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

**May 2, 2018**  
**10:12 a.m.**

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# PRESENT

**HONORABLE LARRY HOGAN**

Governor

**HONORABLE NANCY KOPP**

Treasurer

**HONORABLE PETER FRANCHOT**

Comptroller

**SHEILA C. MCDONALD**

Secretary, Board of Public Works

**ELLINGTON CHURCHILL**

Secretary, Department of General Services

**DAVID BRINKLEY**

Secretary, Department of Budget and Management

**PETE RAHN**

Secretary, Department of Transportation

**MARK BELTON**

Secretary, Department of Natural Resources

**MIKE LEAHY**

Secretary, Department of Information Technology

**CHANTAL KAI-LEWIS**

Manager, MBE Compliance and BPW  
Office of Small, Minority and Women Business Affairs

**MISSY HODGES**

Recording Secretary, Board of Public Works

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# PROCEEDINGS

GOVERNOR HOGAN: Good morning.

ALL: Good morning.

GOVERNOR HOGAN: Welcome to the Board of Public Works.

We are excited this morning that we have joining us some members of our elite Maryland State Police Aviation Command.

As Governor, just about every single day I've been impressed with the work of the Maryland State Police and proud of every one of our troopers who represent Maryland's finest and who put their lives on the line for the rest of us. And each one of them deserves our recognition and appreciation. But today we're going to single out a couple for special recognition.

Last year the Aviation Command logged over 3,000 flight hours. They completed more than 1,900 Medevac missions and transported nearly 2,000 patients. I can tell you when I was an extended stay patient at the University of Maryland Medical Center in Baltimore, when I looked out the window at the helipads and I saw them landing day and night with lifesaving missions to Shock Trauma. But they answer the call to serve and protect every single day. And this morning we're going to recognize a few of these outstanding troopers for one

particular recent mission on which their dedication, bravery, elite training, and constant consistent preparation was on full display.

The Aviation Command was called to respond to a medical emergency on board the cargo ship *Salome*, which was north of the Chesapeake Bay Bridge headed for the Port of Baltimore. And responding from their station at Joint Base Andrews, *Trooper 2*, crewed by Pilot Timothy McMahon; Second in Command Daniel Summerville; Crew Chief/Flight Paramedic Trooper First Class Edward Strapp; and Rescue Technician First Sergeant Jonathan Larsen successfully extracted the victim from the ship, transported to Anne Arundel Medical Center. And this is just one of the recent of thousands of examples of lifesaving work that this incredible State Police Aviation Command performs all year round.

So for their swift response and heroic actions, we're proud to present the crew of *Trooper 2* with an official Governor's Citation. I'd like to call all those guys up here so --

(Applause.)

COMPTROLLER FRANCHOT: Who was actually on the helicopter?

VOICES: Four of us.

UNIDENTIFIED VOICE: So the ironic thing is, the cargo ship that's on display out there, that is the exact ship that we did the –

(Laughter.)

GOVERNOR HOGAN: So on your way out, check out this ship --

(Laughter.)

GOVERNOR HOGAN: That is pretty ironic. Wow. We should present you with that.

(Laughter.)

GOVERNOR HOGAN: Thank you, you guys. Interesting. Any opening comments, Madam Treasurer?

TREASURER KOPP: It's a pleasure to be here. No, good morning.

GOVERNOR HOGAN: Good morning. I like that. Good morning. Anything, Mr. Comptroller?

COMPTROLLER FRANCHOT: Yes. Thank you, Governor and Madam Treasurer. This past Saturday I had the distinct privilege to participate in the James Mosher Little League Opening Day Parade in Baltimore City. I have to tell you, there is something magical about children walking onto the baseball field for the very first game of the season. You can see the excitement and determination in their eyes and it is infectious. It fills your soul with hope and

inspires you to grab the family, get out, take in a game, get a hot dog for your son or daughter, a cold drink. Maybe you'll catch a foul ball.

As much as it pains me personally, I know that the Os and the Nationals are underperforming. I guess that's the way we describe it in a nice way. But there is an alternative. Go take in a high school game or a college game or a little league game. Maryland is fortunate to have some incredible sports teams at the high school level and particularly the collegiate level.

