

*BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2015*

*Issued: October 8, 2015
Work Session: October 13, 2015
Legislative Day No. 17: October 19, 2015*

*The accompanying notes are
compiled from unaudited
information provided by
the Administration and
other sources.*



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

October 19, 2015

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 17
OCTOBER 19, 2015 6:00 P.M.**

**CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE**

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CALL OF BILLS FOR FINAL READING AND VOTE

COUNCIL

- 1 Bill 69-15 - Mr. Jones - Zoning Regulations - Manufacturing, Light Zone

APPROVAL OF FISCAL MATTERS/CONTRACTS

VINCE GARDINA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

- 2 1. Amendment#2 to Contract - Apex Companies, LLC - Inspection, maint. & water quality conversion - stormwater facilities - DEPS

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

- 6 2. Amendment to Contract - Honeywell International, Inc. - Maintenance, etc. - existing Honeywell Equipment - OBF
8 3. Amendment to Contract - National Academies of Emergency Dispatch -Re-certification services - OBF

DR. GREGORY BRANCH, OFFICE OF HEALTH AND HUMAN SERVICES

- 11 4. Amendment#2 to Lease - Chartley Limited, LLLP - Women, Infants & Children (WIC) Program -Reisterstown - HHS

ED ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

- 14 5. Contracts - (2) - Snow Removal, deicing & salt application - PW
17 6. Contracts - (2) - On-call bridge inspection services - PW

MISCELLANEOUS BUSINESS

COUNCIL

- 29 1. Correspondence - (a)(2) - Non-Competitive Awards (September 10, 2015)

LIZ GLENN/ANDREA VAN ARSDALE, DEPARTMENT OF PLANNING

- 22 2. Res. 88-15 - Mrs. Bevins(By Req.) - Approval of grant application - NAMI Metropolitan Baltimore, Inc.

COUNCIL

- 25 3. Res. 89-15 - Mr. Quirk - Planning Board - Open Space Waiver Fees
26 4. Res. 90-15 - Mr. Marks - Local Open Space Waiver Fees

Bill 69-15**Council District(s) All**

Mr. Jones

Zoning Regulations – Manufacturing, Light Zone

Bill 69-15 amends the Baltimore County Zoning Regulations to permit the sale of certain electronic equipment in the County's M.L. (Manufacturing, Light) Zones.

Section 253.1 of the Zoning Regulations permits a variety of uses in the M.L. Zone as of right. Section 253.1.C permits certain uses if they are located in a planned industrial park at least 25 acres in net area, or in an I.M. (Industrial, Major) District, or in combination of an A.S. (Automotive Service) and I.M. District. Bill 69-15 adds the following as a permitted use:

“Businesses devoted to the sale or service of computers, tablets, wireless telecommunications devices and products, copiers, and other similar electronic equipment. However, the gross floor area devoted to the business may not exceed 2,500 square feet.”

Bill 69-15 shall take effect 45 days after its enactment.

FM-1 (Contract Amendment)

Council District(s) All

Department of Environmental Protection and Sustainability

**Inspection, Maintenance and Water Quality Conversion –
Stormwater Facilities**

The Administration is requesting a second amendment to an on-call contract with Apex Companies, LLC to provide additional on-call stormwater maintenance services for the County’s public stormwater management facilities to ensure the County’s compliance with the National Pollutant Discharge Elimination System (NPDES) permit for Municipal Separate Storm Sewer Systems (MS4) discharges issued to Baltimore County. The proposed amendment increases the maximum compensation of the contract by \$3.0 million, from \$3,444,206 to \$6,444,206, for the entire 5-year and 3-month term of the contract, including the renewal and extension periods. The contract commenced April 2, 2012. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 2,500,000	\$ 3,444,206	\$ 5,944,206
State	--	--	--
Federal	--	--	--
Other ⁽²⁾	500,000	--	500,000
Total	<u>\$ 3,000,000</u>	<u>\$ 3,444,206</u>	<u>\$ 6,444,206</u> ⁽³⁾

⁽¹⁾ Capital Projects Fund (Stormwater Remediation Fees).

⁽²⁾ Capital Projects Fund (Developers’ Waiver Fees).

⁽³⁾ Maximum compensation for the entire 5-year and 3-month term, including the renewal and extension periods.

Analysis

Currently, there are 1,645 County-owned stormwater facilities. The Department advised that the inspection, maintenance, and water quality conversion of these public stormwater facilities are an integral tool to meet federal and State-mandated pollutant load reductions. The Department advised that it has contracted with the Maryland Environmental Service to supplement its in-house inspections. The increased inspections have accelerated the identification of needed facility repairs as well as sites eligible for conversion to extended detention ponds. The Department advised that 1,151 ponds have the potential for water quality conversion; such conversions improve the facilities' ability to remove sediment and nutrients from stormwater, enhancing the County's efforts to meet stormwater remediation efforts required in the NPDES MS4 permit.

The County currently contracts with Apex Companies, LLC and Environmental Quality Resources, LLC (EQR) to provide on-call stormwater system repair and maintenance services including design, construction, maintenance, and repair activities at various sites throughout the County. Environmental restoration and repair projects may include: retrofit, conversion, or repair of an existing stormwater management facility; installation of water quality best management practices; storm drain utility repairs; fence repair; emergency repair of storm damage; and noxious weed control. The proposed amendment is necessary to allow Apex to provide repairs and conversions of public ponds identified in the inspections. The Department advised that Apex was selected for the additional projects because of its long history of exceptional performance and proficiency in handling difficult stormwater repair and conversion projects.

