the School of Pharmacy for new lab, lab support, and offices for the School of Medicine as well as modernizing the mechanical, electrical, fire protection and telecommunications systems as required by code and University standards.

MODIFICATION DESCRIPTION: Award GMP 1 for construction which includes general construction, selective demolition, flooring, painting, mechanical/plumbing/HVAC, fire suppression, electrical, CM allowances, UMB allowances, CM general conditions, CM contingency and CM construction fee.

CONTRACT TERM: 20 weeks from the issuance of pre-construction notice to proceed;
54 weeks from the issuance of construction notice to proceed.

ORIGINAL AMOUNT: \$52,600 (pre-construction fees only; see remarks)

THIS MODIFICATION AMOUNT: \$1,542,337

PRIOR MODIFICATIONS: \$ 490,620

REVISED TOTAL CONTRACT AMOUNT: \$2,085,557

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 2-C MOD (continued)

MBE PARTICIPATION: 25%

MBE COMPLIANCE: 32.94%

PERFORMANCE BOND: A 100% performance bond is required.

ORIGINAL PROCUREMENT METHOD: On-Call Task Order Proposals

REQUESTING INSTITUTION REMARKS: MBE participation for GMP #1 is 38.26%.

FUND SOURCE: Plant Funds

APPROP. CODE: R30B21

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-0282-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT MODIFICATION

ITEM: 3-C MOD

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION:

University of Maryland, Baltimore
for Towson University

CONTRACT ID:

Construction Management at Risk Services
for Towson Center Arena Project
RFP #2006-44R BS

CONTRACT APPROVED:

USM Item 3-C (09/10/08)
USM Item 2-C MOD (05/05/10)
USM Item 2-C MOD (09/22/10)
USM Item 2-C MOD (04/06/11)
USM Item 3-C MOD (07/06/11)
USM Item 2-C MOD(10/19/11)
USM Item 3-C MOD (01/25/12)
USM Item 2-C MOD (02/22/12)
USM Item 2-C MOD (07/11/12)

CONTRACTOR:

Gilbane Building Company, Laurel

CONTRACT DESCRIPTION: Professional management and construction services during pre-construction and construction of the Towson Center Arena Project at Towson University. This project is to construct a new 90,000 gross square foot, multi-use arena facility with a minimum capacity of 5,000 spectator seats and office, entertainment/gathering and support spaces. In addition, various parts of the Towson center will be renovated.

MODIFICATION DESCRIPTION: Award GMP #6 for audio/visual equipment for Tiger Arena and the Towson Center first floor renovation.

ORIGINAL CONTRACT TERM: Eighteen months from construction notice to proceed.

MODIFICATION TERM: Twenty-three months from construction notice to proceed.

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 3-C MOD (continued)

ORIGINAL CONTRACT AMOUNT: \$334,460 (pre-construction fees only: see remarks)

THIS MODIFICATION AMOUNT: \$ 1,079,879

PRIOR MODIFICATIONS: \$ 64,267,528

REVISED TOTAL CONTRACT AMOUNT: \$ 65,681,867

MBE PARTICIPATION: 25%

MBE COMPLIANCE: 26.3%

PERFORMANCE BOND: A 100% performance bond is required

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

REQUESTING INSTITUTION REMARKS: MBE participation for GMP # 6 is 11%.

FUND SOURCE: Plant Funds

APPROP. CODE: R30B24

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 11-1529-0111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

GENERAL MISCELLANEOUS

ITEM: 4-GM

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

Recommendation: That the Board of Public Works approve the use of general obligation bond funding proceeds for the following University of Maryland, Baltimore School of Pharmacy contract totaling \$9,385.00

Authority: State Finance and Procurement Article, Annotated Code of Maryland, § 8-301

Description: Labor and Materials to install push plate on building exterior of 100 N. Greene Street and push plate on interior and exterior of 108 N. Greene Street for handicap access.

Procurement Method: Sole Source

Award: Stanley Security Solutions
Baltimore, MD 21237

Amount: \$9,385.00

Fund Source: MCCBL 2011 *Funds to design and construct handicapped accessibility modifications at state owned facilities.* Item 01

MD Tax Clearance: 12-2596-1111

Resident Business: Yes

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

SERVICE CONTRACT

ITEM: 5-S

Agency Contact: James Salt
301-445-1987
(jsalt@usmd.edu)
USM Rep: Joe Evans

INSTITUTION: University of Maryland University College

CONTRACT: Marketing and Advertising Services, RFP 91015

DESCRIPTION: Contracts for marketing expertise across multiple methodologies and markets: (1) market research, strategy, and branding; (2) offline marketing; (3) online marketing; and (4) digital design and development services.

AWARDS:

A. Primary Awards

Market Research/Strategy/Branding

TBC, Inc.
900 South Wolfe Street
Baltimore, MD 21231

Offline and Online Advertising/Marketing

TBC, Inc.
900 South Wolfe Street
Baltimore, MD 21231

Digital Design and Development

Hirschorn, Zuckerman Design Group, Inc. (HZDG)
10101 Molecular Drive
Rockville, MD 20850

B. Secondary Awards

Market Research/Strategy/Branding

Carton Donofrio
100 North Charles Street
Baltimore, MD 21201

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 5-S (continued)

AWARDS: (continued)

B. Secondary Awards (continued)

Market Research/Strategy/Branding

Hirschorn, Zuckerman Design Group, Inc. (HZDG)
10101 Molecular Drive
Rockville, MD 20850

Burson-Marsteller, LLC
1110 Vermont Ave., NW, Suite 1200
Washington, DC 20005

Offline and Online Advertising/Marketing

Carton Donofrio
100 North Charles Street
Baltimore, MD 21201

Hirschorn, Zuckerman Design Group, Inc. (HZDG)
10101 Molecular Drive
Rockville, MD 20850

CONTRACT TERM: December 20, 2012 through June 30, 2018. The University may at its sole option enter into multiple renewal terms with each agency, for a total renewal term not to exceed five years. Renewal options that exceed the University's threshold will be brought to the Board of Public Works for prior approval.

AMOUNT: \$152,000,000

PROCUREMENT METHOD: Competitive Sealed Proposal

PROPOSALS:

<u>Marketing Category</u>	<u>Vendor</u>	<u>Evaluated Rate</u>	<u>Ranking</u>
Strategy/Research/Branding	TBC, Inc. Baltimore, MD	\$140/hr	1

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 5-S (continued)

PROPOSALS: (continued)

<u>Marketing Category</u>	<u>Vendor</u>	<u>Evaluated Rate</u>	<u>Ranking</u>
Strategy/Research/Branding	Carton Donofrio Baltimore, MD	\$183/hr	2
	Hirshorn Zukerman Rockville, MD	\$119/hr	3
	Burson Marstellar Washington, DC	\$125 - 300/hr	4
	LM&O Assoc. Arlington, VA	\$76/hr – \$201/hr	5
	MGH Owings Mills, MD	\$125hr	6

<u>Marketing Category</u>	<u>Vendor</u>	<u>Evaluated Annual</u>	<u>Ranking</u>
Online/Offline Marketing	TBC, Inc. Baltimore, MD	\$1,896,400	1
	Carton Donofrio Baltimore, MD	\$1,937,325	2
	Hirshorn Zukerman Rockville, MD	\$1,586,925	3
	MGH Owings Mills, MD	\$2,720,000	4
	LM&O Assoc. Arlington, VA	\$3,222,342	5

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 5-S (continued)

PROPOSALS: (continued)

<u>Marketing Category</u>	<u>Vendor</u>	<u>Evaluated Rate</u>	<u>Ranking</u>
Digital Design & Dev.	Hirshorn Zukerman Rockville, MD	\$119/hr	1
	Carton Donofrio Baltimore, MD	\$133/hr	2
	LM&O Assoc. Arlington, VA	\$80/hr – \$201/hr	3
	idFive Owings Mills, MD	\$120/hr	4

MBE PARTICIPATION: 2%

PERFORMANCE OR PAYMENT SECURITY: No

REQUESTING INSTITUTION REMARKS: The solicitation was advertised in *eMaryland Market Place* and on UMUC's internet *Electronic Bid Board*. Twenty-five agencies responded. Nine were deemed not susceptible of the award as they did not provide the required MBE forms. The other sixteen were evaluated by an Evaluation and Selection Committee. Eight agencies were shortlisted and interviewed by the evaluation committee. Following the interviews, a second-phase technical evaluation was conducted resulting in UMUC further short-listing to seven agencies. Further discussions were held. Site visits to each agency were also conducted. A final technical evaluation was then conducted resulting in all seven firms being requested to submit price proposals. Upon completion of the technical and price evaluation processes, a primary agency has been selected in each marketing category as well as several secondary agencies in three of the four marketing categories.

The solicitation contemplated multiple awards to agencies who could demonstrate expertise in one or more of the marketing categories and who could serve as primary or secondary sources in each of the four categories. The primary vendors will work with the University as the main point of contact for day-to-day marketing efforts within the categories for which they have expertise.

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 5-S (continued)

REQUESTING INSTITUTION REMARKS: (continued) The secondary vendors would be available on an as needed basis to supplement the primary agency's work during peak periods, for projects where they bring specific expertise, as potential sources of innovation and as a resource to the University for any other reason that might be necessary (e.g., unanticipated demand for services).

The award amount includes the agency fees/income as well as the reimbursement of any media buys that may be required for offline and online marketing. The MBE goal of 2% of the total contract is equivalent to 19% of the anticipated agency fees/income. Cost estimates by marketing category are: \$ 3,040,000 for strategy, market research, and branding; \$106,400,000 for offline marketing; \$38,760,000 for online marketing; and \$3,800,000 for digital design and development however the actual distribution will be dependent on the needs of UMUC.

Agencies provided hourly rates for project work to be done under the strategy, market research and branding and the digital design and development categories. As the need for these services arises, work under these categories will be performed on a time and material basis. Agencies providing offline and online marketing provided a fixed fee for account management and creative services. This fixed fee may be adjusted quarterly based on the required level of effort. Vendors will be reimbursed for the cost of media plus a fixed percent mark-up for the media purchased. UMUC evaluated the prices against expected volumes of work.

FUND SOURCE:	Current Unrestricted Funds
APPROP. CODES:	R30B30
RESIDENT BUSINESS:	TBC, Inc – Yes Hirschorn Zuckerman Design Group – Yes Carton Donofrio Partners Inc. – Yes Burson-Marsteller LLC - No
MD TAX CLEARANCE:	TBC, Inc – 12-2255-1111 Hirschorn Zuckerman Design Group – 12-2253-1111 Carton Donofrio Partners Inc. – 12-2252-1111 Burson-Marsteller LLC - 12-2658-0011

BOARD OF PUBLIC WORKS

APPROVED ~~DIS~~ APPROVED

WITH DISCUSSION ✓

THE ABOVE REFERENCED ITEM WAS:

DEFERRED WITHDRAWN

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

CONSTRUCTION CONTRACT

ITEM: 6-C

Agency Contact: James Salt
301-445-1987
jsalt@usmd.edu
USM Rep: Joe Evans

INSTITUTION: University of Maryland, Baltimore County

CONTRACT ID: On-Call Construction Management at Risk Services for
UMBC Potomac Hall Renovation Project
Task Order Request #12-151
Against On Call CMAR Contract #RFP BC-20841-C.

CONTRACT APPROVED: USM Item 4-C (12/05/12)

TAKS ORDER DESCRIPTION: This task order is for professional management and construction services during pre-construction and construction for interior and exterior renovations in Potomac Hall at the University of Maryland, Baltimore County. The project consists of interior renovations in the student rooms, community spaces, and main lobby such as bathroom upgrades, flooring replacements, painting and signage as well as exterior renovations with new walkways, an entrance canopy, and lighting.

AWARD: J. Vinton Schafer and Sons, Inc.
1390A Continental Drive,
Abingdon, MD 21009

CONTRACT TERM: Seven months from issuance of pre-construction notice to proceed;
twelve months from issuance of construction notice to proceed.

AMOUNT: \$113,900 (pre-construction fees only: see remarks)

PROCUREMENT METHOD: On-Call CMAR Task Order Proposals

TASK ORDER PROPOSALS: Price

J. Vinton Schafer & Sons, Inc., \$595,104
Abingdon, MD

Whiting Turner, \$612,268
Baltimore, MD

Barton Malow \$639,106
Baltimore, MD

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

ITEM: 6-C (continued)

MBE PARTICIPATION: 25%

PERFORMANCE BOND: A 100% performance bond is required.

REQUESTING INSTITUTION REMARKS: Each On Call Construction Manager submitted a proposal for the Potomac Hall Renovation project. The proposals were evaluated based on price which includes a preconstruction phase fee, construction phase fee, general conditions and CM contingency. Award of this task order is recommended to J. Vinton Schafer & Sons, Inc. based on low price.

The estimated construction cost for this project is \$2,700,000. This Item recommends award for pre-construction services only. If the University and the Contractor agree to a Guaranteed Maximum Price for construction, the University will return to the Board with a recommendation to modify the contract to include the actual construction costs, which includes the CM's construction services fee.

FUND SOURCE: Plant Funds

APPROP. CODE:

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: # 12-2593-1111

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

APPROVED ~~DISAPPROVED~~
WITH DISCUSSION

DEFERRED

WITHDRAWN

WITHOUT DISCUSSION

**SUPPLEMENT C
UNIVERSITY SYSTEM OF MARYLAND
ACTION AGENDA**

REAL PROPERTY: Acquisition by Purchase

ITEM: 7-RP

Agency Contact: James Salt
301-445-1987
(jsalt@usmd.edu)
USM Rep: Joe Evans

INSTITUTION: Coppin State University

DESCRIPTION: Purchase property for the proposed Science and Technology Center.

PROPERTY: 1600 Warwick Avenue, Baltimore

GRANTOR: Stephen Murray

GRANTEE: State of Maryland to the use of the University System of Maryland on behalf of its constituent institution Coppin State University.

APPRAISED VALUE:	Lipman, Frizzel, & Mitchell	\$57,750.00
	Grubb & Ellis Landauer	\$55,000.00

FUND SOURCE: MCCBL 2012: *Provide funds for site acquisition, design, and construction of a New Science and Technology Center.* Item 046

PRICE:	Acquisition:	\$150,000.00*
	Relocation:	\$ 25,000.00
	Ground Rent:	\$ <u>000.00</u>
	Total:	\$175,000.00

*An assistant attorney general has provided litigation advice to support the price.

REMARKS: This is property being purchased in support of the growth at Coppin State University and to provide a site for the construction of the new Science and Technology Center. This project will be constructed adjacent to the recently completed Health and Human Services Building. This acquisition was approved by the University System of Maryland Board of Regents at its meeting on October 17, 2008.

