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BOARD OF PUBLIC WORKS
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PRESENT

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HONORABLE PETER FRANCHOT

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PROCEEDINGS

GOVERNOR HOGAN: Good morning, everyone.

ALL: Good morning.

GOVERNOR HOGAN: Welcome to the Board of Public Works. I want to begin today by taking a moment to address our budget. We pledged to bring fiscal restraint to Annapolis, and we have. The very first budget that we submitted eliminated nearly all of the \$5.1 billion deficit that we inherited. We've invested record amounts in education, transportation, and the environment, while easing the tax burden on hard-working Maryland families. We have fully funded all of our priorities, while passing balanced budgets every year. We've been able to accomplish all of this without the budgetary shell games and gimmicks that Maryland has seen in the past, such as draining billions from Environmental and Transportation Trust Funds and racking up billions in debt.

However, we must remain vigilant and fiscally prudent and be prepared for volatility in the national economy. The Budget Secretary advises that our revenue numbers, while still generally positive, are not growing as fast as mandated spending. As we have for five straight budgets, again this year we warned the Legislature against unsustainable spending beyond our means. Unfortunately the Legislature again ignored those warnings and pushed for a

staggering \$7 billion in new unaffordable mandated spending increases with no plan whatsoever for how to pay for any of it.

We also have repeatedly warned the Legislature against attempting to spend money outside of the normal budget process by using a shell game gimmick known as fencing off. The Legislature ignored those warnings and took money from important priorities and then respent that money on other things and made false promises to special interest groups which they knew could not and would not be fulfilled.

The balanced budget which we submitted made the largest proposed investment in school construction ever in State history. Our legislation would clear nearly all of the school construction backlog in every single jurisdiction in the State. But the Legislature unfortunately chose to indiscriminately cut this aggressive school construction from the budget.

They took the same reckless approach for important funding to fight crime and for issues like housing and environmental protection programs. Most of the money for these programs was funded in our budget but then was cut by the Legislature to spend on other things. And their actions jeopardized the funding for many important and worthwhile programs. Unfortunately, they continued to ignore the serious fiscal warnings and as a result we are now facing a potential \$961 million budget shortfall.

They have put us on a glide path to an \$18.7 billion deficit, \$18.7 billion deficit, over the next five years. To make some of these false promises the Legislature cut \$90 million from the Rainy Day Fund and cut \$50 million from the Pension Fund. Contrary to rhetoric that we hear, there is not really excess money available piled up behind a so-called magical fenced off area to cover this additional \$245 million in extra spending. So today I am announcing that no additional fenced off money will be added to or spent by the administration. However, we will not allow critical public safety and health needs to go unmet. So the Department of Budget and Management will be working with our executive branch agencies in order to find ways to correct these mistakes within the existing budget and to make sure that we can fund critical public safety and health programs.

School construction remains a top priority for us and so we will resubmit our record school construction funding proposal again in January. We will also be working to address many of the other important and worthwhile funding requests over the next few months as we finalize the budget which we will submit to the Legislature when they return in January.

Now with that, I'm going to turn the floor over to Comptroller Franchot for opening remarks. But first, let me just take a moment to remember the Comptroller's father, Douglas Franchot, who passed away at the age of 97. He led an extraordinary life. He was a World War II bomber pilot and a

successful lawyer and a brilliant and charming guy who I know was very proud of his son. And I just want to say that it truly was an honor to have gotten to know him. And Mr. Comptroller, I just want to again extend my deepest and most sincere sympathies to you and your family.

COMPTROLLER FRANCHOT: Governor, thank you very much. And Madam Treasurer, thank you for your phone call and the hundreds of Marylanders that have -- I had forgotten how many people Dad met in Maryland. He was only here for four short years but he made a lot of friends and over those four years whenever I called him and said, "How are you doing, Dad?" He would say, "Well, how's the State of Maryland doing?" But then very quickly he said, "More importantly, how's Governor Hogan doing?" So that was, he had a very, very fond affection for the Governor but also the working relationship that this Board exhibits.

GOVERNOR HOGAN: We were pen pals, too.

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: His Dad would send me really long and thoughtful letters with really great input and ideas. You know, I think he's much smart than his son, frankly.

(Laughter.)

GOVERNOR HOGAN: I'm just teasing you. I'm just kidding. But he really was a wonderful guy.

COMPTROLLER FRANCHOT: Yeah, no, Dad used to say that he was losing his mental faculties as he got older. And I said, “Dad, you could lose 50 percent and still be smarter than me.”

(Laughter.)

COMPTROLLER FRANCHOT: No, he had a great life. And Madam Treasurer, Governor, thank you for that. I did want to comment on something related to what you just opened with as far as the legislative process and what the regular order is.

I have been Comptroller for 13 years. I have never, ever seen a provision like the one I’m going to mention in the budget of the Comptroller’s Office. It was language put in at the last minute in the dead of night, behind closed doors, and it basically said the Comptroller shall give \$200,000 of the taxpayers’ money in his budget to a not-for-profit organization.

I frankly have worked very closely with that not-for-profit over the years and have a lot of admiration for them. But this was something I have never seen in my career as either a legislator or as Comptroller, where the Legislature would put a mandate that money for my budget be given to an outside group. And it struck me as a rather sophisticated form of money laundering. I hope the Legislature will forget that they did this, because I’m doing to ignore it. I think it’s wrong. What they should do, if they want to give \$200,000 of taxpayers’ money is not go into my budget but have a hearing, put a provision before the

Governor or themselves and the budget committees, have a transparent presentation of why they think this not-for-profit deserves \$200,000. And if they agree, I don't have a particular problem with that. But this provision that's sitting there is an absolutely highly irregular use of legislative power. And so Governor, you have much bigger fish to fry than I do. But I just wanted to bring to your attention this item which is in the budget.