On April 2, 2012, the Council approved the contracts with Apex and EQR with a total maximum compensation of \$1,864,472 for both contractors combined for the entire 5-year and 3-month term, with compensation not to exceed \$944,206 for Apex and \$920,266 for EQR. On March 17, 2014, the Council approved amendments to increase the maximum compensation for both contractors combined by \$5.0 million (\$2.5 million each), from \$1,864,472 to \$6,864,472, with compensation not to exceed \$3,444,206 for Apex and \$3,420,266 for EQR. The proposed amendment increases the maximum compensation of the Apex contract by \$3.0 million, from \$3,444,206 to \$6,444,206, for the entire 5-year and 3-month term of the contract, including the renewal and extension periods.

The County is billed based on hourly rates for labor and equipment plus materials (including overhead and profit) and dumping charges. For dumping charges, increases in unit prices are limited to the actual cost increase to the contractor. Funding for this contract will not be encumbered at this time. Rather, contract costs will be charged to specific projects as they are assigned. The County may terminate the agreement by providing 30 days prior written notice.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in unit prices, except for dumping charges, in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower.

The Department advised that Apex and EQR combined have built approximately 45 conversions per year and have reconstructed and repaired approximately 10 ponds; specific project information was not readily available. As of October 6, 2015, expenditures and encumbrances under these contracts, per the County's financial system, totaled approximately \$4.3 million including \$3.4 million for Apex and \$900,000 for EQR. The contracts were awarded through a competitive procurement process based on lowest bids from six bids received.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The inspection, maintenance and water quality conversion of eligible existing public stormwater facilities is an integral tool for Baltimore County to meet Federal and State mandated pollutant load reductions (TMDLs) and implementation of the local Stormwater Remediation Program for the Chesapeake Bay and its tributaries.

The Department of Environmental Protection and Sustainability has increased triennial inspections that are required by State law by hiring the Maryland Environmental Service to supplement in-house inspections. These inspections have increased the number each year to approximately 400. As a result, many ponds have been found to need minor or major repairs and meet requirements for conversion to extended detention ponds that remove sediment and nutrients from stormwater. These conversions are one of the strategies to meet stormwater remediation efforts required in the NPDES MS4 permit.

Currently, there are 1,645 county-owned stormwater facilities. Approximately 70% of these have the potential for water quality conversion – 1,151 ponds. Currently, two firms provide this construction work. Apex and EQR provide maintenance, major repair, reconstruction and conversion. Apex has been selected on many projects because of their qualified staffing and successful performance. This contract amendment increases the current limit of \$3,444,206.06 to \$6,444,206.06. The additional \$3 million will be used for repairs and conversions of public ponds identified in inspections.

The design of these repairs and conversions is done by County engineers or by on-call engineers depending upon the complexity of the work needed or if external agencies such as SCD are involved. EPS has designed and APEX or EQR have built about 45 conversions per year and have reconstructed and repaired about ten ponds.

The cost estimates are based on the hours and materials required for each project. Based on the proposal from the contractor, the estimate is reviewed and verified by the applicable engineers.

Prepared by: Department of Environmental
Protection and Sustainability

FM-2 (Contract Amendment)

Council District(s) All

Office of Budget and Finance

Maintenance, etc. – Existing Honeywell Equipment

The Administration is requesting an amendment to a contract with Honeywell International, Inc. to continue providing temperature control system maintenance services for various County buildings (Courts, Jefferson, and County Office Buildings, Historic Courthouse, and Drumcastle Government Center). The proposed amendment increases the contract's extension period by an additional 60 days, from 120 days to 180 days (through December 3, 2015), and increases the maximum compensation of the contract by \$35,411, from \$207,299 to \$242,710 for the entire 5-year and 6-month term. The amendment is necessary to extend maintenance services until a new contract is procured.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 35,411	\$ 207,299	\$ 242,710
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 35,411</u> ⁽²⁾	<u>\$ 207,299</u>	<u>\$ 242,710</u> ⁽³⁾

⁽¹⁾ General Fund Operating Budget.

⁽²⁾ Maximum compensation for the 180-day extension period.

⁽³⁾ Maximum compensation for the entire 5-year and 6-month term.

Analysis

Under the proposed amendment, the contractor will continue to provide all labor, equipment, materials, supervision, tools, and related incidentals required to maintain, repair, overhaul, or

replace existing Honeywell temperature control equipment and software for various County buildings (Courts, Jefferson, and County Office Buildings, Historic Courthouse, and Drumcastle Government Center) for an additional 60 days (October 5, 2015 through December 3, 2015). The Office advised that the proposed amendment is necessary to cover maintenance services until a new contract is procured, since temperature control equipment must be fully functional and operational at all times. The Office also advised that it plans to enter into a new contract with Honeywell on a sole-source basis since the temperature control systems are proprietary to Honeywell.

