

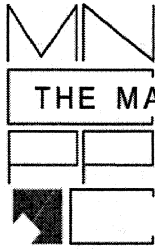
**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING**

Wednesday, January 21, 2015

PRA 9:30 a.m. – 11:30 a.m.

			<u>ACTION</u>	
			Motion	Second
1.	Approval of Commission Agenda	(+*) Page 1		
2.	Approval of Commission Minutes a) Open Session – December 17, 2014 b) Closed Session – December 17, 2014	(+*) Page 3 (+*)		
3.	General Announcements One Commission Black History Event – February			
4.	Committee/Board Reports (For Information Only): None			
5.	Action and Presentation Items Montgomery Planning Zoning Maps/Interactive Tools (For Information Only) (Wright/McGovern)			
6.	Open Session - Officers' Reports			
	a) Executive Director – (For Information Only)			
	1) Employee Evaluations Not Completed by Due Date – (December 2014)....(+)	Page 11		
	2) FY15 Savings Plan	(+)		Page 13
	b) Secretary-Treasurer – (For Information Only)			
	1) Enterprise Resource Planning (ERP) Briefing			
	2) MFD Purchasing Statistics			
	a) Fourth Quarter – FY14.....	(+)		Page 15
	b) First Quarter – FY15.....	(+)		Page 29
	c) General Counsel – (For Information Only)			
	1) Litigation Report (December 2014).....	(+)		Page 43
	2) Legislative Update.....	(H)		
7.	Closed Session Collective Bargaining Update - Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, a closed session is proposed to consult with counsel to obtain legal advice, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations.			

(+) Attachment (++) Commissioners Only (*) Vote (H) Handout (LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
December 17, 2014

The Maryland National Capital Park and Planning Commission met on December 17, 2014, at the Montgomery Regional Office, in Silver Spring, Maryland.

PRESENT

Prince George's County Commissioners

Elizabeth M. Hewlett, Chair
Dorothy Bailey
Manuel Geraldo

Montgomery County Commissioners

Casey Anderson, Vice-Chair
Norman Dreyfuss
Natali Fani-Gonzalez
Marye Wells-Harley

ABSENT

John Shoaff
A. Shuanise Washington

Amy Presley

Chair Hewlett convened the meeting at 9:47 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

The revised Commission meeting agenda was amended by Executive Director Barney as follows: Add Item 5b - Resolution #14-32, M-NCPPC FY16 Proposed Operating Budget, and Item 5d - Resolution #14-33 - Approval of an Increase of the FY 2015 Employer Contribution for the 115 Trust to closed session. Presentation and votes on these items will take place in open session. Closed session items will be taken after Item 4 - Committee/Board Reports.

Changes to Item 5 - Topics were reordered as follows:

- 5)a - Resolution #14-31, Reappointment of Merit System Board Member Michael Strand
- 5)c - Recommendation to Approve Other Post-Employment Benefits (OPEB) Employer Contribution for Incorporation into the FY 2016 Proposed Budget
- 5)d - Resolution #14-33, Approval of an Increase of the FY 2015 Employer Contribution for the 115 Trust
- 5)b- Resolution #14-32, M-NCPPC FY16 Proposed Operating Budget

ACTION: Motion of Geraldo
Second by Bailey
7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

ITEM 2 APPROVAL OF COMMISSION MINUTES

November 19, 2014 – Open Session

ACTION: Motion of Bailey
Second by Geraldo
7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

ITEM 3 GENERAL ANNOUNCEMENTS (Hewlett)

Chair Hewlett made the following announcements:

- a) Happy Hanukkah and Happy Holidays to everyone
- b) Early Happy Birthday to Commissioner Geraldo
- c) Chair Hewlett shared her congratulations with Vice-Chair Anderson and commended the Montgomery County Planning staff for launching the new version of Montgomery County's zoning code, which is now available in digital format disc. Vice-Chair Anderson noted the significant difference in the size of the new document in comparison to the paper copy of the old zoning code.