I do have a couple of comments, if I could, about the Supreme Court's supremely disappointing --

GOVERNOR HOGAN: I think that is, that was an example, and I think it's several hundred thousand dollars of fencing off money, trying to force you to spend something that's --

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: -- we have \$250 million of that, is what they did.

COMPTROLLER FRANCHOT: Well that, and that's a separate issue because of the size. But you know --

GOVERNOR HOGAN: Yeah.

COMPTROLLER FRANCHOT: -- they used to fence, every year they send me messages by fencing money off. I don't have your bully pulpit or ability to oppose those. Generally, almost always it's fencing off to give us a report or do something with your policy in your agency. I did that when I was in

the Legislature. I understand your complaint because it's gotten so broad now. But this is something different. This is using these last minute conference committees to insert a provision telling me as the Comptroller to give another outside group \$200,000 of my budget, taxpayers' money. And I thought that was an extraordinary escalation of what the Governor was referring to. So I hope that practice disappears.

But if I could make a brief comment about the Supreme Court decision on Maryland and North Carolina gerrymandering that today's *Washington Post* has a blistering editorial demanding, in effect, that Maryland do what we should have done years ago, which is set up an independent commission, in the *Post* viewpoint, similar to what the Governor has been advocating. But I have a little different twist on that.

I, you know, obviously we're just one state that has abused the congressional redistricting process to maximize the partisan advantage for our, my party, the Democratic Party. And all you have to do is look at District 6 out there, and on the other side, for the Republican side District 1, to understand how much this process has been abused at the congressional level. It has also been abused at the legislative level. We have these three-member districts. I call them incumbent protection slates. I benefitted from it when I was in the Legislature. We should have single member districts. Those districts should be compact.

They shouldn't be drawn based on where someone lives. They should reflect the communities that are there voting.

But anyway, both parties are guilty in engaging in the dishonorable practice of gerrymandering. It's up to both parties to make it right. It disenfranchises the voters, divides and marginalizes communities, breeds confusion within the political process, and inspires voter alienation and resentment. The notion that a political practice which generates such fundamentally unconstitutional outcomes could be considered, as the Chief Justice said, "beyond the reach of the federal courts," is just incomprehensible. And to be honest, it's an act of judicial cowardice.

The political machines in Maryland on both sides and other states around the country won this round and the people lost. The issue of independent redistricting transcends party lines because before we are Democrats and Republicans we are Americans. As we mark our nation's independence tomorrow, it's my hope that leaders here in Maryland and in Congress will find the political courage to do what is right by ending this undemocratic practice and restoring the levers of power to the people.

Respectfully, Governor, I personally don't believe it's possible, and I salute your efforts, to have an independent commission. I've been involved in this for so long, and believe me, my hands are not clean on partisanship and redistricting. But I don't believe you can truly have a nonpartisan redistricting

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process so long as it involves human beings who inherently have their own biases that have been formed by their life experiences. So the only way to completely remove political bias from drawing our legislative and congressional maps is to allow a computer to do it, guided by the strict guidelines outlined in our State constitution. And I quote, “these districts must be compact in form and of substantially equal population, with due regard to the natural boundaries and the boundaries of political subdivisions.” And there’s other language from our Supreme Court about the need to recognize like-minded communities, as far as redistricting. All of this can be put in with software prompts into a form of, I guess, artificial intelligence, the computer. And it can produce exactly what the public wants as a result. What does the public want? They want a process where they choose their elected officials, not where political bosses on either side in a back room decide who their representatives are going to be.

So it’s a friendly supportive offering over there. I know, Governor, you have put forth your case I think brilliantly and strongly. I think today’s Post described the Senate President’s comment as a political powerbroker of basically the State is not going to do anything. That’s what the Senate President said. Period. He wants the Congress to work it out with the President of the United States. Good luck on that.

So here’s a suggestion. We can go find someone’s smart computer and put some prompts in that are appropriate and I believe you’ll see a result that

people will find it very difficult to change if they have to do so out in the open sunlight. Thank you very much, Governor.

TREASURER KOPP: My turn?

GOVERNOR HOGAN: Thank you -- can I just comment on him?
And then turn it over to you?

TREASURER KOPP: Oh sure.

GOVERNOR HOGAN: Thank you for your comments on the redistricting. I, too, was very disappointed in the Supreme Court's decision. It's something I've believed very strongly in for at least 25 years and I think it's one of the biggest problems facing our country today and it's a reason for much of the divisiveness and dysfunction not only in Washington but in state capitals. And you know, this is such a pervasive practice that is responsible for so much of the problems, and both parties are guilty. Look, I happen to be a Republican. There are more Republicans controlling state legislatures and there are more Republican governors than there are Democrats and they do this whenever they have the power. Here in Maryland, it happens to be Democrats have been in control for decades and they control the power. It's not wrong, I mean, it's not right when anyone does it. It's wrong. And we've got to figure out a way to fix it.

