

CITY OF SALISBURY, MARYLAND

=
REGULAR MEETING

APRIL 13, 2015

PUBLIC OFFICIALS PRESENT

*Council President Jacob R. Day
Vice President Laura Mitchell (arrived 6:25 p.m.)
Councilman Eugenie P. Shields*

*Mayor James Ireton, Jr.
Councilman John "Jack" R. Heath
Councilman Timothy K. Spies*

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, Assistant City Administrator Julia Glanz, City Attorney Mark Tilghman, Assistant Director Internal Services – Procurement & Parking Jennifer L. Miller, Public Works Deputy Director Amanda Pollack, interested citizens and members of the press

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:02 p.m. in Council Chambers. Council President Day called the meeting to order and first reported to the public that Council had met in Closed Session (from 5:05 p.m. to 5:40 p.m.) and authorized Local Government Insurance Trust's attorneys to take action in two (2) pending legal matters. Following the City Invocation by Associate Pastor Martin Wolf from Living Stones Church, those in attendance recited the Pledge of Allegiance to the flag of the United States of America.

PROCLAMATION – proclaiming May 9, 2015 as "Shark Tank Day"

Mayor Ireton presented a proclamation to Christy H. Weer, Salisbury University Perdue School of Business Dean and Kathleen McClain, Program Director for Delmarva Broadcast Service LLC to proclaim May 9, 2015 as "Shark Tank Day". ABC's Shark Tank, a business-themed reality show will be collaborating with the Salisbury University Perdue School of Business again this May to conduct one of only five casting calls this year, and one of only two on the East Coast. Shark Tank's popularity has increased entrepreneur awareness in local communities, which has helped boost local economies when new businesses provide jobs. Shark Tank will be conducting an open casting call on Saturday, May 9, 2015 in Salisbury, Maryland, hosted by local Channel 47 ABC, Salisbury University's Perdue School of Business, and Maryland Capital Enterprises.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Shields moved and Mr. Spies seconded to adopt the legislative agenda.

Mrs. Shields moved to amend the legislative agenda by moving the Award of Bids to the end of the agenda. Mr. Heath seconded, and the agenda was unanimously approved as amended.

CONSENT AGENDA – presented by City Clerk Kim Nichols

The Consent Agenda was unanimously approved on a motion and seconded by Mr. Spies and Mrs. Shields, respectively:

- March 2, 2015 work session minutes
- March 9, 2015 regular meeting minutes
- March 16, 2015 work session minutes
- March 23, 2015 regular meeting minutes
- Resolution No. 2490 - authorizing the Mayor to sign the Choptank Pinch Valve Agreement and authorizing a capacity fee credit not to exceed \$35,000 against a total capacity fee of \$38,863
- Resolution No. 2491 - to approve a Service and Equipment Lease Agreement between the City of Salisbury and the Wicomico County Board of Elections

RESOLUTION NO. 2489 – adopting a Capital Improvement Plan for the five year period FY16-20

Mr. Spies moved and Mr. Heath seconded to approve Resolution No. 2489.

Mrs. Shields moved, Mr. Spies seconded and the vote was unanimous to table the reading and vote to approve Resolution No. 2489 until Assistant City Administrator Julia Glanz returns to the table.

PUBLIC HEARING/ORDINANCE NO. 2320 – 1st reading – to amend Salisbury Municipal Code Sections 17.04.120 Definitions and 17.166.040 Nonconforming Uses for the purpose of amending the definition of significant amount, and to add Sections 17.166.090 and 17.166.100 for the purpose of allowing inspections and administrative search warrants by the City, and; stating certain findings; providing for the application of the ordinance; and generally relating to adult entertainment business - presented by City Attorney Mark Tilghman

Mrs. Shields moved and Mr. Heath seconded to approve Ordinance No. 2320 for first reading.

