
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
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ANNAPOLIS, MARYLAND

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10:11a.m.

TREASURER KOPP: I would just suggest it. I mean, MDOT is pushing that.

MR. PORTS: We are. We're looking at it. We're looking at the Airport, also, along with the Port. And you know, we just had the green conference, international green conference --

LIEUTENANT GOVERNOR RUTHERFORD: Green Ports.

MR. PORTS: The first time in North American we hosted at the Port. And also some of the, if I'm not mistaken some of the VW money is going to some of those charging stations also.

TREASURER KOPP: That's what I -- yeah.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: My understanding is that that falls under the --

TREASURER KOPP: I read it in the paper but I --

MR. PORTS: -- be more than happy --

TREASURER KOPP: -- but I just think that this is something --

MR. KUSOLI: -- more viable, is the infrastructure behind it.

TREASURER KOPP: Mm-hmm.

MR. KUSOLI: That's what's --

COMPTROLLER FRANCHOT: I visited San Francisco recently and there are thousands of electric scooters --

LT. GOVERNOR RUTHERFORD: Yes.

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COMPTROLLER FRANCHOT: -- all over the city. Apparently they, it's like --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: -- there's a business model there and I --

LIEUTENANT GOVERNOR RUTHERFORD: Los Angeles, too.

COMPTROLLER FRANCHOT: -- just had an image of the Lieutenant Governor, the Treasurer, and me on an electric scooter --

(Laughter.)

COMPTROLLER FRANCHOT: -- coming over --

TREASURER KOPP: But the Lieutenant Governor --

LIEUTENANT GOVERNOR RUTHERFORD: But they don't, they don't work well in the rain, though. That's the only thing.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: No, really, they've said that.

TREASURER KOPP: Connie Morella.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, yes.

TREASURER KOPP: Connie Morella drove an electric car when she ran against us in 1974. She didn't win then. She came back and won again. But this is not a new thing. I mean, this is, and Governor, this may be --

LIEUTENANT GOVERNOR RUTHERFORD: Well we can, well, we can look at it for --

TREASURER KOPP: Posterity.

LIEUTENANT GOVERNOR RUTHERFORD: -- you know, some of the vehicles that are used by, you know, some of the regulatory people and just, you know. First of all, I think we have too many State vehicles anyway but that's another story. But, you know, for some of the like non-law enforcement, I think it might make sense.

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: So thank you.

MR. KUSOLI: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: We can look, you know, we can take a look at it.

TREASURER KOPP: And when it's not electric, fuel efficient.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

LT. GOVERNOR RUTHERFORD: Okay. Oh, wait a minute. I thought there was one more. Are we going to talk about the transfer, Item 31? Do we have anyone here from the Department of Agriculture before we move on? Well, if not, Item 31 is a transfer from the contingency fund for the Department of

Agriculture and a small portion for the Housing and Community Development rural assistance deficiency. But mainly the Department of Agriculture, \$375,000 is to help in the marketing of seafood, given that we have a visa restriction associated with crab pickers. And so, we want to make sure that we're still marketing that you can get seafood, you can get crabs, that Maryland continues to be a seafood destination and have a viable seafood industry. So I just wanted to mention that. But we already moved --

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Second? All in favor? Thank you.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have any people leaving? We'll give you a few moments before starting with the University.

Good morning.

MR. EVANS: Good morning. Joe Evans representing the University System of Maryland. We have 16 items on the Agenda. We're here to answer any questions.

COMPTROLLER FRANCHOT: If I could just ask about Item 1, if I could, Mr. Evans? This is the item that was deferred at the May 2nd meeting. It's a \$560,000 contract for exterior artwork to a Florida based vendor. I made

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the point then that Maryland has some of the best art, artists in the country and it surprised me that out of 200 artists that responded to the request for qualifications, only 12, or six percent, were from Maryland. Of the 44 artists reviewed, only four were Maryland based. These figures, you know, underscore my concern that insufficient outreach was conducted with our local artist community in Maryland. So I'm surprised that it's back before us.

MR. EVANS: Before I bring up Liesel Fenner, who is with the Art Council, this procurement did follow the regular procurement process. I mean, it was advertised in eMaryland Marketplace. This is not the first one that's been done. The evaluation process is the regular evaluation process we go through to vet those vendors, in this case it would be the artist. And then the evaluation committee look at the ones and they try to, they, what's considered the best art. So I think it was vetted, that we did go through eMaryland Marketplace to advertise this requirement like we've done other ones.

COMPTROLLER FRANCHOT: Yeah. But less than ten percent of the people that replied were from Maryland, and only four of the 44 artists reviewed were Maryland based. And that's ridiculous.

MR. EVANS: But as far as replying, sir, I mean, we can't make them submit proposals. I mean, if it's out there for them to bid and the notice is out there, we can't make them submit proposals. I will see, come up Liesel to, if there was any other additional outreach.

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MS. FENNER: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MS. FENNER: Yes, my name is Liesel Fenner. I'm the Public Art Program Director at the Maryland State Arts Council. I have run the Maryland Public Art Initiative for three years. We have run our calls to artists through this standard procurement process. It has been, it was distributed on the eMaryland Marketplace as well as many public art listservs and including eblasts and all the traditional marketing that we do in getting the word out.

For this particular project, because it's over half a million dollars, we were looking at artists that had experience with budgets and projects of at least \$175,000. That was the eligibility. Now, on the Maryland front we have not had public art programs for very long and so our Maryland artists are getting up to speed in their competitiveness for qualifying for these eligibility requirements. We're proud that four of them came to the top and were reviewed very closely by our panel. We are also working on professional development to help our artists be more competitive in these processes.

We also want to note that our artists, we want them to be able to compete in other states. If we limit our calls, this in turn could limit Maryland artists' ability to apply for public art calls outside the State. And so the standard best practice, as with architecture and engineering, is to open it up beyond state lines. And this was --

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COMPTROLLER FRANCHOT: Yeah --

MS. FENNER: -- the most qualified artist --

COMPTROLLER FRANCHOT: Sure. But you've just exactly articulated why I'm concerned. Your RFP obviously kept out most Maryland artists because we don't have a lot that have done \$175,000 projects. There's no reason why you couldn't have done more outreach and brought everybody in under, particular you say you serve on the State Art Council. I mean, this is a, this is odd that you are supporting a system and a decision that came up with a Florida based vendor and you say that we have a fledgling artist community. I didn't realize it was fledgling. I think it's one of the best in the country.

MS. FENNER: Sir, for public art --

COMPTROLLER FRANCHOT: Yeah --

MS. FENNER: -- in particular this aligns with architecture and engineering procurement.