BOARD OF PUBLIC WORKS - THE ABOVE REFERENCED ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 1-IT

Agency Contact:
Ronald Brothers (410) 585-3100
rcbrothers@dpscs.state.md.us
Donna Ziegenhein (410) 260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Public Safety & Correctional Services
Information Technology & Communications

CONTRACT ID: Platinum Omnixx/Meters Maintenance
DPSCS IT&CD 2013-05
ADPICS No.: Q00B3400050

CONTRACT DESCRIPTION: Software Maintenance for Platinum Omnixx/Meters

AWARD: Datamaxx, Inc., Tallahassee, Florida

TERM: 7/1/2013-6/31/2017

AMOUNT: \$656,604

PROCUREMENT METHOD: Sole Source

MBE PARTICIPATION: 0%

INCUMBENT: Datamaxx, Inc.

REMARKS: This contract will continue essential maintenance and usage of proprietary software, Maryland Electronic Telecommunications Enforcement Resource System (METERS). DPSCS implemented METERS in 2007 which processes approximately 175 million transactions a year for Statewide law enforcement. METERS allows law enforcement to access the National Crime Information Center, the National Law Enforcement Transmission System, the Maryland Motor Vehicles Administration, and the Maryland HotFiles Databases (wanted and protected persons). Datamaxx, Inc. is the sole owner of the proprietary software license; therefore, there is no other available source for the maintenance of this software. Datamaxx Technologies, Inc. will provide the State with annual software maintenance and technical support for 24 hours per day/365 days per year.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 1-IT (Cont'd)

Datamaxx, Inc. has been performing this service for DPSCS for many years and has provided excellent customer service and fulfilled its contractual obligations.

Due to the proprietary nature of this software and the associated maintenance, there is no MBE participation for this contract.

FUND SOURCE: 100% General Funds
APPROP. CODE: Q00A0102
RESIDENT BUSINESS: No
MD TAX CLEARANCE: 12-2442-0111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA

ITEM: 2-IT MOD **Agency Contact:**
Sandy Johnson (410) 767-7408
SJohnso5@dhr.state.md.us
Donna Ziegenhein (410) 260-7627
Donna.ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Human Resources
Cost Allocation & Revenue Management

CONTRACT ID: Medicaid Rehab Claims Submissions
OBF/GMD-12-004-A1
ADPICS No.: COE67456

CONTRACT APPROVED: Secretary Agenda Appendix 7 (8/22/2012)

CONTRACTOR Xerox State and Local Solutions, Inc.,
Washington, DC
(local office in Baltimore)

CONTRACT DESCRIPTION: Claims submission and electronic processing services for Department of Human Resources and the Department of Juvenile Services to seek reimbursement from federal government for costs incurred in providing Medicaid rehabilitative services to Medicaid-eligible children placed in the State's care and custody. The claims processing service must interact with the Department of Health and Mental Hygiene's Medicaid Management Information System (MMIS).

MODIFICATION DESCRIPTION: Extend the contract by seven months to allow time to complete new solicitation and award new contract. This modification will allow DHR and DJS to continue to be reimbursed for federal funds under the Medicaid Rehab Option Program.

ORIGINAL CONTRACT TERM: 6/1/2012- 2/28/2013

MODIFICATION TERM: 3/1/2013-9/30/2013 (7 months)

ORIGINAL CONTRACT AMOUNT: \$630,252

MODIFICATION AMOUNT: ~~\$490,126~~ \$490,196

PRIOR MODIFICATIONS/OPTIONS: None

REVISED TOTAL CONTRACT AMOUNT: \$1,120,448

see attached letter



STATE OF MARYLAND
DEPARTMENT OF INFORMATION TECHNOLOGY

*- record -
SMG 1/31/13*

MARTIN O'MALLEY
GOVERNOR
ANTHONY BROWN
Lieutenant Governor

ELLIOT SCHLANGER
Secretary

January 30, 2013

Sheila McDonald, Esquire
Executive Secretary
Board of Public Works
Louis L. Goldstein Treasury Building, Room 213
Annapolis, MD 21401-1991

Dear Ms. McDonald:

SUBJECT: DoIT Agenda Item 2-IT MOD, 12/19/2012

This is to advise you of the following change to the subject Department of Information Technology's Agenda Item previously approved by the Board of Public Works. This error was the result of a typographical error.

On 12/19/2012, the Department of Information Technology presented an item for the Department of Human Resources for a contract with Xerox State and Local Solutions, Inc., to extend an existing contract for claims submission and electronic processing services. The modification amount was reported incorrectly. Below is the correct information.

DoIT Agenda 12/19/2012


Item 2-IT MOD

Change Modification Amount from: \$490,126

To: \$490,196.

Thank you for your attention to this matter. If you need further information, please call me at 410-260-2994 or Donna Ziegenhein at 410-260-7627.

Sincerely,



Elliot Schlinger
Secretary

cc: The Honorable Martin O'Malley, Governor
The Honorable Peter Franchot, Comptroller
The Honorable Nancy K. Kopp, Treasurer
Jacqueline Jordon, Procurement Specialist Supervisor, Department of Human Resources

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 2-IT MOD (Cont'd)

PERCENT +/- (THIS MODIFICATION): 77.8%
OVERALL PERCENT +/-: 77.8%
ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals
MBE PARTICIPATION: 0%

REMARKS: The Rehab program allows the State to recoup funds through the federal reimbursement process for costs paid to providers that are contracted to provide rehabilitative services. These services are provided to Medicaid-eligible children in the State's care and custody who are placed in therapeutic and group home settings. Contracted providers must submit claims every month to DHR electronically. The claims go through an internal quality assurance process and then are submitted electronically to a contractor, who then prepares the claims to be submitted to MMIS for final claims processing and payment.

DHR awarded a previous emergency contract for a 10 month period for these services (Secretary's Agenda Appendix 5, January 25, 2012). On that Agenda DHR informed the Board that a new solicitation was being developed under DoIT's CATS II Master Contract. Reference is also made to Secretary's Agenda Appendix A15 (August 22, 2012) in which DHR reported the award of an emergency nine-month contract to Xerox. At that time, DHR informed the Board that it would be in the best interest of the State to solicit for these services in a stand-alone Request for Proposal instead of under DoIT's Master Contract. Thus, DHR now seeks approval to extend the current contract term for seven months.

The extension will ensure continuity of the State's ability to receive reimbursement for costs incurred in providing services to children in the care and custody of the State. Without this extension, the State would lose approximately \$1.7 million per month in federal reimbursements. The new solicitation is being finalized, and it is anticipated that a new contract will be in place by October 1, 2013.

FUND SOURCE: 50% General; 50% Federal (Title XIX)
APPROP. CODE: N00E0101
RESIDENT BUSINESS: Yes

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 3-IT **Agency Contact:**
Albert Annan (410) 767-0114
aannan@msde.state.md.us
Donna Ziegenhein 410-260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Education (MSDE)
Division of Instruction

CONTRACT ID: Online Instructional Toolkit and Portal
eMM Solicitation #R00R3400002
ADPICS No: R00B3400036

CONTRACT DESCRIPTION: Expand and manage online instructional toolkit and online portal to instructional improvement system used for professional development by Maryland educators .

AWARD: Smith Solutions, Inc., Laurel, MD

TERM: 12/20/2012 – 09/30/2014

AMOUNT: \$1,080,101 (1 Year, 10 months)

PROCUREMENT METHOD: Competitive Sealed Proposals

PROPOSALS:	Tech.	Total	Financial*	Overall
<u>Offeror</u>	<u>Rank</u>	<u>Offer</u>	<u>Offer Rank</u>	<u>Rank</u>
Smith Solutions	1	\$1,080,101	1	1
FERZ Consulting	2	\$1,299,575	2	2

*Financial offers were ranked based upon the total offer

MBE PARTICIPATION: 25%

INCUMBENT: None

REMARKS: A notice of the availability of the Request for Proposals was advertised on *eMarylandMarketplace.com* and a copy of the RFP was sent to the Governor's Office of Minority Affairs. Four proposals were received. Two were deemed reasonably susceptible of award; the other two proposals were disqualified for lack of expertise and experience required to perform the services.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 3-IT (Cont'd)

Award is recommended to Smith Solutions, Inc. which was ranked number one overall. Smith Solutions technical proposal met all the RFP requirements and demonstrated a system for identifying existing Online Instructional Toolkit items that can be adapted to support or align with the Common Core State Standards. The system aggregates new resources (best practices, lesson seeds, project ideas, simulations, print and video resources) from classroom teachers throughout Maryland as well as, from public domain sources to be included in the Toolkit. In addition, Smith Solutions offered the lower financial proposal.

In August 2010, Maryland was awarded one of the federal government's Race to the Top (RTTT) grants from the U.S. Department of Education. One goal for Maryland's reform agenda is to ensure that all students are fully prepared for college and career in the 21st Century. To that end, the Maryland RTTT application included a proposal to improve instruction through use of data. Maryland intends to use the RTTT funds to bolster the data systems, improve instruction, and attract and maintain a stronger educational workforce.

This contract will develop, implement and manage a high-quality Instructional Improvement System and State Curriculum Management System and expand the Toolkit. Maryland is transitioning to the Common Core State Standards over the four-year RTTT grant. The expanded Toolkit will facilitate the transition to the new State Common Core Curriculum by providing teachers, administrators, students, and parents with curriculum and assessment information and resources that are aligned with the new curriculum for use at the local level. The Curriculum Management System will provide the platform for storage and access to the Toolkit information and resources.

FUND SOURCE:	100% Federal: Race to the Top
APPROP. CODE:	R00A100
RESIDENT BUSINESS:	Yes
MD TAX CLEARANCE:	12-2604-0101

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 4-IT MOD

Agency Contact:
Elliot Schlanger (410) 260-2994
Elliot.Schlanger@maryland.gov
Donna.Ziegenhein (410) 260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Department of Information Technology

CONTRACT ID: Two-Way Radio Equipment, Consoles and Services
ADPICS No.: 060B9800015
COE66389

CONTRACT APPROVED: DBM Item 3-IT (11/28/2007)

CONTRACT DESCRIPTION: Master Contract, indefinite quantity and purchase-order-request-for-proposal-based, to provide mobile radio equipment; communications consoles and associated equipment; installation; and repair and preventive maintenance services.

MODIFICATION DESCRIPTION: Three-month extension for three Master Contractors to allow time for transition of ongoing maintenance provided to the State Highway Administration to the successor two-way equipment Master Contract.

CONTRACTORS: Communications Electronics, Timonium
Mills Communications, Inc., Westminster
Two Way Radio Service, Inc., Cumberland

ORIGINAL CONTRACT TERM: 1/1/2008 - 12/31/2012 (5 years)

MODIFICATION TERM: 1/1/2013 - 3/31/2013

ORIGINAL CONTRACT AMOUNT: \$15,000,000

PRIOR MODIFICATIONS: \$24,400,000

MODIFICATION AMOUNT: \$ 0

PRIOR MODIFICATIONS/OPTIONS: \$ 6,000,000 DoIT 2-IT MOD (4/6/2011)
\$12,100,000 DoIT 5-IT MOD (8/10/2011)
\$ 6,300,000 DoIT 1-IT MOD (5/23/2012)

REVISED CONTRACT AMOUNT: \$39,400,000.00

PERCENT (THIS MODIFICATION): 0%

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 4-IT MOD (Cont'd)

OVERALL PERCENT +/-: 163%

ORIGINAL PROCUREMENT METHOD: Competitive Sealed Proposals

MBE PARTICIPATION: 25% in Functional Area III only. No MBE goal was set for Functional Areas I and II, because they involve only hardware, which does not afford any subcontracting opportunities.

MBE COMPLIANCE: Using agencies report MBE compliance on Master Contract reports.

REMARKS: In 2007, the State awarded two-way-radio master contracts to 21 companies. The objective was to enable State agencies to procure mobile radio equipment, communication consoles, and services including installation, repair, and preventive maintenance. The five-year contracts expire on December 31, 2012.

On October 11, 2012, DoIT issued a Request for Proposals to solicit a two-way-radio contract to replace the current one. The award of the new two-way-radio contract is proposed as DoIT Item 5-IT on today's Agenda but the transition period to that contract could take up to three months. DoIT asked all agencies using maintenance services from the existing contract if they need continued service while work is transitioned to the replacement contract. Only SHA needed additional time with existing contractors.

DoIT recommends that the three contractors supporting SHA work be extended for three months. This limited work for SHA will be performed without increasing the contract ceiling. No new work, either with SHA or any other agency, will be permitted under this extension. The three-month extension will enable SHA to provide necessary maintenance and repair of two-way radio equipment while it issues new PORFPs under the Two-Way Radio 2013 Master Contract.

FUND SOURCE: Various

APPROP. CODE: Various

RESIDENT BUSINESS: Yes

TAX CLEARANCES: Communications Electronics 12-2550-1111
Mills Communications, Inc. 12-2557-1111
Two Way Radio Service, Inc. 12-2588-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT

Agency Contact:
Elliot Schlanger (410) 260-2994
Elliot.Schlanger@maryland.gov
Donna Ziegenhein (410) 260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Department of Information Technology

CONTRACT ID: Two Way Radio 2013:
Mobile Radio Equipment
Communications Consoles and Associated Equipment
Installation, Repair and Preventive Maintenance Services
eMaryland Solicitation No. MDF5031005326
ADPICS No.: 060B3490002

CONTRACT DESCRIPTION: Multiple awards, indefinite quantity, Purchase Order Request for Proposals (PORFP)-based Master Contract to provide mobile radio, communications consoles, and radio communications installation and communications maintenance services.

AWARD: See Page 15D

TERM: 1/1/2013 to 12/31/2018 (5 years)

AMOUNT: \$31,000,000

PROCUREMENT METHOD: Competitive Sealed Proposals

PROPOSALS: See Page 15D

MBE PARTICIPATION: 5%

INCUMBENTS: See Pages 16D-17D

REMARKS: A notice of the availability of the Request for Proposals was advertised on *eMarylandMarketplace.com* and the DoIT website. E-mail notice was delivered to all businesses identified as capable of delivering these services in the Maryland Department of Transportation's Minority Business Enterprise Directory and to seventeen minority business advocacy groups.

DoIT received 25 proposals. A total of 22 qualified offerors are recommended for award of a Master Contract; 17 are Maryland businesses, 7 are small businesses, and 2 are MBEs.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM 5-IT (Cont'd)

The Master Contract will succeed the current two-way radio master contract, which expires December 31, 2012.