Mr. Tilghman presented Ordinance No. 2320 for first reading. Mr. Day opened the Public Hearing at 6:15 p.m. and one person provided the following public comments:

- is an attorney representing B & B Investments (owner of a shop targeted as an adult retail shop by this ordinance)
- after reading the Work Session minutes on this ordinance, the Council appeared to reduce the amount of usable floor space that could be allocated to certain types of merchandise allowed to be sold in this type of establishments
- the City Attorney's language was much more of a significant change than just changing the ordinance from reading that 20% of the usable floor area that could be used was reduced to 15% of usable floor area permitted for such use
- the percentage is not now applied only to the usable floor area, but will be applied to the area used for display or storage of merchandise on vertical floor, walls, cabinets or

- shelves and must be at least 15% of the area used for display or storage
- the language has been changed so that it is less easy to quantify what the total area is versus the area being used for the display of that merchandise
- because of the vagueness this ordinance will be open to constitutional challenge
- the City Attorney at the hearing before Planning & Zoning Commission conceded that this was not tried and true language that he had pulled from a statute from another city that had been challenged, but that he created this language himself, making this unique language that has not been tested and approved by any court
- it is obvious that this was created to target one particular business (not an adult oriented or entertainment business) located in the City of Salisbury
- this retail establishment strives not to be considered an adult entertainment business

President Day closed the Public Hearing at 6:24 p.m.

After Council's comments, Ordinance No. 2320 for first reading was approved on a 4-0 vote. Vice President Mitchell abstained from the vote.

ORDINANCES – presented by City Attorney Mark Tilghman

- Ordinance No. 2321 – 1st reading – to amend Salisbury Municipal Code Section 5.08.010 Definitions for the purpose of amending the definition of significant amount; stating certain findings; providing for the application of the ordinance; and generally relating to adult entertainment business

Mrs. Shields moved, Mr. Spies seconded, and the vote was 4-0 (Mrs. Mitchell abstained from the vote) to approve Ordinance No. 2321 for first reading.

- Ordinance No. 2318 – 2nd reading - amending Sections 1.08.020 Duties of the Election Board, 1.12.030 Campaign Contributions, and 1.12.040 Financial Disclosure Statements to be Filed by the Candidate or Treasurer, of the Salisbury Municipal Code to eliminate primary elections

Mr. Spies moved, Mr. Heath seconded, and the vote was unanimous to approve Ordinance No. 2318 for second reading.

- Ordinance No. 2319 – 2nd reading - amending Chapter 1.08.300 of the Salisbury Municipal Code to change the number of Councilmanic Districts in the City to correspond with the Charter

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2319 for second reading.

- Ordinance No. 2322 – 1st reading – authorizing the City to issue and sell general obligation bonds in an amount not to exceed thirty-eight million dollars (\$38,000,000) for the purpose of financing, reimbursing or refinancing costs incurred in connection with Enhanced Nutrient Removal and Biological Nutrient Removal upgrades

Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to approve Ordinance No. 2322 for first reading.

- Ordinance No. 2323 – 1st reading – Northeast Collector supplemental ordinance to restructure the Aydelotte property TIF bonds

Mrs. Shields moved, Mrs. Mitchell seconded and the vote was unanimous to approve Ordinance No. 2323 for first reading.

- Ordinance No. 2324 – 1st reading – approving a budget amendment of the FY15 General Fund to appropriate funds to purchase one hundred and two (102) replacement radio batteries in the amount of \$10,863.00

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2324 for first reading.

- Ordinance No. 2325 – 1st reading - approving a budget amendment of the FY15 General Fund to appropriate funds to up fit Salisbury Police Department Tactical Team equipment with respect to officer and public safety. The equipment will also decrease City liability by outfitting Tactical Officers with fire retardant gear, improve weapon optics and illumination, and storage

Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous to approve Ordinance No. 2325 for first reading.

- Ordinance No. 2326 – 1st reading - amending Chapter 8.04 of the Salisbury Municipal Code to require Enhanced Call Verification (ECV) for alarm dispatch notification systems

Mr. Spies moved, Mrs. Shields seconded and the vote was unanimous to approve Ordinance No. 2326 for first reading.

- Ordinance No. 2327 – 1st reading – setting updated false alarm fees

Mrs. Shields moved, Mrs. Mitchell seconded and the vote was unanimous to approve Ordinance No. 2327 for first reading.

RESOLUTION NO. 2489 - adopting a Capital Improvement Plan for the five year period FY 16-20 – presented by Assistant City Administrator Julia Glanz

Mrs. Shields moved, Mr. Heath seconded and the vote was unanimous to approve Resolution No. 2489 as presented.