Towson women's softball is closing their regular season against Hofstra this weekend and they are looking at a playoff berth due to their stellar performance. I went up and threw out the first pitch. Let me just, anybody who has the honor of throwing out the first pitch in a softball game, a softball is tossed underhand. And it's not quite the same -- put it this way, the catcher did a very good job on my --

(Laughter.)

COMPTROLLER FRANCHOT: But Navy is just down the street from the State House. Their baseball team is plowing through their opponents with a spectacular batting lineup and really great pitching. If baseball doesn't suit your fancy, there's always the Maryland Terrapins lacrosse team and they are looking at another post season run after winning the Big 10 conference title

against Johns Hopkins Saturday in a history making, heart stopping, triple overtime win.

Whatever your sports preference, you'll find it in Maryland. There's nothing like the smell of a ballfield or a turf field on a bright May afternoon. I'm going to be catching, Governor and Madam Treasurer, if you want to come I'll get an extra ticket, to the Southern Maryland Blue Crabs baseball game next week. So thank you for that.

GOVERNOR HOGAN: Very good. Well, thank you. I don't want to call out my friend the Comptroller in front of everybody and embarrass him. But when you're talking about underperforming --

(Laughter.)

GOVERNOR HOGAN: -- but the Lieutenant Governor was also at this little league kickoff --

COMPTROLLER FRANCHOT: Yes.

GOVERNOR HOGAN: -- and I, of course being the nice guy that I am, I texted him and said, you know, make sure you can get it to the plate when he's throwing out the pass. And he said, I did a great job. But the Comptroller threw a bounce pass.

(Laughter.)

GOVERNOR HOGAN: So I don't know. I wasn't there.



COMPTROLLER FRANCHOT: It's harder than you think.

(Laughter.)

GOVERNOR HOGAN: But let's get started with the Secretary's Agenda.

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. I did have the pleasure of going to Homewood Field for the triple overtime game on Saturday.

GOVERNOR HOGAN: Wow. I was there, too. I didn't see you.

SECRETARY MCDONALD: It was incredible. It was sunny, too. So we have 20 items on the Secretary's Agenda this morning, one report of an emergency procurement. We're prepared for your questions.

GOVERNOR HOGAN: Great. I'd just like to highlight Item 14.

SECRETARY MCDONALD: Yes. Item 14, is Ms. Charlotte Lake here? From the African American History grants program --

GOVERNOR HOGAN: Well so it's, this is a grant of \$100,000 from the Maryland Historical Trust to the Jane Gates Heritage House in Cumberland. And Jane Gates was a former slave who bought the house in 1871, where she raised five children, including the great-grandfather of Dr. Henry Louis Gates, who is the acclaimed Professor of African American Culture at Harvard. And this property was recently featured on Dr. Gates' PBS program, *Finding*

*Your Roots.* This grant will support interior and exterior renovations that will help rehabilitate the house into a great community center. So I just wanted to say that I'm pleased to have the opportunity to support this item.

Also I wanted to note Items 12 and 13. These are requests from the Maryland Stadium Authority on behalf of the Baltimore City Public Schools and the 21st Century Schools Program to approve \$86 million in bid packages for Arlington Elementary/Middle School and Fairmont-Harford Building renovation projects.

I support these requests. I just wanted to point out that, reiterate what a terrible mistake the Legislature made this past session when they passed an irresponsible bill which seeks to remove oversight from the Board of Public Works on the expenditure of billions of dollars in taxpayer money for school construction. That the Legislature would choose to corrupt the process that has for nearly 50 years been working well at a time when citizens are demanding more accountability and transparency and oversight of these expenditures, it's outrageous. But we are going to repeal this terrible legislation next year when they get back in town and we will restore the proper oversight to the Board of Public Works. Any other questions on the Secretary's Agenda?

TREASURER KOPP: Not a question. But I hope at some point that we will get off this -- it probably will be November, the end of November.

GOVERNOR HOGAN: I don't think so.

TREASURER KOPP: Every other --

GOVERNOR HOGAN: I think we're going to have to change it next year.