The Supreme Court decision, and I'm not a lawyer, but if you cut through all of that, basically they said, yes, it's terrible. It's one of the worst things we've ever seen. But we're the wrong place for you to come. You should

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go back to the people who have been committing the crimes and ask them if they are willing to stop committing the crimes. And it's outrageous and disappointing. And we're going to continue to push this here in Maryland and across the country. And I know from here in Maryland that nearly 90 percent of all the people in Maryland, 90 percent, feel very strongly about this, both parties. It's equal, Democrats and Republicans and Independents. Everybody feels this way. But it's a handful of people who are drawing the lines for their own benefit, whether they are Republicans or Democrats. The practice has to stop. Citizens should pick their representatives and not the other way around. And I'm going to keep working on this issue. So thank you. With that, I'll be happy to turn it over to the Treasurer.

TREASURER KOPP: No, let me say on that issue, you may recall that one of the first bills, I put a constitutional amendment and an implementing bill in the late seventies, was to establish a redistricting, a nonpartisan redistricting commission.

GOVERNOR HOGAN: Wow.

TREASURER KOPP: The bill got nowhere --

GOVERNOR HOGAN: So I'm not the only one?

TREASURER KOPP: No, so you are not the only one --

GOVERNOR HOGAN: Good. Maybe we can team up.

TREASURER KOPP: -- this is not a new issue. What is a new issue, I think, is the Trump Supreme Court, which has washed their hands of doing, they say they want to stay out of the political thicket, what Frankfurter called the political thicket. But they didn't hesitate to choose George W. Bush as President, and they haven't, didn't hesitate to do Citizens United. So I'm sure that that fig leaf is exactly a fig leaf. They put their imprimatur on present gerrymandering, which as you point out, Governor, benefits the Republican Party in this country much more than anyone else. It's a travesty. It's a terrible thing for our country, I agree with you completely on that.

In terms of the budget, as you know, you handed down a budget, Governor. The Legislature cut \$300 million from the budget. The Legislature, an elected body of the State government, the first branch of government, also had priorities to do something about the rape testing kits, to get them used; school construction; strengthening the Baltimore City Police Department; a number of projects which they thought were priorities not only of the Legislature but of the people, the constituents they represent. They passed a budget essentially unanimously, a bipartisan budget.

So Governors never like Legislatures putting their imprimatur on the budget. It's not the Governor's budget. It's not the Legislature's budget. It's the State budget. And I for one am very sorry to hear that you're not going to be funding these very good programs. And I hope that they can come back and

reintroduce them. The rape testing kit, particularly, is just, it's a terrible thing that those kits are just sitting there and not used to enforce the law. But I just wanted to say not only as a former member of the Legislature, but as somebody who has studied constitutional history for a long time, I regret this impasse. And I think we would all be better if we passed a budget that we could all agree on, as the Legislature in its bipartisan way did.

GOVERNOR HOGAN: Thank you.

TREASURER KOPP: I also want to say one more thing, Governor. Which was I was very pleased, and I think everybody was, to see the executive order on energy efficiency, that as the head of the executive branch finally we're bringing together the players within the executive branch. I don't know whether the ten percent reduction in energy use by 2030 is, where the ten percent came from. But I think it's a great target. And as we measure, as we get closer to that target, maybe the target can be raised a bit. But to see everybody coming together, the departments of State government, that's exactly what we need.

GOVERNOR HOGAN: Great. Thank you. Just -- we're not going to go back and forth with this. But you know, we, I said in my opening remarks we are going to fund all of those public safety and health things. We had the rape testing and the stuff for Baltimore City in our budget. They fenced it off. We're going to take care of that anyway without using the fenced off gimmick.

And the school construction, we had the largest one ever that we submitted. They took money out. We're going to find a way to put it back. And so, yeah, the Legislature, we did reach agreement on a budget, which is great. But the \$7 billion in mandated increases in spending we have no control over whatsoever. And that impacts whether or not we go into debt or not. And so that's why we have this. The money is, you know, there's not a magical pot of money. We can only spend what we're bringing in. And we can't keep going back into the, returning to the failed practices of the past where we go billions of dollars in debt and then we have raise taxes 43 times in a row. That's not going to happen while I'm Governor. So --

TREASURER KOPP: Well --

GOVERNOR HOGAN: -- with that we're going to move on to the Secretary's Agenda. Madam Secretary?

SECRETARY MCDONALD: Good morning, Governor, Madam Treasurer, Mr. Comptroller. I think on behalf of all State employees I would like to thank the Governor for the executive order giving us a State holiday on Friday, July 5th.

(Applause.)

SECRETARY MCDONALD: And --

GOVERNOR HOGAN: And we want everybody to go out and spend money in the economy --

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(Laughter.)

SECRETARY MCDONALD: And we will. Most important thing, most importantly, I wish you a Happy 4th of July and that you have a good time at the parades because now we will be able to stay up late on Thursday spending money --

GOVERNOR HOGAN: Good.

SECRETARY MCDONALD: -- and sleeping in on Friday. Thank you. Getting on with business, at this first Wednesday of July meeting, the first of the fiscal year, and one required by the Maryland Constitution of 1869, we have 23 items on the Secretary's Agenda and no reports of emergency procurements. We are ready for your questions.

GOVERNOR HOGAN: Well thank you for that bit of history. I don't -- give us that one more time?

SECRETARY MCDONALD: The State Constitution of 1869 established the Board of Public Works with these three members, and it says that they shall meet on four Wednesdays of the year --

GOVERNOR HOGAN: Wow.

SECRETARY MCDONALD: -- and any other day they want to meet. So you are required to meet four times a year and the first Wednesday in July is one of them.

GOVERNOR HOGAN: Oh, so you're saying we can take a lot more days off --

(Laughter.)

SECRETARY MCDONALD: Exactly. We can go back to four times.

(Laughter.)

GOVERNOR HOGAN: I mean, I gave you guys a day off.

(Laughter.)