The new Two-Way Radio Master Contract encompasses the following three functional areas:

- Functional Area I: Two-Way Radio Equipment
- Functional Area II: Communications Consoles and Associated Equipment
- Functional Area III: Installation, Repair and Preventive Maintenance Services

There will be a second level of competition through PORFP process for all two-way radio equipment and services. A PORFP will be sent to all Master Contractors within the appropriate functional area who are authorized to provide the hardware or services for the requested manufacturer's product line. For PORFPs designated as Small Business Reserve, only Master Contractors that are DGS-certified as small businesses will compete.

Functional Area III provides the only potential for subcontracting opportunities; an overall MBE subcontractor participation goal of 5% has been established for this Master Contract.

Master Contractors PORFP prices may not exceed the manufacturer's suggested retail price for the hardware being purchased. By use of the competitive PORFP process, prices should be lower than proposed Master Contract pricing.

This procurement vehicle was designed to provide State agencies with a wide selection of Master Contractors who offer an extensive variety of two-way radio equipment and services. State agencies will obtain two-way radio equipment, installation, repair and preventive maintenance services quickly and efficiently by issuing PORFPs specific to each agency's needs. This contracting vehicle is also available to local and county Maryland government jurisdictions.

Executive Branch agencies spent \$31 million on the five-year predecessor contract. Based on this, DoIT recommends that the ceiling of the successor contract be set at \$31 million. Should agencies anticipate spending in excess of this amount and have funding available to do so, DoIT will return to the Board of Public Works with a request to raise the ceiling threshold.

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM 5 -IT (Cont'd)

FUND SOURCE: Various
APPROP. CODE: Various
RESIDENT BUSINESS: See Attachment 1
MD TAX CLEARANCE: See Attachment 1

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN ✓

WITH DISCUSSION ✓

WITHOUT DISCUSSION

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT (Cont'd)

ATTACHMENT 1

AWARDEES

Company Name	MBE	SBR	MD	State	Control Number
ACG Systems			X	MD	12-2547-1111
Brekford Corp			X	MD	12-2548-1111
Brown's Communications, Inc.	X	X	X	MD	12-2549-1111
Comm-Lease, Inc. d/b/a CL Technologies		X	X	MD	12-2565-1111
Communications Electronics			X	MD	12-2550-1111
DiDonato Consulting Services			X	MD	12-2551-0111
EF Johnson Technologies				TX	12-2552-0001
Harris Corp				PA	12-2554-1011
Icom America, Inc.				WA	12-2868-1111
Knowledge Information Solutions, Inc.				VA	12-2555-1101
Metro Two Way & Tracking		X	X	MD	12-2556-1111
Mills Communications			X	MD	12-2557-1111
Motorola Solutions, Inc.			X	MD	12-2558-1111
MTC Communications			X	MD	
North Carroll Communications		X	X	MD	12-2559-1111
Procom	X	X	X	MD	12-2560-1111
Relm Wireless		X	X	FL	12-2869-0000
Skyline Network Engineering LLC d/b/a Skyline Technology Solutions			X	MD	12-2561-1111
Teltronic, Inc.			X	MD	12-2702-1111
Tessco Technologies			X	MD	12-2562-0111
Two Way Radio Service, Inc. d/b/a TWR Communications			X	MD	12-2588-1111
Waveband Communications, LLC			X	MD	12-2600-1111
Wireless Communications, Inc.		X	X	MD	12-2563-1111
Totals:	2	7	18		

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT (Cont'd)

ATTACHMENT 2

INCUMBENT CONTRACTORS

ACG Systems, Inc.
Annapolis, MD

ARINC, Inc.
Annapolis, MD

Black Box Network Services a/k/a Nu-Vision Technologies, LLC
Millersville, MD

Brekford Corp. (f/k/a Pelican Mobile)
Hanover, MD

Comm-Lease, Inc. d/b/a CL Technologies
Owings Mills, MD

Communications Electronics, Inc.
Timonium, MD

DiDonato Consulting Services, Inc.
Baltimore, MD

EF Johnson
Irving, TX

General Dynamics Information Technology, Inc.
Chesapeake, VA

Harris Corporation
Ellicott City, MD

ICOM America, Inc.
Bellevue, WA

Intellect Corporation
Baltimore, MD

Mills' Communications, Inc.
Westminister, MD

Motorola, Inc.
Columbia, MD

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 5-IT (Cont'd)

ATTACHMENT 2

INCUMBENT CONTRACTORS (Cont'd)

MTC Communications Inc.
Gaithersburg, MD

Procom Corporation
Annapolis Junction, MD

Skyline Technology Solutions
Eldersburg, MD

Televate, LLC
Falls Church, VA

Teltronic, Inc.
Beltsville, MD

Two-Way Radio Service, Inc.
Cumberland, MD

Wireless Communications, Inc.
Baltimore, MD

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 6-IT MOD

Agency Contact:
Joselyn Hopkins (410) 339-5013
jmhopkins@dpscs.state.md.us
Donna Ziegenhein (410) 260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Public Safety and Correctional Services

CONTRACT ID: Inmate Payphone Equipment and Services
DPSCS Q0012042
ADPICS CO No.: COE67447

CONTRACT APPROVED: DoIT Item 7-IT (12/21/2011)

CONTRACTOR: T-Netx/Securus Technologies

CONTRACT DESCRIPTION: Revenue-producing contract to provide payphone services to Department of Public Safety and Correctional Services inmates.

MODIFICATION DESCRIPTION: Extend contract by three months to allow for transition to new contract (see DoIT Item 7-IT on today's Agenda).

ORIGINAL CONTRACT TERM: 1/1/2012-12/31/2012

MODIFICATION TERM: 1/1/2013-3/31/2013

ORIGINAL CONTRACT AMOUNT: \$7,000,000 (estimated revenue)

MODIFICATION AMOUNT: \$ 583,000 (estimated revenue)

REVISED TOTAL CONTRACT AMOUNT: \$7,583,000

PERCENT +/- (THIS MODIFICATION): 8.3

OVERALL PERCENT +/-: 8.3

ORIGINAL PROCUREMENT METHOD: Sole Source

MBE PARTICIPATION: 0%

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 6-IT MOD (Cont'd)

REMARKS: This extension will allow continuation of the revenue-producing contract to provide payphone services to DPSCS inmates and time to transition to the new contract (which is proposed for award at DoIT Item 7-IT on today's Agenda). T-Netix a wholly-owned subsidiary of SECURUS Technologies has provided the required services for DPSCS since 2003.

FUND SOURCE: 100% Revenue

RESIDENT BUSINESS: No

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

**SUPPLEMENT D
 DEPARTMENT OF INFORMATION TECHNOLOGY
 ACTION AGENDA**

ITEM: 7-IT **Agency Contact:**
 Joselyn Hopkins (410) 339-5013
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 Donna Ziegenhein (410) 260-7627
Donna.Ziegenhein@maryland.gov

DEPARTMENT/PROGRAM: Public Safety & Correctional Services

CONTRACT ID: Inmate Payphone Equipment and Services
 DPSCS Q0013001; ADPICS No.: Q00B3400069

CONTRACT DESCRIPTION: *Request approval to award contract in face of protest.*
 Revenue-producing contract to provide local, long distance, debit/prepaid and collect telephone services to inmates in Department of Public Safety and Correctional Services facilities.

AWARD: Global Tel*Link (GTL)
 Reston, VA

TERM: 1/1/2013-12/31/2015 w/ 2 one-year renewal options

AMOUNT: Estimated Cost to Consumers
 \$ 21,675,393.36 (3 Years: Base Contract)
 \$ 7,225,131.12 (1 Year, 1st Renewal Option)
 \$ 7,225,131.12 (1 Year, 2nd Renewal Option)

Estimated Revenue to the State (Commission)
 \$ 17,496,545.60 (3 Years: Base Contract)
 \$ 5,832,181.00 (1 Year, 1st Renewal Option)
 \$ 5,832,181.00 (1 Year, 2nd Renewal Option)

PROCUREMENT METHOD: Competitive Sealed Proposals

PROPOSALS :

<u>Offeror</u>	<u>Technical Rank</u>	<u>Financial Offer/Rank</u>	<u>Overall Rank</u>
Global Tel*Link Reston, VA	1	3 year Cost to Consumer \$21,675,393.36 (1) 3 year Revenue to State \$17,496,545.60	1
Securus Technologies Dallas Texas	2	3 year Cost to Consumer \$22,943,317.77 (2) 3 year Revenue to State \$16,404,347.07	2

**SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 7-IT (Cont'd)

MBE PARTICIPATION: 19.92 %. [While the MBE subcontract goal is 10%, GTL proposed 19.92% MBE participation.]

INCUMBENT: T-Netx/Securus Technologies

REMARKS: A notice of availability of the Request for Proposal was advertised on *eMaryland Marketplace.com* and on the DPSCS website. Two proposals were received, both of which were determined to be reasonably susceptible of award. Award is recommended to Global Tel*Link (GTL). GTL was ranked number one overall with the higher technical offer and the lower financial offer. The RFP provided that technical factors be given equal weight with financial factors in the overall award determination.

This contract will result in a revenue-producing contract to provide local and long distance, debit/prepaid and collect telephone services to inmates incarcerated in correctional facilities within DPSCS. This contract will also provide for all new equipment and a state-of-the-art inmate telephone system that is user-friendly, controls fraud, and monitors data (calls) real-time through a web-based application.

GTL is the largest inmate telecommunications provider in the country with 58% of the Division of Corrections inmate market. GTL thoroughly demonstrated its ability to handle the State's inmate payphone equipment and services requirements.

Based on the estimated number of calls/minutes in FY 2012, awarding the contract to GTL will decrease costs to inmates and their families by \$5,809,7310.10 and an increase State revenue by approximately \$2,300,000 over the next three years.

On November 19, 2012, the incumbent, Securus Technologies, filed a protest against the award to GTL. DPSCS denied the protest on November 30, 2012.

Securus's appeal of DPSCS's denial was docketed at the Maryland State Board of Contract Appeals on December 5, 2012.

SUPPLEMENT D
DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA

ITEM: 7-IT (Cont'd)

DPSCS recommends award in pending the protest as "execution of the contract without delay is necessary to protect substantial State interests." See COMAR 21.10.02.11.A

The substantial State interests are:

- The new telephone system will significantly enhance public safety and institutional security in important ways.
 - For example, the GTL system will provide previously unavailable investigatory tools for law enforcement, homeland security and corrections officers, offering the State the ability to perform link charting, data mining and intelligence gathering in an efficient manner while using information beyond that contained in inmate telephone records.
 - GTL's Data IQ allows intelligence gathering that not only takes into account the inmate telephone calls but can also span other data sources ranging from financial transactions to visitation records. This analysis of multiple law enforcement databases will revolutionize the approach that the State uses in gathering actionable intelligence to safeguard Maryland residents, and will substantially increase the speed with which investigators can review large amounts of data and reduce staff time now dedicated to laborious investigative work.
 - Maryland will benefit from GTL's existing inmate telephone services in all of the Departments of Correction that border Maryland: Pennsylvania, New Jersey, Delaware, Washington DC, and Virginia DOC, in addition to the federal Bureau of Prisons. Information sharing among these agencies, available only through GTL's unified databases, will expand the State's intelligence gathering capabilities.
- The new contract will lower inmate telephone rates from existing levels to lower rates. In other states where call rates have been reduced (e.g., California, New York), call volumes have increased, thus increasing communication between the inmate and their friends and family. Increased communication enhances and promotes community re-entry and reduces recidivism.
- Increased revenue to the State.

**DEPARTMENT OF INFORMATION TECHNOLOGY
ACTION AGENDA**

ITEM: 7-IT (Cont'd)

- Approximately 20% of the expenditures will go to Maryland MBE and small businesses, a projected \$6.4 million in payments over the life of the contract.
- GTL will have a Baltimore-based office providing local service support.
- The GTL Focus platform is the most widely used platform in the United States corrections' marketplace, offering Maryland a reliable vendor with a widely adopted technology as well as opening potential data sharing opportunities with the many other states using the GTL platform.

FUND SOURCE: 100% Revenue

RESIDENT BUSINESS: No

MD TAX CLEARANCE: 12-2474-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION ✓

WITHOUT DISCUSSION

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BPW – 12/19/12

**DEPARTMENT OF TRANSPORTATION
ACTION AGENDA**

CONSTRUCTION CONTRACT

ITEM: 1-C

MARYLAND TRANSIT ADMINISTRATION

CONTRACT ID: Contract #T-1148-0640R
Kirk Bus Division Fire Protection Upgrades
Baltimore City
ADPICS NO.: T11480640R

CONTRACT DESCRIPTION: This Contract is for the installation of a new fire alarm system with addressable panels for the Maryland Transit Administration’s Kirk Avenue Bus Division Maintenance and Transportation Buildings. “Addressable panels” are more advanced than conventional panels, with greater information capacity and control flexibility. Addressable Fire Alarm Control Panels employ one or more Signaling Line Circuits (“SLC”). Each device on a SLC has its own address, and so the panel knows the state of each individual device connected to it.

AWARD: BFPE International, Inc.
Hanover, MD

TERM: 180 Calendar Days

AMOUNT: \$606,135

PROCUREMENT METHOD: Competitive Sealed Bidding

- BIDS:**
- BFPE International, Inc. \$606,135
Hanover, MD
 - Brawner Builders, Inc. \$639,035
Hunt Valley, MD
 - Kennedy Fire Protection \$701,000
Frederick, MD
 - Advanced Fire Protection Systems, LLC \$942,385
Glen Burnie, MD
 - Denver-Elek, Inc. \$951,935
Baltimore, MD

ITEM: 1-C (Continued)

BPW – 12/19/12

DBE PARTICIPATION: 38.7%

PERFORMANCE SECURITY: Performance Bond at 100% of Contract Amount.

REMARKS: The engineer's estimate for this contract was \$841,958.

This solicitation was advertised in eMaryland Marketplace and on MTA's Web Site. Sixty three (63) firms received bid packages; forty five (45) were Maryland firms. Five (5) bids were received.

The DBE goal established for this contract was 32%; however the Contractor is exceeding the goal by 6.7% for a total of 38.7%.

This contract is for all necessary material, labor, and other services needed for a fully operational code compliant Sprinkler and Fire Alarm system for Kirk Bus Division. The existing ADT fire alarm systems in the Kirk Avenue Bus Division Maintenance and Transportation Buildings will be demolished and replaced with one new addressable fire alarm system; new fire sprinkler systems will be provided, and a new underground fire service main.