TREASURER KOPP: Every other week to be focused on an election campaign is just, it gets a little tiresome. But --

GOVERNOR HOGAN: I'm not sure billions of dollars in oversight, it's what we're here for --

TREASURER KOPP: -- but Governor, let me, let me, no --

GOVERNOR HOGAN: -- has nothing to do with election --

TREASURER KOPP: -- obviously, the oversight will be there. There's no question about that. We've gone through this week after week and the law is quite clear. But I do think it's important to point out that the Stadium Authority is now doing the total program and it's doing it very well. And that we are all very supportive of the 21st Century Schools Program, which of course was created by the Legislature and the former Governor, and supported by this Governor, and the Board of Public Works. And is really going to make a very big difference for education in the City of Baltimore. I'm very glad to see it going ahead strongly.

GOVERNOR HOGAN: Great.

COMPTROLLER FRANCHOT: Yes. Thank you. If I could call up Items 12 and 13?

SECRETARY MCDONALD: I think I saw Mr. Frenz here, and Mr. Johnson. I don't know who wants to -- they have Mr. McGuigan. They've got the whole team here.

MR. FRENZ: Good morning. I'm Michael Frenz, Executive Director of the Maryland Stadium Authority. Gary McGuigan, the head of our Capital Projects Development Group is here; as is Eric Johnson, who runs the 21st Century Schools Program on a day to day basis.

COMPTROLLER FRANCHOT: Great. As the Governor mentioned, I believe we're being asked to approve a combined total of \$86 million with these two items for construction and renovation of the 21st Century school buildings in Baltimore City.

MR. FRENZ: Correct.

COMPTROLLER FRANCHOT: Are there any representatives of the school system here?

MR. JOHNSON: No, not today, sir.

COMPTROLLER FRANCHOT: So we're being asked to vote on \$86 million on two projects and there's nobody from Baltimore City school system here?

TREASURER KOPP: This is a project of the Stadium Authority. The Stadium Authority is here.

MR. JOHNSON: Correct. And these are both guaranteed maximum price contracts where we negotiate and agree with the not to exceed amount with the contractor. It transfers the risk from the Stadium Authority to the contractor and it's an open book process. All of the packages have been bid competitively. We have seen them. We agree with the contractor on a maximum price. And if we're not able to agree, we move on and get someone else.

COMPTROLLER FRANCHOT: Yeah, no, I was just commenting that if I had \$86 million worth of projects in my City, I'd have some people down here just in case. But let me, since you guys are here, if I could, let me ask a few questions of you. It's my understanding that the program that you are representing is running one year behind schedule since the original goal was to deliver a projected 23 to 28 replacement and/or renovated schools by the year 2020. And Item 12 states that as a, quote, I'm quoting from your briefing document, "as a result of staffing changes and concerns over schedule impacts, the Stadium Authority at the request of City Schools has assumed and is actively managing all contracts for projects in the schools construction program."

So now that the Stadium Authority is managing all the contracts, is substantial completion even by 2021, the delay item, is that still assured?

MR. JOHNSON: Assured?

COMPTROLLER FRANCHOT: Assured?

MR. JOHNSON: That's still our goal, yes. And we believe we will meet it. I mean, I think it's hard to assure anything. But I think we have reasonable assurance that we will meet that date.

COMPTROLLER FRANCHOT: Okay. Reasonable assurance. Good. Because our kids deserve to go to schools with safe and healthy environments in which they can learn, grown, and thrive. And I appreciate that commitment, fairly reassuring commitment, that the schedule will be met.

Were there any lessons learned with year one schools that you will be able to apply to year two schools?

MR. JOHNSON: I'll let these gentlemen speak after I speak. I think one of the lessons we learned and that we're working closely with Baltimore City Schools on is value engineering with respect to renovations. I think some of the renovations will not be quite as extensive. The quality will be there, but I think it will help to create greater efficiency and help with meeting the goal that is now 28 schools.

COMPTROLLER FRANCHOT: Okay. Yeah, sure.

MR. MCGUIGAN: Thank you. Gary McGuigan with the Stadium Authority. Yeah, there's been quite a few lessons learned. One is the AV/IT contracts we were treating separately and now we're incorporating that --

COMPTROLLER FRANCHOT: Sorry, what is that contract?