COMPTROLLER FRANCHOT: Well it's exactly what I have always been concerned about with the State's procurement process, which is you pick the winners and losers in your RFP. And you have an explanation which doesn't make sense to me. If you have a good artist, why can't they do a half a million dollar contract, particularly if they are in Maryland?

MS. FENNER: For the particular LEED requirements of this building, for looking for LEED Platinum, this artist has those qualifications. And the --

COMPTROLLER FRANCHOT: What does that have to do with it?

MS. FENNER: The public artwork itself will help fulfill the LEED sustainability components of the building. That was one of the outstanding features of the particular artist who was selected.

COMPTROLLER FRANCHOT: On --

LIEUTENANT GOVERNOR RUTHERFORD: Is that the material they use or something?

MS. FENNER: The materials, and supporting the wind vanes and the green roofs and recycling stormwater. All of that this artist has experience with. And that was in particular why they were chosen.

TREASURER KOPP: Can you describe in one minute the sort artwork you are talking about?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, that's --

MS. FENNER: We, okay, let's, the artist is creating a work that will be integrated into the exterior landscape of the building and the artist sometimes is overlapping into the territory of landscape architecture. The artist has particular experience with that infrastructure work and coming in now to work

with the architect and the general contractor right now, because the building is under construction, to ensure that that artwork, that water feature that's utilizing the LEED features, the stormwater management component, will be met. This artist needs to start the design process. The artists were not selected according to a proposal. Just like in an architecture project we hire the client, then they design the building, here they design the artwork.

TREASURER KOPP: So this is not like some --

LIEUTENANT GOVERNOR RUTHERFORD: Like not a painting.

TREASURER KOPP: -- some of the jurisdictions have had art set asides, or at least used to.

MS. FENNER: Yes.

TREASURER KOPP: Set aside for art in public places --

MS. FENNER: Yes.

TREASURER KOPP: -- for a long time.

MS. FENNER: Yes.

TREASURER KOPP: I was thinking Mary Ann Mears, a great sculptor from Maryland, next to Imagination Stage in Bethesda where we've all been, had a variety of things. This is something different.

MS. FENNER: Actually, it's a similar process. Montgomery County, Prince George's, the Purple Line have all selected artists from a national base. So we're aligning with public art best practices nationally. But --

COMPTROLLER FRANCHOT: Any of those picked from Maryland?

MS. FENNER: Yes, actually some of them have been Maryland artists.

COMPTROLLER FRANCHOT: No kidding.

MS. FENNER: But it is a national call for those county public art projects as well.

TREASURER KOPP: But I guess what I'm saying, what I'm thinking of is what she did in Bethesda, or actually Shady Grove too, were more pieces of art. They weren't integrated --

MS. FENNER: Correct.

LIEUTENANT GOVERNOR RUTHERFORD: Into the design of the --

TREASURER KOPP: -- into the environment as you are saying.

MS. FENNER: And we were looking at integrated work because of the scale of this project and the opportunity with a LEED building to actually serve as a model for a public artwork that is integrating LEED standards. We're

looking at this artist, this artwork becoming a destination because that artist is so well known. They will want to come see this site.

COMPTROLLER FRANCHOT: Make sure you have a big sign saying they are from Florida.

MS. FENNER: We only list the artist's name.

COMPTROLLER FRANCHOT: Seriously. Because, you know, I can't believe you aren't more bullish --

MS. FENNER: As --

COMPTROLLER FRANCHOT: -- as far as the Maryland art community.

MS. FENNER: I --

COMPTROLLER FRANCHOT: I mean, this is crazy.

MS. FENNER: It's a, they came up to the plate with their strongest proposals. This was the selection process that we utilized. And again, we are looking at the professional development of art in Maryland artists. So --

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: I'd like this item pulled out, if I could, when we vote.

SECRETARY MCDONALD: Yes. That was the, that is the fourth listing in Item 1.

COMPTROLLER FRANCHOT: Thank you.

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LIEUTENANT GOVERNOR RUTHERFORD: Are you in agreement to --

TREASURER KOPP: I support this. I mean, I do agree --

LIEUTENANT GOVERNOR RUTHERFORD: Are we deferring -

-

TREASURER KOPP: -- in supporting the Maryland arts community, always have personally and in the Legislature and as Treasurer. Mr. Singer is truly outstanding and I think it is different. From the people I've talked to in our arts community, this is what they want to build here. But this isn't what they have, this wasn't what the strength was. That's my understanding. I don't --

MS. FENNER: The, with interstate commerce laws we are not limiting the calls according to region.

TREASURER KOPP: I don't think the Comptroller has suggested

--

LIEUTENANT GOVERNOR RUTHERFORD: That's not a question of limiting.

TREASURER KOPP: -- that you limit it to Maryland.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: The question was, if you put out the call in Maryland, why was there not more response? And what I have heard when I make these inquiries from folk was that this was going into an area that was

somewhat new, not just in Maryland, in general. And while they wanted to go in that direction, this was not where they had been. Is that wrong? I mean --

MS. FENNER: We were aligning with national public art programs of other states. Yes, it was a new program to integrate public art in state buildings. We have not, we're only on our fourth project. And we're, we are absolutely going for the best possible work. And through the selection process, this was the artist that was selected. We have --

LIEUTENANT GOVERNOR RUTHERFORD: Because art is very subjective.

MS. FENNER: Oh, oh, okay. I'm sorry if I misunderstood your question. The artwork is essentially part of the landscape architecture. And the artwork will be a water feature that's part of the landscape. It's part of the wetland, actually. So this artist has very specific qualifications --

TREASURER KOPP: And this was what was set out in the call, that this was the sort of thing --

MS. FENNER: Correct. Correct.

TREASURER KOPP: -- that was my understanding from talking to friends --

MS. FENNER: Okay.

TREASURER KOPP: -- in the community.

MS. FENNER: Correct. I'm sorry if I misunderstood your question.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I understand your concern, but I'm inclined to let it go through. I think this, you know, I didn't know about the detail until now. It's something that is integrated into the building and the design. And so it's, I mean, with my limited understanding of art, I was thinking of a portrait of William Donald Schaefer up there.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: But this is something more --

TREASURER KOPP: Or even Bob Ehrlich.

LIEUTENANT GOVERNOR RUTHERFORD: Or even Bob Ehrlich, yeah. Or Calvert. But so I'm inclined to let it go through as well. Any other questions on University System?

COMPTROLLER FRANCHOT: So I'd like to have a vote on this --

LIEUTENANT GOVERNOR RUTHERFORD: We can vote on this one item separately, and we have a motion for this item, the fifth item down, I guess it is?