SECRETARY MCDONALD: So --

GOVERNOR HOGAN: All right. Well thank you. I'd like to start with Items 14, 15, and 16, the Stadium Authority.

SECRETARY MCDONALD: That is the Stadium Authority, and who is here? I saw a bunch of them back there. Mr. Johnson?

GOVERNOR HOGAN: Yes.

SECRETARY MCDONALD: Or, oh, Mr. McGuigan is here from the Stadium Authority.

GOVERNOR HOGAN: Yes, good morning. I don't really have any tough questions for you this morning, so you don't have to get prepared. I just wanted to say this is about approving \$58 million in contract awards for projects at three Baltimore City elementary schools, renovations at Robert W. Coleman and Mary E. Rodman, as well as the replacement of Medfield Heights.

And this is all part of a \$1.3 billion program that the State is spending on school construction just in Baltimore City. We're building 28 schools there, with nine already built and 19 more under construction or in process. And I just wanted to emphasize these things this morning and to say that the Maryland Stadium Authority has been doing a tremendous job of managing these projects for the 21st Century Schools Program and providing the students of Baltimore City with the healthy, efficient facilities that they deserve. And they are producing them on time and under budget, which is quite a departure from the way things have been done in the past. And I just really wanted to bring it up to let everybody be aware of it and to give you a shout out and just thank you and have you go back and thank your colleagues at the Stadium Authority for the great work that they've been doing.

MR. MCGUIGAN: Gary McGuigan with the Stadium Authority.

And Governor, we really appreciate those comments and the support of the Board. Thank you.

GOVERNOR HOGAN: Thank you. Are there any questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: You know, I had --

COMPTROLLER FRANCHOT: I'm sorry.

TREASURER KOPP: I'm sorry.

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COMPTROLLER FRANCHOT: Yeah.

TREASURER KOPP: Now I've got to figure out what -- not significant questions. But I have one quick -- maybe you know, Sheila. The two, but there were a couple of others, too, these grants.

SECRETARY MCDONALD: Grants, right.

TREASURER KOPP: Were these grants that were previously --

SECRETARY MCDONALD: These are our operating grants --

TREASURER KOPP: Yeah.

SECRETARY MCDONALD: -- that appear in the Board of Public Works operating budget.

TREASURER KOPP: Yeah.

SECRETARY MCDONALD: As I like to say, these three grantees are State treasures. They actually, two of them manage State-owned properties.

TREASURER KOPP: Yes, they are.

SECRETARY MCDONALD: So they get a grant in our fiscal year every year. So what we do every fiscal year, we have a grant agreement itself with all the terms in it that we signed many years ago with them, in 2006 it says. And every year we just do a one-page amendment that says that the General Assembly and the Governor have given extra money this year. So this is the continuing fiscal support for them.

TREASURER KOPP: That's great. That was not actually my question.

SECRETARY MCDONALD: Oh, sorry.

TREASURER KOPP: No my question was, it says annually but we do it quarterly. Is that a change?

SECRETARY MCDONALD: There's an annual -- no, no, no, no, no, no. We, the, Historic Annapolis has always been on --

TREASURER KOPP: A quarterly basis.

SECRETARY MCDONALD: -- it's an annual grant that's paid quarterly.

TREASURER KOPP: Okay. That was my question.

SECRETARY MCDONALD: The Zoo was the same way but --

TREASURER KOPP: So it's not to be able to decide who gets the interest over the years of the grant.

SECRETARY MCDONALD: I believe that is what motivated it many years ago --

TREASURER KOPP: To make it quarterly.

SECRETARY MCDONALD: -- when it was set up quarterly. And then some time ago the Zoo moved to be able to get all of their money --

TREASURER KOPP: That's what I was --

SECRETARY MCDONALD: -- at the beginning of the year and Historic Annapolis was told to remain on a quarterly basis because that's --

TREASURER KOPP: Okay. That's what I was trying to --

SECRETARY MCDONALD: -- right, no, so --

TREASURER KOPP: -- thank you very much.

SECRETARY MCDONALD: -- there was a --

TREASURER KOPP: There is a disparity?

SECRETARY MCDONALD: Yes, there is.

TREASURER KOPP: All right. Governor, in Project 10 and I think 11, the Department of Housing and Community Development once again is moving ahead in terms of energy saving, just building on what you said. This department in the last couple of years, it seems to me, has been in the forefront of both energy saving and sensitivity to environmental impact of all the things that you have been doing. The latest thing, I notice, is that your Project 11 is going to follow the 2015 Enterprise Green Communities criteria coast line and have a third party review, which is very significant and which most agencies don't, around the country, don't want to do. And I just want to recognize it. I think it's exactly the sort of thing we should be doing, imbuing in all of our projects a recognition of the cost of energy and the adverse impact of not building with a green conscience. And I just want to thank you all.

MR. MANEVAL: All right. Well thank you very much. For the record, John Maneval, Department of Housing. And I'll be sure to take back your comments to Secretary Holt.

TREASURER KOPP: Please do. I think we have in the makings here some green bonds, even. If the funds are going to go for projects like this, and we can get third party imprimatur, we can sell them as green bonds and let the country know what Maryland is doing.

MR. MANEVAL: Happy to work with you. Thank you.

TREASURER KOPP: Yeah. Thank you.

GOVERNOR HOGAN: Yeah. Thank you. Thank you, Madam Treasurer.

TREASURER KOPP: Yeah.

GOVERNOR HOGAN: Any other questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing.

SECRETARY MCDONALD: Thank you.

