

PRESENT

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HONORABLE PETER FRANCHOT
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PROCEEDINGS

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

ALL: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: I'd like to start off by recognizing a long term State employee, 21 years of service to the great Department of General Services, Cathy Marzola. She didn't know we were going to do this. This is a Customer Service Award for Cathy, who manages the day to day operations of eMaryland Marketplace, working with approximately 300 agencies, State agencies and local organizations, taking and dealing with 60,000 vendors, taking over 1,300 calls a year from confused individuals. And since the Governor's Customer Service Initiative was introduced she has received 20 superior accommodations and during a period of medical leave, she actually called back in and volunteered to make sure that her colleagues were aware of how to run the shop. So if Cathy can come up?

(Applause.)

MS. MARZOLA: No speech, just thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

MS. MARZOLA: Thank you.

TREASURER KOPP: Could I --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: Thank you so much. And please know you have the thanks not only of all the people, of all your colleagues and of the Board, but two Secretaries of General Services. That is very, very unusual.

MS. MARZOLA: Thank you. Thank you, both of you. Thank you.

(Applause.)

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well that was my piece. I'll turn it over to the Treasurer, who celebrated a marriage anniversary. I've had a mere 32 years.

TREASURER KOPP: Oh, you're a kid.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: We're still newlyweds.

TREASURER KOPP: I was married at the age of five.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Those arranged marriages.

(Laughter.)

TREASURER KOPP: Actually it was, sort of.

(Laughter.)

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TREASURER KOPP: But it worked. But thank you. Yes, we just returned from a trip out of town, celebrating our 50th Anniversary. Which is remarkable.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah --

(Applause.)

TREASURER KOPP: I have a very, very patient, kind, understanding husband. I can't imagine being such a good person myself as he is. But it's very --

LIEUTENANT GOVERNOR RUTHERFORD: Come on. It can't be all you and all him. I mean --

TREASURER KOPP: It's all him.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: He has to, you know, you're patient, too. He makes a few mistakes.

TREASURER KOPP: Well, I will tell you, one of the keys to -- Peter knows this -- our great relationship, my husband and I, is that he worked for 45 years for the federal government and was covered by the Hatch Act. So he couldn't go to any political events with me. And that works.

(Laughter.)

TREASURER KOPP: But at any rate --

LIEUTENANT GOVERNOR RUTHERFORD: That would help in my relationship, my marriage, too.

TREASURER KOPP: -- it is very good to be back and we spent two weeks in Japan. I got back midnight Monday night, sort of.

LIEUTENANT GOVERNOR RUTHERFORD: Sort of.

TREASURER KOPP: Part of me got back. The rest will be coming along soon, I'm sure. But thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Tokyo, Kyoto?

TREASURER KOPP: Well actually, since you asked, we flew into Kyoto and took a boat down the inland sea and then up the west coast of Japan. And a day in Korea, and then up to the north of Japan to Sapporo --

LIEUTENANT GOVERNOR RUTHERFORD: Sapporo?

TREASURER KOPP: -- where the Olympics were.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

TREASURER KOPP: And so that way we were able to see small towns and archaeological sites, which we're very interested in, off the coast that you wouldn't normally see --

LIEUTENANT GOVERNOR RUTHERFORD: No. No.

TREASURER KOPP: -- otherwise. You couldn't get access to except by water. It was the trip of a lifetime.

LIEUTENANT GOVERNOR RUTHERFORD: Sapporo, great beer named after it.

(Laughter.)

TREASURER KOPP: Well I was going to tell the Comptroller and the Deputy Comptroller, we actually visited a craft brewery. And it was very good but it wasn't like Maryland beer.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Well very good. Thank you. Mr. Comptroller?

COMPTROLLER FRANCHOT: Thank you, Lieutenant Governor and Madam Treasurer. And Madam Treasurer, you don't look a day over 55. That's I agree with. And thank you for not only coming back at midnight on Monday but chairing a six and a half hour meeting that Secretary Brinkley and I were, made it through somehow. But you particularly coming back all that long distance and chairing --

TREASURER KOPP: Auto-pilot is a wonderful thing.

COMPTROLLER FRANCHOT: -- oh, it's so great. Anyway, I wanted to just note for the record the William Donald Schaefer Helping People Award is something that I created to honor the legacy of the four-term Mayor of Baltimore and two-term Governor and two-term Comptroller. I kid people and say he had absolutely no use for me. But I, because I ran against him, but I

recognize that he is the Babe Ruth of Maryland politics. He represents the greatest generation, World War II. He always believed in customer service, although he had a rather abrupt way of delivering customer service sometimes. And but overall just an icon of Maryland politics. And I created this award and called it the William Donald Schaefer Helping People Award because he was always known for focusing on the little person and trying to make government work for the little guy. And, well, people say what do you want up in Baltimore City these days? I'd say I'd love to get the trash picked up and the potholes fixed and maybe take care of some of the other problems that are affecting the daily life of people in Baltimore. And I almost feel like I'm channeling William Donald Schaefer, because his type of leadership is in short supply right now in some areas of the State.

But these ceremonies where I present these awards to Marylanders always serve as a heartening reminder of the very best of Maryland and of the incredible people all over the State who so selflessly give back to their communities and play an instrumental role in making Maryland such a great place to live. And they rarely get any recognition. These events are without a doubt a highlight of my job as Comptroller.