SECRETARY MCDONALD: Shady Grove.

LIEUTENANT GOVERNOR RUTHERFORD: For Shady Grove.

SECRETARY MCDONALD: Shady Grove Biomedical Educational Facility.

TREASURER KOPP: I would move a favorable on the Shady Grove project.

LIEUTENANT GOVERNOR RUTHERFORD: One opposed?

COMPTROLLER FRANCHOT: One opposed.

LIEUTENANT GOVERNOR RUTHERFORD: And two supporting. Okay. And then for the other, do we have a motion for the remainder? Do we have a second?

COMPTROLLER FRANCHOT: Yeah, let me just comment that most of these contracts I still see are manager at risk, or whatever the term is. I continue to think that this is a boondoggle for the State taxpayers. I hope that I'm still around when we get rid of most of these sweetheart deals with these big companies, paying them tens of millions of dollars for doing essentially scheduling, as far as I can tell. And no construction themselves. And we don't do it with our own State buildings. University System, almost every one of these projects are, except for one, is done through this --

LIEUTENANT GOVERNOR RUTHERFORD: Construction management at risk.

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COMPTROLLER FRANCHOT: -- mistake I think of a bidding system. And I know it's convenient for the University System. But it's terrible for the taxpayers. And I only bring that up to say, I'm not voting against all of these things because it will just take too much time. But I hope someday that I'm around on this Board when these things are very rare. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have a motion on the remainder? Second? I think we approved.

MR. EVANS: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.
Department of Information Technology.

MR. LEAHY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Mike Leahy, Secretary of the Department of Information Technology. Today we have ten items on the agenda. One is hand-carried. And I do have agency representatives here to answer any questions you may have.

COMPTROLLER FRANCHOT: Yeah. I just want to ask a question of the Secretary.

MR. LEAHY: Yes, Mr. Comptroller?

COMPTROLLER FRANCHOT: At the next meeting, we're going to talk about procurement reform --

MR. LEAHY: Yes, sir.

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MR. PORTS: Good morning, Madam Treasurer, Mr. Comptroller, Governor. For the record, my name is Jim Ports. I'm Deputy Secretary for the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 47 items today.

LIEUTENANT GOVERNOR RUTHERFORD: Ding, ding, you get the, you won.

(Laughter.)

MR. PORTS: We get the award.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. PORTS: Yeah, I couldn't stop smiling because I saw the Treasurer start smiling at me. I couldn't, I started to lose it there. I'm sorry. Items 46 and 47 were submitted as supplemental items. And Items 11-M and 30-AE are being withdrawn. Mr. Comptroller, you will be happy to know that MDOT is absolutely enthusiastic that we have a robust art display of Maryland's art at BWI that the First Lady Yumi Hogan is extremely involved in. And I'd be happy to answer any questions you have.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: And it was pretty inexpensive, right?

MR. PORTS: Yeah. It cost us nothing.

(Laughter.)

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MR. PORTS: The time to put up the frames.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Item 1, and we have someone here to speak, is it Jorge Tirigall? Good morning.

MR. TIRIGALL: Good morning, Lieutenant Governor, Treasurer, and Comptroller. My name is Jorge Tirigall. I am the autistic son of Luis Tirigall, one of the leaders of the BWI Airport Taxi Coalition. I'm also the descendent of Jose Marzano, a great hero to Jose de St. Martin, the founding father of Argentina and Peru.

I'm here today coming from Columbia, Maryland to talk to you about the information technology contract. I find that this contract is not a threat to the Cab Driver Bill of Rights that my father proposed to you a few weeks ago. And I simply find it easy to believe that these technological updates must be consistent.

As a (indiscernible), we must keep up with the technological updates. That's why I simply believe that the information technology contract will not only give the benefit not only to cab drivers like my father, but also it will give the benefit to the customers who would enter the Airport. I've read over the contract and I thought about it and I said, yeah, it was great. So I just, I just decided that I would be here in honor of my father and his organization that has stood here in this room for the past few weeks in front of you guys. So I am doing the same that my father did to you in my presence, and I hope you can

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accept the fact that the technology information contract which is under the association of the taxi companies will not make a direct threat to the Cab Driver Bill of Rights because it does not violate the cab drivers' personal liberty and freedom in the Airports. So I would advise you to pass this bill and we'll see how it goes from here.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, thank you very much. And we appreciate your coming in and stating the case in support of this item. So thank you.

MR. TIRIGALL: Thank you, Mr. Rutherford.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have a question on 6-AE but I do want to make a point that I'm glad to see that it's an engineering project put in the small business reserve program. And I saw a number of other Transportation items that are in small business reserve. And so I appreciate that and continue to encourage more agencies to utilize the small business reserve program.

I do have a State Highway question, 40-RP. I think I understand it but --

MR. PORTS: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: -- the appraisal was, low appraisal, \$600,000. We're going to actually dispose of the property for \$300,000. Is that an access issue? Is that --

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MR. PORTS: It is. Go ahead, Olu. It is an access issue.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OKUNOLA: Good morning. My name is Olu Okunola with the Maryland State Highway Administration. The value for the access is actually the cost to grant direct access onto Maryland Route 22.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OKUNOLA: So that is basically the offset in cost.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So it would cost another I think it said \$275,000 or so to -- or \$325,000. And are they putting in a circle or traffic signal?

MR. PORTS: A traffic signal.

MR. OKUNOLA: Yeah. They are installing a traffic signal and they are also installing a left only lane, a turn left only to access the site.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So the owner is putting this in?

MR. OKUNOLA: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: And so that offsets the value of the property?

MR. OKUNOLA: Exactly.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I just wanted to confirm that. Yeah. I just was confirming that. Is Ms. Georgia Peake

here by any chance? She's not here? All right. I was going to recognize her because I understand she's retiring, so and I did some work with her before I came into this job. And so I just wanted to recognize her. But pass it on to her. If she hasn't already left.

MR. PORTS: She is actually at MVA. But we will definitely pass that on to her.

LIEUTENANT GOVERNOR RUTHERFORD: I thought she was, she was at State Highway when I was --

MR. PORTS: She was. She was. And actually transferred to MVA --

SECRETARY MCDONALD: She was everywhere --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. PORTS: But I'll make sure she gets the message.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well thank you very much, Olu.

MR. OKUNOLA: Thank you.

TREASURER KOPP: Could I ask a question, Jim?

MR. PORTS: Sure.

TREASURER KOPP: There are a couple of items. I just want to make sure I understand that the emergency braking, the railroad braking

contracts? I understand there's a deadline of the end of the year. Can you just explain how these all fit together? I read them all very quickly.