AWARD OF BIDS – presented by Assistant Director of Internal Services – Procurement & Parking
Jennifer L. Miller

The Award of Bids, consisting of the following item, was unanimously approved on a motion by Mrs. Mitchell and seconded by Mrs. Shields:

- Contract 107-15 Salisbury WWTP BNR/ENR Upgrade - \$50,150,000.00
- Change Order #8 - RFP 02-10 WWTP Engineering Services - \$ 3,182,000.00
- RFP 07-15 Net Aggregate Metered Alternative Site Solar - \$ 1,366,578.00
Photovoltaic or Wind Turbine Electric Generating System
*20-yr. savings estimate
- Change Order #1 – Contract 109-147 Hammond Street area \$ 7,549.59
sidewalk improvements
- Declaration of Surplus – Parcel 0649 – College Avenue old
water tower

ADJOURNMENT

Council President Day adjourned the Legislative Session at 7:38 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
FEBRUARY 23, 2015

TIME & PLACE: 7:45 p.m., Government Office Building – Council Chambers, Room 301
PURPOSE: To consult with counsel to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland §10-508(a)(7)
PRESENT: Council President Jacob R. Day, Mayor James Ireton, Jr., Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman John “Jack” R. Heath, City Clerk Kimberly R. Nichols, City Administrator M. Thomas Stevenson, Jr., and City Attorney Mark Tilghman
NOT PRESENT: Councilman Timothy K. Spies

The City Council convened in Legislative Session in Room #301 in the Government Office Building at 6:10 p.m. After the adjournment of the regular meeting, at 7:45 p.m. President Day called for a motion to convene in Closed Session. Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous (4-0, as Mr. Spies was absent) to convene in Closed Session for the purpose of consulting with counsel to obtain legal advice on a legal matter in accordance with the Annotated Code of Maryland §10-508(a)(7).

At 7:52 p.m., on a motion and seconded by Mrs. Mitchell and Mr. Heath, respectively, and by unanimous vote in favor (4-0), the Closed Session was adjourned and Council reconvened in Open Work Session. President Day then reported that while in Closed Session Council had received an update on a case and reached unanimous consensus to a negotiating strategy and limit.

Thereafter, the Open Session was adjourned.

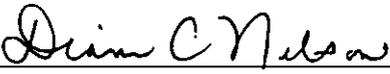
CITY OF SALISBURY, MARYLAND
CLOSED SESSION
APRIL 6, 2015

TIME & PLACE: 5:00 p.m., Government Office Building – Room 301
PURPOSE: To consult with counsel to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland §10-508(a)(7)
PRESENT: Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilman John “Jack” R. Heath, Assistant City Clerk Diane C. Nelson, City Administrator M. Thomas Stevenson, Jr., Assistant City Administrator Julia Glanz, and City Attorney Mark Tilghman
NOT PRESENT: Mayor James Ireton, Jr., Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies

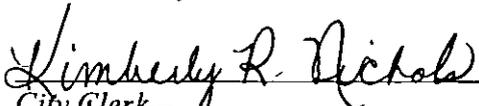
The City Council convened in Work Session in Room #301 in the Government Office Building at 4:34 p.m. and at 5:00 p.m., President Day called for a second on a motion to convene in Closed Session made earlier by Mrs. Mitchell to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter in accordance with the Annotated Code of Maryland §10-508(a)(7); Mr. Heath seconded the motion and the vote was unanimous to convene in Closed Session.

At 5:09 p.m., on a motion and second by Mrs. Mitchell and Mr. Heath, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council reconvened in Open Work Session. President Day then reported that while in Closed Session Council had discussed the pending approval before the Court of the City's Redistricting Plan for the 2015 Election; there was direction on a negotiating position with the potential Plaintiff.

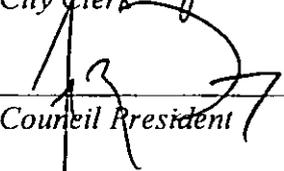
Thereafter, the Work Session resumed with further discussion of the City Service Center Expansion.