GOVERNOR HOGAN: We're going to move on to the DNR Real Property Agenda. Madam Secretary?

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MS. HADDAWAY-RICCIO: Good morning, Mr. Governor, Madam Treasurer, Mr. Comptroller. For the record, Jeannie Haddaway-Riccio, Secretary of the Department of Natural Resources. And we have seven items on our Real Property Agenda for which we are seeking approval today.

GOVERNOR HOGAN: Any questions on the DNR Agenda?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. We'll move on to the Department of Budget and Management.

TREASURER KOPP: Governor, could, before we move too far, could I just, I just looked up and saw the smiling face of our former chief counsel, Assistant Attorney General Steve Vanderbosch sitting there, smiling at you. I just wanted to say good morning. It's good to see you.

GOVERNOR HOGAN: Good morning. I didn't even notice him smiling back there.

TREASURER KOPP: Yes, Steve was smiling. He didn't always smile when he was in the OAG.

SECRETARY MCDONALD: He's smiling because he retired.

(Laughter.)

GOVERNOR HOGAN: He's less stressed nowadays.

SECRETARY MCDONALD: He's watching from that seat.

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GOVERNOR HOGAN: Thank you for joining us. So we're moving on to the Department of Budget and Management. Secretary Brinkley?

MR. BRINKLEY: Good morning. David Brinkley, the Secretary of the Department of Budget and Management. Governor, Mr. Comptroller, Madam Treasurer, we've brought four items for your consideration. I'm withdrawing Item 2-S and I have people here to address any questions or concerns you may have.

GOVERNOR HOGAN: Questions on DBM?

COMPTROLLER FRANCHOT: Yes, Item 3-S.

MR. BRINKLEY: Jamie?

GOVERNOR HOGAN: Is that the one you withdrew?

MR. BRINKLEY: Jamie Tomaszewski.

TREASURER KOPP: No, he withdrew Item 2.

GOVERNOR HOGAN: Item 2, I got it.

MS. TOMASZEWSKI: Good morning.

GOVERNOR HOGAN: Good morning.

COMPTROLLER FRANCHOT: Yes, so I have a question about this. It's a small contract for \$203,000 with Phamatech in San Diego for State employee applicant drug testing. I noticed that Phamatech, the recommended awardee, has held this contract for ten years and that it's a single bid contract. One other submission, I guess, was rejected. So apparently the department

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identified only 18 labs in the entire nation that are capable of providing drug testing for State employees. My question is how specialized are drug testing services in this day and age that less than 20 companies, none of whom are based in Maryland by the way, can compete for this contract?

MS. TOMASZEWSKI: The requirement of the SAMHSA, which is the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services, is a certification that is required on this contract. That's why there's a limited number of laboratories out there that can provide this service. There are multiple laboratories but even fewer actual companies, because they have, one company will have four or five different labs throughout the State.

COMPTROLLER FRANCHOT: Yeah, I don't mean to suggest that I'm an expert on blood testing. But what is it that is so difficult, I guess, to do that would allow more companies in Maryland that obviously do blood testing to acquire this -- what is it called? A permit or something?

MS. TOMASZEWSKI: It's a SAMHSA certification. So our Department of Health has -- there are several different certifications required to do laboratory testing. SAMHSA is one of those. Our State Medical Director contract requires the SAMHSA testing. I'm not an expert on medical testing. But this certification is required for the second level of testing, like you have a false

positive possibly on the test. So the second level of testing is required and these laboratories are able to do that second level of testing.

GOVERNOR HOGAN: I shared the, when I first saw it I had the same concern about how come there's only, how can we only get one bid and why don't we have any in Maryland? I realize it's a federal requirement and it's a federal, you know, there's only 18 of them in the whole country. But it doesn't, I don't know, and so we have to go with the federal requirement to meet, you know, we're going to lose federal funding if we can get the stuff done.

MS. TOMASZEWSKI: Right. Yeah.

GOVERNOR HOGAN: But we probably ought to try to dig into how do we get more people certified. It doesn't seem like it's rocket science.

TREASURER KOPP: There's so much drug testing that has to be done. I mean I have the same --

GOVERNOR HOGAN: Well it's something we ought to look into maybe for the federal government, have the Health Department maybe take a look at it.

MS. TOMASZEWSKI: Right. And the one firm that is in Maryland is strictly for DOD and the Veterans Affairs. So they serve the federal government and --

GOVERNOR HOGAN: But they won't do State contracts.

MS. TOMASZEWSKI: -- they won't do Maryland, right.

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GOVERNOR HOGAN: Yeah.

MS. TOMASZEWSKI: So.

GOVERNOR HOGAN: And as I understand it, you directly solicited and contacted all the firms, or 11 firms across --

MS. TOMASZEWSKI: The department --

GOVERNOR HOGAN: -- to try to get more bids?

MS. TOMASZEWSKI: We did. The department contacted every single laboratory that was on the list and we called them all by phone. Where we got email addresses we made sure that we emailed them the solicitation. Like I said, we did get the two bids and we thought, you know, we were going to be able to move forward with a new vendor. But unfortunately they decided that they wouldn't provide some guarantees that were required in the contract. And so their lower price probably wasn't lower if they actually had met all the requirements that were needed within the contract. So we do feel that we're getting a good rate and we've done the market research to determine the fair and reasonableness of the pricing of this contract.

TREASURER KOPP: Could you --

GOVERNOR HOGAN: I think whenever we see single bids, the Comptroller and I are going to say something about it. So we're glad you had the explanation. We still --

COMPTROLLER FRANCHOT: Yeah, no, I would --

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MS. TOMASZEWSKI: And --

GOVERNOR HOGAN: -- it seems still incredulous that we can't, I mean, it seems like a good business to go into when you retire, you know.