MR. PORTS: You're talking about Amtrak?

TREASURER KOPP: Yeah.

MR. PORTS: Yeah. So --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah, brakes are good.

TREASURER KOPP: Well, MARC, I mean basically, but yes --

MR. PORTS: Well, it is MARC --

TREASURER KOPP: -- with Amtrak.

MR. PORTS: -- but it's on the Amtrak line. Yes. So, the Penn Line.

TREASURER KOPP: Yeah.

MR. PORTS: So it's Amtrak. Amtrak owns the rail.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: So as you may know, Amtrak and CSX are sometimes a little difficult to deal with. And negotiations with them is somewhat strained. Amtrak, as you know, well as you know we had an agreement for liability and Amtrak wanted the liability to shift more to us and all their other contracts up and down the northeast corridor shifted to the for but.

TREASURER KOPP: Right.

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MR. PORTS: Okay? For, in other words -- I'm sorry, it's but for. So, the but for language in liability is that but for the reason that you are here, this accident or crash would not have happened. And Pete Rahn stood firm, because he understood the, I know the Comptroller for sure and others in the Board of Public Works, did not like the but for language. And when we stood our ground to Amtrak and said we would not take another agreement to the Board of Public Works because we do not want to give up that but for language, the new CEO said, okay, we are not going to sign the contract for maintenance and we are not going to sign our new agreement. It went, like that. So that got our attention. And --

TREASURER KOPP: As it was meant to, I assume.

MR. PORTS: As it was meant to.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: As it was meant to. And the bottom line is it's their tracks. We lease them. So we really had no leverage whatsoever. It was a very contentious meeting. Everybody left mad. And so we had a decision to make so we had to give up that but for language, like everybody else on the East Coast. And then they agreed to sign the maintenance contract as well as the lease agreement.

And so obviously we were going to have it on the previous agenda but the previous meeting was cancelled. And so we're kind of at the end of this

rope on this one because as of July 1st, if it doesn't pass, we don't have a contract with them. That's kind of the good, bad, and ugly of the entire issue.

TREASURER KOPP: Okay. And if it does pass, then we are in synch with everyone else essentially?

MR. PORTS: Correct. That's correct. And they also sued us and we're working out, I mean, there's a lot more to it but I don't want to get into it here. We'll be glad to brief you later.

TREASURER KOPP: Well, the substance of the systems made the press was the Amtrak accidents going up the northeast corridor --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: -- and folks read that. We don't want to be in the situation like that. So if this is what it takes, and it saves us from being in that situation, I would think it's a good thing.

MR. PORTS: It's what we had to do.

TREASURER KOPP: It's an acceptable thing.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Thanks.

MR. PORTS: Sure.

LIEUTENANT GOVERNOR RUTHERFORD: Any other questions?

COMPTROLLER FRANCHOT: Yes. Item 12. So this is a pest control contract. And I understand the pest control industry in Maryland is pretty well established so I'm wondering why we ended up with a procurement where there's just one bid?

MR. PORTS: Okay. So let me explain this in the context of 12 and 13. Okay? Because 13 you'll notice that we have pest control. So what we did is we broke up the big -- well, we used to do it by credit card but then we tried to break it down so we could utilize small business reserve.

COMPTROLLER FRANCHOT: Mm-hmm.

MR. PORTS: And by doing so, what we recognized is that the small businesses could handle certain portions of the pest control, you know, for like Light Rail and Metro. But the bus stuff is just too big for them. And so essentially by breaking it up, all the small businesses and all the other competitors went and bid on those, but didn't feel like they could bid on this one.

Now we did have two bidders on this contract. Unfortunately the one bidder did not fill out the MBE correctly and as you know that's not curable. And so we had to throw them out, which left this other bidder which can handle the work.

COMPTROLLER FRANCHOT: So --

LIEUTENANT GOVERNOR RUTHERFORD: Excuse me just a second. Sheila, didn't we talk about curing that in, with --

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SECRETARY MCDONALD: Yes. And I believe the Procurement Advisory is working --

LIEUTENANT GOVERNOR RUTHERFORD: We're still working on that regulation? Okay. All right.

SECRETARY MCDONALD: I know the one issue before with small business reserves had been the MBE on the --

MR. PORTS: Yeah. So as I mentioned, we're listening and we're trying to do as much as we can with the small business reserve but then what happens is there becomes this I guess line where they can't handle it and we have to move it up.

COMPTROLLER FRANCHOT: The smaller pest companies?

MR. PORTS: The smaller pest companies.

COMPTROLLER FRANCHOT: Okay. But don't we have a rather large number of --

MR. PORTS: Yeah. And we --

COMPTROLLER FRANCHOT: -- pest control companies?

MR. PORTS: We did. And we solicited 236 vendors.

COMPTROLLER FRANCHOT: Yeah. This, with all due respect, you know, I've heard it, it's like a drum beat every time you raise a question about a single bid. We talk about eMarket Marketplace or something like that and 232 people were solicited. The result is still the same, one bid.

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LIEUTENANT GOVERNOR RUTHERFORD: Are we, did you get --

COMPTROLLER FRANCHOT: And it's not rocket science --

LIEUTENANT GOVERNOR RUTHERFORD: -- reasons why some of these others, because I know what we've heard in many cases is our contract terms, which we're working through now, terms and conditions, put a tremendous amount of liability on the vendor. And so, I mean, if you're in the pest control business you're dealing with toxic chemicals.

MR. PORTS: You've got a lot of liability.

LIEUTENANT GOVERNOR RUTHERFORD: And so, you know, the fact that we, we don't even use the term reasonable in many cases. We don't say reasonable, you know, errors or they should have taken reasonable steps. So I don't know, introduce yourself and --

MR. PORTS: Joe. Joe.

MR. SEDITAL: Hi, my name is Joe Sedital. I'm the Deputy Director of Procurement at the MTA. Regarding this particular contract and to your point, Comptroller, regarding like the Terminixes, the Orkins of the world --

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: -- that didn't bid, we were in communication with them. And as the Agenda item notes, there was an emergency contract prior to this that we had put out where we had communication with some of these vendors

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as well. And at the end of the day despite multiple direct communication, not like you're talking about, not the eMaryland Marketplace notices, but actually picking up the phone and calling them, at the end of the day they didn't want to bid. They didn't want the contract. I know it's, oftentimes it's really hard to believe, that why wouldn't you want an \$800,000 or \$1 million contract to do this. But we had multiple conversations. There was some conversation during the emergency procurement, well the emergency report that we did regarding the actual scope, much like you are talking about, Lieutenant Governor. And Terminix wasn't interested. They wanted to change a lot of things and we understood exactly what --

LIEUTENANT GOVERNOR RUTHERFORD: Changing things like what?