MR. MCGUIGAN: Sorry, audio visual and technology. And now we're incorporating that into the GMP so we can coordinate where the electricity goes and also have, we had a few change orders in the year one schools.

COMPTROLLER FRANCHOT: Okay.

MR. MCGUIGAN: Also working with City Schools, they are looking at more renovations with the feasibility studies. All the year two schools have a strategic renovation option when they analyze it. So we're trying to get more out of the program. And that's one of the reasons we changed the projection from 23 to 28, 26 to 28. A couple of reasons for that. One is we anticipate generating \$1.1 billion of the bond proceeds. And the original projection was 986. So we think we can do more. And also, that's one of the reasons the delay to 2021, because we get a few more schools out.

COMPTROLLER FRANCHOT: Okay. As you know, the BPW Board has consistently advocated for the effective maintenance of public school facilities. Because that not only saves taxpayer dollars in the long run, but it also ensures that our kids and teachers and staff are learning and working in safe and

healthy environments. Now that two more schools, Dorothy Height Elementary and Lyndhurst Elementary have opened, can we be sure that City Schools are taking the proper steps to ensure that these 21 Century Schools facilities once built are properly maintained so their useful life literally can be extended by decades down the road?

MR. MCGUIGAN: That's been a concern throughout the program and a lot of it comes to funding. So I think, you know, the school system needs to increase its funding for maintenance as it promised in the beginning of the program. They originally said they would increase their budget by \$3 million per year over time. And I think, you know, working with the IAC we need to look at that.

We also have a two-year transition between the end of the schools and transitioning to schools that we are involved. We have consultants that walk through at various stages just to see how things are going. We have a CMS system that we paid half for that is being implemented so everything will be electronic. So with adequate funding and the CMS system, we'll have a better idea on how well we're doing with the maintenance.

COMPTROLLER FRANCHOT: Good. Thank you. Can you tell us why Patterson High School's replacement project is on hold? Since we approved the first contract back in July of 2016, and since design has already been



completed, I was really hoping to see this year one project break ground this year. And I'm, do you have any idea of the time table?

MR. MCGUIGAN: The original budget for Patterson was \$95 million. As we were going through design, City Schools had concerns over some adjacent Super Fund sites. So they asked for a phase three environmental report. The results of that report were analyzed by MDE and they have their own opinion. But what City Schools would like to do would be to take measures that have significant costs and we're estimating another \$15 million or \$16 million. So we have a process where they can ask for a revised budget. We haven't received that yet. But we do anticipate that they will ask for a revised budget somewhere about (indiscernible).

COMPTROLLER FRANCHOT: Okay. So what is the timeframe again?

MR. MCGUIGAN: Whenever City Schools asks the four parties for a revised budget. We all vote. If we agree, it can move forward. We would have to do some, quite a bit of redesign for some of the measures that they want to do. Probably six months of redesign. And then we can get started, depending on when they ask.

COMPTROLLER FRANCHOT: Yeah --

MR. MCGUIGAN: So --

GOVERNOR HOGAN: So I'm just wondering why none of that was taken into consideration when you finished the first design? Why waste all that design and then go back and start over again?

MR. MCGUIGAN: I think there's a, there may be some, if you look at the study that they performed, you can state the ultra-conservative viewpoint or you can take a reasonable viewpoint. And I think we have, how you interpret the results of that study, especially with input from MDE, there's some reason to have a discussion about it before we add \$15 million for the program.

TREASURER KOPP: But this is a Super Fund site that wasn't recognized before? Or --

MR. MCGUIGAN: There's two Super Fund sites. They have been there for 20 years. One is directly adjacent to Patterson. When City Schools did the feasibility study, I don't think it came up. But as we got into design, we recognized it and we did the phase one, phase two. But City Schools got nervous near the end and they did their own phase three.

TREASURER KOPP: You can't, you can't have a school knowingly next to an unmediated Super Fund site, can you?

MR. MCGUIGAN: It has been mediated and capped and contained. But it's 20 years old. When they cap it, you know, those walls have a certain life. And there's concern about the life of the walls surrounding the site.

TREASURER KOPP: Who did the remediation? I mean, who was responsible for the remediation?

MR. MCGUIGAN: Twenty years ago?