Last Friday in Salisbury, down on the Lower Shore, I experienced one of the most poignant Schaefer Awards of the past seven years. I had the distinct privilege of posthumously presenting the Schaefer Award to Officer

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Aaron “Bull” Hudson, a long-time beloved Salisbury police officer known for his big loving hugs and radiant enthusiasm for the community. For 27 years he served the people he loved doing the work he loved. He exemplified what it meant to truly serve the public, not just fulfilling a job title but going far above and beyond to nurture meaningful relationships and build trust within the community. You could often find Bull, as he was known since he was about six feet, eight inches and very large and rambunctious individual, you could always find him at Salisbury’s legendary Third Fridays or at the National Night Out, where he generously doled out hugs at his -- apparently he would set up a station at these huge festivals. And it was called the Hug a Bull Station.

(Laughter.)

COMPTROLLER FRANCHOT: And he would give anybody who needed, or didn’t need, a hug, including the Mayor frequently, the Mayor told me. But even in his absence, the love Salisbury nurtures for Bull is tangible in so many parts of the community. From the street now named Bull-levard in the middle of Salisbury in his honor, or simply in the culture of love and respect he inspired in each person he met. The ceremony was deeply emotional for me and the hundreds of Salisbury citizens who turned out, and his family, his son and his daughter. It was an honor to recognize one great public service icon in the name of another, William Donald Schaefer.

In the spirit of this commitment to service, it's my hope as we begin today's meeting that we do so with a heartfelt reminder of why we get together at these meetings and why we try to work together in order to benefit the State. It's an award that's in recognition of all Marylanders, from Cumberland to Baltimore, who through all my decades in government continue to inspire me in their volunteerism and the altruism of their service. Thank you, Lieutenant Governor.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. Thank you. That's very good. I had the opportunity last night to attend the Carroll County vigil for those who have been lost to opioid and heroin overdoses. This was the fifth time they have done it, the fifth annual event. Brian DeLeonardo, the State's Attorney, puts on this event. It's primarily families who have lost someone due to this epidemic. And it was quite moving, the reading of the names of individuals who have passed over the last several years. One parent spoke and he asked people to stand if they had lost a family member in the last 20 years, and then it was the last ten to 20 years, and then the last five to ten years, and three to five years. And it was just so many people that were standing at times that it reminded us of how much of a scourge this is and it's a continuing epidemic that we have to fight and fight every day. And so I just wanted to mention that.

Madam Secretary?

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SECRETARY MCDONALD: Good morning, Lieutenant Governor, Madam Treasurer, Mr. Comptroller. We have 11 items on the Secretary's Agenda this morning. There are four reports of emergency procurements. We are going to withdraw the reports numbering A-2 and A-3 and bring them back after we have a chance to go over them more. So we are ready on the rest of the Agenda for your questions.

LIEUTENANT GOVERNOR RUTHERFORD: Mr. Comptroller, yes?

COMPTROLLER FRANCHOT: Item A-1.

SECRETARY MCDONALD: All right. A-1 is the emergency contract with the Charlotte Hall Veterans Home. I don't know if Mr. Lomboy or Secretary Churchill is going to take this, or you have somebody from --

MR. CHURCHILL: I can take it as well as Lauren Buckler, the Assistant Secretary --

SECRETARY MCDONALD: Okay.

MR. CHURCHILL: -- for Construction.

COMPTROLLER FRANCHOT: Great. Obviously I don't have any problem with it. It's an emergency -- well, I do. But I'd like to, I'm going to end up voting for it. This is an emergency procurement for Charlotte Hall, the veterans home, to replace I take it elevators?

MS. BUCKLER: That's correct.

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COMPTROLLER FRANCHOT: And obviously everybody wants the best for Charlotte Hall's residents and I have been there several times and I appreciate the services and the amenities that we and the State provide for these veterans. But I wanted to inquire about the decision to designate this procurement as an emergency contract, since according to the background materials the department was aware of the deteriorating conditions of the elevators as early as 2016. Last month at a previous Board meeting we took note of an emergency procurement designation for vending machines at a roadside rest area. And we urged caution about misusing that designation to bypass the traditional procurement process. Since this has been known for several years, I'm wondering how you designated it as an emergency.

MS. BUCKLER: So for the record, I'm Lauren Buckler, Assistant Secretary for Design and Construction for the Department of General Services. The department was aware that the elevators were past their useful life. We were aware that they needed to be replaced. We had been working on putting funding together, putting them into the process, the State process, to get that replacement done. Recently the failures have been too severe. For parts, the elevators are too old for them to get the parts. And it's an emergency at this point because we can't have them go down and not have medical services to the residents of this facility, not have food to the residents of this facility. The residents are unable to use stairs in some cases to be able to get them out in an emergency. We needed to

have that. So at this point it has become an emergency because we can't make the repairs until we could fix it in the normal course of business.

COMPTROLLER FRANCHOT: I really feel like I'm channeling the Treasurer here a little bit because this is one of her issues that we need to monitor more closely and get these items removed. I happen to think of an emergency procurement as an item, three items later, Item A-4 which is coming up. What is that emergency procurement for? That's stabilizing a slope adjacent to I-68 in Allegany County after a landslide. That's an emergency procurement. And so I'm not suggesting anything concerning you guys individually. I'm just saying that it sounds like on this one we dropped the ball and, as you said, there was a cascading problem with maintenance. All I'm suggesting is that I hope the emergency procurement does not provide an alternative to proper oversight of equipment. Mr. Churchill --

MR. CHURCHILL: Yes. No. Thank you for those comments, Mr. Comptroller. We would agree. This is an unusual circumstance that we deliberated about at length. And unfortunately we could not bring it during the normal course of business which it had been planned because of the issues that were at hand. But you are correct. And we are working toward greater planning, greater forecasting of our maintenance needs. And we've been trying to engage in that endeavor with all departments for the last year. So and we'll continue to do so. But I do recognize your concern.