ITEM 4 COMMITTEE/BOARD REPORTS – (For Information Only)

- a) Executive Committee Open Session Minutes – November 5, 2014
- b) Executive Committee Closed Session Minutes – November 5, 2014
- c) Executive Committee Minutes – December 3, 2014 – (Cancelled)
- d) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, November 4, 2014 (Listed in error as December 9th on the agenda)

Pursuant to Section 3-305(b)(7) and (b)(9) of the General Provisions Article of the Annotated Code of Maryland, at 9:52 a.m., the Maryland-National Capital Park and Planning Commission met in closed session in the Montgomery Regional Office in Silver Spring, MD to consult with counsel for legal advice, conduct collective bargaining discussions or consider matters that relate to negotiations. Items discussed were Item 5b – Resolution #14-32, M-NCPPC FY16 Proposed Operating Budget and Item 5d – Resolution #14-33, Approval of an Increase of the FY 2015 Employer Contribution for the 115 Trust.

ACTION: Motion of Dreyfuss to move to closed session
Seconded by Bailey
7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

The open session reconvened at 10:00 a.m.

ITEM 5 ACTION AND PRESENTATION ITEMS (listed in the amended order in which items were presented)

- a) RESOLUTION #14-31, REAPPOINTMENT OF MERIT SYSTEM BOARD MEMBER MICHAEL STRAND (Barney)
Executive Director Barney requested that the Commission adopt the Resolution to reappoint Merit System Board Member Michael Strand for a four-year term.

ACTION: Motion of Dreyfuss to adopt Resolution #14-31

Seconded by Bailey

7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

c) RECOMMENDATION TO APPROVE OTHER POST-EMPLOYMENT BENEFITS (OPEB) EMPLOYER CONTRIBUTION FOR INCORPORATION INTO THE FY 2016 PROPOSED BUDGET (Presented by Gregory M. Stump, Vice President/Actuary for Boomershine Consulting; Abbey Rodman, Finance Manager/Trust Administrator was not available for the meeting) (Item taken in amended order)

Executive Director Barney introduced actuary and Boomershine Consulting Vice President, Gregory M. Stump. Boomershine Consulting is the Commission's actuary for the retiree healthcare plan also referred to as Other Post-Employment Benefits (OPEB). The Executive Director stated this item is being presented for approval of the recommended employer contribution for the Other Post-Employment Benefit (OPEB) in the amount of \$5,125,000 for Fiscal Year 2016. The amount is recommended by the actuary to ensure sufficient assets are available for future benefits.

Each year, an independent actuarial valuation is performed to determine the funding requirements of the OPEB Trust Fund (115 Trust). The actuarial valuation is designed to measure the current and future costs of retiree health benefits based on employee demographics, assets and liabilities, plan provisions, and actuarial assumptions and methods. The July 1, 2014 actuarial valuation includes a reduction in the investments return, following a recommendation by Boomershine Consulting Group, which will move the OPEB valuation return on investments closer to the return used for the Pension valuation. The recommended employer contribution is payable to the return July 1, 2015.

Mr. Stump presented a PowerPoint overview of the recommendation that was provided to Commissioners in the Late Delivery Packet. He reviewed the major cost drivers used in the actuarial valuation process. These included:

- A decrease in the Assumed Investment Return from 7.5% to 7.4% to be more in line with the expectations for the overall economy.
- Retirement plan design changes including:
 - an increase in Retiree cost sharing of health care premiums from 15% to 20% effective January 1, 2013;
 - retirement plan eligibility;
 - spousal coverage - continued; pay retiree premium rates; and
 - implementation of Employer Group Waiver Plan (EGWP) changes effective January 1, 2015, which reduced Medicare eligible drug costs.

Mr. Stump reviewed the 2014 Valuation Results Summary and noted an increase in the Accrued Liability from \$275,804,000 to \$296,498,000 and an increase in assets from \$28,069,000 to \$40,465,000. He explained that the funding ratio improved from 10% to 14%, placing M-NCPPC favorably ahead of most public plans for OPEB. The Actuary highlighted the Government Accounting Standards Board

(GASB) Accounting Summary and explained that the Annual Required Contribution (ARC) is the accounting cost and also the contribution basis.