TREASURER KOPP: The State?

MR. MCGUIGAN: EPA.

TREASURER KOPP: The State?

GOVERNOR HOGAN: EPA.

COMPTROLLER FRANCHOT: So I -- excellent questions. I'm interested in Patterson because it's routinely described as the hottest school building in Baltimore City. So it's going to be 70 or 75 today. That means it's going to be 90 or 95 today inside Patterson. Tomorrow it is going to be 80 degrees plus, I believe the weather report. So that means it's going to be 95 or 100 degrees in the classrooms. Friday it's going to be 90 degrees, which means that that's going to be 110 in the classrooms. I remember reading in the *Baltimore Sun* about a frustrated English teacher, Allison Greco, at Patterson, who tweeted a photo showing a thermometer inside her classroom that read 114 degrees.

So I also read about a sophomore at Patterson who loves to learn, says that concepts come easily to her. She's in the Honors Biology class. And but she said when it reaches 90 degrees inside it's, she's crippled by what she

calls pounding headaches. Her asthma begins to act up. She puts her head on her desk because it's impossible to learn.

So this teacher I mentioned, Allison Greco, also went on to say, correctly, she probably got retaliated for this knowing the system up there, she called the heat an injustice and said, let me just quote here, "look at what this says to the kids in Baltimore City, the majority of whom," this is her quote, "the majority of whom are black or brown and are just supposed to suck it up. It's continually teaching them they are not worth what someone five miles away is." I certainly agree with that. I agree with the NAACP saying that the situation up there is a civil rights violation.

Another English teacher on the second floor, Kerry Graham, whose classroom had already reached 88 degrees by 9:15 a.m. while it was 71 degrees outside, so I'm probably being conservative, and hit 102 degrees by 2:15, said, and I quote, "I taught in Nigeria and it didn't feel like this." So these teachers purchase water bottles, portable fans, they cover their windows, and keep the lights off. They do everything they can to make their students a little more comfortable in these inhumane conditions. Can't you offer some relief more quickly than what is apparently this much delayed project? Can't you do something?

MR. MCGUIGAN: Well we could agree to add \$15 million if the other parties agree. We need the request first from City Schools. But with that amount of money, that's a program impact. I mean, that's half an elementary school. We want to make sure that it's the right use of the money for this situation. But again, right now the ball is in City Schools' court.

GOVERNOR HOGAN: You know, how much money was spent on the design of this school before we decided to scrap it and do the phase three environmental?

MR. MCGUIGAN: It's probably about \$2.5 million. But it's not scrapping the design. It's adjusting. Because one of the recommendations is taking --

GOVERNOR HOGAN: Well it must be pretty substantial if it's going to take another six months to do the design.

MR. MCGUIGAN: If we take 12 inches off the site, which is one of the recommendations, and capping the site, that's substantial, yes. But the design of the school itself is not impacted. It's the civil work.

COMPTROLLER FRANCHOT: Yes. And just finishing up, the Treasurer mentioned the elections this year. This has nothing to do with the elections. I've been talking about this for eight years. There is a very easy solution that can be done within a month, for each of those classrooms. And you

know, to describe this as something to do with the elections is I think to ignore something which is very, very bad for our kids up there. And I remember when I was first elected 12 years ago, there was a custom here on the Board of Public Works to have what are called pre-meetings. And so I was new. I thought, that's great. And what was that? That was the Treasurer, the Governor then, and me getting together in a back room. And basically the question was, anybody got anything on today's schedule? Because we're going to work it out in private.

TREASURER KOPP: Wait a minute --

COMPTROLLER FRANCHOT: And so --

TREASURER KOPP: -- I was here too --

COMPTROLLER FRANCHOT: -- hang on a minute --

TREASURER KOPP: -- and that's not --

COMPTROLLER FRANCHOT: -- if I could repeat --

TREASURER KOPP: -- yes, but that's not true --

COMPTROLLER FRANCHOT: -- just finish without -- and I at that point, after several of those, I said, this is not transparent. It's not accountable. It's wrong. And I said, I'm no longer coming to these pre-meetings. Same thing with this IAC grab down there in the down below, where in a clandestine way they took a piece of statute which was very presentable with

school construction and added on in the dead of night a provision that stripped this Board of its authority over school construction.