Assistant City Clerk



City Clerk



Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190
Fax: 410-548-3192

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA – Award of Bid

April 13, 2015

- | | |
|--|------------------|
| 1. Contract 107-15 Salisbury WWTP BNR/ENR Upgrade | \$50,150,000.00 |
| 2. RFP 02-10 WWTP Engineering Services
Change Order #8 | \$ 3,182,000.00 |
| 3. RFP 07-15 Net Aggregate Metered Alternative Site
Solar Photovoltaic or Wind Turbine Electric Generating System
20-yr. savings estimate | \$ 1,366,578.00 |
| 4. Contract 109-147 Hammond Street Area Sidewalk Improvements
Change Order #1 | \$ 7,549.59 |
| 5. Parcel 0649 – College Ave. old water tower
Declaration of Surplus | \$ 0.00 |

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190 Procurement
Fax: 410-548-3192 Procurement

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL SERVICES

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TÉRENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 13, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid
Contract 107-15 Salisbury WWTP BNR/ENR Upgrade

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Department of Public Works to solicit bids for Contract 107-15. This project will complete the upgrades to the WWTP as identified in the Wastewater Treatment Plant Corrective Action Plan developed by Brown and Caldwell in June 2010, the vendor that has been providing the engineering services for the project.

Due to complexity of this project, it was bid under a two-step procurement process (Technical Qualifications and Pricing). Thus, the first step was for the City to issue a "Request for Qualifications" (RFQ 001-15) in October 2014. This was the "Technical Qualifications" portion of the request. The City received nine proposals, all of which were reviewed by both the City and Brown and Caldwell. Two were rejected due to non-conformity with the requirements stated in the RFQ, and the seven (7) remaining contractors were determined to be pre-qualified to bid on Contract 107-15. These seven (7) contractors were supplied with the bid documents, final plans and specifications for Contract 107-15, Salisbury WWTP BNR/ENR Upgrade.

Of the seven (7) contractors that were pre-qualified, four (4) returned a bid by the due date and time of March 12, 2015 at 2:30 p.m.:

Vendor	Total Bid
Ulliman Schutte Construction	\$50,150,000
PC Construction	\$50,866,000
Fru-Con Balfour	\$51,299,000
Clark Construction	\$60,628,321

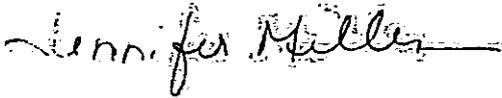
Ulliman Schutte Construction was the apparent low bidder. After a thorough review of the proposals by Brown and Caldwell, the engineer of record for the project, and the Department of Public Works, Ulliman Schutte was determined to be the lowest responsible and responsive

bidder. At the time of this writing, the bids and bidding procedures are being reviewed by the Maryland Department of the Environment (MDE) and the Maryland Board of Public Works (BPW).

The cost of this project will be funded by two grants (Bay Restoration Fund/ENR Grant and Biological Nutrient Removal Grant) in the amount of \$25,800,000 and a 0% interest loan from the Maryland Department of the Environment (a Water Quality State Revolving Loan), with a not-to-exceed amount of \$38,000,000.

The Procurement Department requests Council's approval to award Contract 107-15 WWTP BNR/ENR Upgrades to Ulliman Schutte Construction in the amount of \$50,150,000.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Miller". The signature is written in dark ink and is positioned above the typed name.

Jennifer Miller

Assistant Director of Internal Services -- Procurement and Parking

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael Moulds, Director of Public Works *MM*
Date: March 17, 2015
Re: Contract 107-15 Salisbury WWTP BNR/ENR Upgrade

Please review and process the Award of Bids for the Wastewater Treatment Plant (WWTP) Biological Nutrient Removal (BNR) and Enhanced Nutrient Removal (ENR) Upgrade. The upgrades were identified in the Wastewater Treatment Plant Corrective Action Plan which was developed by Brown and Caldwell in June 2010. Additionally, the upgrades are required per the Amended Consent Order (ACO) and Judgment between the City and MDE which was executed on October 19, 2012. The upgrade will rerate the WWTP to 8.5 million gallons per day, and will upgrade effluent quality to ENR levels for total nitrogen and total phosphorous. Per the ACO, the startup of the upgraded WWTP must be achieved by December 31, 2017. The construction duration is 30 months.

In advance of bidding Contract 107-115, the City advertised RFQ 001-15 WWTP Pre-Qualifications. Due to the highly technical and specialized nature of the project, Public Works recommended pre-qualifying the general contractors to ensure that only qualified contractors could bid on the upgrade. The minimum requirement to bid included completing at least three Water or Wastewater Plants in the past ten years with a value of at least \$40 Million per project. Nine (9) Pre-Qualification packages were received on November 13, 2014 and were reviewed by the City and Brown and Caldwell. Seven (7) General Contractors were found to be qualified to bid on Contract 107-15. Those General Contractors were issued the final plans and specifications. The pre-bid meeting held on January 29, 2015 was mandatory for all pre-qualified contractors. All seven attended the meeting and were eligible to bid.