FUND SOURCE: 80% Federal Funds Budgeted to MTA
20% Special Funds Budgeted to MTA

APPROPRIATION CODE: J05H0105

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2517-1111

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION		WITHOUT DISCUSSION	

Norie A. Calvert (410) 545-0433
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BPW – 12/19/12

**DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA**

ARCHITECTURAL/ENGINEERING SERVICES

ITEM: 2-AE

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: BCS 2011-01 A, BCS 2011-01 B
 Pavement Management Services, Statewide
 ADPICS NOS.: SBCS1101A, SBCS1101B

CONTRACT DESCRIPTION: These are two (2) of three (3) open-end task order contracts to provide pavement management services for the Highway Administration’s Office of Materials Technology/Pavement and Geotechnical Division.

PROCUREMENT METHOD: **Maryland Architectural and Engineering Services Act;** recommendation approved by the Transportation Professional Services Selection Board on December 6, 2012.

AWARDS: Whitney, Bailey, Cox & Magnani, LLC/
 Wallace, Montgomery & Associates, LLP (Contract A)
 Baltimore, MD

Applied Research Associates, Inc. (Contract B)
 Elkridge, MD

AMOUNT: \$3,000,000 each

TERM: Five (5) Years (ending December 18, 2017) each

DBE PARTICIPATION: 25% (Contract A)
 26.8% (Contract B)

PROPOSALS:

	<u>Technical Proposal Rating (Max 690)</u>	<u>Technical Ranking</u>	<u>Negotiated Price</u>
Whitney, Bailey, Cox & Magnani, LLC/ Wallace, Montgomery & Associates, LLP Baltimore, Maryland	483	1	\$3,000,000
Applied Research Associates, Inc. Elkridge, Maryland	475	2	\$3,000,000

ITEM: 2-AE (Continued)

BPW – 12/19/12

PROPOSALS (Cont.):

	<u>Technical Proposal Rating (Max 690)</u>	<u>Technical Ranking</u>	<u>Negotiated Price</u>
AMEC, Inc. Beltsville, MD	475	3	Contract C
Axiom Decision Systems, Inc. Ellicott City, MD	398	4	N/A
Kercher Engineering, Inc. Bel Air, MD	324	5	N/A

REMARKS: The Consultant shall provide services to supplement the Pavement Division staff which may include, but not be limited to: provide support and enhancement of our current pavement management system, development of data processing and retrieval routines, development of software applications, development of pavement models, development of optimization routines and special studies related to pavement and asset management.

The goal established for this contract was 25%. For Contract BCS 2011-01 B the contractor, Applied Research Associates, Inc., exceeds the goal by 1.8% for a total of 26.8%.

The solicitation was advertised in The Daily Record, eMaryland Marketplace and SHA web page. A total of five (5) engineering consultant firms submitted technical proposals for this project, of which all are Maryland firms.

Each contract includes a provision authorizing an extension for up to one-third of the original term to spend funds remaining on the contract as provided in Revised Board Advisory 1995-1.

FUND SOURCE: Federal and Special Funds Budgeted to SHA

APPROPRIATION CODE: B0101

MD TAX CLEARANCE: 12-2711-1111 Whitney, Bailey, Cox & Magnani, LLC/Wallace, Montgomery & Associates, LLP
12-2713-0111 Applied Research Associates, Inc.

RESIDENT BUSINESSES: Yes

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

APPROVED **DISAPPROVED** **DEFERRED** **WITHDRAWN**
 WITH DISCUSSION **WITHOUT DISCUSSION**

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BPW - 12/19/12

**DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA**

CONTRACT MODIFICATION: (Architectural/Engineering)

ITEM: 3-AE-MOD

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: See Attachment I
 ADPICS NO.: See Attachment

ORIGINAL CONTRACT APPROVED: See Attachment I

ORIGINAL PROCUREMENT METHOD: **Maryland Architectural and Engineering Services Act**

CONTRACTOR: See Attachment I

MODIFICATION: Retro-active approval is being requested for 106 contracts detailed in the attached listing. These contracts had work assigned that was not authorized under the contract for which approval of a formal contract modification should have been obtained from the Board of Public Works. No additional funds are being requested.

TERM: See Attachment I

AMOUNT: \$0

ORIGINAL CONTRACT AMOUNT: See Attachment I

REVISED CONTRACT AMOUNT: See Attachment I

PERCENTAGE INCREASE: 0%

DBE PARTICIPATION: See Attachment I

REMARKS: State Highway Administration (SHA) is responsible for all Maryland numbered highways, with the exception of those within Baltimore City. This includes designing and constructing roadways, managing traffic safety programs, responding to emergencies including severe weather events, crashes and other incidents, and managing the federal-aid highway program. To facilitate this effort, contracts are procured with Consultant firms who can provide expertise and resources unavailable at SHA.

As a result of a Legislative audit released in July, 2011, SHA has been evaluating and revising the A/E procurement process to better support the business needs of the organization.

ITEM: 3-AE-MOD (Continued)

BPW – 12/19/12

This agenda item requests retro-active approval for 106 contracts that involved tasks that were outside of the originally contracted scope of services. There are over 63 different vendors performing the work on these 106 contracts, which were procured to provide services such as: environmental and storm water management; traffic standards and design; and engineering services. All identified tasks have been discontinued or appropriately re-assigned.

The following attachment provides:

- 1) a description of the contract;
- 2) the firm awarded the contract;
- 3) the original BPW approval date;
- 4) the contract expiration date;
- 5) the original MBE/DBE goal
- 6) the task amount;
- 7) the reason for the task being identified (GEO=Geographic location, TEC= Technical nature of work, IT=Information Technology)

FUND SOURCE: Federal and Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0101

RESIDENT BUSINESS: Yes

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

APPROVED
 DISAPPROVED
 DEFERRED
 WITHDRAWN
 WITH DISCUSSION ✓ **WITHOUT DISCUSSION**

ATTACHMENT I

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
SBCS0003C	Field Surveys for Project Planning	STV, Inc.	08-AE 11/14/01	12/01/2011	15	\$36,081.00		X	
SBCS0006C	Engineering & Environmental Services	URS Corporation	01-AE 05/09/01	12/07/2009	15	\$11,631.00		X	X
SBCS0006G	Engineering & Environmental Services	McCormick Taylor	01-AE 05/09/01	05/01/2009	15	\$10,207.00		X	
SBCS0022K	Survey & Engineering – District 6	McCormick, Taylor	03-AE 06/13/01	06/20/2008	15	\$48,031.00	X		
SBCS0022L	Survey & Engineering – District 6	Kennedy, Porter	12-AE 02/21/01	03/09/2011	15	\$199,920.00	X		
SBCS0104E	Traffic Engineering – District 6	McCormick, Taylor	10-AE 09/19/01	09/19/2009	15	\$16,200.00	X		
SBCS0104H	Traffic Engineering – District 4	Sabra, Wang & Assoc.	10-AE 09/19/01	12/31/2009	15	\$127,028.00	X	X	
SBCS0104J	Traffic Engineering – District 4	Traffic Group	13-AE 10/24/01	12/31/2009	15	\$289,553.00	X	X	
SBCS0108F	Noise Analysis & Barriers	RK&K	12-AE 09/19/01	03/15/2012	15	\$435,828.00		X	
						\$124,687.24		X	
						\$90,000.00		X	
SBCS0110A	Preliminary & Final Engineering Design	Whitman, Requardt	14-AE 10/24/01	08/03/2009	15	\$112,705.00			
SBCS0110C	Preliminary & Final Engineering Design	Gannett Fleming/PB	11-AE 11/14/01	11/30/2005	15	\$37,048.00		X	
SBCS0110F	Preliminary & Final Engineering Design	Century/Hurst Rosche	05-AE 02/27/02	03/31/2006	15	\$5,390.00		X	
						\$4,000.00		X	
						\$31,516.00		X	
						\$11,675.00		X	
SBCS0110N	Preliminary & Final Engineering Design	AMT/EBA/Alpha	07-AE 01/23/02	08/03/2009	15	\$210,888.00		X	X
SBCS0205A	Environmental Analysis & NEPA/MEPA	KCI Technologies	13-AE 07/24/02	08/01/2011	21	\$25,432.00		X	
SBCS0205C	Environmental Analysis & NEPA/MEPA	JMT	13-AE 09/18/02	11/14/2011	21	\$170,083.00		X	
SBCS0205D	Environmental Analysis & NEPA/MEPA	PB/RK&K	13-AE 07/24/02	08/01/2007	21	\$14,799.00		X	
SBCS0205G	Environmental Analysis & NEPA/MEPA	Jacobs Civil	15-AE 08/07/02	12/10/2010	21	\$908,890.00		X	112

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
SBCS0205H	Environmental Analysis & NEPA/MEPA	Greenhorne/STV	15-AE 08/07/02	11/07/2011	21	\$85,337.00		X	
SBCS0206E	Traffic Engineering – District 5	RK&K	04-AE 02/19/03	04/08/2010	17.7	\$121,047.00	X		
SBCS0207A	Survey & Engineering – District 2	Century Engineering	02-AE 10/30/02	11/01/2005	18.9	\$9,763.00	X		
SBCS0217B	Engineering & Environmental Services	Century/KCI	09-AE 03/19/03	04/30/2011	24	\$33,449.00		X	X
						\$40,000.00		X	X
						\$18,873.00		X	X
SBCS0217F	Engineering & Environmental Services	PB Americas	05-AE 04/30/03	11/07/2009	24	\$17,641.00		X	
SBCS0301E	Survey & Engineering – District 7	Nolan Associates	06-AE 08/20/03	11/01/2009	21.5	\$1,463.00	X		
SBCS0308A	PP, Preliminary & Final Engineering	WBCM/Century	06-AE 12/17/03	04/13/2012	22	\$177,480.00		X	
						\$15,424.00		X	
						\$132,910.00	X	X	X
						\$22,584.00		X	
						\$10,195.00		X	
						\$8,846.00		X	
						\$8,846.00		X	
						\$30,798.00		X	
						\$9,491.00		X	
SBCS0308B	PP, Preliminary & Final Engineering	Jacobs Civil/KCI	06-AE 12/17/03	04/13/2012	22	\$493,832.00		X	
						\$43,971.00		X	
						\$15,878.00		X	
						\$34,046.00		X	
						\$300,000.00		X	
						\$32,179.00		X	X
SBCS0308C	PP, Preliminary & Final Engineering	RK&K/WTB/URS	06-AE 12/17/03	04/06/2012	22	\$977,416.72		X	
						\$90,940.00		X	
						\$45,887.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$32,920.00		X	
						\$923,180.00	X	X	
						\$44,000.00		X	
						\$80,000.00		X	X
						\$116,866.00		X	
SBCS0308D	PP, Preliminary & Final Engineering	JMT/Whitman, Requardt	06-AE 12/17/03	04/30/2012	22	\$12,427.00		X	
						\$25,186.00		X	
SBCS0319D	Stormwater Mgmt & E/S Control	Wallace, Montgomery/AMT	07-AE 05/19/04	05/31/2009	18	\$4,250.00		X	
SBCS0404D	Traffic Engineering – District 7	JMT	06-AE 02/02/05	02/28/2010	20	\$75,924.00	X		
SBCS0405C	Construction Inspection D-6	E2SI/WBCM	12-AE 09/22/04	10/01/2007	22	\$20,000.00	X		
SBCS0412B	Air Quality & Noise Analysis	RK&K	10-AE 12/15/04	12/31/2008	20	\$115,000.00		X	
SBCS0413B	Hazardous Waste Assessment/Analysis	Tidewater, Inc	13-AE 08/31/05	08/31/2011	15	\$116,130.00	X	X	
SBCS0415A	Natural Environmental Inventories	KCI Technologies	03-AE 01/18/06	03/09/2011	25	\$12,263.00		X	
						\$91,372.00		X	
						\$109,186.00		X	
						\$20,669.00		X	
						\$4,652.00		X	
						\$37,656.00		X	
SBCS0415C	Natural Environmental Inventories	Century/Biohabitats	05-AE 12/14/05	02/18/2011	25	\$97,725.00		X	
SBCS0505A	Engineering & Environmental Services	McCormick Taylor	07-AE 02/18/06	04/18/2011	21	\$153,000.00		X	
						\$136,900.00		X	
SBCS0505C	Engineering & Environmental Services	Century Engineering	08-AE 03/15/06	05/02/2012	21	\$38,000.00		X	X
						\$112,000.00		X	
						\$136,423.00		X	
SBCS0505E	Engineering & Environmental Services	KCI Technologies	03-AE 06/21/06	06/01/2012	21	\$50,104.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
SBCS0505F	Engineering & Environmental Services	RK&K	09-AE 05/17/06	05/17/2006	21	\$154,692.00		X	
SBCS0505G	Engineering & Environmental Services	Gannett/WBCM	09-AE 05/17/06	06/30/2011	21	\$137,000.00		X	
SBCS0505I	Engineering & Environmental Services	Jacobs Civil	03-AE 06/21/06	06/28/2012	21	\$61,676.00		X	
SBCS0506C	NPDES Services	Greenman-Pedersen	04-AE 06/21/06	07/14/2011	21	\$237,556.00		X	
						\$51,615.00			X
SBCS0506E	NPDES Services	Greenhorne & O'Mara	13-AE 09/20/06	03/01/2013	21	\$74,535.00		X	
						\$50,000.00		X	
SBCS0508A	Traffic Engineering – District 1	Brudis & Associates	09-AE 05/17/06	06/03/2011	20	\$59,371.00	X	X	
						\$76,852.00	X	X	
						\$65,295.00	X	X	
						\$32,316.00	X	X	
						\$58,402.00	X	X	
						\$4,170.00	X	X	
						\$14,700.00	X	X	
						\$78,662.00	X		
						\$90,439.00	X	X	
						\$21,009.00	X	X	
						\$81,056.00	X	X	
SBCS0508B	Traffic Engineering – District 1	Century Engineering	09-AE 05/17/06	06/09/2011	20	\$91,627.00	X	X	
						\$5,143.00	X	X	
						\$21,215.00	X		
						\$98,663.00	X		
						\$14,700.00	X	X	
						\$23,500.00	X		
						\$98,560.00	X	X	
						\$99,245.00	X		
						\$99,245.00	X		