Yesterday I was with a Queen Anne's Commissioner who was the MACo representative on that Knott Commission and he said he still loses sleep over that. "For God's sake, why did they do that?" he said. All we're doing is trying to shine some sunlight on what's going on with a lot of these schools. And it's for the benefit of these kids and teachers and I agree with the Governor. I'm very hopeful that next year that whole provision will be reversed. But I personally guarantee that the same questions about school construction and school maintenance are going to be made at this Board as long as I'm a member of it. And thank you for the work that you do. I think the Stadium Authority is a, frankly a breath of fresh air. I don't mean to be critical on you guys. But you're an example of how this school construction issue is going to stay front and center regardless of whether that provision is repealed. It should be and it should be put in the trash bin along with all the other backroom, closed door, we don't want to see you, hey, come on over to the IAC. Really? Anybody here ever been to the IAC? I don't think I could find it with a GPS. But that's the point. Let's have some accountability, openness, honesty, integrity. And I think the Governor put his finger on it when he mentioned the word corruption. Thank you very much.

TREASURER KOPP: Governor, could I just set the record straight about pre Board meetings? Just that one thing. These were open meetings run by the Secretary. If people had questions or wanted issues removed, instead of just one party removing the issue, it gave an opportunity to raise those questions and make the meeting more efficient. But -- that's all it was.

GOVERNOR HOGAN: I was never invited to any of those meetings.

(Laughter.)

TREASURER KOPP: No, no --

GOVERNOR HOGAN: Never had one of those meetings. And we like to do everything right out here with full transparency.

TREASURER KOPP: It --

GOVERNOR HOGAN: I think the Comptroller may have given the Legislature a new idea about maybe removing you from the Board of Public Works.

(Laughter.)

GOVERNOR HOGAN: Or maybe abolishing the Board of Public Works will be next. But anyway, thank you, gentlemen. Any other questions on the Secretary's Agenda? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.



TREASURER KOPP: Second.

GOVERNOR HOGAN: Second? Three-nothing on the Secretary's Agenda.

COMPTROLLER FRANCHOT: Oh, hang on. There was, was there --

GOVERNOR HOGAN: Too late.

COMPTROLLER FRANCHOT: Just a minute, guys.

GOVERNOR HOGAN: A motion was seconded, voted.

COMPTROLLER FRANCHOT: Oh, I know, I know, I know, I know.

GOVERNOR HOGAN: Three-nothing.

COMPTROLLER FRANCHOT: But -- what? Oh. Yeah. No. If I could just, I was traveling around the State and I stopped in at something called the Home Brewers Store. What's that? That's a very successful business in Howard County that sells all the products for distilleries, wineries, and breweries to start up. And I said, you know, I serve on the Board with the Treasurer and the Governor. And they were completely unimpressed with that. But they said --

(Laughter.)

COMPTROLLER FRANCHOT: -- they said, do you know Mark Newgent? Yeah.

(Laughter.)

(Applause.)

COMPTROLLER FRANCHOT: So, yeah, apparently a very popular customer.

(Laughter.)

COMPTROLLER FRANCHOT: But let me if I could just recognize, this is not a vote or anything. I just want to recognize on Item 18 the Union Collective Market property and the right-of-way easement for Seawall Development Corporation. They are, this Union Collective is opening up on July 28th in Baltimore City. They have purchased a 138,000-square-foot abandoned former Sears distribution warehouse right on I83 in a very run down industrial area that sat dormant for many years. Union Craft Brewing has acquired it. They are going to put in a new taproom and brewery as well as incredible Baltimore vendors, like the Charmery, Earth Treks, Huckle's hot sauce, Vent Coffee Roasters, and I know there are people that think I'm, shouldn't be a champion of this particular sector. But Maryland craft brewers frankly are one of the key sectors in the manufacturing area for the future. They generate millions of dollars in economic activity and tax revenue. They directly and indirectly support thousands of jobs. They invest in our communities and our neighborhoods. I hope next year, along with other issues, the Legislature will do the right thing and

pass long overdue reforms to our dysfunctional and antiquated beer laws. But if you have a chance, and you're in Baltimore City, swing by on May I think it's 18th. They are going to have a big ribbon cutting up there and it's pretty dramatic, given the fact that that area has been largely ignored by the private sector and by, nobody uses it. Right by 83. They are opening up the new collective on July 28th. Mark it down. I'll be there.