Commissioner Dreyfuss inquired whether a potential increase in the 2015 inflation would affect employer contributions. Mr. Stump responded that to the extent that general inflation is higher, healthcare costs could also rise. Commissioner Dreyfuss also inquired about the impact of potentially higher interest rates. Mr. Stump stated there is no direct impact from interest rates, except to the extent that it impacts the investment portfolio and how the returns will be affected. The Commissioners thanked Mr. Stump for his informative presentation.

ACTION: Motion of Fani-Gonzalez

Seconded by Bailey

7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

d) RESOLUTION #14-33, APPROVAL OF AN INCREASE OF THE FY 2015 EMPLOYER CONTRIBUTION FOR THE 115 TRUST (Zimmerman) (Item taken in amended order)

Secretary-Treasurer Zimmerman explained that the adoption of the Resolution will allow the M-NCPPC to allocate the annual Medicare Retiree Drug Subsidy (RDS) to fund the 115 Trust, which is used to prefund retiree medical insurance. The M-NCPPC receives approximately \$500,000 per fiscal year in RDS subsidies intended to defray the cost of prescription drug coverage to retirees who would otherwise be eligible to enroll in Medicare Part D prescription coverage. This subsidy will be used to help reduce the unfunded liability for the 115 Trust and enhance our ability to invest funds going forward. The Resolution modifies an earlier decision by the Commission for the FY 2015 contribution.

ACTION: Motion of Wells-Harley to adopt Resolution #14-33

Seconded by Dreyfuss

7 Approved the motion with Commissioners Presley, Shoaff, and Washington absent during the vote

b) RESOLUTION #14-32, M-NCPPC FY16 PROPOSED OPERATING BUDGET (Barney/Kroll) (Item taken in amended order)

Corporate Budget Manager John Kroll presented Resolution #14-32, "Approval of the 2016 Fiscal Year Proposed Operating Budget of the Maryland-National Capital Park and Planning Commission." He stated that Resolution #14-32 reflects the Proposed Budgets approved by each Planning Board.

At the beginning of the Commission meeting, Mr. Kroll distributed a correction to Exhibit A (Montgomery County FY16 Proposed Budget Summary – Fund Summary by Department and by Division), which was attached to the Resolution. Corrections were made on pages 1, 3 and 5 of the Exhibit found at circled pages 13, 15, and 17 of the Late Delivery Packet. Amendments were made to Page 1 of the Exhibit on the positions and work-years in the Montgomery County Administration Fund. A correction to the Prince George's County Administration Fund and reclassification of the transfer allocated to the Special Revenue Fund were made to Page 3 of the Exhibit; all of which were negligible changes. Total Commission positions and work-years were amended on Page 5 of the Exhibit.

The Proposed Budget totals \$454.7 million in funding excluding reserves, Advanced Land Acquisition Revolving Fund (ALARF), Capital Projects, and Internal Service Funds. Compared to the FY15 Adopted Budget, the FY16 Proposed Budget is \$5.0 million more, reflecting the increased investment in major known commitments and essential needs, most of which are proposed in the Montgomery County Park Fund.

In the memorandum to the Commissioners found on circled page 3 of the Late Delivery Packet, Exhibit 1 provided a comparative summary of the proposed budget for each county. Mr. Kroll highlighted the Assessable Base Projections for FY16, indicating that tax revenue contributes to more than 90% of the agency's operating budget. He indicated that the outlook for FY16 continues to show modest signs of improvement in the assessable base. Montgomery County is projected to have a 2.84% increase in assessable base, while Prince George's County is projected to have only 0.47%. Due to the modest adjustments, the agency will continue to utilize fund balance to help balance the budget in FY16.

Mr. Kroll reviewed Exhibits 3 and 4 found on circled pages 5 and 6 of the Late Delivery Packet.