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/ DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$90,259.00	X		
						\$99,612.00	X		
						\$8,700.00	X		
SBCS0508C	Traffic Engineering – District 4	WBCM/Edwards & Keicey	11-AE 04/19/06	08/11/2011	20	\$56,112.00	X		
SBCS0512A	Wetland Mitigation Design	Biohabitats/ McCormick	08-AE 02/15/06	07/06/2011	21	\$102,143.36		X	
SBCS0513A	Preliminary & Final Engineering Design	Wallace, Montgomery	08-AE 03/21/07	09/01/2013	22	\$92,030.00	X	X	
						\$8,833.00		X	
						\$498,620.00		X	
						\$86,291.00	X		
SBCS0513C	Preliminary & Final Engineering Design	RK&K	04-AE 04/18/07	10/01/2013	22	\$200,963.00		X	
						\$34,554.00		X	
						\$31,777.00		X	
						\$367,406.00		X	
						\$54,278.00		X	
						\$83,068.00		X	
SBCS0513E	Preliminary & Final Engineering Design	McCormick Taylor	08-AE 03/21/07	09/01/2013	22	\$194,258.00		X	X
						\$21,346.00		X	X
SBCS0513H	Preliminary & Final Engineering Design	URS Corporation	03-AE 05/23/07	05/01/2013	22	\$75,000.00	X	X	
						\$300,000.00	X		
SBCS0513I	Preliminary & Final Engineering Design	STV/WBCM	04-AE 04/18/07	10/01/2013	22	\$1,933.00		X	X
SBCS0513J	Preliminary & Final Engineering Design	Wilson T. Ballard Co.	06-AE 04/18/07	10/01/2013	22	\$161,000.00	X		
SBCS0513K	Preliminary & Final Engineering Design	AMT/HNTB	06-AE 04/18/07	10/01/2013	22	\$52,148.00	X		
						\$52,148.00	X		
SBCS0517A	Survey & Engineering – District 1	KCI Technologies	15-AE 09/20/06	09/01/2011	23	\$97,369.00	X	X	
						\$29,234.00	X	X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
SBCS0517B	Survey & Engineering – District 1	DMJM+Harris	15-AE 09/20/06	09/01/2011	23	\$125,333.00	X		
						\$28,231.00	X	X	
						\$35,987.00	X		
						\$20,422.00	X		
						\$9,606.00	X	X	
SBCS0517I	Survey & Engineering – District 5	HNTB/EBA	10-AE 10/18/06	12/31/2011	23	\$46,989.30	X	X	
						\$35,975.89	X	X	
SBCS0517L	Survey & Engineering – District 7	Nolan Associates	11-AE 07/26/06	07/01/2013	23	\$44,176.00	X		
SBCS0517N	Survey & Engineering – District 7	Wallace, Montgomery	14-AE 09/20/06	09/01/2011	23	\$85,760.00	X		
SBCS0520A	Construction Inspection D-4	RK&K	5-AE 06/21/06	06/01/2010	23	\$40,000.00	X	X	
						\$200,000.00	X		X
SBCS0520C	Construction Inspection D-3	Indam Engineering	5-AE 06/21/06	09/15/2011	23	\$500,000.00	X		
						\$400,000.00	X		
SBCS0520D	Construction Inspection D-3	WMA/GPI	12-AE 7/26/06	08/19/2011	23	\$100,000	X		
						\$200,000.00	X		
SBCS0520E	Construction Inspection D-3	WBCM/Century	12-AE 10/18/06	07/25/2012	23	\$300,000.00	X		
						\$300,000.00	X		
						\$175,000.00	X		
						\$175,000.00	X		
SBCS0520F	Construction Inspection D-5	JMT	12-AE 10/18/06	11/23/2011	23	\$200,000.00	X		
SBCS0520G	Construction Inspection D-5	Century/DFI	07-AE 08/30/06	10/13/2011	23	\$200,000.00	X		
SBCS0521F	Engineering Support Services – District 7	DFI/Gannett Fleming	13-AE 07/26/06	09/30/2010	24	\$40,000.00	X		
SBCS0601B	Engineering Design & Support Services	JMT	13-AE 11/15/06	12/08/2010	25	\$43,061.00		X	
						\$53,717.00		X	
						\$49,902.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/ DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$21,140.00		X	
						\$40,583.00		X	
						\$29,406.00		X	
						\$54,225.00		X	
						\$13,058.00		X	
SBCS0605A	Geotechnical Engineering	Schnabel Associates	02-AE 10/17/07	06/01/2013	20	\$82,470.00		X	
SBCS0609A	Traffic Engr. Analysis & Design	WRA/Century	15-AE 10/18/06	04/29/2011	20	\$58,445.00		X	X
SBCS0609B	Traffic Engr. Analysis & Design	G&O/Wallace	15-AE 10/18/06	04/29/2011	20	\$48,351.00		X	
SBCS0609C	Traffic Engr. Analysis & Design	RK&K	15-AE 10/18/06	04/29/2011	20	\$48,916.00		X	
						\$59,993.00		X	
						\$24,970.00		X	
SBCS0614A	Material Engineering & Testing Services	EBA Engineering	07-AE 05/20/09	05/01/2013	21	\$20,670.00		X	
SBCS0615A	Construction Mgmt & Inspection D-3	JMT/Alpha	02-AE 12/17/08	12/01/2013	24	\$40,000.00	X		
						\$800,000.00	X		
SBCS0615B	Construction Inspection D-3	RK&K/KCI	08-AE 10/15/08	10/01/2013	24	\$150,000.00		X	X
						\$1,600,000.00	X		
SBCS0616B	Traffic Design Standards & Research	RAM/Sabra	03-AE 08/20/08	08/01/2013	20	\$60,000.00		X	
						\$55,247.00		X	
						\$30,302.00		X	
SBCS0617A	SWM & E/S Control Review	Wallace, Montgomery/AMT	04-AE 01/30/08	07/01/2013	18	\$244,802.00		X	
SBCS0618A	Envir. Engr. Compliance, Remediation	EA Engineering	04-AE 02/27/08	02/01/2013	25	\$4,172.00		X	
SBCS0618B	Envir. Engr. Compliance, Remediation	Earth Resources	05-AE 03/12/08	03/01/2013	25	\$74,679.00		X	X
SBCS0619D	Engineering Support & Constr. Mgmt	Wallace, Montgomery/ Dewberry	09-AE 05/21/08	05/01/2013	24	\$8,031.00		X	
SBCS0620	Structural Engineering Design & Shop Drawings	Century/Sabra	07-AE 04/30/08	06/01/2012	24	\$32,033.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$50,001.00		X	
SBCS0704B	Survey & Engineering – District 4	McCormick, Taylor	06-AE 01/30/08	01/02/2013	23	\$45,017.00	X		
						\$6,167.00	X	X	
SBCS0704C	Survey & Engineering – District 4	JMT	07-AE 02/27/08	02/01/2013	23	\$39,961.00	X		
						\$41,958.00	X	X	
						\$49,638.92	X	X	
SBCS0704F	Survey & Engineering – District 4	STV, Inc.	07-AE 02/27/08	02/01/2013	23	\$50,000.00	X		
SBCS0704G	Traffic Engineering – District 6	WBCM	06-AE 03/12/08	09/18/2009	15	\$21,124.00	X		
SBCS0705B	Traffic Engineering – District 2	Kittelson & Associates	06-AE 06/25/08	12/01/2013	21	\$98,811.00	X	X	
						\$24,534.00	X		
						\$22,374.00	X		
SBCS0705I	Traffic Engineering – District 6	Parsons Brinckerhoff	05-AE 06/25/08	10/01/2013	21	\$57,340.00	X		
SBCS0706C	ITS Services for CHART	DANIEL/ICS/DMJM	12-AE 05/21/08	11/01/2013	23	\$98,246.00		X	
SBCS0707D	Survey & Engineering – District 3	RK&K	04-AE 07/16/08	10/01/2013	23	\$82,825.00	X	X	
						\$30,502.00	X		
						\$165,996.00	X	X	
SBCS0707H	Survey & Engineering – District 3	Century Engineering	04-AE 11/19/08	11/01/2013	23	\$139,893.00	X	X	
						\$234,377.00	X		
						\$189,610.00	X		
SBCS0707J	Survey & Engineering – District 5	Wallace, Montgomery	10-AE 04/30/08	04/01/2012	23	\$44,764.00	X		
SBCS0707K	Survey & Engineering – District 5	Wilson T. Ballard Co.	13-AE 05/21/08	05/01/2013	23	\$286,240.00	X		
SBCS0708B	Emergency Bridge Repair/Rehabilitation	RK&K	28-AE 10/15/08	04/01/2014	22	\$50,955.00		X	
SBCS0708D	Emergency Bridge Repair/Rehabilitation	Wallace, Montgomery	03-AE 08/20/08	02/01/2014	22	\$33,154.00		X	
SBCS0711A	Mechanical/Electrical Engineering	JMT	03-AE 11/18/09	11/01/2014	25	\$236,981.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/ DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$77,846.00		X	
SBCS0711B	Mechanical/Electrical Engineering	URS Corporation	03-AE 10/21/09	10/01/2014	25	\$30,670.00		X	
						\$299,945.00		X	
						\$275,611.00		X	
SBCS0712	Engineering Support Services – District 1	WMA/GPI	07-AE 01/30/08	07/01/2013	24	\$157,710.00	X		
SBCS0716B	Construction Inspection D-2	KCI/WMA	05-AE 12/17/08	06/01/2013	25	\$200,000.00	X		
SBCS0722D	Manual & Machine Traffic Counts	A.Morton Thomas	11-AE 10/15/08	10/01/2013	25	\$158,000.00	X	X	
SBCS0802C	Construction Inspection for Traffic Control Devices	Greenhorne & O'Mara	14-AE 02/24/10	02/01/2015	20	\$58,500		X	
SBCS0805A	Traffic Engineering Design	Sabra/STV	05-AE 02/18/09	02/01/2014	25	\$72,848.00		X	X
SBCS0815A	Construction Claims Review & Analysis – District 4	JMT	08-AE 06/17/09	06/01/2014	20	\$68,183.00	X	X	
SBCS0901B	Supplemental Engr. Support D-4	WRA/JMT	10-AE 06/17/09	06/01/2014	27	\$60,179.57		X	
SBCS0902D	Construction Inspection D-1	WBCM/GPI	08-AE 09/16/09	09/01/2014	25	\$180,000.00	X		
SBCS0903A	Bridge Design	Wallace, Montgomery	06-AE 04/21/10	04/01/2015	25	\$72,865.00		X	
						\$299,156.00		X	
SBCS0903D	Bridge Design	Whitman, Requardt	04-AE 07/28/10	07/01/2015	25	\$160,380.00		X	
						\$33,349.00		X	
SBCS0903H	Bridge Design	Brudis & Associates	03-AE 05/19/10	05/01/2015	25	\$206,895.00	X	X	
SBCS0905C	Underwater Bridge Inspection	URS Corporation	02-AE 01/20/10	01/02/2015	20	\$75,500.00		X	
						\$36,300.00		X	
						\$70,300.00		X	
						\$3,609.00		X	
						\$6,337.00		X	
						\$11,424.00		X	
						\$6,887.00		X	

ADPICS #	DESCRIPTION	FIRM	Original BPW & Approval	Exp. Date	MBE/ DBE GOAL %	TASK AMOUNT	GEO	TEC	IT
						\$5,886.00		X	

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BPW – 12/19/12

DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA

MAINTENANCE CONTRACT

ITEM: 4-M

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: 424D51415
 Roadway and Shoulder Maintenance at Various
 Locations in Anne Arundel, Calvert, Charles &
 St. Mary's Counties
 ADPICS NO.: 424D51415

CONTRACT DESCRIPTION: This Contract consists of roadway & shoulder maintenance at various locations in Anne Arundel, Calvert, Charles & St. Mary's Counties.

AWARD: Brawner Builders, Inc.
 Hunt Valley, MD

AMOUNT: \$2,795,146 NTE

TERM OF CONTRACT: 01/02/13-12/31/15

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS:

Brawner Builders, Inc. Hunt Valley, MD	\$2,795,146
Allied Contractors, Inc. Baltimore, MD	\$3,392,027
Covington Machine & Welding, Inc. Annapolis, MD	\$3,414,538

MBE PARTICIPATION: 2%

PERFORMANCE SECURITY: Payment and Performance Bonds for 100% of Contract Amount.

REMARKS: The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. Fifty (50) contractors were notified for this project on eMaryland Marketplace; Eleven (11) of which were MDOT Certified MBE's.

ITEM: 4-M (Continued)

BPW – 12/19/12

The contract award includes \$150,000 of non-bid items for specialized subcontracting (\$20,000), specialized equipment (\$25,000), and material allowances (\$105,000) for a total of 5.36%.

FUND SOURCE: 100% Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0102

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2431-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

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BPW – 12/19/12

DEPARTMENT OF TRANSPORTATION
 ACTION AGENDA

MAINTENANCE CONTRACT

ITEM: 5-M

STATE HIGHWAY ADMINISTRATION

CONTRACT ID: 4770051415
 Install, Repair or Replace Traffic Barriers at
 Various Locations in Calvert, Charles & St.
 Mary's Counties
 ADPICS NO.: 4770051415

CONTRACT DESCRIPTION: This Contract consists of installation, repair or replacement of traffic barriers at various locations in Calvert, Charles & St. Mary's Counties.

AWARD: Chesapeake Guardrails – A Division of
 PDI-Sheetz
 Linthicum, MD

AMOUNT: \$719,460 NTE

TERM OF CONTRACT: 01/02/13-12/31/15

PROCUREMENT METHOD: Competitive Sealed Bidding

BIDS:

Chesapeake Guardrails – A Division of PDI-Sheetz Linthicum, MD	\$719,460
L. S. Lee, Inc. York, PA	\$791,115
Long Fence Co., Inc. Capitol Heights, MD	\$874,015
Guardrails Etc., Inc. Baltimore, MD	\$982,510

MBE PARTICIPATION: 0% (Single Element of Work)

PERFORMANCE SECURITY: Payment and Performance Bonds for 100% of
 Contract Amount.

ITEM: 5-M (Continued)

BPW – 12/19/12

REMARKS: The Solicitation was advertised on eMaryland Marketplace and SHA's Internet Web Page. Seventy Nine (79) contractors were notified for this project on eMaryland Marketplace; Twenty Two (22) of which were MDOT Certified MBE's.

FUND SOURCE: 100% Special Funds Budgeted to SHA

APPROPRIATION CODE: J02B0102

RESIDENT BUSINESS: Yes

MD TAX CLEARANCE: 12-2433-1110

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION	WITHOUT DISCUSSION		

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BPW – 12/19/12

**DEPARTMENT OF TRANSPORTATION
ACTION AGENDA**

GENERAL/MISCELLANEOUS

ITEM: 6-GM

MARYLAND AVIATION ADMINISTRATION

NATURE OF REQUEST: Request to: 1) approve a Domestic Standard Promotional Contract for Conduct of Commercial Flight Operations (CFO) and Lease of Space at BWI Marshall; and 2) delegate to the Maryland Aviation Administration (MAA) the authority to enter into such contracts with airlines to support new domestic air service at BWI Marshall.