COMPTROLLER FRANCHOT: Madam Treasurer, I didn't mean to get on your turf. But that was, this is something you have paid a lot of attention to.

TREASURER KOPP: It is something that we're all concerned about --

MR. CHURCHILL: Yes.

TREASURER KOPP: -- maintenance and emergency maintenance. And I understand that in fact it was in the process as early as fiscal 2017, but was not funded at that point. I appreciate that this is a fairly unusual circumstance.

MR. CHURCHILL: It is an unusual circumstance.

TREASURER KOPP: And we're getting, we're getting the system in place so --

MR. CHURCHILL: Well I'm -- I don't want to take up time at this meeting. But I'm happy to report that the executive departments are in a work group and have been so for, you know, since the last quarter of last year, to discuss and put together plans for proper planning of our facilities in the future. So we don't have anything to report at this point but we are moving toward a unified and cohesive system amongst all the departments.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Is that going to be electronic where the building managers will report what's going on in the buildings?

MR. CHURCHILL: Currently the departments are evaluating and determining what is in the best interests for the State for all the departments to work together. So we're evaluating systems. And we'll have some recommendations for consideration. DBM is at the table along with us. And so there's nothing to report now but I'm positive about the future of what will happen with our facilities.

TREASURER KOPP: I think it's clear there is a consensus that putting the money in up front when you can anticipate that it's going to be needed saves money down the road.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

TREASURER KOPP: And the question is the system for feeding in awareness of problems beyond simply knowing what's out there and what the life span of our systems are, and where they are in that life span. Then it's up to us all to make sure the funding is there to be able to implement the system.

MR. CHURCHILL: Yes, ma'am.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. Speaking in my old job at General Services, the challenge was always, you know, the funding aspects of it. What often would happen and decisions were made outside

of the department, you put forward what you need for maintenance and what you need to replace, and the various sausage making process and hands that it goes through. Maintenance often gets overlooked. And I remember testifying before one of the committees and telling the subcommittee chair, you folks don't go out to, you know, a replacement of an HVAC. You go to opening a new building. And you don't go out when we need to put a roof on a new building. You like to go and cut a ribbon or dig a hole or something of that nature. So that tends to be one of the challenges that is faced with all maintenance. And it's at the federal level as well. It's probably even worse at the federal level.

TREASURER KOPP: But you can always put a ribbon almost anywhere and come and --

LIEUTENANT GOVERNOR RUTHERFORD: That's true. But you don't get the folks out there. They don't see it that way when their line item amounts to something in the budget. So.

COMPTROLLER FRANCHOT: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Anything else on the Secretary's Agenda?

TREASURER KOPP: Just to point out that Item 11, we had a very good sale. The head of debt management for the State is sitting there, Mr. Lund, who could tell you, I'm not suggesting that he do, but we got an interest rate of

2.28, which is very good, lower than the last sale, because people know good investments when they see them.

COMPTROLLER FRANCHOT: I would move approval of the Agenda.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: I think we're all in favor. Thank you.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Natural Resources?

MS. WILSON: Good morning, Governor, Madam Treasurer, and Mr. Comptroller. Emily Wilson with the Maryland Department of Natural Resources. We have seven items on our Real Property Agenda today for your consideration. I'll be happy to try to answer any questions. Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have any questions. I will mention that I've made it a mission of mine to visit every park in the State.

MS. WILSON: Great.

LIEUTENANT GOVERNOR RUTHERFORD: So I'm on my way. I have to schedule the next couple of visits.

MS. WILSON: That's great to hear.

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LIEUTENANT GOVERNOR RUTHERFORD: So we have one on the schedule now, so. Nothing on --

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. We're all in favor. Thank you --

MS. WILSON: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: -- Ms. Wilson. Budget and Management?

MR. BRINKLEY: Good morning, Governor, Mr. Comptroller, Madam Treasurer. I'm David Brinkley, the Secretary of the Department of Budget and Management. We've brought six items for your consideration. I'm withdrawing Item 6. So you have five for your consideration. I have people here to address any concerns or questions you might have.

LIEUTENANT GOVERNOR RUTHERFORD: Comptroller or Madam Treasurer?

COMPTROLLER FRANCHOT: If I could just comment --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

COMPTROLLER FRANCHOT: -- on Item 4. Is Mr. Dembrow here?

MR. DEMBROW: Yes. Good morning. Konnichi wa, Madam Treasurer.

TREASURER KOPP: Konnichi wa, Delegate Dembrow.

(Laughter.)

MR. DEMBROW: May it please the Board, my name is Dana Dembrow, Director of Procurement for the Department of Health. With me on this item today is the Deputy Secretary of the Developmental Disabilities Administration Bernie Simons, as well as the Director of Fiscal Services of the Developmental Disabilities Administration. That is Valerie Roddy.

COMPTROLLER FRANCHOT: Thank you all for being here. Obviously, this is a very important service. It should not be disrupted. But I do have concerns about the amount of time it's taking to conduct a competitive procurement in this space. Is that something you can help us with?

MR. DEMBROW: If I may begin the response, and then I'll turn it over to the experts at DDA if there's additional information needed. We did this RFP before and we got four proposals. But when they were reviewed for technical evaluation, not one single one of them showed that they were able to deliver the services that were needed. Nobody provided a step-by-step specific indication of how they would provide these behavioral support services.