MR. SEDITAL: I think just kind of process of how they actually wanted to go about doing the sprays, how often.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So they weren't talking about our contract terms and conditions?

MR. SEDITAL: No. I don't think it was contractual. No.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Okay.

MR. SEDITAL: It was more the true scope of the work. But again, we did reach out to them and we did have direct conversation with them. But they --

COMPTROLLER FRANCHOT: But what did they, what was your, was there a single reason these other competitors didn't bid? Or was it unique to each of the companies and -- I don't really understand what their objection was to bidding on a contract.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. SEDITAL: Well, I know one of them we did a follow up and we actually said, hey, why didn't you bid?

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: No response. And we can follow up multiple times but at the end of the day we didn't get a response for an actual reason. I believe one of them, one of the major, I think it was Orkin, actually showed up at our pre-bid and then did not submit a bid. So I mean it's certainly something that we can look forward to and take this as a learning experience. But if a company, we can't make a company bid. And one of the things that I think is really important that the Deputy Secretary was talking about earlier is we did want to break this up into these small business reserves. And I think we're not really having this conversation even if we had kept this as a combined contract with multiple functional areas. But with the SBR program we're not able to do that. So in an effort to provide some contracts to the small business reserve program, we ended up with a single bid on this large portion.

LIEUTENANT GOVERNOR RUTHERFORD: You know, I know that you guys are busy. But I think, I mean, the Comptroller is making a very good point. I would be curious if you all could go back and ask these, the big vendors, you know, why was it that you decided not to bid on this project? Is it too small? Is it you're just too busy? You don't like us? You know, what are the reasons? I want to know why is it that they are not bidding. I don't, I mean, I don't want to think that they are saying, hey, we would have done both but we don't want to do one. You know. We would --

MR. PORTS: We do get that and we get that with our lighting contracts --

LIEUTENANT GOVERNOR RUTHERFORD: Unless I guess they're saying it's too small.

MR. PORTS: Some of them, yeah.

LIEUTENANT GOVERNOR RUTHERFORD: This, you know, this is too small for the big guys but too big for the small guys?

MR. PORTS: Well and for example, and like at SHA with the lighting contracts, nobody wants to do maintenance. They all want to do the installations.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: So now we can't get the people to do the maintenance because it's too small. And --

LIEUTENANT GOVERNOR RUTHERFORD: And the little guys can't do the maintenance?

MR. PORTS: It's a onesie and a twosie. It's, you know, you're not out there doing, you know, 50 or 60 new light bulbs. I mean, there's a lot of different reasons that businesses make those business decisions.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: But we, we'll reach out again. We'll work with you all and find out.

MR. SEDITAL: We can get the information for you.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: You know, out in the huskings I ballyhoo the fact that the Board of Public Works has significantly reduced single bid awards and why that's good for the consumers and the taxpayers. And in 2013 there were 82 single bids approved by this Board. New administration, dropped down to 64 in 2014; 39 in 2015; 29 in 2016. Unbelievable. But last year creep back up to 38. This year we've done 11 already and with this Agenda we're adding three so that's 14. So it, the deep state, so to speak, whatever it is, creeps back in. And I don't know of any other solution other than to just say no and go out, go back, and not only interrogate your folks that didn't bid the first time but figure it out. Do a better job of generating competition, particularly in an area like pest control which there are a lot of it. And so I'm, you know, with respect

I'm going to vote no because that's the only thing that really works in my humble opinion. And with this one I think we can, you know, perhaps clamp it back, if one of my colleagues cares to join me.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: But it went down, now it's coming back up again. And the public loves the fact that we are tough on competition, that we want approval, we want two competitive bids.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah well --

COMPTROLLER FRANCHOT: And so I don't know. That's just a shout to the wilderness. But if the agency could do a better job, I would be grateful. If the Board wants to approve it, obviously that's my colleagues' --

MR. PORTS: Again, I want to stress that we did have two bids. We did have two.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: But they filled out the paperwork incorrectly and it's not curable.

LT. GOVERNOR RUTHERFORD: Right. Which we're trying to work on that.

MR. PORTS: Now if we can fix the, if we can fix the procurement process --

LT. GOVERNOR RUTHERFORD: Right but we can't cure it in time for this contract.

MR. PORTS: But I can't do it now.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. PORTS: We've got to follow the law.

MR. SEDITAL: If I can add one other thing to your point. I mean, I think we're all in agreement that one of the real benefits of a competitive bidding process is lower prices for the taxpayer and by engaging in this competitive process, we did see a competitive price from the awardee.

LIEUTENANT GOVERNOR RUTHERFORD: What was the price last year? Do you remember?

MR. SEDITAL: So the emergency --

LIEUTENANT GOVERNOR RUTHERFORD: Or the previous, I guess the previous four-year contract, five-year contract?

MR. SEDITAL: So, in the past with pest control we haven't had these sort of long-term contracts.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

MR. SEDITAL: We were doing it more as an as needed basis. What we did find is on the emergency contract that was awarded to Home Paramount for the entire system, the prices are significantly lower on a line item

basis for this contract. And I think that can largely be attributable to the competitive process that we went through.

LT. GOVERNOR RUTHERFORD: Yeah. Again, I understand the Comptroller's concern. I am willing to let it go through. But I do want to get, you all are going to follow up. I'd like to get a report, Mr. Zimmerman, back from what you all find out from these vendors, why they didn't compete. My concern, Mr. Comptroller, is that we'll have all the bugs and rodents in the buses. You know, starting on the 18th they'll come back if we don't -- if people don't eat on the buses we're probably fine. But people do unfortunately eat on the buses. When I used to take the old Metro bus in D.C. I used to eat on it even though I wasn't supposed to.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: But that's why you have to have the pest control. But I was a teenager at the time. So --

SECRETARY MCDONALD: Good old D.C. Transit.

LIEUTENANT GOVERNOR RUTHERFORD: D.C. Transit, yes. I remember that, too. Okay.

TREASURER KOPP: It went bankrupt.

LIEUTENANT GOVERNOR RUTHERFORD: Any other, yeah, Metro took it over. Any other questions?

COMPTROLLER FRANCHOT: Yes. Item 18.