Bids were opened on Thursday, March 12, 2015 at 2:30 p.m. Bids were received from four (4) General Contractors. The attached certified bid tabulation offers a breakdown of the bids provided from each contractor. A summary of the bids is as follows:

General Contractor	Total Bid
Ulliman Schutte Construction	\$50,150,000.00
PC Construction	\$50,866,000.00
Fru-Con Balfour	\$51,299,000.00
Clark Construction	\$60,628,321.00

The Engineer's Estimate was \$54,000,000. Brown and Caldwell and Public Works reviewed all bid packages. Any potential deducts as a result of accepting alternate equipment will be reviewed after bid award and processed as a change order. Equipment deducts are not considered when determining a low bidder. The recommendation for award from Brown and Caldwell is stated in the attached letter dated March 18, 2015. Ulliman Schutte Construction was the lowest, responsive, responsible bidder.

Public Works recommends award of Contract 107-15 to Ulliman Schutte Construction in the amount of \$50,150,000. The award is contingent upon funding agency approval. The bids and bidding procedures are under review of the Maryland Department of the Environment (MDE) and the Maryland Board of Public Works (BPW). The funding package is scheduled for approval at a BPW meeting on May 13, 2015.

The contingency of the award recommendation is also based on the City's acceptance of the Maryland Department of the Environment Water Quality State Revolving Loan in an amount not to exceed \$38,000,000 and the completion of all loan documents associated with that acceptance. The final loan amount will be limited to the cost of the project plus administrative and contingency amounts (capped at 3% and 5% of the contract amount, respectively) minus the grant funding. The loan amount is estimated to be \$36,060,000. The loan has an interest rate of 0% and no administrative fees. Additionally, MDE has provided funding of \$1.5 million in loan principal forgiveness and a Bay Restoration Fund/ENR Grant and a Biological Nutrient Removal Grant in the amount of \$25,800,000.00.



Amanda H. Pollack, P.E.
Deputy Director



Michael S. Moulds, P.E.
Director of Public Works

City of Salisbury



MARYLAND

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Salisbury



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125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190 Procurement
Fax: 410-548-3192 Procurement

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

Council Agenda

April 13, 2015

TO: Mayor and City Council

SUBJECT: Change Order #8 to Contract RFP 02-10
WWTP Engineering Services

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Department of Public Works to process Change Order #8 in the amount of \$3,182,000 for Contract RFP 02-10 WWTP Engineering Services. This Change Order would provide for Brown and Caldwell's services during the construction and warranty period of the Wastewater Treatment Plant BNR/ENR Upgrade. Additional details regarding these services (tasks 37 through 53) are noted in the departmental memo, which is attached.

Funds for this change order are contingent upon approval and receipt of the grant and loan funds as part of the funding package from the Maryland Department of the Environment (MDE) for the WWTP BNR/ENR Upgrade.

The Department of Internal Services, Procurement Division, requests Council's approval to process Change Order #8 as noted above to Brown and Caldwell, in the amount of \$3,182,000.

Sincerely,

Jennifer Miller
Asst. Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND

Salisbury



2010

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MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael Moulds, Director of Public Works *MM*
Date: March 17, 2015
Re: Change Order No. 8, RFP 02-10 WWTP Modifications

Through RFP 2-10 WWTP Modifications, Brown and Caldwell was contracted by the City to provide engineering services for the Wastewater Treatment Plant (WWTP) Upgrade. To date, this contract has included preparation of the Corrective Action Plan and the Preliminary Engineering Report, and the design and bidding phases of the WWTP BNR/ENR Upgrade. The project is proceeding to the Construction phase and this change order includes Brown and Caldwell's services during Construction and the Warranty period.

Brown and Caldwell's Scope of Services dated March 12, 2015 details 16 tasks that they will perform including Construction Administration, Supervisory Control and Data Acquisition (SCADA) Programming, and First Year Services during the Warranty period, which is summarized below:

1. Add tasks 37 thru 51 for Construction Engineering Services including attending construction meetings, reviewing submittals, responding to technical Requests for Information, coordinating plant shutdowns, witnessing startup and testing, developing standard operating procedures, performing operations training, determining substantial completion, and preparing Record Drawings.
2. Add tasks 52 and 53 for SCADA and PLC Programming including developing programming and graphics, witnessing Factory Tests, Field Tests and Operational Readiness Tests, performing a 30 day test, developing Operations and Maintenance Manuals, providing operator training, and providing ongoing support during the 1 year Warranty Period after Substantial Completion.