As a result, we rejected all proposals, cancelled the RFP, started over. After we started over, the Clinical Director of DDA resigned. So we had to

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start over a third time. We are now completing the RFP that will replace this vendor and that is now being reviewed by the Department of Budget and Management. We expect to have it on the street next month.

COMPTROLLER FRANCHOT: Excellent. And I have a great deal of confidence in you, Mr. Dembrow, and also your folks. Maybe they could give you a bonus if in fact it is a competitive procurement that you can bring to us because the prices are going up very quickly, I see.

MR. DEMBROW: And this one we got the vendor to maintain current pricing while this is extended as we conduct and complete the ongoing procurement. It's kind of you to recognize our work. Thank you.

COMPTROLLER FRANCHOT: Oh, good. Did the volume increase, or what is the --

MS. RODDY: Yes, sir, it did. The most expensive service within this contract is behavioral respite and we have, in July of this fiscal year we were serving 11 people. We are currently, in March, we're serving 20. So it did double. So it did increase. And because of the ebb and flow on when people need services, you can't always time it. But it was a significant increase. And we are working on this clinically to try to address the issue and get these folks transitioned back into the community.

COMPTROLLER FRANCHOT: Very important service. Thank you.

MS. RODDY: You're very welcome. Thank you, sir.

COMPTROLLER FRANCHOT: I'd move approval of this --

LIEUTENANT GOVERNOR RUTHERFORD: I don't have any questions.

MR. DEMBROW: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you. So we have a motion?

COMPTROLLER FRANCHOT: I would move approval on the Agenda.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Second?

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. University System?

SECRETARY MCDONALD: Mr. Evans is here.

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.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question on Item 3. This is the Patterson Wing 2 mechanical room.

Mr. EVANS: I'd like to bring up Bill Olen, who is the Director of Design and Construction --

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LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. EVANS: -- for University of Maryland College Park.

MR. OLEN: Good morning, Lieutenant Governor --

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. OLEN: -- Madam Treasurer, Comptroller Franchot, good morning. Sorry.

COMPTROLLER FRANCHOT: That's okay.

MR. OLEN: Yes, sir?

LIEUTENANT GOVERNOR RUTHERFORD: Please identify yourself briefly for the record.

MR. OLEN: Bill Olen, Executive Director of Planning and Construction, University of Maryland Service Center.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. The project scope on this changed, which essentially doubled the price.

MR. OLEN: Yes, it did.

LIEUTENANT GOVERNOR RUTHERFORD: You know, my initial thought would be that you rebid when you, you know, when it comes up twice the original amount. Why did the project scope change and then why was it not, you know, put out on the street?

MR. OLEN: So two answers. One, the project scope originated as replacement of a 25-year old chiller that was in the basement of the H.J. Patterson

Building, that also supplied air conditioning to an adjacent academic building, Jimenez Hall, and also the University Health Center, a 24/7 operation times the year. So when the design started, we were trying to figure out how to reduce the outage time to those three buildings, and incredibly sensitive, the University Health Center. So a decision was made to build an adjacent mechanical room next to the existing one where the equipment, the existing equipment would stay in place and we'd remove it. And we've had some failures with this chiller that has left the Health Center without air conditioning last summer for a couple of weeks. So we were very, you know, we needed to get this done quick.

So when we -- that was the first change in scope. So that added quite a few dollars to building a second system while the existing one was operating.

LIEUTENANT GOVERNOR RUTHERFORD: So wait a minute.

MR. OLEN: Sure.

LIEUTENANT GOVERNOR RUTHERFORD: You're saying that's the first change. What was the original scope? It was to replace the existing?

MR. OLEN: The original scope -- yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: So but no one thought that replacing the existing meant that you're going to have to take it offline for some period of time?

MR. OLEN: We didn't look at that during the original budget process until the designers were on board and we looked at how we would do that from a constructability standpoint. And this job is being managed by a construction manager, one of our on call construction managers. So we looked at can we bring in temporary chillers? Where would we put them? Noise with them outside, potential safety issues with running temporary chill water piping and temporary electric around that site. It is in the heart of campus, right across from the student union and less than 50 feet from the academic building, about 75 feet from the Health Center. So there were, we went back and forth looking at ways to do this without having to do this addition and put the adjacent room. But you know, it's an active building. It's a large building with a lot of different departments in there, teaching labs. The international programs for the campus are in the other wing. And then the two other buildings. So we looked at trying to figure out how to do this. And the cost of temporary chillers, bringing that in, generators for the chillers, all that for year round, and then also the heating. The plan was to strip everything out of the existing mechanical room.

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. OLEN: And, you know, put it all back in. New pads, new electric gear, pumps, and so forth, all the secondary systems. So it was really complicated while an occupied building is in place to do this.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I, I'm not the engineer. But I would have thought that if you're going to replace something and you know it has to operate that you would say we're going to have to build separately right in the very beginning. You know, or at least say we have to have some plan right in the very beginning. Okay. So that was the first change. What was the second change?

MR. OLEN: So adjacent to the mechanical room is a large lecture hall, as old as the building, over 50 years. And the lecture hall hasn't had a renovation. There's an air handler that supplied conditioned air to that lecture hall that was original equipment. It was in failure mode. You know, it was operating but the drip pans on it were failing. They were having mold issues with condensate. So the intent is if we're going to do this heavy mechanical work in the building, mechanical subcontractors on site, we would replace the air handler at the same time. So the time to do it is during the summer when there is less demand for this size classroom. It's a 150-seat or so classroom. Once again, heart of campus, heavily used classroom.