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SECRETARY MCDONALD: Mr. Comptroller, may I just have a moment for a statement? You're not a voice in the wilderness. I actually have in my notes that one year ago exactly on a July, 2017 meeting, we at that point had 24 single bids and you called it out just like you did now. And you said, keep the single bids down to 30 a year. And guess what happened? Apparently in the next six months, they only got six because you just told me there were only 30 in 2017. So actually I think that people do hear.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

SECRETARY MCDONALD: And you saying it again today and reemphasizing what you did a year ago. But I wanted to point out that you told us one year ago, keep it down to 30 for the rest of the year and we did.

COMPTROLLER FRANCHOT: Good. Thank you. I feel much better.

(Laughter.)

COMPTROLLER FRANCHOT: So Item 18 if I could, Lieutenant Governor?

LT. GOVERNOR RUTHERFORD: Yeah.

COMPTROLLER FRANCHOT: This is a contract that the Board unanimously rejected last August. That's fairly rare for the Board to unanimously reject a contract. I can't think of many others during my tenure here. But we were being asked ten months ago to approve the same contract to the same vendor

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after the MTA decided to forego a competitive procurement process and award this contract to the incumbent, Coachworks. It's a \$1.19 million contract for, a sole source contract, for structural repairs to Light Rail passenger trains.

So I guess my first question is why is it so hard to get a competitive solicitation? And secondly what if God forbid this company ever went out of business? How would we take care of the maintenance?

MR. PORTS: So I believe that a big part of the reason for the previous decision by the Board had a lot to do with the graphics.

COMPTROLLER FRANCHOT: The what?

MR. PORTS: The clean-up of the graphics. And we removed that and we competitively bid that part out. This portion here, as you can imagine it's a niche market. Part of the challenge with this is we can't pick these Light Rail cars up and take them to a shop, a repair shop. The repair shop basically has to come to us. And this company is one of the few that can do machining of parts on the spot to get these Light Rail vehicles back up and running. So it's a, it is a niche market, as you can imagine. It's not like everybody wants to do Light Rail repair and has the ability to machine parts for you and, again, basically bring their shop to you, not vice versa. So it's a little bit more of a challenge. And I believe if I'm not mistaken, and Joe, correct me if I'm wrong, but the previous vendor that we had had a while back actually ended up using this group as a sub to do the work.

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COMPTROLLER FRANCHOT: So we're going to be --

MR. PORTS: -- firms out there.

COMPTROLLER FRANCHOT: I take it we or somebody is going to be dependent upon Coachworks for --

MR. PORTS: Unless another one comes out.

MR. SEDITAL: So to his point, yes, we did reach out to the vendor that has this contract prior, which was around 2004. And they did come back to us and say they couldn't find anyone to do the work. Also to his point, this is highly technical. One of the kind of niche aspects of it is that these are in a lot of cases older trains and with regards to the structural repair there are certain pieces and parts that need to be reconstructed that can't just be gotten.

MR. PORTS: Machined.

MR. SEDITAL: And so we actually, this vendor is able to come and machine now. To your point regarding the dependency and the market --

COMPTROLLER FRANCHOT: Mm-hmm.

MR. SEDITAL: -- I cannot speak to that. I can hope that the market will find a way to in the future create more opportunities for us and allow us to competitively bid this in the future. But at the moment there is one individual that can provide this work. And I think that without a doubt this does meet the definition of a sole source.

One other thing to kind of just keep in mind is we were able to through the negotiation process with this vendor able to get the pricing that they offered us in 2009. So we got a good deal, which I think is nice.

LIEUTENANT GOVERNOR RUTHERFORD: Where is Coachworks, their parent, you know, LLC is probably --

MR. PORTS: Baltimore, Maryland.

LIEUTENANT GOVERNOR RUTHERFORD: But where's their parent, do they have a parent? They are an LLC. This is probably some unit of some larger conglomerate.

MR. SEDITAL: They are a very small shop. It's --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, really? It's not a part of --

MR. SEDITAL: It's an individual.

LIEUTENANT GOVERNOR RUTHERFORD: -- Siemens or something like that?

MR. SEDITAL: No. No, sir.

COMPTROLLER FRANCHOT: Why don't we hire the individual?

MR. PORTS: That's a great question. And if we can get more PINs, we'll do that.

(Laughter.)

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LIEUTENANT GOVERNOR RUTHERFORD: Isn't this under, let's see, this is your Transportation Trust Fund. Use one of your vacancies.

MR. PORTS: We do.

LIEUTENANT GOVERNOR RUTHERFORD: All right.

COMPTROLLER FRANCHOT: Okay. So if I could get Item 12 and the pest --

LIEUTENANT GOVERNOR RUTHERFORD: Pest --

COMPTROLLER FRANCHOT: -- and pull it out and let me vote no.

LIEUTENANT GOVERNOR RUTHERFORD: On 12 and 18?

COMPTROLLER FRANCHOT: I think you guys understand where I'm coming from.

MR. PORTS: I do.

COMPTROLLER FRANCHOT: We're just not going to cultivate more vendors and more competition if we keep falling back on, you know, from your standpoint it's a good deal. From my standpoint, we need competition.

MR. SEDITAL: Totally understood.

COMPTROLLER FRANCHOT: And I know it's not easy.

LIEUTENANT GOVERNOR RUTHERFORD: So we have a motion to vote on 18 and 12 separately.

TREASURER KOPP: Okay, yeah, could I just say I'm going to vote for these projects. I do believe that we should reduce the sole source. We've raised this before. On the other hand, I don't like the idea of the rats on the bus. So I think you have to look at the practical implications. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: And I will echo those comments. And we'll, you know, I do want to see why we're not getting the competition, and particularly on that pest control one. It is troubling on the Coachworks for a number of points. And I don't know if it's just the fact that our vehicles, trains are so outdated. Because I would think other, there are other areas that have Light Rail trolley type of transit going on. Is it that they have newer equipment than we do? Or --

MR. PORTS: Well, normally with a rail vehicle --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: -- in this case, they're good for about 30 years. But it's a 15-year overhaul. So after 15 years you do a complete overhaul. It's practically a brand new vehicle again.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. PORTS: And then you bring it out for another 15 years. After that, you pretty much get rid of them. And that's what MITA is going through. Theirs are about 30 years old now so they are getting newer ones. And then when ours turn 30 we will look at getting new ones.

LIEUTENANT GOVERNOR RUTHERFORD: All right. So that was a two to one on those two items.

SECRETARY MCDONALD: On 12 and 18.

LIEUTENANT GOVERNOR RUTHERFORD: The other, the motion for the remainder?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

TREASURER KOPP: Second.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: We're all good. Department of General Services.

MR. CHURCHILL: Well, good afternoon, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Department of General Services.