Exhibit 3, Summary of Changes in Major Employee Benefit Cost FY16 Proposed Budget (General Fund), illustrated changes in major employee benefit costs such as OPEB, Pension, Health and Benefits, and Employee Compensation. The total change in these costs reflects a 2.5% reduction from FY15 Adopted Budget levels. The components of the net change include:

- OPEB costs increased 4.6% (or \$0.7 million) from FY15 Adopted Budget levels.
- Pension costs decreased by 4.0% for FY16, representing a savings of \$1.1 million from the FY15 Adopted Budget levels.
- Healthcare insurance and benefit costs are projected to decrease by 1.3% (or \$382,000) in FY16.
- With regard to Employee Compensation, the Commission's FY16 budget incorporates a dollar marker; however, with negotiations pending, the exact form and amount of compensation are not fully known. Therefore, the FY16 Proposed Budget includes \$4.8 million (\$5.1 million all funds) as a marker for represented and non-represented employees. This reflects approximately 20.1% decrease from FY15 levels.

Exhibit 4, Summary of the FY16 Proposed Budget General Fund Accounts by Fund by Department (excludes reserves), provided a comparative summary of the FY16 Proposed Budget to the FY15 Adopted Budget. Mr. Kroll explained that two funds are reflected as Commission-wide Internal Service Fund - The Group Insurance Fund and the Executive Office Building (EOB) Fund. In the past, the EOB Fund was shown in the Prince George's County exhibits as the building housed in that County. However, it is more appropriate to show the EOB Internal Service Fund as a Commission-wide Fund because it houses Central Administrative Services (CAS), which supports both sides of the agency. Commissioner Dreyfuss asked if M-NCPPC owns the EOB facility, to which Mr. Kroll responded yes.

In reviewing the narrative in Resolution #14-32, Commissioner Geraldo asked if the 6-year projections show a deficit for FY17, how do the Commissioners vote on a budget without knowing how the deficits will be addressed? Mr. Kroll responded that no deficits were projected in FY16, which is the budget that needs approval at this point. He noted that all three funds have balanced on the Prince George's County side of M-NCPPC. Presentations have been made to the Prince George's County Council and the Executive Office staff. The groups are working together to formulate the best method to address deficits for FY17 and years moving forward.

Mr. Kroll shared that the funds also balance on the Montgomery County side. He pointed out that on the Montgomery County side, we do not have a sufficient fund balance in the Administration Fund. He is proposing a 1/10th of a cent increase on the Montgomery County side in property tax. He explained that Montgomery County adjusts M-NCPPC's rates to facilitate their overall budget picture, and they reduced our tax rate last year in the Administration Fund and transferred funds to the Park Fund to help balance the budget as well.

Commissioner Dreyfuss inquired whether M-NCPPC should try to balance its funding independently from the County to avoid a potential tax increase. Executive Director Barney explained that the proposed budget represents funds that are needed to operate the agency. M-NCPPC works with both County governments to understand priorities and potential reductions. The management and budget teams develop strategies to address County recommendations. At this point, the Counties have not directed specific budget reductions. However, internally, the teams are developing potential areas for anticipated reductions. In all cases, the agency must submit a balanced budget as one cannot be adopted with known deficits.

Executive Director Barney stated that on the Prince George's County side, the long-term plan shows the struggles the agency has had and the anticipated deficits in FY17 for the Administrative Fund, the Recreation Fund, and later in the Park Fund. At some point there will be a discussion during the work sessions regarding whether there will be a tax rate increase or if there will be expenditure reductions or a combination of both. There will be questions about the Capital Improvement Plans (CIP), and, other operating budget work programs. Executive Director Barney stated there is a significant fiscal problem with the budget in FY17 and asked the Commissioners to keep that in mind during budget discussions and during union negotiations.

ACTION: Motion of Wells-Harley to adopt Resolution #14-32

Second by Geraldo

7 Approved the motion with Commissioners Presley, Shoaff and Washington absent during the vote

Chair Hewlett commended everyone who worked on the budget for putting together a Commission-wide plan while addressing challenges for both sides of M-NCPPC.

e) GFOA BUDGET AWARD AND PHOTO OP (Barney/Kroll)

On behalf of the Commissioners, Chair Hewlett thanked Corporate Budget Manager John Kroll and his staff, Department Directors, and the budget team for their work on the budget. She announced that the Government Finance Officers Association of

the United States and Canada (GFOA) has awarded the M-NCPPC the GFOA's Distinguished Budget Presentation Award for its FY 2015 annual budget. The Commission has received this award for the 29th consecutive year. She recognized Corporate Budget Manager John Kroll, and the budget team which included James Adams, Anju Bennett, Robert Clarke, Melinda Duong, Joyce Garcia, Shelley Gaylord, Ashley Hammond, Bill Henaghan, Benita Henderson, Terry Johnson, Stephanie, Knox, Tonya Miles, Carl Morgan, Oge Nwafor, Larry Quarrick, Nancy Steen, Tricia Swann, Valerie Saunders, Anjali Sood, Shuchi Vera, Karen Warnick, and Mark Wulff. A photo was taken with the budget team, the Commissioners and the Executive Director.