LIEUTENANT GOVERNOR RUTHERFORD: All right. Okay. It just, okay. I mean, we are where we are. But it just seems so --

MR. OLEN: So --

LIEUTENANT GOVERNOR RUTHERFORD: -- just a little better planning or, and then I guess the second phase was that since you had them on campus you weren't going to go back and rebid the process?

MR. OLEN: So everything was bid competitively to the market. We got multiple bids from all the subcontractors. The mechanical portion of the project was the biggest subcontractor bid.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. OLEN: So the construction manager, J. Vinton Schafer, a Maryland firm, went out and bid the entire project, with alternates, to the market. We got competitive pricing. I was very happy, as tight as the market is right now, that we got over five mechanical bidders, subcontractors, put prices on it. So everything was competitively bid, this expanded scope.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I don't want to channel the Comptroller here --

(Laughter.)

COMPTROLLER FRANCHOT: Welcome to the club.

LIEUTENANT GOVERNOR RUTHERFORD: -- but you know in this case, I'm not, you know, negative on construction management. But in this case it does make you wonder because the construction, the manager, the CM, you know, there is no disadvantage to the CM in this change of scope or rebidding process. Because he or she is there. I would hope that that construction manager,

as they are advising early on could have said, you know, it's not going to work this way. We're going to have to put another facility in here. It's going to cost you X, and he or she gets paid regardless.

MR. OLEN: They were part of it after we awarded the contract. We didn't ask them prior to the award to the CM, which was competitively bid --

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. OLEN: -- the CMs were competitively bid, we didn't ask them during that process of awarding to the CMs to look at the project to see if it was doable. That was something that when the project was started we should have taken a harder look at. That was the University, it was not the CM. I'm not trying to defend the CM in this case. But that was a, you know, replacing a chiller, trying to keep all the systems up, the buildings occupied, and then these other things as facilities renewal dollars became available the maintenance folks on campus said, well if we're going to do this and disrupt everyone we might as well try and do this, too.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. OLEN: So it made sense since we're having that much disruption to do it all at once.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OLEN: But I would agree with you, sir, that we should have looked at it and known that this was going to be a bigger bread box when we started.

LIEUTENANT GOVERNOR RUTHERFORD: Do we get the, we don't get the bids -- I was looking at you, Mark. We don't get the bids for the subcontracting and the CMs.

SECRETARY MCDONALD: Not in this kind of a --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: You get a bid package report.

LIEUTENANT GOVERNOR RUTHERFORD: Right. Okay.

MR. OLEN: We have all that. We can --

SECRETARY MCDONALD: They do. They have it. And the Stadium does the same thing.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

SECRETARY MCDONALD: But I do think they would produce it if you asked for it. But we don't have it in our record at this point.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

COMPTROLLER FRANCHOT: If I'm making progress with the Lieutenant Governor you can come back anytime.

(Laughter.)

COMPTROLLER FRANCHOT: Because this to me is very often just a 15 percent add on for the taxpayers and I wish the University would continue its focus on trying to transition to design/bid/build, which is what Secretary Churchill does almost exclusively. And I've made that argument. And I'm delighted that the Lieutenant Governor picked up on that. And he obviously has the expertise to see something like this that probably is costing the taxpayers quite a bit more money --

LIEUTENANT GOVERNOR RUTHERFORD: I mean I --

COMPTROLLER FRANCHOT: -- than it should have.

LIEUTENANT GOVERNOR RUTHERFORD: -- I will agree particularly on this one where you only have one bid package. You're not separating it out. This could have been done --

MR. OLEN: There were I think almost 12 different bid packages that went out. I'm looking for a summary.

LIEUTENANT GOVERNOR RUTHERFORD: On this particular project?

MR. OLEN: On this project. So we bid mechanical, electrical -- I don't have the summary sheet in front of me.

SECRETARY MCDONALD: Those are under the bid package description. General trade, selected demolition site --

MR. OLEN: Yeah. So there were about a dozen different bid packages.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. OLEN: So we bid to the subcontracting market. It wasn't to one bidder. So the mechanical contractor is different than the electrical bids. They did it, those bids, when we have the CMs advertise they advertise on eMaryland Marketplace to try and get as much participation as possible. We also do outreach with Minority Affairs trying to increase our MBE participation where possible.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. Okay. Thank you.

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: We're all in favor?

COMPTROLLER FRANCHOT: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you.

MR. EVANS: Thank you.

MR. OLEN: You're welcome.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Information Technology.

MR. LEAHY: Good morning, Governor, Madam Treasurer, Mr. Comptroller. I'm Mike Leahy, Secretary of the Department of Information Technology. Today we have seven items on the Agenda and we are withdrawing Item 7-IT, which was supplemental. And I have representatives available to answer any questions you may have.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. I have a question on Item 1. Is there anyone from the Comptroller's Office here?

(Laughter.)

COMPTROLLER FRANCHOT: We've talked about it.

TREASURER KOPP: Is that the sole source one?

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. HILDEBRAND: Good morning, sir. My name is David Hildebrand. I'm the Director of Risk Management for the Office of the Comptroller. And with me is John Hiter, who is the Director of Information Technology.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. This is recovery, disaster recovery services?

MR. HILDEBRAND: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And there are a number of entities that provide this service. Why did we go with just one?