On June 7, 2010, the Council approved the original 5-year and 4-month contract, with compensation not to exceed \$207,299. The proposed amendment increases the extension period by 60 days, from 120 days to 180 days, and increases the maximum compensation of the contract by \$35,411, from \$207,299 to \$242,710 for the entire 5-year and 6-month term, including the renewal and extension periods. All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

The original contract was awarded as a negotiated procurement after a competitive procurement process yielded only one response, which was from Honeywell International, Inc. The Office advised that as of October 2, 2015, \$206,371 has been expended/encumbered under this contract.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...." Since the additional 60-day period commenced and additional expenses have been incurred prior to Council approval, we believe this situation may constitute a violation of the aforementioned section of the County Charter.

FM-3 (Contract Amendment)

Council District(s) All

Office of Budget and Finance

Recertification Services

The Administration is requesting an amendment to a contract with National Academies of Emergency Dispatch (NAED) d/b/a International Academies of Emergency Dispatch to provide additional recertification exams recommended by the Maryland Department of Public Safety and Correctional Services to 911 Emergency Communication personnel. The amendment increases the maximum compensation of the contract by \$73,860, from \$51,300 to \$125,160, and adds three additional 1-year renewal periods to the current 10-year term, including the renewal and extension periods. The original contract commenced January 1, 2010. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 73,860	\$ 51,300	\$ 125,160
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	\$ 73,860 ⁽²⁾	\$ 51,300	\$ 125,160 ⁽³⁾

⁽¹⁾ General Fund Operating Budget.

⁽²⁾ Maximum compensation for the additional recertification exams and three additional 1-year renewal periods.

⁽³⁾ Maximum compensation for the entire 13-year term, including the renewal and extension periods.

Analysis

The Maryland Institute of Emergency Medical Services System (MIEMSS) mandates that all Emergency Communication Technicians (ECTs) be trained and certified in Emergency Medical

Dispatch (EMD) protocols. Since 2010, the County has contracted with NAED to provide recertification services for the EMD protocol. Services include reviewing all EMD recertification applications, processing all recertification exams, and determining that all ECTs have completed the recertification requirements and paid all applicable fees. Subsequent to the execution of the contract, the Maryland Department of Public Safety and Correctional Services, Emergency Number Systems Board (ENSB), recommended that 911 Emergency Communication personnel also maintain certification in Fire (EFD) and Police (EPD) dispatch protocols. The Office advised that the 911 Center adopted the integrated 911 dispatch protocol program developed by NAED, the certifying organization for this training program. 911 Emergency Communication personnel complete three training courses and are to be recertified for each protocol every 2 years. The Office also advised that the County added the EFD protocol in 2013 and the EPD protocol in early 2015.

Under the proposed amendment, the contractor will also provide recertification services for the EFD and EPD protocols and Quality Control/Assurance recertifications (EMD-Q, EFD-Q, and EPD-Q), including retesting for failed recertifications. The contractor will administer the EMD, EFD, and EPD exams for \$50 per exam, a combination of two exams for \$85, or all three exams for \$110. The contractor will administer the EMD-Q, EFD-Q, and EPD-Q exams for \$100 per exam, a combination of two exams for \$160, or all three exams for \$200. If a passing score of 80% is not achieved, the fee for retaking an exam is \$30.

On February 16, 2010, the Council approved the original 10-year contract, which commenced January 1, 2010, with compensation not to exceed \$51,300. The proposed amendment adds three additional 1-year renewal periods and increases the maximum compensation of the contract by \$73,860, from \$51,300 to \$125,160, for the entire 13-year term, including the renewal and extension periods. Fees will be subject to change based on the stated national rate on the contractor's website; under the original contract, fees could increase by no more than 10% of the fees paid by the County during the previous 3-year term. All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

The contract was awarded on a sole-source basis since the contractor is the sole provider of recertification services for its own protocols, which the County uses. The Office advised that as of October 5, 2015, \$21,140 has been expended/encumbered under this contract.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The Emergency Communications Center (911 Center) is amending its current contract (County Master Agreement 1491) with the National Academies of Emergency Dispatch (NAED). Beginning in 2010, the 911 Center put the original contract in place with the NAED for re-certification services for the Emergency Medical Dispatch (EMD) protocol.

Subsequent to the original NAED contract being executed, the Maryland Department of Public Safety and Correctional Services, Emergency Number Systems Board, now recommends that 911 Emergency Communication personnel also maintain certification in Fire (EFD) and Police (EPD) dispatch protocols. To accomplish this, the 911 Center adopted the integrated 911 dispatch protocol program developed by the NAED. The NAED is the certifying organization for this training program, which requires the completion of the three individual training courses, inclusive of testing and initial certification, followed by re-certification every 2 years for each protocol. In 2013, the 911 Center added the EFD dispatch protocol to its training regimen, followed by the EPD protocol in early 2015.

With re-certification in each dispatch protocol required every 2 years, the 911 Center must amend the current contract with the NAED to provide the additional re-certification services for the Fire and Police protocols. As amended, the contract will provide re-certification services for the three dispatch protocols (EMD, EFD and EPD), inclusive of retest fees for failed re-certifications, and Quality Control/Assurance re-certifications (EMD-Q, EFD-Q and EPD-Q).