ITEM 6

OPEN SESSION – OFFICERS' REPORTS

a) EXECUTIVE DIRECTOR (FOR INFORMATION ONLY)

EMPLOYEE EVALUATIONS NOT COMPLETED BY DUE DATE (NOVEMBER 2014)

Executive Director Barney stated the report reflects that evaluations are being completed. Directors are working on submitting any pending evaluations.

b) SECRETARY–TREASURER (FOR INFORMATION ONLY)

ENTERPRISE RESOURCE PLANNING (ERP BRIEFING)

Secretary-Treasurer Zimmerman shared that the ERP implementation is moving forward. Staff efforts are currently focused on final configuration and testing of Human Resources and Payroll modules in preparation for the first scheduled January payroll.

c) GENERAL COUNSEL (FOR INFORMATION ONLY)

General Counsel Gardner stated there were hearings with the Montgomery County Delegation on the Smoking Bill and the Commissioner Term Limit Bill, of which the Commission took a position in November. He presented Bill MC/PG 114-15, Regulation of Off-Highway Recreational Vehicles in Prince George's County. Bill MC/PG 114-15 requires the Commission, in conjunction with the Prince George's County Department of Parks and Recreation, to adopt regulations governing the use of off-highway recreational vehicles on Commission property located in Prince George's County. He also presented Bill MC/PG 113-15, MNCPPC - Prince George's - Certified County-Based Business Participation Program. The intent of Bill MC/PG 113-15 is to provide a preference for businesses that are located in Prince George's County. Bill MC/PG 113-15, which is being proposed by the Prince George's County Council, presents challenges for the M-NCPPC as a bi-county agency.

General Counsel Gardner presented Bill PG 407-15, Prince George's Board of Education - Public High Schools - Outdoor Synthetic Turf Fields. Bill PG 407-15 mandates that M-NCPPC help fund, through Program Open Space, synthetic turf fields in Prince George's County. Similar bills have been introduced over the past two years. M-NCPPC has indicated support with the appropriate amendments. Bill PG 407-15 will be vetted through the Prince George's County Board and will probably not impact Montgomery County operations. Commissioner Geraldo inquired if the Commissioners need to acquire more knowledge on Bill PG 407-15 before the fields are installed. Chair Hewlett stated this will be a part of the debate

before a position is taken because of environmental concerns and because of allocation of the resources to other areas. Commissioner Wells-Harley stated that several years ago, Montgomery County Parks worked on a taskforce that researched this topic. Montgomery Parks Director Mike Riley served on the taskforce and can provide information if needed. General Counsel Gardner will ensure that the Prince George's County Planning Board receives information from the taskforce.

General Counsel Gardner announced that MC/PG 111-15, Prince George's County – Municipal Zoning Authority allows municipal jurisdictions in Prince George's County to hear detailed and conceptual site plans. Bill MC/PG 111-15 would be structured as an opt-in so any municipality that wants the jurisdiction to do that can sit in and listen to the hearing.


General Counsel Gardner presented Bill MC/PG 104-15, Maryland-National Capital Park and Planning Commission Reform Act of 2015. Bill MC/PG 104-15 calls for the Office of Legislative Audits to conduct a certain performance audit of the Commission to evaluate the effectiveness and efficiency of the management practices of the Commission on request of the Joint Audit Committee, the delegation, County Executive, or County Council. Finally, the Department of Legislative Services, on or before December 2016, is required to conduct a comprehensive evaluation of the Commission's operations and activities relating to the county and submit a report to the General Assembly.