CONTRACTOR: Airlines introducing new air service to certain domestic markets (lower 48 states) from BWI Marshall.

REVENUE: Airlines will not be required to pay Administration-established Airport use fees and charges during the term of the promotional contract provided that minimum schedule frequencies for specific markets as referenced in each contract are maintained.

The waived charges for new entrant carriers include landing fees, aircraft parking fees, baggage system, ticket counter, holdroom/boarding device, office space and operations space. Incumbent carriers' landing and baggage claim fees for the new market service will be waived. The waived space rentals, landing fees, and use fees (adjusted annually) per the current Tenant Directive 401.1 are:

	New Entrant (Non-Signatory)	Incumbent Carrier (Signatory)
Landing Fees, per 1000 lbs. of landed weight:	\$4.98	\$3.98
Ticket Counter, per square foot per annum:	\$171.33	N/A
Ticket Counter Queue Space, per sq. ft. per annum:	\$34.26	N/A
Hold Room, per square foot per annum:	\$128.49	N/A
Office, public access per square foot per annum:	\$128.49	N/A
Operations, per square foot per annum:	\$102.80	N/A
Bag Make-up space, per square foot per annum:	\$85.66	N/A
Baggage Claim 80/20 Formula:	\$1.64/deplaned pax	\$0.82/deplaned pax
Aircraft Parking, per day:	\$82 - \$112	N/A

The Airlines will comply with Passenger Facility Charge (PFC) Regulations and submit PFC revenues to the Administration.

DURATION: Maximum term of two (2) years

ITEM: 6-GM (Continued)

BPW – 12/19/12

REMARKS: This type of revenue-producing contract at a transportation facility is outside the scope of the State Procurement Law. See State Finance and Procurement Article, Section 11-202(3); COMAR 21.01.03.03.B(1)(d). However, the agreement must be approved by the Board of Public Works because the agreement constitutes a use and lease of State property under State Finance and Procurement Article, Section 10-305.

To attract new domestic (lower 48 States) air service, MAA offers an incentive program to air carriers that commence non-stop service to critical airports not currently served from BWI Marshall. Service frequency guidelines require that the new service operate at least six (6) days weekly and may be seasonal with at least four (4) months service during each year.

The new Domestic Standard Promotional Contract for Conduct of Commercial Flight Operations and Lease of Space complements the Standard Promotional Contract for Conduct of Commercial Flight Operations and Lease of Space for International service that was approved by the Board of Public Works as DOT/MAA Item 16-GM on May 23, 2012. The new Domestic Standard Promotional Contract has a maximum two-year term and provides for the waiver of all Airport use fees and charges during the entire contract term for new entrant carriers and provides a waiver of landing fees and the 80% portion of the 80/20 formula baggage claim fees for incumbent carriers already operating at BWI Marshall. New entrant carriers are offered a one-year term which may be extended another year if the new market is not currently served from BWI Marshall and is a top one hundred origin and destination market, as defined by the US DOT T-100 survey, or if the service is an addition of year-round service to a market that currently operates only seasonally from BWI Marshall. Incumbent airlines are offered a two-year promotional term for providing service to a market in the top one hundred origin and destination markets not currently served from BWI Marshall.

In the event MAA changes any provision in the Domestic Standard Promotional Contract for Conduct of Commercial Flight Operations and Lease of Space, MAA will present the resulting contract to the Board of Public Works for its approval. If the Domestic Standard Promotional Contract for Conduct of Commercial Flight Operations and Lease of Space is used, the MAA is delegated the authority to enter into the contract without Board approval.

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

APPROVED	DISAPPROVED	DEFERRED	WITHDRAWN
WITH DISCUSSION	WITHOUT DISCUSSION		

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BPW – 12/19/12
SUPPLEMENTAL

**DEPARTMENT OF TRANSPORTATION
ACTION AGENDA**

GENERAL/MISCELLANEOUS

ITEM: 7-LL

MARYLAND AVIATION ADMINISTRATION:

CONTRACT ID: MAA-LC-13-030

NATURE OF REQUEST: Approval of a Lease Contract for the lease of land and facilities to Lessee for the right and privilege to operate and manage the leased premises for certain recreational uses in the public interest at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall).

CONTRACTOR: Gill/Kardash Partnership, LLC
Glen Burnie, Maryland

REVENUE: A Land Rental and Facility Rental Fee of \$91,716.00 per annum, which is based upon a fair market appraisal, for 19.76 acres of land. The Land Rental and Facility Rental Fee shall be adjusted every five (5) years at the same rate as any percentage increase in the Consumer Price Index for all urban consumers for the Baltimore-Washington, DC-MD-VA-WV areas.

DURATION: A term of fifteen (15) years, commencing January 1, 2013 and ending December 31, 2027.

ACDBE PARTICIPATION: 0%

REMARKS: The leased premises are designated by MAA for the overflight of aircraft using runway 33L and MAA has determined that the simultaneous use of the area for a recreational use is compatible with MAA's use. Lessee shall be permitted to use the leased premises for such recreational uses and to develop same as 1) a golf driving range, 2) miniature golf courses, 3) volleyball courts, 4) horseshoe pitching, 5) batting cages and any other similar athletic and recreational activity approved in advance by MAA. Lessee shall be responsible for all costs and expenses associated with the operation and maintenance of the leased premises including any improvements thereon, and Lessee shall be responsible for all costs and expenses associated with all utilities including the connection thereof. MAA previously leased this property to Anne Arundel County, Maryland as approved by the Board of Public Works on December 23, 1992, item 14-GM. Anne Arundel County then subleased the property to Privatization Plus, Inc. and then to Gill/Kardash Partnership, LLC.

ITEM: 7-LL (continued)

BPW-12/19/12

SUPPLEMENTAL

This type of revenue-producing contract at a transportation facility is outside the scope of State Procurement Law. See State Finance and Procurement Article, Section 11-202(3); COMAR 21.01.03.03.B(1)(d). However, the contract must be approved by the Board of Public Works because the Contract constitutes the lease and use of State property under State Finance and Procurement Article, Section 10-305.

MD TAX CLEARANCE

12-2849-1111

RESIDENT BUSINESS

Yes

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

A/E SERVICE CONTRACT MODIFICATION

ITEM 1-AE-MOD (2nd Revision)

**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

Youth Detention Center
Baltimore, MD

CONTRACT NO. & TITLE

Contract No. KT-000-090-D01;
Youth Detention Center, Baltimore City.
ADPICS NO. COE68275

ORIGINAL CONTRACT APPROVED

DGS/BPW Agenda 11/19/08; Item 4-AE

CONTRACTOR

PSA-Dewberry + Penza Bailey Architects,
Joint Venture
Baltimore, MD

CONTRACT DESCRIPTION

This project will provide for a new 180-bed facility for youthful offender detainees, consisting of four (4) stories, 184,797 GSF, above grade housing and support services and one parking/service level, 29,783 GSF, below grade with site work and utilities. This stand-alone facility will provide sight and sound separation from the adult offenders population as required by the U.S. Department of Justice.

MODIFICATION DESCRIPTION

This retroactive modification is for additional design services to provide below-grade power related utility services and equipment under the State acquired Graves St, including a curtain wall to support structures at the location, distributed antenna and intercom system and work needed to apply for BGE Smart Energy savings.

TERM OF ORIGINAL CONTRACT

11/13/2008-10/13/2013

TERM OF MODIFICATION

08/01/2012-10/13/2013

ORIGINAL CONTRACT AMOUNT

\$7,595,347.35

AMOUNT OF MODIFICATION

\$418,933.76

PRIOR MODIFICATIONS/OPTIONS

\$87,659.82

REVISED TOTAL CONTRACT AMOUNT

\$8,101,940.93

PERCENT +/- (THIS MODIFICATION)

5.52%

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 2-M

DEPARTMENT OF GENERAL SERVICES Statewide

CONTRACT NO. AND TITLE Pre-Sort Mailing Services;
ADPICS NO. 001B3400247

DESCRIPTION Approval requested for a contract to provide
Pre-Sort Mailing Services to the Department of General Services (DGS) and its managed
facilities and will also be made available for use by other State agencies and institutions.

PROCUREMENT METHOD Competitive Sealed Bids

BIDS OR PROPOSALS

Corporate Mailing Services, Baltimore, MD	\$1,238,400.00
Three Dog Logistics, Baltimore, MD	\$1,519,000.00

AWARD Corporate Mailing Services,
Baltimore, MD

TERM 1/1/2013-12/31/2015

AMOUNT \$1,238,400.00 Est. (3 years)

MBE PARTICIPATION 10%

PERFORMANCE BOND None

REMARKS A notice of availability of an Invitation for
Bids (IFB) was posted on the DGS Web Site, Bid Board and *eMaryland Marketplace.com*. Fifty-
five (55) potential vendors were notified via e-mail through *eMarylandMarketplace.com*. Two
bids were received.

This contract will provide pickup of metered first class letters, flat, standard, permit and certified mail from DGS and participating agencies with the United States Postal Service (USPS) along with presort/bar-coded discount mail rates, presorted and presented to the USPS facility in accordance with all USPS requirements. Services will be provided Monday through Friday except for State holidays.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 2-M (Cont.)

The recommended awardee will pickup all mail between 3:00 p.m. and 4:30 p.m. or as designated by the using State agency. All mail picked up during this time period will be postmarked by the using State agency or institution with the date of the next business day.

The recommended awardee will be responsible for presorting, bar-coding and transporting mail to the presort acceptance unit of the USPS prior to the cutoff time for presort acceptance on the postmarked date.

Presort mail is discounted first class mail that is posted at a discounted postage rate, barcoded and sorted by zip-code. Because the presort company is doing some of the work, it costs the Postal Service less money to process and deliver those pieces of mail. Those savings are passed on to the State, potentially saving the state up to \$0.0467 per piece of mail. Current estimates suggest the State processes up to 40,000,000 pieces of mail per year; however, this number is projected to decline based on more agencies moving to electronic mail.

The recommended awardee, Corporate Mailing Services has confirmed their bid price.

<u>FUND SOURCE</u>	Various
<u>RESIDENT BUSINESS</u>	Yes
<u>TAX COMPLIANCE NO</u>	12-2545-1111

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

MAINTENANCE CONTRACT

ITEM 3-M

**DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

Jessup Correctional Institution
Jessup, MD

CONTRACT NO. AND TITLE

Tower CCTV/Perimeter Intrusion Detection
System and, Maintenance and Repair
ADPICS NO. 001B3400260

DESCRIPTION

Approval requested for a contract to provide
Tower CCTV/Perimeter Intrusion Detection System and, Maintenance and Repair service for the
Department of Public Safety and Correctional Services, Jessup Correctional Institution located in
Jessup, MD.

PROCUREMENT METHOD

Competitive Sealed Bids

BIDS OR PROPOSALS

Only one bid received

AWARDS

Pinnacle Integrated/DBA/ P2 ABC Control
Exton, PA

AMOUNT

\$102,714.00 (3 Years)

TERM

1/1/2013-12/31/2015

MBE PARTICIPATION

0%

PERFORMANCE BOND

N/A

REMARKS

A notice of availability of an Invitation for
Bids (IFB) was posted on the DGS Web Site, Bid Board and *eMaryland Marketplace.com*. Two
hundred forty-one (241) bidders received notice via eMaryland Marketplace. Only one (1) bid
was received from the incumbent, Pinnacle Integrated/DBA/ P2 ABC Control, which has been
providing satisfactory service since 1/1/2010.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL/MISCELLANEOUS

ITEM 5-GM

REFERENCE

Department of Juvenile Services
 Project No. DB-024-130-001;
 Demolish Damaged Buildings
 358-364 N. Gay St. Item 1-C-MOD

Department of Natural Resources
 Project No: P-000-130-001
 Construct Eight Natural Playgrounds in
 Six State Parks Item 15-GM (C) Revised

DESCRIPTION

DGS/BPW Agenda Items 1-C-MOD and 15-GM (C) (Revised) wherein the Board approved the use of General Obligation Bond funds.

Reference is made to the 11/14/2012,

BPW approval is now requested to revise the fund sources as follows:

1-C-MOD Contractor: The Berg Corporation

FROM: \$ 300.65 MCCBL 2007/Item 035
 \$93,500.34 MCCBL 2009/Item 035
 (Capital Facilities Renewal Program)

TO: \$93,800.99 MCCBL 2006/Item 010
 (Provide funds to supplement previous appropriations to design,
 construct ...funds not needed to complete this project may be used to
 Design and construct other Capital Facilities projects-Renewal Projects)

15-GM (C) Revised Contractor: Whitman Requardt & Associates

FROM: \$39,515.00 –MCCBL 2012/ Item 007 (Provide funds for the State Capital
 Facilities Renewal Program-Statewide)

TO: \$139,515.00 –MCCBL 2012/ Item 012 (Provide funds to design, construct, and
 equip Capital Development projects on Department of Natural Resources
 Property)

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

GENERAL/MISCELLANEOUS

ITEM 5-GM (Cont.)

Reason: Incorrect fund source and amount.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE**ITEM** 6-LL

DEPARTMENT OF PUBLIC SAFETY AND Jessup, MD
CORRECTIONAL SERVICES (Howard County)

Tenant Recycled Aggregates, LLC
8700 Ashwood Dr.
Capitol Heights, MD 20743-3727

Property Location A portion of Parcel 128
Old Dorsey Run Rd.
Jessup, MD 20794

<u>Space Type</u> Land	<u>Lease Type</u> New	<u>Acres</u> 2.25
<u>Duration</u> 5 Years	<u>Effective</u> 1/1/2013	
<u>Annual Rent</u> \$47,044.80	<u>Rent Per Acre</u> \$20,908.80	

<u>Utilities Responsibility</u>	Tenant
<u>Custodial Responsibility</u>	Tenant
<u>Previous Board Action(s)</u>	N/A

Special Conditions

1. Landlord's fee simple interest in the Demised Premises may not be encumbered or subordinated by operation of this Lease or by any action taken by the Tenant.
2. The Tenant shall indemnify and hold harmless the Landlord against and from any and all liability or claim of liability arising out of the use of the Demised Premises.
3. Should the Landlord during the term of the lease, require the use of the Demised Premises, or any part thereof, for any public purpose whatsoever, it shall have the unrestricted right to terminate this lease in its entirety or any part thereof by providing the Tenant one hundred twenty (120) days written notice.
4. The Tenant shall not make any alteration, addition or improvement to the Demised Premises without first obtaining the Landlord's written approval.
5. Tenant shall maintain at its expense insurance against loss or liability in connection with bodily injury, death, property damage or destruction to the Demised Premises.
6. The lease contains one (1) option renewal for five (5) years.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE

ITEM 6-LL (Cont.)