This Amendment 1 to the NAED contract also allows for three (3) additional renewal years, increasing the number of renewal years to nine (9). The compensation total for the entire term of the contract, including renewals and extensions, will not exceed One-Hundred Twenty-Five Thousand One-Hundred Sixty-Dollars (\$125,160.00).

At this time, continuing, bi-annual re-certification services for the 911 dispatch protocol program, as developed by the National Academies of Emergency Dispatch, can only be secured directly from this vendor. As such, the additional re-certification services, as specified above, are being procured from the National Academies of Emergency Dispatch on a sole source basis.

Prepared by: Office of Budget and Finance

FM-4 (Amendment to Lease)

Council District(s) 2

Department of Health and Human Services

Women, Infants & Children (WIC) Program - Reisterstown

The Administration is requesting approval of a second amendment to a lease agreement with Chartley Limited Partnership, LLLP to continue leasing 2,297 sq. ft. of space at 148 Chartley Drive in Reisterstown for the operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The current lease expires October 31, 2015. The amendment, which commences on November 1, 2015, extends the current 12-year lease by 2 years (through October 31, 2017) and includes a 2-year renewal option (through October 31, 2019). The estimated cost for the additional 4-year lease (2-year extended and 2-year renewal periods) totals \$173,270; the estimated cost for the entire 16-year term of the lease, including the additional 4-year term, totals \$626,941. See Exhibit A.

Fiscal Summary

Funding Source	Lease Amendment	Current Total Compensation	Amended Total Compensation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 173,270	\$ 453,671	\$ 626,941
Other	--	--	--
Total	<u>\$ 173,270 ⁽²⁾</u>	<u>\$ 453,671</u>	<u>\$ 626,941 ⁽³⁾</u>

⁽¹⁾ U.S. Department of Agriculture funds passed through the MD Department of Health and Mental Hygiene, Women, Infants and Children's Program.

⁽²⁾ Estimated compensation for the additional 4-year term (2-year extended and 2-year renewal periods).

⁽³⁾ Estimated compensation for the entire 16-year term, including the additional 4-year term.

Analysis

On June 16, 2003, the Council approved a 10-year lease agreement with Chartley Limited Partnership, LLLP for 2,297 sq. ft. of space at 148 Chartley Drive in Reisterstown for the operation of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), which serves income-eligible pregnant, post-partum, and breastfeeding women, and children under the age of five with medical/nutritional risk factors. On October 21, 2013, the Council approved an amendment to extend the term of the lease by 2 years, through October 31, 2015.

The proposed second lease amendment, which commences November 1, 2015, extends the current 12-year term by 2 years (through October 31, 2017) and includes an additional 2-year renewal option (through October 31, 2019) under the same terms and conditions. The rental cost for the additional 4-year term totals \$127,854 (\$62,981 for the 2-year extended period, and \$64,873 for the 2-year renewal period). In addition to the rent, the County is responsible for its pro-rata share of the common area maintenance (CAM) fees, real estate taxes, and 15% of the landlord's administrative/overhead costs totaling an estimated \$11,354 per year, or \$45,416 for the additional 4-year term. (The County is also responsible for the utilities, which are not part of the lease cost.) The estimated cost for the additional 4-year lease term (2-year extension and 2-year renewal periods) totals \$173,270; the estimated cost for the entire 16-year term of the lease, including the additional 4-year lease term, totals \$626,941.

The Department advised that the County will expend \$453,671 under the current lease, which expires October 31, 2015, including \$33,450 in construction remodeling costs made by the landlord prior to the County's occupancy. The cost to lease the space is funded through the WIC grant program. The amendment provides that in the event that federal funds are not made available for a period in excess of 3 months, the County may terminate the lease by providing 90 days prior written notice. All other terms and conditions remain the same.

The Department advised that the County has leased this space since 2003 and that this location was selected because of its proximity to a major public transportation route. The Department further advised that 4,226 clients were served at this site in FY 2015.

County Charter, Section 715, requires Council approval for leases of real or leasehold property in excess of \$25,000 in the aggregate.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Second Amendment to Lease -Chartley Limited, LLLP

This is a Second Amendment to extend an existing lease between Chartley Limited, LLLP and Baltimore County for 2,297 square feet located at 148 Chartley Drive, Reisterstown, MD 21136. The space is currently utilized by the Baltimore County Health and Human Services, Bureau of Clinical Services, Women, Infants and Children Supplemental Nutrition Program (WIC). The current lease expires October 31, 2015. The new lease commences November 1, 2015 and terminates October 31, 2017. There is one additional two year term commencing November 1, 2017 to October 31, 2019.

Purpose

This lease is to provide space for the WIC program in the Reisterstown area. The WIC program provides healthy supplemental foods and nutrition counseling for income eligible pregnant, post-partum and breast feeding women as well as children under the age of five with medical/nutritional risk factors.

The Reisterstown WIC program served 4, 226 women, infants and children in FY 2015.

Fiscal Impact

The WIC program is funded by the U.S. Department of Agriculture (USDA).

The total cost for the life of the lease is \$127,853.78. In addition the County is responsible for a proportionate share of the taxes, operating costs and insurance. For fiscal years 12 through 15 the CAM costs were \$7,488 annually prior to adjustments. For FY 12 through FY 15 the real estate taxes totaled \$11,737 and BGE costs totaled \$16,729 (FY 2015 was for 10 months only).