MR. HILDEBRAND: There is a very limited number that provide the level of services that we need for mainframe systems. And because the tax system and the other 64 agencies that we support with the Annapolis Data Center require those mainframe services, we had to look at a very limited pool.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. HILDEBRAND: One of the other providers that we had previously used and looked at, we were aware at the time we were doing this was about to declare bankruptcy.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. HILDEBRAND: So that left us with one provider with a tier three or four facility in the State of Maryland that met our needs. That was the one we were already using.

LIEUTENANT GOVERNOR RUTHERFORD: It has to be in the State of Maryland?

MR. HILDEBRAND: We prefer the, as far as location, that we can get to this facility and begin operations, but that it's far enough away from our now Baltimore location. So that was one part of it. The other is --

LIEUTENANT GOVERNOR RUTHERFORD: But how about if you have a grid failure or something of that nature, or a massive storm. I worked at the U.S. Department of Agriculture.

MR. HILDEBRAND: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: And this is the reason I really bring it up. Not to poke you. I worked at the --

COMPTROLLER FRANCHOT: I've already poked them so --

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: -- U.S., oh okay, Department of Agriculture and during Katrina our National Finance Center, which does the check processing and finance and payment systems not only for USDA but for other agencies, is in New Orleans. And they used a backup to make sure it wasn't in Louisiana because storms and things of that nature might hit. And they used a group called Sungard. I'm not advocating for them. But no one lost a paycheck. Nothing happened, even though, you know, there was substantial damage to the facility there. And they were running, this was several years ago so they were running mainframes as well.

MR. HILDEBRAND: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: I guess a follow up question is, when are you guys going to get rid of those 370 IBM computers anyway? Not to put down IBM out there. But --

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MR. HITER: We're not running 370.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

MR. HITER: And the mandate is to get off the mainframe.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. HITER: But in the interim, we do have the duty to keep what is running, running.

LIEUTENANT GOVERNOR RUTHERFORD: Yeah.

MR. HITER: And that's our goal.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right.

So there was only one group that could do this?

MR. HILDEBRAND: Yes, sir.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MR. HILDEBRAND: The one you had previously mentioned is the one that just declared bankruptcy.

LIEUTENANT GOVERNOR RUTHERFORD: Oh.

MR. HILDEBRAND: So they are no longer an option.

LIEUTENANT GOVERNOR RUTHERFORD: Really? Sungard is out.

MR. HILDEBRAND: Chapter 11 right now.

MR. HITER: They are in Chapter 11.

MR. HILDEBRAND: So that greatly limited. Then again, meeting that level, that tier three or tier four. Because it is so critical to the State, we were not willing to go with the tier two facility.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. All right. That was my question. Thank you.

MR. HILDEBRAND: Thank you.

MR. HITER: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Now I knew you withdrew 7-IT but I have a question and something to think about as you go forward. Because I think the time is starting to run on this contract. Is there any effort underway to rebid this contract?

MR. LEAHY: Yes, Mr. Governor. The procurement folks at DoIT are building the RFP as we speak and we are also beginning discussions with NIC to deal with the interim because this contract does end in August and we do not expect to have a new vendor in place by the end of this contract.

COMPTROLLER FRANCHOT: Is that the --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

TREASURER KOPP: Can we expect to see the audit pretty soon?

MR. LEAHY: The difficulty that we face presently is that we have provided all of the audited statements and the request for particular audits down to the actual transaction level. Records were not kept to that level. So we had

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attempted to schedule a meeting with all of the interested parties, your staff, BPW staff, the Governor's staff, and the Comptroller's staff, and have had significant difficulty scheduling that. As this matter has been withdrawn today in the hopes that we can find other ways to procure some of this information, I am still attempting to gather it. But the difficulty we face is that this was not kept in the normal course of their business and we're trying to figure out how to recreate it.

TREASURER KOPP: I know there have been several meetings. I'm sure another meeting would be very helpful.

SECRETARY MCDONALD: -- Madam Treasurer.

TREASURER KOPP: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Okay? All right.

Any other questions on IT?

COMPTROLLER FRANCHOT: No. Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

SECRETARY MCDONALD: Second.

LIEUTENANT GOVERNOR RUTHERFORD: All right. We're all in favor. Thank you.

MR. LEAHY: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Department of Transportation?

MR. PORTS: Good morning, Madam Treasurer, Mr. Comptroller, Governor. For the record, my name is Jim Ports, Deputy Secretary, Maryland Department of Transportation. We have 30 items to present today and I'll be happy to answer any questions you may have.

LIEUTENANT GOVERNOR RUTHERFORD: I have a question/comment on 6-M, Maryland Aviation Administration.

MR. PORTS: Small Business Preference.

MR. SMITH: Good morning.

LIEUTENANT GOVERNOR RUTHERFORD: Good morning.

MR. SMITH: Good morning, Governor, Madam Treasurer, Mr. Comptroller.

LIEUTENANT GOVERNOR RUTHERFORD: Introduce yourself for the record.

MR. SMITH: I'm Ricky Smith, Executive Director of the Maryland Aviation Administration. I don't normally sound this way, so.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Well, first of all I wanted to commend that you're utilizing the Small Business Reserve program --

MR. PORTS: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: -- for this. I though do question P. Flanigan & Sons. They are a pretty big construction

company that's done a lot of business with transportation. Are they a certified small business? Has anyone checked into that?

MR. SMITH: No, they are not.