Closing Comments

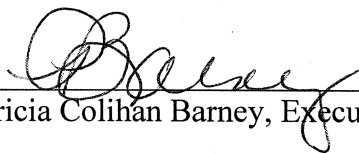
Chair Hewlett commended the male employees for their participation in the men's Health and Wellness events. The level of participation exceeded last year's numbers. Chair Hewlett also thanked the Officers, Directors, Deputies, Managers and all employees for working together in tandem to achieve a successful 2014 and for their contributions in 2015. 2015 will present more challenges and she is confident that this will be a more positive year. Everyone was encouraged to attend the One Commission Holiday Event which followed the Commission meeting. Vice-Chair Anderson was thanked for recommending the Silver Spring Civic Center for the event, and she thanked the M-NCPPC Montgomery County operations for helping host the event.

Vice-Chair Anderson thanked everyone for a successful year. Commissioner Bailey thanked Chair Hewlett, Vice-Chair Anderson, and Commission staff for their generous community service during this holiday season.

There being no further business to discuss, the meeting adjourned at 11:00 a.m.



Gayla Williams, Senior Technical Writer/
Senior Management Analyst



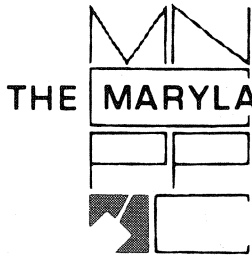
Patricia Colihan Barney, Executive Director

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF DECEMBER 2014

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	11/14	12/14	11/14	12/14	11/14	12/14	11/14	12/14
CHAIRMAN, MONTGOMERY COUNTY	1	1	0	0	0	0	1	1
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	0	0	0	0
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	2	1	0	0	0	1	2
LEGAL DEPARTMENT	3	2	0	1	0	0	3	3
FINANCE DEPARTMENT	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PLANNING	0	0	0	0	0	0	0	0
PRINCE GEORGE'S PARKS & RECREATION	2	2	0	0	0	0	2	2
MONTGOMERY COUNTY PARKS	1	0	0	0	0	0	1	0
MONTGOMERY COUNTY PLANNING	1	1	3	0	0	0	4	1
DEPARTMENT TOTAL BY DAYS LATE	8	8	4	1	0	0	12	9
COMMISSION WIDE TOTAL:							12	9

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

Item 6(a)(2)




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

PCB15-003

January 14, 2015

To: Commissioners
From: Patricia Colihan Barney, Executive Director 
Subject: FY 15 Savings Plan – Informational Briefing

Summary: The Executive Committee and Department Directors have adopted an FY 15 savings plan in preparation for FY 16 fiscal challenges. The savings targets will be 1% to 1.5% of each department's budget.

Background:

At the December Department Directors' meeting, we began a discussion about the need to reduce FY 15 spending in preparation for FY 16 fiscal challenges. The discussion was initially driven by knowledge that both county governments are implementing saving plans.

In addition, the Commission faces direct fiscal challenges for our operations in both counties. In Prince George's County, our long-term fiscal plan indicates that fund balances are being depleted at levels which, although planned, are not sustainable. During the budget work sessions, we plan to work with the County and create a new fiscal plan. The plan will require significant expenditure reductions, and or possible revenue enhancements (i.e., tax increase) or a combination of both.

In Montgomery County, the Chief Administrative Officer has directed that departments develop FY 16 budgets with 3% reductions after incorporating major known commitments. We expect to receive a similar request to develop a list of possible reductions during the Council budget work sessions.

FY 15 Savings Plan Discussion:

The Prince George's County Government OMB savings plan, which is still under discussion, equates to about 1.4% of budgeted revenues. Montgomery County Government OMB has issued a directive for a hiring freeze with certain exceptions and a procurement freeze which requires OMB approval for expenditures over \$10,000. They did not designate a targeted savings percentage.

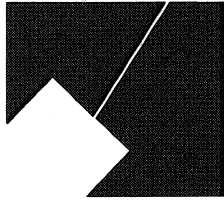
In the past the Commission has implemented savings plans to achieve a targeted percentage of our budget. We have implemented hiring freezes, with exceptions reviewed and authorized by the HR Director and Executive Director. Both processes have been effective in generating savings.

FY 15 Approved Savings Plans: The Executive Committee approved the following savings plans.