Public Works recommends approving Change Order No. 8 for RFP 02-10 to Brown and Caldwell in the amount of \$3,182,200. The contract will be billed on a time and materials basis. The limits established in the change order are not to be exceeded without written consent by the City. The award is contingent upon funding agency approval. This change order and the overall WWTP bids and bidding procedures are under review of the Maryland Department of the Environment (MDE). The funding package is scheduled for approval at a BPW meeting on May 13, 2015. The SCADA Programming tasks and the eligible Construction Services contract will be funded with the same grant and loan percentages as the overall project.

Amanda H. Pollack
Amanda H. Pollack, P.E.
Deputy Director

Michael S. Moulds
Michael S. Moulds, P.E.
Director of Public Works

CHANGE ORDER

#8

PROJECT: Contract No. 02-10
Professional Services WWTP Modification

P.O. NO: 02130213

TO: Brown & Caldwell
309 East Morehead Street, Suite 160
Charlotte, NC 28202

CHANGE ORDER NO: 8
INITIATION DATE: March 17, 2015
CONTRACT DATE: December 22, 2009
ACCOUNT NO: 30200-513020-55512

You are directed to make the following changes in this contract:

1. Add tasks for Construction Engineering Services including attending construction meetings, reviewing submittals, responding to technical Requests for Information, coordinating plant shutdowns, witnessing startup and testing, developing standard operating procedures, performing operations training, determining substantial completion, and preparing Record Drawings.
2. Add tasks for SCADA and PLC Programming including developing programming and graphics, witnessing Factory Tests, Field Tests and Operational Readiness Tests; performing a 30 day test, developing Operations and Maintenance Manuals, providing operator training, and providing ongoing support during the 1 year Warranty Period after Substantial Completion.
3. See attached detailed Scope of Services dated March 12, 2015

Not valid until signed by the Owner and Department Head.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract Sum was	\$ <u>943,400.00</u>
Net change by previously authorized Change Orders	\$ <u>-4,515,979.00</u>
The Contract Sum prior to this Change Order was	\$ <u>5,459,379.00</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>3,182,200.00</u>
The new Contract Sum including this Change Order will be	\$ <u>8,641,579.00</u>
The Contract Time will be (increased), (decreased), (unchanged) by this Change Order by (<u>1,340</u>) days or () weeks	
The date of substantial completion as of the date of this Change Order	
therefore is (end of Warranty Period)	<u>December 31, 2018</u>

AUTHORIZED:

BY: _____ Michael Moulds, P.E. Director of Public Works DATE: _____	Vendor: _____ BY: _____ Printed name _____ Title BY: _____ Sign for Identification DATE: _____	BY: _____ Jennifer Miller, Assistant Director of Internal Services-Procurement Division DATE: _____ Funding/Bid Award As Approved by City Council By: _____ Jacob Day President, City Council DATE: _____
BY: _____ Keith Cordrey Director of Internal Services DATE: _____		
BY: _____ Mark Tilghman City Solicitor DATE: _____		

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190 Procurement
Fax: 410-548-3192 Procurement

KEITH A. CORDREY
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JENNIFER MILLER
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JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.,
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 13, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid
RFP 07-15 Net Aggregate Metered Alternative Site Solar Photovoltaic or Wind
Turbine Electric Generating System

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Mayor and the Administration to solicit bids for RFP 07-15. This project requested proposals from an alternative energy provider that would afford a host site which qualifies for "Net Aggregate Metering" of designated City utility accounts.

The City followed standard procurement practices by advertising in the Daily Times, on the City of Salisbury's website, and on eMaryland Marketplace. A total of 4 vendors submitted bids which were reviewed by the City and the City's energy consultant, Richard Anderson. Two of the four technical proposals were determined to be viable for consideration, and these two vendors were given an invitation to interview. Solar City and Sun Edison were interviewed on February 24, and both were then ranked on a scale of zero (unacceptable) to four (superior) according to the evaluation criteria established in the RFP:

Weighting Factor	Criterion
30%	Price of power offered through the PPA
20%	Estimated kWh production output of the proposed system.
20%	Expertise, experience and qualifications of the Vendor, its personnel and proposed subcontractors as related to the Scope of Services, and demonstrated understanding of the Scope of Services.
15%	Vendor's resources and capability to meet the requirements of this solicitation.
10%	Estimated number and location of jobs created as a result of a Contract issued in response to this solicitation.
5%	Country of manufacture of solar panels. City will consider the long term viability of bidder's solar panel manufacturer and the economic benefits that manufacturer brings to United States workers.
5% (Bonus)	Interview (if requested)
5% (Bonus)	Review and evaluation of "best and final" technical and price proposals.