(Laughter.)

MS. TOMASZEWSKI: Right. Yeah. Well and --

GOVERNOR HOGAN: Get a certification and open up a drug testing lab.

COMPTROLLER FRANCHOT: Yeah.

MS. TOMASZEWSKI: We did get four bids last time around. Five years ago we had four. This year we got two, I mean, because the laboratories that are available to do this certification have decreased over the past five years. So, and we will definitely look into the next time we go out with the State Medical Director contract whether we can go with a different certification --

GOVERNOR HOGAN: Yeah. That's good.

MS. TOMASZEWSKI: -- and we need to keep this certification. So, but because the State Medical Director contract requires it, it's two contracts that are affected. So we would have to --

GOVERNOR HOGAN: There must be more to it that we don't know that the federal government thinks --

MS. TOMASZEWSKI: Right. Yeah, there's something, yeah.

GOVERNOR HOGAN: -- they have to have some kind of a special certification. Thank you.

COMPTROLLER FRANCHOT: Is this a one-year contract?

MS. TOMASZEWSKI: This is a five-year, so it will line up with our State Medical Director contractor. So when we do that one again we'll be able to --

COMPTROLLER FRANCHOT: All right. Thank you.

GOVERNOR HOGAN: Any other questions on the DBM Agenda?

COMPTROLLER FRANCHOT: No.

GOVERNOR HOGAN: Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-nothing on DBM. We're going to move on to the University System.

MR. EVANS: Good morning. Joe Evans representing the University System of Maryland. We have four items on the Agenda. In attendance I have Dr. Kim Schatzel, who is the President of Towson University. We're here to answer any questions.

GOVERNOR HOGAN: Great. Any questions on the University System?

COMPTROLLER FRANCHOT: I'd love to hear from the President.

GOVERNOR HOGAN: Since we have the President here, I mean.

COMPTROLLER FRANCHOT: Yeah. Geez.

GOVERNOR HOGAN: I mean, you run the risk of us then now asking questions --

(Laughter.)

DR. SCHATZEL: So I should feel --

GOVERNOR HOGAN: You could have just skated out of here without any --

DR. SCHATZEL: I should feel forewarned is I guess what you're saying. I just wanted to, I take every opportunity that I can to be able to thank and thank you, Governor, Madam Secretary, and Mr. Comptroller for all the support that you've given Towson University. We are the second largest university and the fastest growing in the State and your support is really needed.

The Comptroller was actually up visiting a couple of months ago and he saw the nine cranes that are in Towson right now. And there's a billion dollars' worth of investment going in within a quarter mile of the corner of our campus, to the investment that the State is making in Towson, while it has tremendous multiplier effect that's really having a substantial impact. And we

think that that quarter mile space is the largest infrastructure investment per square foot in the State --

GOVERNOR HOGAN: Wow.

DR. SCHATZEL: -- and we're proud to be part of what's driving that. So again, thank you very much. And I'll go back to my seat before you have the hard questions.

GOVERNOR HOGAN: Smart.

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: Thank you, Madam President. We appreciate you joining us this morning. Any --

TREASURER KOPP: I do. Joe, in general, Madam President, in all of these, the State agencies have made a lot of progress in putting in their items a statement on both energy and greenhouse gas impact. And I'm a little embarrassed to say we've seen very little of that from the University, although I know the University System in fact is aiming at zero impact. Can you talk to the folks who do your items and bring them a little more up to date?

MR. EVANS: I'm one of them. So I'll make sure for mine. But we'll make sure that we start getting that in.

TREASURER KOPP: Yeah.

GOVERNOR HOGAN: That's a good suggestion.

TREASURER KOPP: Yeah.

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GOVERNOR HOGAN: I mean, they may, you know, because the University System is, you know, somewhat separate and apart and independent, they may not know all the things we're doing. And so if you, we ought to maybe Secretary Churchill can share some of the things we've done at the State level with the University System and see if we can't get the University to address those issues in their contracts like we have.

TREASURER KOPP: I know the University in fact is doing a lot.

GOVERNOR HOGAN: Yeah.

MR. EVANS: Right.

TREASURER KOPP: But you wouldn't know it --

GOVERNOR HOGAN: Right.

TREASURER KOPP: -- from what we see here.

GOVERNOR HOGAN: Yeah. They are. Right. Good point.

MR. EVANS: Okay.

GOVERNOR HOGAN: Thank you.

MR. EVANS: Thank you.

GOVERNOR HOGAN: Is there a motion on --

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-nothing on the University System. We move on to the Department of Information Technology.

MR. LEAHY: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. I'm Michael Leahy, the Secretary of the Department of Information Technology. Today there are seven items on your Agenda, four are supplemental, and we're withdrawing Item 2-IT. I have representatives available to answer any questions.

GOVERNOR HOGAN: Questions on Information Technology?

COMPTROLLER FRANCHOT: I have --

GOVERNOR HOGAN: Mr. Comptroller?

COMPTROLLER FRANCHOT: -- Item 3-IT.

MR. LEAHY: Yes, Mr. Comptroller?

COMPTROLLER FRANCHOT: So this is another single bid --

GOVERNOR HOGAN: Maryland Transit Administration.

COMPTROLLER FRANCHOT: -- contract, it's a \$477,000 award by the Maryland Transit Administration for what is described on the item as a contract to maintain mobility operations, phone system, and transit information call center. I don't know whether the administrator is here --

GOVERNOR HOGAN: Do we have someone from MTA --

MR. LEWIS: Sean Adgerson is here from MTA to answer any questions.