MS. DANGERFIELD: Good morning. Linda Dangerfield, Director, Office of Procurement for Maryland Aviation Administration. This procurement method was a Small Business Preference, not a Reserve. So P. Flanigan was able to actually participate in this procurement. And the reason we made it a preference instead of a reserve, because there wasn't many small businesses to do it.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MS. DANGERFIELD: But since there were like two out there, we decided to make it a preference in case a small business did bid, if they come up in the percentage --

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay. I misread that.

MS. DANGERFIELD: -- we could award the contract, which is what happened with --

LIEUTENANT GOVERNOR RUTHERFORD: Okay.

MS. DANGERFIELD: -- Eastern Excavating.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So Eastern is a small business?

MS. DANGERFIELD: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. So yeah, I confused that really quickly. It's preference versus the reserve up there.

MS. DANGERFIELD: Yes.

LIEUTENANT GOVERNOR RUTHERFORD: Because it threw me off when I saw Flanigan there. I said I know these guys. Okay. All right. I did see --

MR. SMITH: I was going to say the same thing.

(Laughter.)

LIEUTENANT GOVERNOR RUTHERFORD: You were going to say the same thing about Flanigan? Or, okay. All right. I think that's it for the Airport. I was fine. I will point out the Port is utilizing the reserve program.

MR. PORTS: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: I'm glad to see that. And for the other secretaries and procurement people around, we'd like to see you all utilizing the Small Business Reserve Program a lot more. We're not really seeing that and I am very concerned. So you'll hear from me on those things. I want to --

MR. PORTS: Lieutenant Governor, just for the record I just wanted all of our procurement people to hear that. Because when we had our pre-

meeting the other day, I mentioned that the Lieutenant Governor was going to bring this up.

(Laughter.)

MR. PORTS: Because I know you're so focused on it. So I'm glad to hear you doing that.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. And I want to commend State Highway. They mentioned Small Business Enterprise. They didn't put the maintenance, 29-M I don't think was in the Small Business Reserve. But it appears that it could have been, 29-M, possibly 28. Is someone from State Highway here? Jim, do you have anyone from State Highway?

MR. PORTS: Oh, yeah. Sure.

SECRETARY MCDONALD: Here she is.

LIEUTENANT GOVERNOR RUTHERFORD: Oh, okay.

MS. WRIGHT: Hi.

MR. PORTS: Jada?

MS. WRIGHT: Jada Wright, Procurement Director for State Highway Administration.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. When I look at 28-M, 29-M, and maybe 27, and 27-M, it's the same contractors that bid on these --

MR. PORTS: Mm-hmm.

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LIEUTENANT GOVERNOR RUTHERFORD: -- different packages. One of them was awarded to a small business enterprise. The other one of them was awarded to an MBE, which may very well also be a small business. Just a thought process that all three of these bids could, or projects could have been put into -- and throw 26 in there. All of them could have been put into the Small Business Reserve Program.

MS. WRIGHT: Yes. We --

LIEUTENANT GOVERNOR RUTHERFORD: Just something to think about as you go forward, that these projects can be done that way. I'll throw in 25 as well. So you've got 25 through 29. You have the same contractors involved. And two of the awards went to small businesses, at least two of the awards and possibly all four.

MS. WRIGHT: We'll be happy to take a note of that and we'll be sure to designate those where we can in the future.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. Thank you very much and --

MR. PORTS: Now I will also say, though, for the record, Lieutenant Governor, some of these areas, like Washington County and Garrett and stuff, we had significant problems getting people to --

LIEUTENANT GOVERNOR RUTHERFORD: Yeah. No, I know --

MR. PORTS: -- to bid.

LIEUTENANT GOVERNOR RUTHERFORD: -- yeah, the outer counties --

MR. PORTS: So we tried to open it up to get more bids --

LIEUTENANT GOVERNOR RUTHERFORD: Right.

MR. PORTS: -- and so we're still playing with that. But as you can see, we're trying to go to the Small Business Reserve and the Small Business Preference as we go towards that goal.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. No, I appreciate that.

MR. PORTS: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you.

MR. PORTS: Oh.

LIEUTENANT GOVERNOR RUTHERFORD: Big book.

COMPTROLLER FRANCHOT: Yes, I had one item --

LIEUTENANT GOVERNOR RUTHERFORD: Yes?

COMPTROLLER FRANCHOT: -- on Item 16-C.

MR. PORTS: Oh, North Avenue Rising?

COMPTROLLER FRANCHOT: Yeah. Yeah, no this caught my eye, Deputy Secretary.

MR. PORTS: Mm-hmm.

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COMPTROLLER FRANCHOT: This is a \$9.7 million contract for streetscape improvements along the entirety of North Avenue in Baltimore City.

MR. PORTS: Mm-hmm.

COMPTROLLER FRANCHOT: The Agenda item briefing us said that it was part of a “joint venture between MTA and the City of Baltimore Department of Transportation to increase transit and economic development opportunities.”

MR. PORTS: Mm-hmm.

COMPTROLLER FRANCHOT: That strikes me as a unique and very good news story --

MR. PORTS: Mm-hmm.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

COMPTROLLER FRANCHOT: -- for the citizens of Baltimore. I commend the administration for doing this. I just wanted to find out whether this project and possibly future similar projects, how are they coming about?

MR. PORTS: So if I'm not mistaken, I think this was a grant that we put in for the federal government. I believe it's around \$27 million total. The State has nearly --

LIEUTENANT GOVERNOR RUTHERFORD: This goes with 15-C also.

MR. PORTS: It's, that's --

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LIEUTENANT GOVERNOR RUTHERFORD: It's part of the North Avenue Rising.