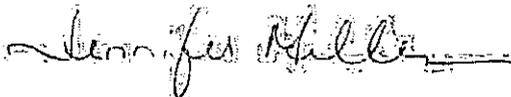
Vendor	Score
Solar City	2.60
Sun Edison/Standard Solar	3.80

The evaluation concluded that the Sun Edison proposal offer met the technical requirements of the Request for Proposal, the site proposed appears to have the capacity of the DELMARVA service to accept the solar energy generated at the site, and the price offered in the Power Purchase Agreement (PPA) is financially beneficial on a long-term basis for the City of Salisbury for the estimated 3,722,000 kWh to be generated in year one. While the project at this stage appears to be viable, it is contingent upon Delmarva Power interconnection approval. We estimate that this project has an 85% or greater chance of success.

The proposal offered a 15 yr. PPA of \$0.075, and a 20 yr. PPA of \$0.065 (per kWh). The Mayor and the Administration wish to enter into a 20 yr. PPA agreement, at a power purchase rate of \$0.065 per kWh for the first five years, with a 2% escalation (increase) in years 6 through 20. The rate at the end of the term will be \$.0875. Additionally, the City will also receive a Delmarva Delivery & Distribution Credit at approx. \$.016 per kWh. The total projected energy savings over a 20 yr. period through this net aggregate meter scenario is \$1,366,578.

The Procurement Department requests Council's approval to award Contract RFP 07-15 to Sun Edison/Standard Solar in the form of a 20 yr. Power Purchase Agreement, at \$.065 per year for the first five (5) years, with a 2% escalation in year six (6) through twenty (20).

Sincerely,



Jennifer Miller

Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190 Procurement
Fax: 410-548-3192 Procurement

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 13, 2015

TO: Mayor and City Council

SUBJECT: Change Order #1 to Contract 109-14
Hammond Street Area Sidewalk Improvements

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Office of Community Development to process Change Order #1 in the amount of \$7,549.59 for Contract 109-14 Hammond Street Area Sidewalk Improvements. This Change Order would provide additional sidewalk improvements in the noted area, due to a shift in grant funding.

Funds are available in the following project account:

12800-546006-70047 2013 CDBG Sidewalk Creation	\$7,549.59
--	------------

The Department of Internal Services, Procurement Division, requests Council's approval to process Change Order #1 as noted above to Metro Paving, in the amount of \$7,549.59.

Sincerely,

Jennifer Miller
Asst. Director of Internal Services – Procurement and Parking

Office of Community Development

MEMO

To: Jennifer Miller

From: Deborah Stam

Subject: Contract # 109-14 - Hammond Street Area Sidewalk Improvements - Change Order #1

Date: March 11, 2015

We recently had to shift some of our CDBG grant funds in the HUD IDIS system out of 'Program Administration' and into another CDBG project so that we wouldn't exceed our annual 20% administration cap. This adjustment was required due to the fact that one of our 2009 CDBG projects was retroactively reclassified by HUD in 2013 from a 'public service' project to a 'program administration' project.

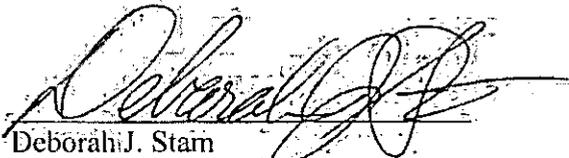
We elected to move the necessary funds (\$7,549.59) into the 2013 Low-Mod Neighborhood Sidewalk Creation project, in order to increase the remaining funds available in that project.

Under the 2013 CDBG Sidewalk Creation project we contracted with Metro Paving in April 2014 to construct new sidewalks in the Hammond Street area. The bulk of the 2013 CDBG Sidewalk Creation funding was expended in the summer of 2014. With the addition of the \$7,549.59, we now have a remaining balance in the 2013 grant account of \$22,699.87. We need to increase the amount of the contract with Metro Paving by the same amount (\$7,549.59) in order to expend these remaining grant funds.