GOVERNOR HOGAN: Let's have him join us at the podium.

COMPTROLLER FRANCHOT: Please. So thank you very much for being here. This is one of the master contract task orders. I notice there are 20 vendors on the master contract pool who provide these call services and we got only one bid. Could you comment on why that happened?

MR. ADGERSON: Sure. Joe Sedital is going to come up and talk about the procurement side of why we chose one vendor.

GOVERNOR HOGAN: Great. Thank you.

MR. SEDITAL: Good morning. For the record, my name is Joe Sedital. I'm the Director of Procurement at the Maryland Transit Administration. Regarding this item, there were, we put on the item 20 qualified bidders and there actually, the bid did go out to 20 vendors. But in reality there were only four that it should have gone out to. In this case, we accidentally sent it out to a few more people so it looks a little worse than it is. At the same time we sent it out to the four qualified vendors as well and unfortunately one did come back. So I mean --

COMPTROLLER FRANCHOT: And why, did you inquire as to why there isn't a second bid?

MR. SEDITAL: Unfortunately this bidder has continuously had this award. It's a particular phone system. And despite our best efforts to try to get more vendors to bid on these kind of things, it's continuously they've worked on the system for a long time and it's a very specified type of phone system. So --

COMPTROLLER FRANCHOT: Okay. And perhaps this is for your colleague behind you, but I'd like to bring up a related issue, which is paratransit services since my office has heard from dissatisfied stakeholders and individual riders about the efficiency and reliability concerns. This is the super important, super sensitive paratransit community.

A State employee who works at State Center copied me in an email, along with the Treasurer and Secretary Rahn and other State officials, sharing a complaint that he submitted on June 20th of this year. This individual states that he had a 4:30 p.m. pickup schedule. He waited until 5:00 to call the late line and was told that he would be picked up at 5:10 p.m. 5:10 rolls around and he was told to wait 12 more minutes. He called again. This time it got pushed back to 6:10. He was initially told that a sedan would be picking him up but a mobility bus ended up doing so at 6:13 p.m. So this individual was standing outside from 4:30 to 6:30 p.m., didn't get home until 7:00.

Here's why I bring it up. If you recall from the March 20th BPW meeting when your agency brought forward the proposal to restructure paratransit services and chop them up into three separate contract functions, I raised concerns about the potential impact on efficiency and customer service. Now alarm bells are going off and I'm hearing from disability rights advocates and individual riders that they are not getting picked up or the rides are significantly late or calls are not being answered. And I understand that ridership has increased compared

to previous years. But the promise of increased efficiency and service delivery was made and I'm just not sure that's what you're going to be able to provide. According to information you provided between January and April, there was a 300 percent increase in complaints about late pickups as on time performance dropped from over 90 percent to 74.2 percent. That is a, not a good situation. Every one percent drop-off means there's lots of people who should not be waiting who are waiting. Each percentage drop in the statistic represents some number of disabled individuals who are entitled to better customer service.

So the Secretary of Transportation in a letter dated June 13th to Disability Rights Maryland you stated, quote, the Secretary commented, "while we anticipated some effect on MobilityLink customers during the transition, we did not anticipate the impacts customers have felt over the past few months." Additionally in a separate letter, this one from April 8th, you specifically cited the performance issues "are the result of manpower shortages by the service contractor that lost the bid for providing future service." I know it's impossible to foresee all the challenges but I'm a bit surprised that this dramatic decrease in on-time pickups has occurred. I guess the question is, is this due to the restructuring? And what are we going to do about the performance issues?

GOVERNOR HOGAN: Okay. Can I jump in --

MR. ADGERSON: Sure.

COMPTROLLER FRANCHOT: Thank you.

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GOVERNOR HOGAN: -- and steal your thunder a little bit before you give us all the details?

MR. ADGERSON: Sure.

GOVERNOR HOGAN: I think during the transition we were all frustrated that we had dropped to 74 percent and there were some issues that I think they have worked hard to correct. The good news, Mr. Comptroller, is that for the month of June we're at 93 percent.

COMPTROLLER FRANCHOT: Oh.

GOVERNOR HOGAN: So we're back up to where it used to be. So it was a very temporary, maybe you can elaborate and give us more.

MR. ADGERSON: Yes. Absolutely. I --

GOVERNOR HOGAN: About all the things you did, that what the problem was and how we got it corrected and how, I think this contract is part of that correction, as well.

MR. ADGERSON: Absolutely. Again, for the record, Sean Adgeron. I'm the Deputy Administrator and Chief Operations Officer at MDOT MTA.

Again, the information that you presented is accurate in the respect that we did have an issue during the transition period. And so once the contract was awarded back in March, we gave notice to proceed in April. Between April and the time that we actually executed the contract with the new structure, which

was May 15th, we started to see issues with the contractor who lost the service losing its employees. They got letters of lay-off and they started leaving. The challenge was trying to maintain the service as well as try to on board.