Remarks

1. Recycled Aggregates, LLC recycles broken concrete and rock from highway, street, bridges and building projects which saves precious landfill space, reduces truck traffic, lowers fuel consumption and provides better yields than quarried stone. This space will be used to stockpile, store and process rock, gravel, asphalt, concrete, and sand necessary for its recycling operations. The space will also be used to park equipment such as loaders, backhoes and conveyors that are necessary for the use in its business operations.
2. The Landlord has the right to terminate this lease for convenience.
3. The Department of General Services, in conjunction with the Department of Public Safety and Correctional Services, recommends the approval of this item.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE**ITEM** 7-LL-OPT**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**Garrett County, MD
(Office of Capital Planning)**Tenant**Appalachian Parent Association, Inc.
39 S. Third St.
Oakland, MD 21550**Property Location**27 Weber Rd.
Oakland, MD 21550**Space Type** Group Home**Type** Renewal**Duration** 5 Years**Effective** 1/1/2013**Annual Rent** \$1.00**Utilities Responsibility**

Tenant

Custodial Responsibility

Tenant

Previous Board Action(s)1/7/1998 Item 15-L; 12/19/2001 Item 19-L;
12/12/2007 Item 12-LL**Special Conditions**

1. The Tenant shall occupy and use the Demised Premises for, and only for, a group home for seven (7) individuals with developmental disabilities.
2. The Tenant is responsible for all maintenance of the property.
3. The Tenant shall be responsible for obtaining all permits, licenses, inspections and approvals required for its occupancy of the premises.
4. The Tenant shall maintain at its expense, throughout the term, insurance against loss or liability in connection with bodily injury, death, property damage or destruction, occurring within the Demised Premises. General Comprehensive Liability insurance will have a minimum coverage of \$1,000,000.00 combined single limit per occurrence and shall contain broad form GCL Endorsement or its equivalent.
5. The Tenant shall indemnify and hold harmless the State of Maryland and Maryland Department of Health and Mental Hygiene against any and all liability or claim of liability (including reasonable attorney's fees) arising out of licensee's use and occupancy, along with conducting operation or management of the premises during the Term.
6. This lease contains a termination for convenience clause.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE**ITEM** 8-LL-MOD

DEPARTMENT OF NATURAL RESOURCES Talbot County, MD
(Land and Property Management)

Tenant Black Walnut Point Inn, Inc.
Tilghman Island, MD 21671

Property Location Black Walnut Point
Tilghman Island, MD 21671

Space Type Conference & **Type** Modification **Acre(s)** 5.77 acres +/-
Recreational Facility **Effective** 1/7/2013

Duration 4 Years

Annual Rent \$18,000.00

Utilities Responsibility Tenant**Custodial Responsibility** Tenant**Previous Board Action(s)** 10/30/02 – Item 11-L; 2/15/89 – Item 17A-L

Description Approval is requested to amend the lease between The State of Maryland to the use of Department of Natural Resources, Landlord, and Black Walnut Point Inn, Inc.(Tenant) by reducing the land area leased to Black Walnut Point Inn, Inc., from 6.0 acres to 5.77 acres to accommodate for the construction of a new communications tower by Department of Natural Resources for public safety purposes.

Background On the 2/15/1989 DGS Action Agenda, the BPW approved as Item 17A-L, a seven (7) year lease agreement, with one (1) unilateral renewal period of seven (7) years for the operation of a bed and breakfast/conference facility.

The Board later approved on the 10/30/2002, DGS Action Agenda as Item 11-L, a new lease which increased the percentage rent due to the Landlord of the Tenant's gross receipts in addition to the stated annual rent.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE

ITEM 8-LL-MOD (Cont.)

The new lease also provided for three (3) unilateral renewal periods of seven (7) years each. The Tenant exercised its first unilateral renewal option under this lease.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE**ITEM** 9-LL-MOD**DEPARTMENT OF PUBLIC SAFETY AND** (Washington County)
CORRECTIONAL SERVICES**Tenant** Maryland Solar, LLC
800 Long Ridge Rd.
Stamford, CT 06927**Property Location** 18601 Roxbury Rd.
Hagerstown, MD 21740

<u>Space Type</u>	Land	<u>Type</u>	Modification	<u>Acre(s)</u>	279 Ac.
<u>Duration</u>	19 Years/7 Months	<u>Effective</u>	12/28/2012		
<u>Annual Rent</u>	\$35,767.80 Years 1-3 3% Increases Years 4-20				

Utilities Responsibility Tenant**Custodial Responsibility** Tenant**Previous Board Action(s)** 3/7/12 Item 11-LL-MOD Revised; 7/27/11 Item 12-LL**Remarks** The purpose of this Action Agenda Item is to seek approval for transfer of the membership interests of the Tenant, Maryland Solar, LLC, a limited liability company, to EFS Maryland Solar, LLC, an affiliate of General Electric Capital Corporation, and Purenergy, LLC, or an affiliate thereof.**Reference** On July 27, 2011, as Department of General Services Action Agenda Item 12-LL, the Board of Public Works approved a ground lease with Maryland Solar, LLC for the purposes of establishing a solar energy facility on underutilized prison land in Western Maryland. The lease is for a twenty-year term and calls for the development and operation of a 20 MW solar energy facility consisting of approximately 100,000 separate photovoltaic panels.

On March 7, 2012, as Department of General Services Action Agenda Item 11-LL-MOD Revised, the Board of Public Works approved the transfer of membership interest in the Tenant, Maryland Solar, LLC, to First Solar Development, Inc.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

LANDLORD LEASE

ITEM 9-LL-MOD (Cont.)

A request is now being made to the Board of Public Works to approve the transfer of the membership interest from First Solar Development, Inc. to EFS Maryland Solar, LLC and Purenergy, LLC.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN ✓

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 10-LT OPT

DEPARTMENT OF NATURAL RESOURCES Forest Service
La Plata, MD
(Charles County)

Landlord Joseph Husick, Jr.
11 N. Maple Ave., Suite 100
La Plata, MD 20646

Property Location Baltimore St. and N. Maple Ave.
La Plata, MD 20646

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	680
<u>Duration</u>	5 Years	<u>Effective</u>	6/1/2013		
<u>Annual Rent</u>	\$6,602.80	<u>Square Foot Rate</u>	\$ 9.71		
		<u>Eff. Sq. Ft. Rate</u>	\$12.71		
		<u>Prev. Sq. Ft. Rate</u>	\$ 9.71		
		<u>Prev. Eff. Sq. Ft. Rate</u>	\$12.71		

Utilities Responsibility Tenant
Custodial Responsibility Tenant

Previous Board Action(s) 5/21/2008 – 15-LT; 5/21/2003 – 15-L; 12/17/1997 – 42-L;
5/26/1992 - 30-L; 4/8/1987 – 5-L

Fund Source 100% General Funds 30.01.02.009.004.01 B2731

Special Conditions

1. The lease contains escalations/de-escalations for real estate taxes.
2. The lease contains one (1) option renewal for five (5) years.

Remarks

1. The space has been used since May 11, 1987 as a field office by the Department of Natural Resources (DNR) park service personnel, who provide fire emergency response for the Maryland State Parks in Charles County.
2. The lease contains a termination for convenience clause.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 10-LT OPT (Cont.)

3. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 11-LT-OPT**DEPARTMENT OF ASSESSMENT & TAXATION**

(Charles County District Office)

LandlordLevin LaPlata Limited Partnership
1017 Duke St.
Alexandria, VA 22314**Property Location**101 Catalpa Dr., Suite 101
LaPlata, MD 20646

<u>Space Type</u>	Office	<u>Lease Type</u>	Renewal	<u>Square Feet</u>	4,230
<u>Duration</u>	5 Years	<u>Effective</u>	1/1/2013		
<u>Annual Rent</u>	\$74,025.00	<u>Square Foot Rate</u>		\$17.50	
		<u>Previous Sq. Ft. Rate</u>		\$20.00	

Utilities Responsibility

Lessor

Custodial Responsibility

Lessor

Previous Board Action(s)6/28/89–38-L, 2/19/96–20-L, 11/14/01–13-L,
12/12/07–10-LT,**Fund Source**E50C00.02 PCA 2580 Sub 1301 90% Special, 10%
General**Special Conditions**

1. The lease provides 16 use-in common parking spaces free of charge.
2. Tenant has the right to renew this lease one (1) time for a five (5) year term subject to Board of Public Works approval.

Remarks

1. The agency has used this space since 1989 as the District Department of Assessments & Taxation Office; the DAT mission is to assist citizens with inquiries regarding tax assessments and the appeal process.
2. Through negotiations, the Department of General Services secured a rental cost savings of \$52,875.00 over the term of the lease by reducing the Landlord's current rental rate average by \$2.50 per nuf.
3. This lease contains a termination for convenience clause.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 11-LT-OPT (Cont.)

- 4. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE**ITEM** 12-LT-OPT**DEPARTMENT OF JUVENILE SERVICES** Baltimore City

Landlord 120 W. Fayette St., LLLP
100 N. Charles St., Suite 1200
Baltimore, MD 21201

Property Location 120 W. Fayette St.
Baltimore, MD 21201

<u>Space Type</u>	Garage Parking	<u>Lease Type</u>	Renewal	<u>Number of Spaces</u>
<u>Duration</u>	3 Years	<u>Effective</u>	1/1/2013	113
<u>Annual Rent</u>	\$162,720.00	<u>Rate/Space/Month</u>	\$120.00	
		<u>Prev Rate/Space/Month</u>	\$125.00	

Utilities Responsibility Landlord
Custodial Responsibility Landlord
Previous Board Actions 6/23/2010-11-LT

Fund Source 100% General Funds 1222 0705

Remarks

1. DJS has been parking 74 vehicles in this garage since November 1998 as part of the office lease agreement. A separate parking lease agreement was established in July 2010.
2. 33 spaces from another garage will be transferred to this location; additionally, 6 new spaces will be incorporated. This action will consolidate the agency's parking into a single location.
3. Negotiation resulted in a savings of \$13,320.00 over the term of the lease for the existing 74 spaces.
4. 13 of the parking spaces are for state vehicles.
5. The lease contains a termination for convenience clause.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

TENANT LEASE

ITEM 12-LT-OPT (Cont.)

6. This space was acquired by sole source in accordance with the DGS Space Management Manual, Paragraph 6-605 E., as authorized by COMAR 21.02.05.05. The Department of General Services, in conjunction with the using Agency, recommends the approval of this item.

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 13-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

Board of Trustees of the Baltimore Museum of Art (Baltimore City)

Baltimore Museum of Art

“For the design, renovation, and reconfiguration of facilities at the Baltimore Museum of Art.”

\$2,500,000.00

Maryland Consolidated Capital Bond Loan of 2011 (Chapter 396, Acts of 2011)

DGS Item G001, SL-066-050-038

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and the Board of Public Works to certify a matching fund. The Board of Trustees of the Baltimore Museum of Art has submitted documentation that it has \$2,300,000.00 available line of credit and \$527,366.84 in a financial institution for a total of \$2,827,366.84 to meet the matching fund requirement for this project.

<u>BACKGROUND</u>	Total Project	\$ 20,500,000.00
	11-G001 (This Action)	\$ 2,500,000.00
	10-G001 (Prior Action)	\$ 2,500,000.00
	05-G017 (Prior Action)	\$ 337,000.00
	12-G002 (Future Action)	\$ 2,500,000.00
	Local Cost	\$ 12,663,000.00

(Prior Actions: 12/7/11 Agenda, Item 18-CGL; 6/7/06 Agenda, Items 19-CGL and 20-CGL)

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 13-CGL (Cont.)

- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 14-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

Calvert Marine Museum Society, Inc. (Calvert County)
Calvert Marine Museum Exhibition Building
"For the construction and renovation of the Calvert Marine Museum Exhibition Building, Solomons."
\$250,000.00
Maryland Consolidated Capital Bond Loan of 2012 (Chapter 444, Acts of 2012)
DGS Item G054 (SL-012-120-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and, the Board of Public Works to certify a matching fund. The Calvert Marine Museum Society, Inc. has submitted documentation that the Board of County Commissioners of Calvert County has authorized \$750,000.00 for this project in its FY2013 budget to meet the matching fund requirement for this project.

BACKGROUND

Total Project	\$1,750,000.00
12-G054 (This Action)	\$ 250,000.00
Local Cost	\$1,500,000.00

REMARKS

- (1) The grant agreement has been modified to include Calvert County Commissioners as "Beneficiary" throughout the document.
- (2) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (3) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (4) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 15-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

*Mayor and Town Council of the Town of Chesapeake Beach (Calvert County)
Chesapeake Beach Skate Park*

*“For the planning, design, construction, and capital equipping of a skate park,
located in Chesapeake Beach.”*

\$125,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (Chapter 444, Acts of 2012)
DGS Item G055 (SL-010-120-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and, the Board of Public Works to certify a matching fund. The Mayor and Town Council of the Town of Chesapeake have submitted documentation that they have in excess of \$125,000.00 in a financial institution to meet the matching fund requirement for this project.

BACKGROUND

Total Project	\$250,000.00
12-G055 (This Action)	\$125,000.00
Local Cost	\$125,000.00

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 16-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into grant agreements for the following grants:

*Board of Directors of the Delmarva Community Services, Inc.
(Dorchester County)
Chesapeake Grove Senior Housing & Intergenerational Center
“For the planning, design, and construction of the Chesapeake Grove Senior
Housing and Intergenerational Center, located in Cambridge.”*

\$60,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (LSI-Chapter 444, Acts of 2012)
DGS Item G063*

\$190,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (LHI-Chapter 444, Acts of 2012)
DGS Item G094, (SL-032-110-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and the Board of Public Works to certify a matching fund. The Board of Directors of the Delmarva Community Services, Inc., is utilizing the value of property as their matching fund. The Department of General Services, Real Estate Office has reviewed the appraisal for the property located at 2450 Cambridge Beltway in Cambridge and has approved a value of \$1,530,000.00. A portion of the value of this property was previously utilized as match for a prior grant in the amount of \$45,000.00. With the current grants, the grantee has utilized a total of \$295,000.00 of the value of property to meet the matching fund requirement.

BACKGROUND

Total Project	\$9,200,000.00
12-G063 (This Action)	\$ 60,000.00
12-G094 (This Action)	\$ 190,000.00
11-G052 (Prior Action)	\$ 45,000.00
Local Cost	\$8,905,000.00
(Prior Action: 8/22/2012 Agenda, Item 16-CGL)	

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 16-CGL (Cont.)

- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 17-CGL

RECOMMENDATION That the Board of Public Works enter into a grant agreement for the following grant:

*Board of Trustees of Johns Hopkins University (Baltimore City)
High Performance Computing Data Center*

“For the design, construction, and capital equipping of a High Performance Computing Data Center to enhance the high speed data initiative funded by a grant from the National Science Foundation to Johns Hopkins University and the University of Maryland, College Park, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all of the funds necessary to complete this project.

Further provided that no funds may be expended until a Memorandum of Understanding (MOU) is executed between Johns Hopkins University and the University of Maryland, College Park in consultation with the University System of Maryland that establishes the governance and the capital and operating funding for the center. Provided that the MOU shall be submitted to the budget committees, and the committees shall have 45 days to review and comment.”

\$3,000,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (Chapter 444, Acts of 2012)
DGS Item 029, (SL-009-120-038)*

MATCHING FUND No match is required. The MCCBL requires the grant recipient to provide grant documents no later than June 1, 2014.

BACKGROUND

Total Project	\$32,933,000.00
12-029 (This Action)	\$ 3,000,000.00
Local Cost	\$29,933,000.00

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 17-CGL (Cont.)

(3) Invoices should be submitted to the Department of General Services for the disbursement of funds.

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 18-CGL

RECOMMENDATION That the Board of Public Works enter into a grant agreement for the following grant:

*Directors of the Maryland Zoological Society, Inc.
(Baltimore City)*

Maryland Zoo in Baltimore

“For the design, construction, and equipping of the African Penguin Exhibit and various infrastructure improvements or life safety projects, located in Baltimore City.”

\$5,000,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (MISC-Chapter 444, Acts of 2012)
DGS Item 027, (SL-007-060-038)*

MATCHING FUND No match. The MCCBL requires the grant recipient to provide grant documents no later than June 1, 2014.

BACKGROUND

Total Project	\$46,760,000.00
12-027 (This Action)	\$ 5,000,000.00
11-018 (Prior Action)	\$ 2,500,000.00
10-024 (Prior Action)	\$ 5,000,000.00
08-031 (Prior Action)	\$ 2,000,000.00
07-051 (Prior Action)	\$ 1,000,000.00
06-030 (Prior Action)	\$ 760,000.00 CA-FY 2007
05-041 (Prior Action)	\$ 500,000.00
04-038 (Prior Action)	\$ 750,000.00
03-G003 (Prior Action)	\$ 3,500,000.00
02-G003 (Prior Action)	\$ 4,750,000.00 Match \$2,000,000
01-G001 (Prior Action)	\$ 4,750,000.00 Match \$4,750,000
99-G004 (Prior Action)	\$ 3,000,000.00
96-G005 (Prior Action)	\$ 2,500,000.00 Match \$2,500,000
94-G004 (Prior Action)	\$ 750,000.00 Match \$ 750,000
Local Cost	\$10,000,000.00

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 18-CGL (Cont.)

(Prior Action Approvals: 08/22/12, Item 20-CGL; 12/15/10, Item 19-CGL; 10/23/02 McDonald Letter; 03/24/04, 02/02/05 Agenda, Item 16-CGL; 11/02/05 Agenda, Item 20-CGL; Item 15-CGL; 01/03/07 Agenda, Item 25-CGL; 02/28/07 Agenda, Items 19-CGL, 20-CGL; 05/23/07 Agenda, Item 29-CGL; 10/31/07 Agenda, Item 16-CGL; 12/12/07 Agenda, Item 20-CGL; 4/30/08 Agenda, Item 17-CGL; 08/06/08 Agenda, Item 21-CGL; 11/05/08 Agenda, Item 22-CGL; 03/24/10 Agenda, Item 19-CGL.)

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) Invoices should be submitted to the Department of General Services for the disbursement of funds.

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 19-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

Board of Directors of the Cecil College Foundation d/b/a Friends of the Milburn Stone and Board of Trustees of Cecil College (Cecil County)

Milburn Stone Theatre

“For the repair, renovation, and capital equipping of the Milburn Stone Theatre, located in North East.”

\$100,000.00

Maryland Consolidated Capital Bond Loan of 2012 (Chapter 444, Acts of 2012), DGS Item G118 (SL-004-120-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and, the Board of Public Works to certify a matching fund. The Board of Directors of the Cecil College Foundation d/b/a Friends of the Milburn Stone and the Board of Trustees of Cecil College have submitted documentation that they have \$153,887.07 in eligible expenditures to meet the matching fund requirement for this project.

Board of Public Works approval is also requested to reimburse the Board of Directors of the Cecil College Foundation d/b/a Friends of the Milburn Stone and the Board of Trustees of Cecil College \$53,887.07 for eligible expenditures.

<u>BACKGROUND</u>	Total Project	\$ 200,000.00
	12-G118 (This Action)	\$ 100,000.00
	Local Cost	\$ 100,000.00

REMARKS

(1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.

(2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 19-CGL (Cont)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 20-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

Board of Directors of Sinai Hospital, Inc. (Baltimore City)
Sinai Hospital

“For the design, renovation, and expansion of the new Neurological Rehabilitation Center – Traumatic Brain Injury Unit at Sinai Hospital, located in Baltimore City.”

\$1,000,000.00

Maryland Consolidated Capital Bond Loan of 2012 (MISC - Chapter 444, Acts of 2012)
DGS Item G012; (SL-025-110-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and, the Board of Public Works to certify a matching fund. The Board of Directors of Sinai Hospital, Inc. has submitted documentation that it has \$90,093,419.38 in a financial institution to meet the matching fund requirement for this project.

BACKGROUND

Total Project	\$7,948,000.00
12-G012 (This Action)	\$1,000,000.00
11-G012 (Prior Action)	\$1,000,000.00
Local Cost	\$5,948,000.00
(Prior Action: 4/4/2012 Agenda, Item 16-CGL)	

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 21-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

*Board of Directors of the Unified Committee for Afro-American Contributions, Inc. and the Board of County Commissioners of St. Mary's County
(St. Mary's County)*

United States Colored Troops Memorial Monument

"For the acquisition, planning, design, construction, and capital equipping of the United States Colored Troops Memorial Monument, the Memorial Park and a Memorial Interpretive Center, located in Lexington Park (St. Mary's County)

\$150,000.00

Maryland Consolidated Capital Bond Loan of 2010 (Chapter 483, Acts of 2010, as amended by Chapter 639, Acts of 2012)

DGS Item G152; (SL-049-100-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and, the Board of Public Works to certify a matching fund. The Board of Directors of the Unified Committee for Afro-American Contributions, Inc. and the Board of County Commissioners of St. Mary's County has submitted evidence in the form of canceled checks and invoices that it has \$189,056.07 in eligible expenditures to meet the matching fund requirement for this project.

Board of Public Works approval is also requested to reimburse the Board of Directors of the Unified Committee for Afro-American Contributions, Inc. and the Board of County Commissioners of St. Mary's County \$39,056.07 for eligible expenditures.

BACKGROUND

Total Project	\$648,794.13
10-G152 (This Action)	\$150,000.00
08-G216 (Prior Action)	\$150,000.00
Local Cost	\$348,794.13
(Prior Action: 11/16/11 Agenda, Item 26-CGL)	

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 21-CGL-9 (Cont.)

- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 22-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

County Executive and County Council of Anne Arundel County (Anne Arundel County)

Wiley H. Bates Heritage Park

“To assist in the design, construction, and capital equipping of a turf field at the Wiley H. Bates Heritage Park, located in Annapolis.”

\$350,000.00

Maryland Consolidated Capital Bond Loan of 2011 (Chapter 396, Acts of 2011)

DGS Item G017 (SL-044-110-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and, the Board of Public Works to certify a matching fund. The County Executive and County Council of Anne Arundel County have submitted documentation that they have \$350,000.00 in their Fiscal Year 2013 Capital Budget to meet the matching fund requirement for this project.

BACKGROUND

Total Project	\$946,536.00
11-G017 (This Action)	\$350,000.00
Local Cost	\$596,536.00

REMARKS

- (1) The grant agreement has been modified with the following: “16. **Indemnification:** *To the extent permitted by law and without waiving any defenses, immunities, or the provisions of the Maryland Tort Claims Act, Grantee....*”
- (2) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (3) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 22-CGL (Cont.)

(4) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 23-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

*Board of Trustees of the Aman Memorial Trust, Inc. (Prince George's County)
Battle of Bladensburg Visitor Center and Monument*

“For the construction and renovation of the Battle of Bladensburg Visitor Center and Monument, located in Bladensburg.”

\$125,000.00

Maryland Consolidated Capital Bond Loan of 2011 (Chapter 396, Acts of 2011 and as amended by Chapter 639, Acts of 2012)

DGS Item G079, (SL-045-110-038)

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2013 and, the Board of Public Works to certify a matching fund. The Board of Trustees of the Aman Memorial Trust, Inc. has submitted evidence in the form of canceled checks and invoices that it has \$41,650.00 in prior eligible expenditures and \$83,350.00 in a financial institution for a total of \$125,000.00 to meet the matching fund requirement for this project.

<u>BACKGROUND</u>	Total Project	\$1,473,963.00
	12-G079 (This Action)	\$ 125,000.00
	Local Cost	\$1,348,963.00

REMARKS

- (1) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (2) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.
- (3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 24-CGL

RECOMMENDATION That the Board of Public Works certify matching funds and enter into a grant agreement for the following grant:

*Board of Directors of the Montgomery Village Sports Association
(Montgomery County)*

Montgomery Village Sports Association

*“For the design and construction of the Montgomery Village South Valley Park,
located in Montgomery Village.”*

\$125,000.00

*Maryland Consolidated Capital Bond Loan of 2012 (LSI-Chapter 444, Acts of 2012)
DGS Item G071 (SL-011-120-038)*

MATCHING FUND The MCCBL requires the grant recipient to provide a matching fund no later than June 1, 2014 and, the Board of Public Works to certify a matching fund. The Board of Directors of the Montgomery Village Sports Association has submitted a Letter of Commitment from the Montgomery Village Foundation, Inc. for \$125,000.00 to meet the matching fund requirement for this project.

BACKGROUND

Total Project	\$250,000.00
12-G071 (This Action)	\$125,000.00
Local Cost	\$125,000.00

REMARKS

- (1) The grant agreement has been modified to include Montgomery Village Foundation, Inc. as "Beneficiary" throughout the document.
- (2) This action is in accordance with the enabling legislation and complies with the tax-exempt bond provisions of the Internal Revenue Code.
- (3) The grant recipient shall consult with the Maryland Historical Trust pursuant to Sections 5A-325 to 328, of the *State Finance and Procurement Article, Annotated Code of Maryland*, and convey a perpetual preservation easement pursuant to the terms of the enabling legislation.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 24-CGL (Cont.)

(4) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 25-CGL

MARYLAND HIGHER EDUCATION COMMISSION

RECOMMENDATION That the Board of Public Works authorize that funds be encumbered for the following grant:

Hagerstown Community College

Student Center Expansion – Design Allocation

Design of the expansion of the existing 13,000 GSF Student Center with a 19,000 GSF addition. The project will provide a new campus store, expanded dining and lounge area, open laboratory, student life offices, meeting areas and Campus Police and Safety offices This will address deficiencies in office space, support spaces, meeting rooms, food service and storage capacity.

\$357,000.00

Maryland Consolidated Capital Bond Loan of 2007, Item 045 - \$78,253.39

Maryland Consolidated Capital Bond Loan of 2008, Item 020 - \$243,312.82

Maryland Consolidated Capital Bond Loan of 2011, Item 014 - \$35,433.79

CC-02-MC07/08/11-425

MATCHING FUND

Hagerstown Community College-

Cost sharing is 63.1% State share, 36.9% local share and is in accordance with Section 11-105(j) of the Education Article.

BACKGROUND

	<u>Total Amount</u>	<u>State Share</u>	<u>Local Share</u>
Total Project	\$ 7,737,000.00	\$4,882,000.00	\$2,855,000.00
This Action	\$ 565,769.00	\$ 357,000.00	\$ 208,769.00
Future Actions	\$ 7,171,231.00	\$4,525,000.00	\$2,646,231.00

REMARKS

(1) This action is in accordance with MHEC Construction and Space Allocation regulations, COMAR 13B.07.

(2) The Maryland Higher Education Commission, the Department of Budget and Management and the Department of General Services recommend approval. All contracts will be awarded by Anne Arundel Community College and signed by local authorities.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 25-CGL (Cont.)

(3) The Comptroller may not disburse State funds until after the Comptroller verifies that the grant recipient has expended the matching fund and the required amount for reimbursement.

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 26-CGL

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

NAME OF GRANTEE/BORROWER

Main Street Housing, Inc.
 1521 S. Edgewood St.
 Baltimore, MD 21227

PROJECT NO. AND TITLE

Project No. MHA-CB-20907-04;
 Acquisition: 1307 McKinley St.
 Annapolis, MD 21403

DESCRIPTION

Approval is requested for a State grant of \$113,450.00 to assist Main Street Housing, Inc., a nonprofit organization, in the cost of acquiring a three-bedroom home at 1307 McKinley St., Annapolis, MD 21403. The contract price is \$186,000.00, and the home will provide housing for two mentally ill individuals. Two appraisals were obtained for this property; both have been reviewed by the Department of General Services.

APPRAISALS

\$186,000.00 Melvin E. Peters, Associated Appraisers, Beltsville, MD
 \$196,000.00 Gale A. McClelland, Towson, MD.

Based on the review of these appraisals, the Department of General Services approved the fair market value of the real estate at \$186,000.00.

Eligible project costs are \$186,450.00. This includes \$186,000.00 for acquisition and \$450.00 for one appraisal the second appraisal was paid in full by Department of Housing and Community Development.

AWARD AMOUNT

\$186,450.00*

REMARKS

*The State is participating in 60.8% of the total eligible acquisition cost of \$186,450.00. State participation is limited to the lesser of the value approved by the Department of General Services, based upon the appraisals or actual acquisition cost.

DEPARTMENT OF GENERAL SERVICES
ACTION AGENDA

CAPITAL GRANTS AND LOANS

ITEM 26-CGL (Cont.)

In accordance with Subtitle 6 of the Health-General Article of the *Annotated Code of Maryland*, the Board's approval is further contingent upon the State's right of recovery being included in the Deed(s) or otherwise recorded among the Land Records of Ann Arundel County.

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.

FUND SOURCE

\$73,000.00 (39.2%) Applicant's Share
Department of Housing and Community
Development Deferred Payment Loan

\$113,450.00 (60.8%) – State's Share
MCCBL 2010, Community Health Facilities

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

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION

There being no further business, the meeting of December 19, 2012 was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sheila McDonald".

Sheila C. McDonald, Esq.

Executive Secretary

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