Prepared by:
Department of Health and Human Services

FM-5 (2 Contracts)

Council District(s) All

Department of Public Works

Snow Removal, Deicing & Salt Application

The Administration is requesting approval of two contracts to provide on-call snow removal and salt application services. The two contractors are Prough’s Home Improvement LLC and Green Scapes Unlimited, Inc. The contracts commence November 1, 2015, continue through April 30, 2016, and may be renewed for 9 years (November 1 through April 30 constitutes a snow season). Compensation for the two contracts, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire 9-year and 6-month term of the agreements.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation
County	*	*
State	--	--
Federal	--	--
Other	--	--
Total	* (1)	* (2)

(1) The hourly rate for the contractors is \$110 with no specified maximum compensation. The contracts, together with all other contracts for these services, is limited in the aggregate to the amount appropriated for snow removal and salt application services. The contract amounts are not reasonably estimable at this time.

(2) Maximum compensation together with all other contracts for these services for the entire approximate 9-year and 6-month term, including renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amounts are not reasonably estimable at this time.

Analysis

In accordance with the Department's snow removal plan, responsibility for most Priority 1 routes (i.e., roads with traffic volumes of at least 10,000 vehicles per day) will be assigned to contractors, allowing the County to focus its efforts on subdivision streets more quickly.

The contracts commence November 1, 2015, continue through April 30, 2016, and may be renewed for 9 years on the same terms and conditions, unless the County provides notice of non-renewal. A snow season begins November 1st and ends April 30th. The contracts do not establish a fixed dollar amount; rather, the contracts state that the compensation paid to all contractors providing snow removal and salt application services may not exceed the amount appropriated during the entire term of the agreement. The Department advised that an estimated amount for each contract is undeterminable due to the unpredictable nature and timing of snow falls (i.e., density and depth of snow falls, number of snow falls occurring during the season). The County may terminate the agreements by providing 30 days prior written notice.

The FY 2016 budget for the Storm Emergencies Program totals \$5,987,025, including \$1,100,000 for contractual snow removal services. The Department advised that snow removal expenditures for FY 2015 totaled approximately \$14.9 million, including approximately \$4.3 million for contractual services.

Prough's Home Improvement, LLC and Green Scapes Unlimited, Inc. will provide one and five 1-ton pick-up trucks with plows and spreaders, respectively, at an hourly rate of \$110. Each contractor will be paid based on the actual hours the equipment is in service, including up to 2 hours for travel time (1 hour each to and from the County highway shop). Additionally, the minimum work shift for any dispatched truck is 4 hours. The County will provide all rock salt for spreading on road surfaces.

The Office of Budget and Finance, Purchasing Division advised that the pricing and contract terms are based on similar contracts established by the State of Maryland. However, hourly rates may be changed at the time of each annual renewal based on the State of Maryland rates in effect at that time. The State of Maryland contract includes an additional incentive payment to each contractor after the snow season ends in the amount of \$500 per truck if the contractor was available and present for all snow events. The County's contract also includes this incentive payment.

In procuring these services, the Department requested and received a waiver of a sealed bid process from the Administrative Officer due to the competition with surrounding jurisdictions. Accordingly, each contractor was selected on a non-competitive basis.

For the 2015/2016 snow season, the Department advised that it has approximately 300 pieces of snow removal equipment (e.g., trucks, loaders, backhoes, and graders) available from its Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, and the Department of Education. The County currently has contracts with 50 contractors, excluding these two contractors, which provide a total of 183 trucks and 47 loaders to supplement the County's snow removal and salt application efforts this winter.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

FM-6 (2 Contracts)

Council District(s) All

Department of Public Works

On-Call Bridge Inspection Services

The Administration is requesting approval of two contracts to provide on-call inspection services on the County’s minor bridges. The two contractors are The Wilson T. Ballard Company and Whitman, Requardt & Associates, LLP. The contracts commence upon Council approval, continue for 2 years, and will automatically renew for two additional 1-year periods. The contracts do not specify a maximum compensation for the initial 2-year term. Compensation for each contractor may not exceed \$1.5 million (or \$3.0 million combined) for the entire 4-year term, including the renewal periods. See Exhibits A and B.

Fiscal Summary

Funding Source	Combined Maximum Compensation	Notes
County ⁽¹⁾	\$ 600,000	⁽¹⁾ Capital Projects Fund.
State ⁽²⁾	2,400,000	⁽²⁾ Maryland Department of Transportation, State Highway Administration.
Federal	--	⁽³⁾ Maximum compensation for both contractors combined (\$1.5 million each) for the entire 4-year term, including the renewal periods. The contracts do not specify a maximum compensation for the initial 2-year term.
Other	--	
Total	\$ 3,000,000 ⁽³⁾	

Analysis

Federal law requires that highway bridges 20 feet or more in length be inspected every 2 years; the Department advised that these bridges are inspected by the State (i.e., a contractor hired by the State). While there are no state or federal mandates that require minor bridges (i.e., those less than 20 feet in length or pedestrian or railroad loading bridges greater than 20 feet) to be

inspected, it is the County's practice to perform these inspections on a biennial basis. Included in the list of other bridges are miscellaneous structures such as box culverts and structural plate arches. The current inventory of these minor bridge structures totals 346.