So the Administrator along with myself and other members of the mobility team met with the providers. They worked diligently to offer a variety of incentives to get drivers on. They did sign-on bonuses. They brought in drivers from other parts of their system to help transition us through. We even made some impacts to our own call center. You mentioned the call volumes going up. Obviously, as vehicles are late we get additional calls. But to the Governor's point, over the last month we've seen significant improvement in our on time performance. You know, to date we've spent the end of the month of June at, like I said, 87.8 and we're into July --

GOVERNOR HOGAN: I've got 93 so maybe --

MR. ADGERSON: Yeah. And we're in July, we're at 93, right? And then the last, but you know, what the Governor is saying the last ten days or so we've been in the low to mid-nineties, where days we've had 95 percent on time performance. And so we've seen significant improvement. Incrementally as the contract has gotten in place, we've seen the performance go up. A huge part of how we structured the contract was we put oversight on top of the providers that pushes them to meet the on time performance as well as our productivity

goals and they are incentivized to improve performance. So we think the structure has worked.

Just to give you an example, WMATA has been in this model for a couple years now. It took them until April of this year to get to their goal of 92 percent. And we are at 92 percent and we're six weeks in.

COMPTROLLER FRANCHOT: No, I'm delighted to hear that. I wasn't aware of the rebound. If you could give my best to Administrator Quinn and perhaps he and the procurement officer could help me understand why the four qualified vendors on the pool, the original issue I started with, not this bigger issue that you're coming in on, why there was only one bid.

MR. ADGERSON: Okay. Will do.

COMPTROLLER FRANCHOT: And maybe get back to the Board as to what the other three vendors said.

MR. ADGERSON: Okay.

COMPTROLLER FRANCHOT: Why they didn't bid. Thank you. And I'll reluctantly vote for a single bid contract here.

GOVERNOR HOGAN: Yeah, me too. Thank you. Any other questions on DoIT? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? We're going to move on to the Department of Transportation and this morning we have Deputy Secretary Earl Lewis sitting in for Pete Rahn, who I assume is goofing off for the 4th of July.

MR. LEWIS: Pete Rahn is actually on his 40th anniversary trip so

--

GOVERNOR HOGAN: Oh wow. Well he's --

MR. LEWIS: -- for two weeks. We're trying to leave him alone as best we can. So good morning, Treasurer Kopp, Governor Hogan, Comptroller Franchot. For the record, my name is Earl Lewis, Deputy Secretary with the Maryland Department of Transportation. The Maryland Department of Transportation has five items to present today.

GOVERNOR HOGAN: Questions on Transportation? Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: You've got, pretty good, you might want to tell Pete to stay out for a while.

(Laughter.)

GOVERNOR HOGAN: If it goes that smoothly on Transportation.

MR. LEWIS: Maybe I'll be back next time.

TREASURER KOPP: Earl, why, what was there about this contract that got no VBE/MBE?

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GOVERNOR HOGAN: Which contract?

COMPTROLLER FRANCHOT: What item was that?

TREASURER KOPP: Two, I'm sorry, 2-AE. I just wondered if there was something particular about this contract that --

MR. LEWIS: Are you talking about the --

TREASURER KOPP: 2-AE.

MR. LEWIS: The architecture/engineering open ended contract to provide survey and engineering services?

TREASURER KOPP: Mm-hmm. Can you, you have --

MR. LEWIS: Thank you.

TREASURER KOPP: -- very significant participation in the others. I just wondered.

MS. WRIGHT: Good morning. For the record, Jada Wright, Procurement Director for MDOT SHA, here to answer any questions.

TREASURER KOPP: Hi, yeah. The DBE --

GOVERNOR HOGAN: I think we're on 2-A, is that --

TREASURER KOPP: -- participation on 2-AE.

MS. WRIGHT: It's an SBE contract. So that, so it's small business enterprise. That means it's designated and would not have any goals for DBE participation.

TREASURER KOPP: It would not have any goals. Is there a way of knowing whether there actually is participation in the contract however?

MS. WRIGHT: Yes, we could look into that.

MR. LEWIS: Yes.

MS. WRIGHT: And get back to you.

GOVERNOR HOGAN: So I guess the simple answer is we're trying to encourage MBE and small business, SBE --

TREASURER KOPP: Right.

MS. WRIGHT: Okay.

GOVERNOR HOGAN: -- and you can't be both at the same time always in a small business so --

MS. WRIGHT: Right.

GOVERNOR HOGAN: -- it's a different kind of contract.

TREASURER KOPP: But very often they are --

GOVERNOR HOGAN: Yes.

TREASURER KOPP: -- and they are both small --

GOVERNOR HOGAN: Yeah.

TREASURER KOPP: -- and MBE, DBE. And I understand that it's not in the requirement. But it would be interesting to know if it were actually in the participation.

GOVERNOR HOGAN: You can get back to the Treasurer on that?

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MS. WRIGHT: Yes.

TREASURER KOPP: I bet it may be.

GOVERNOR HOGAN: That would be great.

MS. WRIGHT: Yes. We can look at the prime and the subs.

TREASURER KOPP: Thank you.

GOVERNOR HOGAN: Great. So Transportation has already passed unanimously --

MR. LEWIS: Yes.

GOVERNOR HOGAN: -- and now we're moving on to Department of General Services.

MR. CHURCHILL: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Department of General Services. The department has 24 items on our Agenda today, including three supplementals. We are withdrawing Items 4 and 21, and we have agency representation at this time to answer any question you may have.

GOVERNOR HOGAN: I believe that Delegate Shelly Hettleman from District 11 is here in support of DGS Item 6, the property exchange at Rosewood. I didn't see her but I just got handed a note. There she is. I'm sorry. Delegate, if you want to, I don't know if you want to speak or just we thank you for being here to support the item. We're happy to have you with us. We're, I'm very much in support of the item. Are there any questions?

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COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: Three-nothing. That concludes this item and it concludes the Board of Public Works. Thank you very much.

(Whereupon, at 11:02 a.m., the meeting was concluded.)