GOVERNOR HOGAN: Very good.

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: Well thank you for giving a shout out to Mark Newgent. He is our official representative to the brewing industry. Mark and I support the brewing industry one beer at a time.

(Laughter.)

GOVERNOR HOGAN: We're trying to provide as much support as we can.

(Laughter.)

GOVERNOR HOGAN: I'll say we, we had the National Home Brewers Association Convention here in our State, in Baltimore City, and I went to welcome all the home brewers from around the country. There were thousands of them. And a couple of the top guys up there had their beers that they wanted

me to sample. So I up on the stage chugged two beers. And I got a standing ovation from the Home Brewers, who were like HO-GAN! HO-GAN!

(Laughter.)

GOVERNOR HOGAN: I think I'm their favorite governor in the entire country now.

(Laughter.)

GOVERNOR HOGAN: My remarks were funnier after that.

(Laughter.)

GOVERNOR HOGAN: But thank you. So we're going to move on to the DNR Real Property Agenda.

MR. BELTON: Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record, I'm Mark Belton, Secretary of the Maryland Department of Natural Resources. And we have five items on our Real Property Agenda for your approval this morning.

GOVERNOR HOGAN: Admiral, that beard is coming in there. I mean, you're starting to look like a real ship captain now.

MR. BELTON: Sir, with the weather as the Comptroller predicted, it might have a short shelf life.

(Laughter.)

GOVERNOR HOGAN: Any questions on the DNR Agenda?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Motion?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. Move on to DBM.

MR. BRINKLEY: Good morning.

GOVERNOR HOGAN: Mr. Secretary?

MR. BRINKLEY: Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record, David Brinkley, Secretary of the Department of Budget and Management. We've brought nine items on the Agenda today. I've withdrawn two items, 2-S and 5-S-OPT, leaving seven for your consideration. And I have people here to address any concerns you might have.

GOVERNOR HOGAN: Any concerns or questions on DBM?

GOVERNOR HOGAN: Scott free. There's a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-oh. We're going to move on to the University System. Anybody from the University System? Okay. Maybe we'll move on to Information Technology.

SECRETARY MCDONALD: They're here.

COMPTROLLER FRANCHOT: What are we going to do? Are we not going to bring up University System? Oh.

GOVERNOR HOGAN: I mean, we can always get back to them, can't we? There we go. Good morning.

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

GOVERNOR HOGAN: Any questions on the University System?

COMPTROLLER FRANCHOT: On Item 1, I think we're being asked to approve a \$560,000 contract to Michael Singer, Inc. from Delray Beach, FL for designing, furnishing, and installing exterior artwork for the Biomedical Educational Facility at the Universities at Shady Grove. Now I'm not suggesting this artist out of Florida is not capable. I'm sure he or she is. But I'm a bit curious as to why the system did not award this to, or at least compete it for a bid, for a Maryland based artist? I mean, there are a lot of exceptionally talented Maryland artists. One happens to be the First Lady of the State of Maryland.

GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: Not that I'm suggesting she compete for anything. But I'm just wondering why it went to an out of state vendor on this contract.

MR. EVANS: Let me call up Bill Olen from University of Maryland College Park, Director of Design and Construction.

MR. OLEN: Good morning, Governor.

GOVERNOR HOGAN: Good morning.

MR. OLEN: Comptroller Franchot, Treasurer Kopp. Bill Olen, Executive Director of Planning and Construction, University of Maryland Service Center. So the requirements for the State with public arts commission is to do a quality based selection. So that's this procurement. So we go and put an RFP, which we did, put it out on the street, ask for proposals. There's a group, I don't have the names in front of me, of folks from the State and the institution that looked at the proposals from the different artists and then ranked them from one to whatever. And then picked this firm as the best proposal.

COMPTROLLER FRANCHOT: Okay. So was it competitively bid as far as price?

MR. OLEN: No. The way the quality based selections work are we rank them from one to the last number and then we start negotiations with the top ranked firm.