Each contractor will provide inspection services of the minor bridge structures in the County's current inventory and may also inspect new structures added to the inventory. Each contractor will inspect approximately half of the bridge structures in the current inventory over the initial two-year period, plus a contingency of 10 new bridge structures. During the initial 2-year period, one contractor will inspect all the bridges on the east side of the County and the other contractor will inspect all the bridges on the west side of the County. During the two additional 1-year renewal periods, the contractors will switch lists and again complete inspections of all the minor bridge structures. Each bridge inspection involves a field inspection, verification of the load capacity rating, and the development of a new report (or the updating of a previous report) with evaluations and recommendations concerning the bridge's structural integrity. The contractors will also provide emergency and post-flood inspections as well as any additional non-minor bridge inspections as needed.

The contracts commence upon Council approval, continue for 2 years, and will automatically renew for two additional 1-year periods, unless the County provides notice of non-renewal. The contracts do not specify a maximum compensation for the initial 2-year term. Compensation for each contractor may not exceed \$1.5 million (\$3.0 million combined) for the entire 4-year term, including the renewal periods.

Services will be performed at the engineers' cost plus profit. Profit is limited to 10% of the combined total of direct labor costs plus overhead and payroll burden. Hourly rates and percentages for overhead, payroll burden, and profit are within established County limits. Funding for the two contracts will not be encumbered at this time. Rather, contract costs will be charged to specific projects as they are assigned. The County may terminate the agreements by providing 30 days prior written notice.

On May 19, 2015, the Professional Services Selection Committee (PSSC) selected the two contractors from 15 submittals based on qualifications and experience.

On September 4, 2012, the Council approved two similar contracts to provide minor bridge inspection services, one not to exceed \$427,934 with Greenman-Pederson, Inc. (formerly Nolan

Associates, Inc.) and one not to exceed \$445,687 with Wallace, Montgomery & Associates, LLP. The contracts are to continue until the required services are completed. The Department advised that as of September 24, 2015, the contractors have completed all services; 343 bridge structures have been inspected at a total cost of \$833,984 (171 structures at a total cost of \$427,934 for Greenman-Pederson, Inc. and 172 structures at a total cost of \$406,050 for Wallace, Montgomery & Associates, LLP). The Department advised that the increase in compensation is due to additional work needed to meet increased inspection requirements and inflation.

The Department also advised that the contractors currently provide various other types of engineering services for the County under separate contracts. The Wilson T. Ballard Company has two contracts not to exceed \$3.0 million in total and Whitman, Requardt & Associates, LLP has five contracts not to exceed \$21.5 million in total.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Baltimore County Minor Bridge Inspection Program Job Order #210-207-0220-0024 County-Wide

The Project

This project consists of safety inspection of roadway bridges that have span lengths less than 20 feet and also bridges that only carry pedestrians or railroad loads. Each bridge inspection involves the field inspection, load capacity ratings, scour evaluations and the development of a report with evaluations and recommendations concerning the structure's condition. Information from previous reports, if available, is utilized in the development of the new reports and capacity ratings.

The present inventory of existing bridges less than 20 foot span (or railroad or pedestrian) is 348 bridges. This contract (1 of 2) will provide on-call bridge inspection services. The work will include routine, emergency and post flood inspections, scour evaluations, load rating investigations and inspection report preparation in accordance with the Federal Highway Administration's National Bridge Inspection Standards. Work for the overall project will be split evenly between the two contracts.

We will pursue reimbursement of 80% of these costs from State Aid funds.

The Consulting Agreement

The Wilson T. Ballard Company was selected by the Professional Services Selection Committee on May 19, 2015.

Scope: Provide professional on-call bridge inspection services for structures in the County's Minor Bridge Inventory. Individual task assignments will detail the exact services being provided under each task.

Total Upset Contract Limit: \$1,500,000 (20% MBE/WBE Requirement)

Contract Duration: 4 Years

Prepared by: Department of Public Works



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Baltimore County Minor Bridge Inspection Program Job Order #210-207-0220-0024 County-Wide

The Project

This project consists of safety inspection of roadway bridges that have span lengths less than 20 feet and also bridges that only carry pedestrians or railroad loads. Each bridge inspection involves the field inspection, load capacity ratings, scour evaluations and the development of a report with evaluations and recommendations concerning the structure's condition. Information from previous reports, if available, is utilized in the development of the new reports and capacity ratings.

The present inventory of existing bridges less than 20 foot span (or railroad or pedestrian) is 348 bridges. This contract (2 of 2) will provide on-call bridge inspection services. The work will include routine, emergency and post flood inspections, scour evaluations, load rating investigations and inspection report preparation in accordance with the Federal Highway Administration's National Bridge Inspection Standard guidelines. Work for the overall project will be split evenly between the two contacts.

We will pursue reimbursement of 80% of these costs from State Aid funds.

The Consulting Agreement

Whitman Requardt & Associates, LLP was selected by the Professional Services Selection Committee on May 19, 2015.

Scope: Provide professional on-call bridge inspection services for structures in the County's Minor Bridge Inventory. Individual task assignments will detail the exact services being provided under each task.