MR. PORTS: North Avenue Rising, that's correct. That's exactly right.

LIEUTENANT GOVERNOR RUTHERFORD: Mm-hmm.

MR. PORTS: And so we have about nearly 50 percent, and maybe a little bit over 50 percent, of those funds from Transportation, close to the other 50 percent from the federal government, and \$1 million from Baltimore City, I believe it is. Is that --

MS. ARNOLD: Yes, that's correct. Hi, I'm Holly Arnold. I'm the Deputy Administrator and Chief Planning, Programming, and Engineering Officer at MDOT MTA. Jim is correct. It's a TIGER grant, so it's transportation infrastructure generating economic recovery that we were awarded, yes, in 2017 in a joint partnership with Baltimore City Department of Transportation. So we're very excited about it --

COMPTROLLER FRANCHOT: Great. Well, that is excellent.

MS. ARNOLD: Yes.

COMPTROLLER FRANCHOT: Because I'm going to be up on North Avenue it turns out today --

MR. PORTS: Oh wow.

COMPTROLLER FRANCHOT: -- touring the Great Blacks in Wax Museum, urging everybody during the Memorial Day Weekend to come down and visit -- it's a staycation. Stay and visit Baltimore. So I'll go to the Babe Ruth Museum and the Visionary Arts Museum. But then I'm up on East North Avenue. And kudos.

MS. ARNOLD: That's great. They were --

COMPTROLLER FRANCHOT: To all of you for --

MR. PORTS: Mm-hmm.

COMPTROLLER FRANCHOT: -- figuring out how we can move forward in a positive way. I --

MS. ARNOLD: Yeah. It's great news. And Great Blacks in Wax was a good partner with us throughout this and we'll have a dedicated lane in front of their business in a couple of years.

MR. PORTS: Mm-hmm.

COMPTROLLER FRANCHOT: Excellent. Thank you very much. And --

LIEUTENANT GOVERNOR RUTHERFORD: Yes --

COMPTROLLER FRANCHOT: -- hats off to the Governor and the Lieutenant Governor. And let me also just say it's such a pleasure to have the Lieutenant Governor here because these boring subjects, these non-controversial boring subjects, he is, he shares my passion for some of this procurement activity.

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LIEUTENANT GOVERNOR RUTHERFORD: Thank you.
Thank you, sir. And --

MR. PORTS: Thanks, Holly.

LIEUTENANT GOVERNOR RUTHERFORD: -- just on the North Avenue, it's part of our Opportunity Zone as well as Project CORE. It's looking at what can be done on North Avenue. And typically what has happened, not just in early in our administration but in previous and with the City, there have been economic development efforts that are spotty in terms of they are one location at a time and it's one spot, this spot. And so you have these little oases that sit out there but there's not a full comprehensive approach. And so one of the things that we're doing with the Opportunity Zone Leadership Task Force, and it combines with Project Core, is to work on the whole corridor, the North Avenue corridor, along with North Avenue Rising through the transportation and the Tiger grants. That you are looking at what is happening from Hilton Street, you know, down to MICA, and everything in between. That we're not just looking, you know, one spot. We're working at the Walbrook Lumberyard, where it's an Opportunity Zone, and Project Core efforts, but also Penn North, which is in this 15-C item. And if I can say going from Hilton all the way down to make sure that that corridor is inviting. Because it is a gateway to the City as well. So thank you.

Any other questions on Transportation?

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COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: And a second?

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor. DGS?

MR. CHURCHILL: Good morning --

LIEUTENANT GOVERNOR RUTHERFORD: -- sir.

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 34 items on our Agenda. We are withdrawing item 19 and we have agency representation available to answer any questions you have at this time.

LIEUTENANT GOVERNOR RUTHERFORD: I don't have any questions. I just, I'd like to say to General Services, but also to the other agencies here, please explore utilizing the Small Business Reserve Program. These businesses can do the work. I know that it takes sometimes a little bit of market research on the part of your contracting officers, procurement professionals, to see who can do the work. As was mentioned, there's some areas of the State where it may be a little tougher. But I encourage you to utilize that, utilize the Reserve Program.

MR. CHURCHILL: Governor, thank you for that. Yes. We will continue to do that. Many of our SBR contracts are under the threshold so they don't rise up --

LIEUTENANT GOVERNOR RUTHERFORD: Mm.

MR. CHURCHILL: -- to the Board of Public Works. As a matter of fact, it's almost all exclusive SBR for our smaller contracts. And we also look at our Guard service with using the SBR program.

I would make a note outside of this, we are very proud of Item 2, the Cumberland Barracks --

LIEUTENANT GOVERNOR RUTHERFORD: Yes.

MR. CHURCHILL: -- which is out in Western Maryland. And we for the first time were able to achieve a 30 percent MBE participation, as well as ten percent veteran participation on the project, a \$12 million.

LIEUTENANT GOVERNOR RUTHERFORD: Very good. Well needed, as well. But thank you. Any questions on General Services?

COMPTROLLER FRANCHOT: Move approval.

LIEUTENANT GOVERNOR RUTHERFORD: Do we have a second on --

TREASURER KOPP: Second.

LIEUTENANT GOVERNOR RUTHERFORD: Okay. We're all in favor.

MR. CHURCHILL: Thank you.

SECRETARY MCDONALD: Thank you.

LIEUTENANT GOVERNOR RUTHERFORD: Thank you,
everyone.

(Whereupon, at 10:58 a.m., the meeting was concluded.)