COMPTROLLER FRANCHOT: Okay. So Governor, if you or the Treasurer were so inclined I'd like to request that this item be deferred because I've never heard of that kind of procurement.

MR. OLEN: Quality based selections are similar to the AE procurements, where we select the highest ranked firm and then negotiate a fee with the highest ranked firm.

COMPTROLLER FRANCHOT: Yeah. That's not much of a competitive bid as far as I'm concerned. So maybe I could get better --

TREASURER KOPP: Could I just ask another question before, which is, what, this says external, exterior artwork. What is --

MR. OLEN: So we select, the group selects what they believe is the best artist. It may be someone who does sculpture, wood or metal, inside or outside the building. So we --

TREASURER KOPP: But I'm just reading the description of this item. And I'm just asking.

MR. OLEN: Exterior artwork. So the, the most likely result of the selection in using this artist will be outside sculpture around the site of the building. I'm not sure whether it's metal or wood or stone sculpture. Very similar process going on with MTA and the Purple Line. The Purple Line folks have put out RFPs for artists to do artwork around the stations. They get proposals in. Folks review those proposals. And then they select what they believe is the best artist.

COMPTROLLER FRANCHOT: Yeah --



MR. OLEN: I don't believe it's --

COMPTROLLER FRANCHOT: That's a great system for the artwork. It's not particularly good in theory for the taxpayers. But if I could defer it and take a look at it, maybe the Treasurer if you have questions could join in. But I've never heard of it before.

TREASURER KOPP: I think this is the process we have used quite often in many other places. But I think if the Comptroller wants to look at it, that --

MR. OLEN: Yeah, we reached out to the folks at DGS who have used this process before. And this is the first time we've used the process. It's a relatively new requirement for the system to set aside a portion of the project funds for public art. It has to be on a project where the State funds are the only source of funds. So this is the first time we've done it. So we tried to follow what others have done. I'm more than willing to put a brief together and share it with you folks, if you'd like.

GOVERNOR HOGAN: I think the Comptroller would like to get some questions answered.

MR. OLEN: Sure.

GOVERNOR HOGAN: I think we'll pull this one out from the Agenda here and we'll make a motion to just delay until the next meeting so you can get the opportunity to answer his questions and get the details.

MR. OLEN: No problem. No problem, sir.

GOVERNOR HOGAN: So I'll second your motion. It's three-nothing. And we'll just bring it back at the next meeting. Is that okay?

MR. OLEN: Okay. That's fine with me.

GOVERNOR HOGAN: Any other questions on the University?

COMPTROLLER FRANCHOT: No. Move approval.

GOVERNOR HOGAN: Second? Three-nothing.

MR. OLEN: Thank you.

GOVERNOR HOGAN: Thank you. We're going to move on to Information Technology. Secretary Leahy?

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 two items on the Agenda and I do have agency representatives available to answer any questions.

GOVERNOR HOGAN: Questions on IT?

COMPTROLLER FRANCHOT: Move approval with, unless people have questions.

GOVERNOR HOGAN: Second. Three-nothing. We're going to move to the Department of Transportation.

MR. RAHN: Good morning, Governor. Good morning, Madam Treasurer. And good morning, Mr. Comptroller. For the record, my name is Pete Rahn. I'm the Secretary of the Maryland Department of Transportation. MDOT is presenting 13 items today. We are withdrawing at this time Item 3-GM-MOD and 5-AE from the Agenda, and we'll answer any questions you have.

GOVERNOR HOGAN: Any questions?

COMPTROLLER FRANCHOT: None for me.

GOVERNOR HOGAN: None for me. Looks like you got a pass today.

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second. We'll move on to Department of General Services.

MR. CHURCHILL: Well good morning, Governor, Madam Treasurer, and Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Department of General Services. The department has eight items on our Agenda today and we'll be happy to answer any questions you may have at this time.

GOVERNOR HOGAN: Any questions of Secretary Churchill?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second.

TREASURER KOPP: Second.

COMPTROLLER FRANCHOT: Three-nothing. That was the easiest Board of Public Works in history.

(Whereupon, at 10:54 a.m., the meeting was concluded.)