MR. PORTS: We're well represented because we had 47 items.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: I think you can go ahead. It's a lot quieter.

MR. CHURCHILL: All right. Thank you. The Department has 54 items on --

(Laughter.)

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MR. PORTS: You're doing the whole thing with one department.

(Laughter.)

MR. CHURCHILL: Including one hand-carry. We are withdrawing six items: Item 1, 19, 20, 34, 37, and 39, still leaving 48 items for review.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. So it came back down.

MR. CHURCHILL: I will not mention our -- yes?

SECRETARY MCDONALD: Did you say 34?

MR. CHURCHILL: I said 1, 19, 20, 34 --

SECRETARY MCDONALD: Okay.

MR. CHURCHILL: -- 37, and 39.

SECRETARY MCDONALD: Okay. Thank you.

MR. CHURCHILL: Correct?

SECRETARY MCDONALD: Yes. Yes.

MR. CHURCHILL: Correct?

SECRETARY MCDONALD: Okay. Correct.

MR. CHURCHILL: And I will not mention our success in terms of artwork or multiple bids. I will not. But we are happy to answer any questions that you have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. You've withdrawn the marble steps cleaning. Okay. I have a question on 29, the lease, with Human Services. And I know this is the facility right down the street. But \$32 a square foot. And I know Annapolis is high, but is it possible to go further up, you know, up Main Street or further up? Do you have to be in that location?

MR. CHURCHILL: Well, I'll let Jane Roger or Robert Suit from our Real Estate Department --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. CHURCHILL: -- talk about the general area.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Did they, yeah, did they look a little --

MR. CHURCHILL: Yeah. Robert has all the facts and figures on the Annapolis marketplace.

MR. SUIT: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. SUIT: My name is Robert Suit. I'm the Chief of Lease Management and Procurement for the Department of General Services. Your question is relative to --

LIEUTENANT GOVERNOR RUTHERFORD: Item 29-LT. It's the Child Support Enforcement Administration Office, five-year lease, at an annual rent of over \$600,000.

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MR. CHURCHILL: And, Robert, I believe the question was going outside the area that was identified, would that have generated a lower lease rate?

MR. SUIT: I know they've had a long presence in the facility --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. SUIT: -- and it's in close proximity to the court so the employees that work there, they're within walking distance of the court.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So the court is the big issue.

MR. SUIT: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Yeah. It just seems, I mean, maybe if they weren't on the Main Street. But I guess you've got the transit question. But I mean, was there a solicitation? Did you actually survey?

MR. SUIT: No. Well --

LIEUTENANT GOVERNOR RUTHERFORD: No? Okay.

MR. SUIT: I think the prevailing rate for full service in Annapolis is about 28 or 29 dollars. This is slightly above that. But I know in addition to that, the agency receives grant money to pay for some of the services in this facility and they also have a presence in one of the county-owned spaces for which we don't pay rent down on Riva Road.

LIEUTENANT GOVERNOR RUTHERFORD: I mean, we were just talking about competition and you said you didn't even do a survey.

MR. SUIT: So we, this was treated as a sole source with the renewal.

LIEUTENANT GOVERNOR RUTHERFORD: Well I'm -- I have a problem with this. I mean, it stuck out to me just in terms of the price. And now I almost wish you had lied to me and told me or just not even, you know, added that additional information. I, this might be me voting against our own item. Because I think it should have been at least a survey. I mean, at \$29 or \$28 there is a substantial savings on 18,000 square feet. You know, a dollar or two dollars off a square foot is substantial. So I just, I don't like that one at all.

COMPTROLLER FRANCHOT: What would you like to do?

LIEUTENANT GOVERNOR RUTHERFORD: I don't want to approve it. I would like that you guys go back out. You may need to get a short term extension on the contract, because it seems like it takes effect, it's again, you know, in two weeks it takes effect. So the lease is expiring. This is 29. The lease is expiring. Right?

MR. SUIT: We have a hold over --

MR. CHURCHILL: We do have --

MR. SUIT: The hold over will expire at the end of the month.

MR. CHURCHILL: The hold over will expire at the end of the month. So we'll likely, we'll have to come back and --

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I, yeah, so

--

MR. CHURCHILL: While we work this out.

LIEUTENANT GOVERNOR RUTHERFORD: -- come back and go out with a survey and see what you can do in terms of space at a, you know, a different price.

MR. CHURCHILL: Yes.

COMPTROLLER FRANCHOT: Don't we need a vote?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah --

TREASURER KOPP: I --

LIEUTENANT GOVERNOR RUTHERFORD: -- unless you guys, unless they overrule me.

TREASURER KOPP: Governor, I just want to make sure I understand. You're talking about the child support office, right?

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: I just want to make sure I understand what's going to happen operationally.

LIEUTENANT GOVERNOR RUTHERFORD: No one is going to get kicked out of there.

MR. SUIT: Well, I think depending on if they wind up at another location, the additional cost that they would incur as far as transportation and parking.

LIEUTENANT GOVERNOR RUTHERFORD: Well, there's no parking there now.

MR. SUIT: No. But there's --

LIEUTENANT GOVERNOR RUTHERFORD: There's a lot behind there.

MR. SUIT: No I understand --

LIEUTENANT GOVERNOR RUTHERFORD: That you paid for.

MR. SUIT: -- but the employees at the present location, they already have parking in --

LIEUTENANT GOVERNOR RUTHERFORD: I mean, I'm concerned about State employees but I'm more concerned about the people who are going there. So there's no parking now at that corner. You know, there is a cost. But when we're talking about a dollar difference is \$18,000 a year over five years. You know. So --

TREASURER KOPP: Okay. So I just --

LIEUTENANT GOVERNOR RUTHERFORD: We can decide --

TREASURER KOPP: Yeah.

MR. CHURCHILL: You're asking about the program? The program function --

TREASURER KOPP: Actually, what is going to happen, yeah.

MR. CHURCHILL: Do we have anyone from the program here?

TREASURER KOPP: This is an important program. It, there's a reason for them to be near the courthouse. On the other hand, it is a high cost. It has public access. I just want to make sure the program --

LIEUTENANT GOVERNOR RUTHERFORD: You can be a block away, a block can be --

TREASURER KOPP: Yeah.

LIEUTENANT GOVERNOR RUTHERFORD: -- maybe a dollar cheaper.

TREASURER KOPP: If it's possible to be a block away and cheaper, and the cost of moving is still a net savings, that's swell. I just would like to understand --

LIEUTENANT GOVERNOR RUTHERFORD: No, I understand.

TREASURER KOPP: -- what happens now in the next three months.