We also need to extend the date of Substantial Completion on the contract with Metro Paving to July 31, 2015.

Attached is the form for Change Order #1 for Contract # 109-14 - Hammond Street Area Sidewalk Improvements. Please forward this item to the City Council for their approval.

If you have any questions please let me know. Thank you for your assistance.


Deborah J. Stam
Community Development Director

Attachment
CC: Tom Tengman
Ginny Hussey

CHANGE ORDER

#1

PROJECT: Contract No. 109-14
Hammond Street Area Sidewalk Improvements

P.O. NO: 2140385

TO: Metro Paving
5470 Lafayette Place
Hyattsville, Maryland 20781

CHANGE ORDER NO: 1
INITIATION DATE: March 11, 2015
CONTRACT DATE: April 10, 2014
ACCOUNT NO: 12800-546006-70047

You are directed to make the following changes in this contract:

1. Install curb and gutter at the southwest corner of the intersection of Brown & Naylor Streets, to prepare for the construction of new sidewalks in FY 2016.

Not valid until signed by the Owner and Department Head.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract Sum was	\$ <u>90,911.83</u>
Net change by previously authorized Change Orders	\$ <u>0.00</u>
The Contract Sum prior to this Change Order was	\$ <u>90,911.83</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>7,549.59</u>
The new Contract Sum including this Change Order will be	\$ <u>98,461.42</u>
The Contract Time will be (increased), (decreased), (unchanged) by this Change Order by () days or (60) weeks	
The date of substantial completion as of the date of this Change Order	
therefore is	<u>July 31, 2015</u>

AUTHORIZED:

BY: _____ Debbie Stam Director of Community Development DATE: _____	Vendor: _____ IBY: _____ Printed name _____ Title BY: _____ Sign for Identification DATE: _____	BY: _____ Jennifer Miller, Assistant Director of Internal Services-Procurement Division DATE: _____
BY: _____ Keith Cordrey Director of Internal Services DATE: _____		Funding/Bid Award As Approved by City Council BY: _____ Jacob Day President, City Council DATE: _____
BY: _____ Mark Tilghman City Solicitor DATE: _____		_____

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR



125 NORTH DIVISION STREET
SALISBURY, MARYLAND, 21801
Tel: 410-548-3190 Procurement
Fax: 410-548-3192 Procurement

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

TO: City Council

FROM: Jennifer Miller, Assistant Director of Internal Services – Procurement Division

DATE: April 13, 2015

RE: City of Salisbury – Parcel 0649

The City received notification of a party interested in purchasing City-owned property, an approximate 10,138 sq. foot lot recorded as Parcel 0649, where the College Avenue water tower is located. The water tower is out of service and the property is no longer needed by the Department of Public Works. At this time, the Mayor, City Administration and Salisbury Public Works recommend that the City solicit offers for the property. This would be an as-is sale, with the purchaser responsible for removing the water tower.

Taking into consideration the information given to me by Salisbury Public Works; the recommendation of the various departments noted above and following the guidelines of Section 2.36.040 of the Code, I consider this property to be unused and recommend that the City solicit offers for the sale. Therefore, I am requesting Council's approval to declare this property "surplus" and allow the City to take appropriate action to dispose of the property.

Sincerely,

Jennifer Miller
Asst. Director of Internal Services, Procurement and Parking

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Account Identifier: District - 13 Account Number - 053014

Owner Name: SALISBURY CITY OF
 WATER TOWER
Use: EXEMPT COMMERCIAL
Principal Residence: NO
Mailing Address: 125 N DIVISION ST
 SALISBURY MD 21801-5030
Deed Reference: .00753/ 00014

Premises Address: 1044 S TOWER AVE
 0-0000
Legal Description: L: 10,138 SQFT
 1044 S TOWER AVE
 CITY OF SALIS

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0115	0015	0849		0000				2013	Plat Ref:

Special Tax Areas: Town: SALISBURY
 Ad Valorem:
 Tax Class:

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			10,138 SF	

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

	Base Value	Value		Phase-in Assessments	
		As of	As of	As of	As of
Land:	191,300	01/01/2013	07/01/2014	07/01/2015	
Improvements:	220,300				
Total:	321,600	349,300	339,400	348,300	
Preferential Land:	0			0	