Total Upset Contract Limit: \$1,500,000 (20% MBE/WBE Requirement)

Contract Duration: 4 Years

Prepared by: Department of Public Works

MB-2 (Res. 88-15) Grant

Council District(s) All

Mrs. Bevins (By Req.)

Department of Planning

NAMI Metropolitan Baltimore, Inc.

The Administration is requesting the approval of a grant totaling \$28,500 from the Department of Planning's Homeless Services Grant Program to National Alliance on Mental Illness (NAMI) Metropolitan Baltimore, Inc. The grant funds will be used to provide mental health programming to clients at the County's Eastside shelter and to provide workshops to County employees (e.g., social workers) whose work regularly involves individuals living with mental illness. See Exhibit A.

Fiscal Summary

Funding Source	Grant Amount	Notes
County ⁽¹⁾	\$ 28,500	⁽¹⁾ Organization Contributions, General Grant Program funds – Department of Planning's Homeless Services Grant Program.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 28,500</u>	

Analysis

NAMI is the nation's largest nonprofit, grassroots mental health organization; NAMI Metropolitan Baltimore, Inc. is the organization's affiliate which was founded in 1983 to provide services within Baltimore City and County. NAMI Metropolitan Baltimore, Inc. provides advocacy, education, support, and public awareness regarding mental illness. Clients include individuals living with

mental illness, family members, friends, and mental health professionals. In 2014, NAMI Metropolitan Baltimore, Inc. provided services to more than 4,000 people in the Baltimore Metropolitan area.

NAMI Metropolitan Baltimore, Inc. will use the proposed grant funds primarily for the salaries (\$25,000) to support three positions (Executive Director, Program Director, and Volunteer Coordinator) and for operational costs (\$3,500). Through its Homeless Recovery Support Group Project, NAMI Metropolitan Baltimore, Inc. will provide mental health programming to clients at the County's Eastside shelter. The Project aims to serve 150 homeless persons with exhibited signs of mental illness through "NAMI Connection" support groups and "In Our Own Voice" presentations, through which people with mental health conditions share personal stories. In addition, NAMI Metropolitan Baltimore, Inc. will provide two "Virtual Voice" workshops for 80 County employees (e.g., social workers/case workers) with connections to either the Eastside or Westside homeless shelters; workshop participants will complete various tasks in order to understand the daily challenges that people with mental illnesses may face.

The grant period is FY 2016. The Department advised that the County has provided \$28,500 in grant funds in each of the past 4 fiscal years for the grantee's Homeless Recovery Support Group Project.

This resolution shall take effect from the date of its passage by the County Council.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The Baltimore County Department of Planning requests approval of a Homeless Service Grant to NAMI Metropolitan Baltimore, Inc. (NAMI Metro Baltimore). The grant request is \$28,500.

The normal process for approval of grants is the 14-day notice process. However, because NAMI's Executive Director is the Treasurer for Councilman Tom Quirk's re-election campaign, this grant must be presented to Council for approval.

NAMI is the National Alliance on Mental Illness, the nation's largest grassroots mental health organization. NAMI provides advocacy, education, support, and public awareness so that all individuals and families affected by mental illness can build better lives. NAMI Metro Baltimore is an affiliate serving Baltimore City and County.

NAMI Metro Baltimore was founded in 1983, and in 2014 provided services to more than 4,000 people in the Baltimore Metropolitan area. Clients are individuals living with mental illness, family members, friends and mental health professionals.

For the past four (4) years, NAMI Metro Baltimore has provided mental health programming, known as the Homeless Recovery Support Group Project, to clients of the county's Eastside Shelter. The county has provided \$28,500 in grant funds for each of those 4 years for the project. The goal is for this project to serve 150 homeless persons with exhibited signs of mental illness through "NAMI Connection" support groups and a once per month "In Our Own Voice" presentation. Additionally, NAMI Metro Baltimore will deliver two Virtual Voices workshops for 80 County employees. Grant funds will support staff salaries, professional contracted services, office supplies, travel, office and telephone costs.

MB-3 (Res. 89-15)

Council District(s) All

Mr. Quirk

Planning Board – Open Space Waiver Fees

Resolution 89-15 asks the Planning Board to recommend to the County Council the manner in which open space waiver fees may be used to meet the County’s local open space needs, as those needs are identified in the Baltimore County Land Preservation, Parks and Recreation Plan (the Plan).

On February 7, 2015, the Council approved an update to the Plan (Resolution 6-15). The Plan contains a detailed analysis of the County’s open space needs, including an analysis of the process that permits a developer to pay a fee to the Open Space Revenue Account in lieu of providing open space.

Resolution 89-15 asks the Planning Board to review the Plan and to recommend to the County Council the manner in which open space waiver fees, or fees in lieu, may be utilized to meet the County’s local open space needs as those needs are identified in the Plan.

In order to complete its review, the Planning Board is also requested to establish an advisory committee composed of representatives of the Departments of Planning and Permits, Approvals and Inspections, NeighborSpace of Baltimore County, Inc., the Home Builders Association of Maryland, the Baltimore County Bar Association Real Property Committee, and the State, Local Laws and Zoning Committee.

The Planning Board is requested to submit a report to the County Council on or before April 30, 2016.

MB-4 (Res. 90-15)

Council District(s) All

Mr. Marks

Local Open Space Waiver Fees

Resolution 90-15 adopts a schedule of fees for local open space waivers.