MR. CHURCHILL: Madam Treasurer, we don't, I don't have the specifics on the program within the facility presently. The --

LIEUTENANT GOVERNOR RUTHERFORD: Well I think she's asking are they going to have to move --

TREASURER KOPP: Yeah.

MR. CHURCHILL: We're going to have to come back. We're going to have to brief the Board on what's going to happen --

SECRETARY MCDONALD: Yeah. DGS can just withdraw the item --

LIEUTENANT GOVERNOR RUTHERFORD: DGS, yeah, just, right --

SECRETARY MCDONALD: -- bring it back the next time or --

MR. CHURCHILL: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: You do your survey. They don't have to go anywhere. They don't have to do a thing. You do the survey to see what the right rates are, what you can possibly get someplace else. And then you make a determination in terms of whether that is the lease worth taking versus the lease that we're currently in.

TREASURER KOPP: And meanwhile you hold it over the July, after July --

LIEUTENANT GOVERNOR RUTHERFORD: Right. They're not kicked out. They're not going to be throwing their stuff out on the street --

MR. CHURCHILL: we have a number of options.

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LIEUTENANT GOVERNOR RUTHERFORD: -- coming in and -

-

TREASURER KOPP: Okay.

LIEUTENANT GOVERNOR RUTHERFORD: -- the Sheriff is not going to evict them.

MR. CHURCHILL: We have a number of options. Everyone understands, of course, that the lease term will expire and so we'll have to use the options that are available to us to extend the --

TREASURER KOPP: I can go with this as long as the operations aren't impaired, the public is not impaired, you're just looking to see whether you can get something cheaper that's equally, net cheaper, that's equally convenient.

MR. CHURCHILL: It's a small extension and we're, the department can withdraw Item 29. We'll go back and get more information for the Board.

COMPTROLLER FRANCHOT: I just want to --

LIEUTENANT GOVERNOR RUTHERFORD: Nothing happens internally. This is all, this is DGS and us making sure that it's, you know, worthwhile.

COMPTROLLER FRANCHOT: Yeah, even if there is some disruption, it's not too bad to encourage the tight with a dollar tendencies of the Lieutenant Governor. And I applaud him for bringing this up and moving it. The

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Secretary obviously can pay attention to this. And it's a good way to end this Board of Public Works meeting. Although I do have one item --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. I have one more, too.

TREASURER KOPP: It would be.

COMPTROLLER FRANCHOT: I just wanted to quickly, Lieutenant Governor, if I could, ask Mr. Rowe, the Executive Director, of Channel Marker Foundation, to come up and tell us a little bit about his program. I visited it in Easton. It provides a wide range of mental health services and rehabilitation to individuals and their families. And I was very impressed with it and just would like to have Mr. Rowe perhaps share with us a little bit about his fantastic organization.

MR. ROWE: Thank you, Mr. Comptroller, and Mr. Lieutenant Governor, and Madam Treasurer. I'm Tolbert Rowe. I am the volunteer Executive Director of Channel Marker Foundation, which actually owns real estate that provides mental health services to Channel Marker, Inc.

COMPTROLLER FRANCHOT: And this is Item 52 --

MR. ROWE: Correct. Yes, our satisfaction of right of recovery. But to speak a little bit to what you have brought up, Mr. Comptroller, is the mission of what Channel Marker does is provides mental health services,

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obviously, to a large population. I would like to yield a little bit, if I could, to Cathy Castle, who is our Clinical Director basically with Channel Marker. She is here in lieu of Debbie Jackson, who you've met, not, don't know if you're aware but she began chemotherapy last week. So we would ask, you know, prayers for Debbie. Who has been very, very integral in what we're doing and the services that we provide.

I basically have been working primarily on the foundation side, which has the real estate that basically provides, you know, the land, the properties, that facilities that Channel Marker uses. Cathy is going to be, is a lot more versed in explaining maybe a little bit more of the specifics and our population that we serve if that's okay with you.

COMPTROLLER FRANCHOT: If you could just briefly give a few highlights --

MR. ROWE: And I will also say Mr. John McQuaid, who is the President volunteer of Channel Marker, Inc. also is here.

COMPTROLLER FRANCHOT: And you're on the Eastern Shore?

MR. ROWE: Yes. Based in Easton. And our request today specifically, just to outline that, is to shift the right of recovery from our previous facility that was located on Fourth Street in the amount of \$427,000 that was a grant issued back in March of 1989 with that property. It expires in March of

2019. But we are now have moved into a new facility that you have obviously seen. And we are seeking to sell that property and our reason for being here is to have that shifted from the property located on Fourth Street to the one on Glebe Park Drive. So I will yield to Cathy briefly.

MS. CASTLE: Thanks for having us here. Comptroller, we've seen you a couple of times at both of those facilities. What we do, we're a safety net provider of mental health services like a lot of providers in Maryland. And we provide our services in the community. We work with Medicaid recipients mostly that have a chronic severe mental illness and trying to keep people out of the emergency department and higher level care and inpatient. And it's, you know, it's tough work. We appreciate the administration, you guys have supported the Hope Act of 2017, which allowed for us to have some increase, much needed increases to our rates for the next couple of years. And we appreciate that and just the support. Behavioral health is sometimes forgotten and as we know it's just, it's, there's a lot of suicide, opioid, you know, abuse, and we're all trying to tackle those together.

COMPTROLLER FRANCHOT: Yep.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Thank you for what you do.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I just want to recognize very quickly relating to Item 44-CGL. Is Sam Wallace here, by any chance? Sam, can you stand up please? I want to recognize Sam Wallace. He's about to go into the U.S. Marine Corps Officer Candidate School. And I want to thank you for your service and thank you for, you know, the commitment that you're making on behalf of all of us.

(Applause.)

LT. GOVERNOR RUTHERFORD: So do we have a motion on DGS?

COMPTROLLER FRANCHOT: Move to approve.

TREASURER KOPP: Do you want --

LIEUTENANT GOVERNOR RUTHERFORD: And we withdrew the lease item?

SECRETARY MCDONALD: Yes. Yes. That's withdrawn. In addition to all the ones he named at the beginning, we have also added the 29 lease item for the DHS local --

LIEUTENANT GOVERNOR RUTHERFORD: Right. Okay.

TREASURER KOPP: Second.

SECRETARY MCDONALD: Oh, DHR. Sorry.

COMPTROLLER FRANCHOT: Move approval of what's left.

SECRETARY MCDONALD: At West Street.

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LIEUTENANT GOVERNOR RUTHERFORD: We're, we have a second, we're all in favor. Thank you.

(Whereupon, at 12:25 p.m., the meeting was concluded.)