The Department of Recreation and Parks may allow an applicant for development plan approval to pay a fee to the Local Open Space Revenue Account instead of dedicating a certain portion of land for open space. The Local Open Space Waiver fee was established in March 2000 as a reasonably proportionate offset for the cost to the County to acquire alternate recreational land. The law requires the Administrative Officer to review the fees at least once every 2 years. The County Council adopts the fees by resolution. The fee rates were last adjusted in May 2013.

In May 2013, the Council asked the Planning Board to develop “a comprehensive formula for the manner of establishing local Open Space waiver fees.” Instead, the April 23, 2015 Board report recommends that the Council “consider an increase” in such fees. The Board report includes a Department of Planning staff report which, on the other hand, recommends “retaining the existing fee structure and renewing all exemptions.” The County Administrative Officer concurs with the staff recommendation.

Resolution 90-15 readopts the May 2013 fees with a few exceptions:

The most recently adopted local open space waiver fee structure applicable to developments affected by the proposed changes (i.e., developments in a C.T. district; R.A.E. and M.L.-I.M. developments in a commercial revitalization district; and dormitory developments for housing not less than 50 students attending an accredited higher education institution) was established through Resolution 63-00 in August 2000. The current and proposed fees are as follows:

Zoning Classification or Use	Current Fee (Res. 63-00)	Proposed Fee (Res. 90-15)
B.M. (Business Major)-C.T. (Commercial, Town Center Core) District of Towson	The current fee applies to all C.T. District projects: \$0 (1-100 units) \$5,000 (each 25 units thereafter)	The proposed fee structure maintains the current fee for all C.T. District projects except those located in the B.M.-C.T. District of Towson; for projects in the B.M.-C.T. District of Towson, the proposed fee is \$2,000 per dwelling unit
R.A.E. (Residential, Apartment, Elevator) in a commercial revitalization district	\$0	\$3,500 per dwelling unit
M.L. (Manufacturing, Light)-I.M. (Industrial, Major) in a commercial revitalization district	Same as the fee for the zone with the density most comparable to the project	\$2,500 per dwelling unit
Dormitories for housing not less than 50 students attending an accredited higher education institution	\$0	Based on the zoning of the development

The fee is to be applied retroactively in some cases: the fee adopted in the M.L.-I.M. Zone, the R.A.E. Zone and the B.M.-C.T. District of Towson applies retroactively to a development plan filed prior to the effective date of the resolution. For a development plan filed prior to the effective date, the fee is 40% of the fee for a development plan for which an administrative law judge written decision has been issued prior to the effective date of this resolution, and 70% of the fee for a development plan for which a concept plan was filed prior to the effective date of this resolution, but an administrative law judge decision has not yet been issued as of the effective date.

The resolution recites that any fee collected for a development plan, pending as of the date of this resolution, in a M.L.-I.M. Zone should be utilized for the construction of a turf field at Loch Raven High School; any fee collected for a development plan in a R.A.E. Zone should be utilized for the construction of improvements to the Dumbarton Middle School athletic fields; and any fee collected for development plans in the B.M.-C.T. District of Towson should be utilized as follows: \$245,000 in fees collected from the Towson Row project should be utilized for turf fields at Towson High School and the Carver Center for Arts and Technology, with the remainder applied to the

Radebaugh Park project; and fees collected from the project at York Road and Washington Avenue should be utilized for improvements to the West Towson Trail, the Southland Hills mini-park, and the Towson Manor Village Park.

Resolution 90-15 will take effect from the date of its passage by the County Council.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Fred Homan
Administrative Officer

DATE: 9/10/15

FROM: Keith Dorsey, Director
Office of Budget & Finance *KAD*

**COUNCIL MEETING
DATE:** 10/19/15

SUBJECT: Public Recordation of Announcement
of Non-Competitive Awards Charter Sec. 902(f)

Whenever a contract over \$25,000 is awarded by a process other than a formal competitive bid, a copy of the contract must be given to the County Council, and at the next legislative session-day following the award of the contract, the Secretary to the County Council shall formally announce to the Council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, and shall be available for inspection by the public. In compliance with this procedure, information is attached concerning the following awards, which are to be forwarded to the County Council:

Purchase Order

PO 8352 MLK and Associates LLC – Valves, Texas Force Main

This order is for the purchase of Gate Valves for the Texas Force Main.

As indicated by DPW Director Ed Adams in his memo dated August 3, 2015, the purchase of these valves will continue to allow the ability to bypass the flow of sewage and avoid the risk of an overflow that would impact the Loch Raven Reservoir.

Amount Total: \$58,500.00
Award Date: 09/11/15

PO 8390 Ark Systems Inc – Alarm, Fire, Replacement, PSB, Prop Mgmt.

This is an emergency purchase, covering the replacement of fire alarm device components, which were damaged as the result of a flood experienced at the Public Safety Building. As detailed in the justification memo signed by Property Management Division Chief George Klunk, Ark Systems is the County's contracted vendor for Fire Alarm Maintenance. Awarding the replacement services to Ark Systems will ensure continuous alarm service at the Public Safety Building.

Amount Not to Exceed: \$85,376.00
Award Date: 09/11/15

c: M. Field
T. Peddicord
L. Smelkinson