- The Montgomery County Directors and CAS Officers will be implementing a 1-1.5% savings plan without a specific hiring freeze.
- The Prince George's County Directors will be implementing a hiring freeze with an exception process for critical positions to help achieve their 1-1.5% savings plan.
- All plans will target savings opportunities that could be continued into the FY 16 budget if necessary.

The plans will be shared with the Secretary-Treasurer and the Executive Director to monitor implementation. Progress will be reported to the Planning Boards during the normal quarterly financial projections process.

H:\Commissionsavingsplanfy15

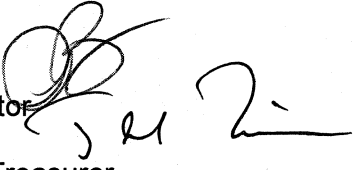


The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

January 13, 2015

TO: Commissioners

VIA: Patricia C. Barney, Executive Director 

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— Fourth Quarter FY14

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY14 report include:

- Attachment A indicates that through the fourth quarter of FY14, the Commission procured approximately \$124.9 million in goods, professional services, construction and miscellaneous services. Approximately 24.3% or \$30.4 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the fourth quarter MFD utilization was 22.3%. The cumulative utilization through fourth quarter FY14 was 24.3%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the fourth quarter of FY14 was 29.0%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the fourth quarter are 22.0% and 32.1%, respectively.
- Attachment D presents the FY14 activity for the Purchase Card program totaling approximately \$10.7 million of which 1.8 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 8.6% of the Commission's total procurement dollars. One reason for lower MFD participation on

the purchase card is that the cards are used with national retail corporations when a quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to fourth quarter FY14.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 19.6% in informal (under \$30,000) and 26.7% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 18.4%. MFD vendors are participating at an overall rate of 29.3% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$124.9 million in total procurement, \$90.7 million was procured from Maryland vendors. Of the \$30.4 million in procurement from MFD vendors, \$24.9 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: African American, Asian, American Indian, and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 17, 2011.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 2.8% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2014
FOR TWELVE MONTHS ENDED JUNE 30, 2014

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
<u>Prince George's County</u>						
Commissioners' Office	\$ 107,261	\$	-	-	\$ 10,232	9.5%
Planning Department	3,880,549		16,415	1	918,593	23.7%
Parks and Recreation Department	74,220,595		1,966,214	30	16,317,731	22.0%
Total	<u>78,208,405</u>		<u>1,982,629</u>	<u>31</u>	<u>17,246,556</u>	<u>22.1%</u>
<u>Montgomery County</u>						
Commissioners' Office	20,840		-	-	6,794	32.6%
Planning Department	3,726,317		193,949	5	433,790	11.6%
Parks Department	38,167,094		865,148	8	12,263,300	32.1%
Total	<u>41,914,251</u>		<u>1,059,097</u>	<u>13</u>	<u>12,703,884</u>	<u>30.3%</u>
<u>Central Administrative Services</u>						
Dept. of Human Resources and Mgt.	1,677,344		-	-	155,352	9.3%
Finance Department	2,395,878		112,700	1	249,013	10.4%
Legal Department	493,122		423,371	6	12,243	2.5%
Merit Board	20,001		12,000	1	17,000	85.0%
Office of Chief Information Officer	105,396		-	-	9,207	8.7%
Office of Internal Auditor	54,881		-	-	6,568	12.0%
Total	<u>4,746,622</u>		<u>548,071</u>	<u>8</u>	<u>449,383</u>	<u>9.5%</u>
Grand Total	<u>\$ 124,869,278</u>	<u>\$</u>	<u>3,589,797</u>	<u>52</u>	<u>\$ 30,399,823</u>	<u>24.3%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department.
October 29, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2014

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	32.1%	14.3%	14.8%	9.5%
Planning Department	35.8%	23.4%	23.7%	23.7%
Parks and Recreation Department	24.1%	23.1%	21.6%	22.0%
Total	24.4%	23.1%	21.7%	22.1%
<u>Montgomery County</u>				
Commissioners' Office	13.8%	17.9%	23.8%	32.6%
Planning Department	2.3%	2.3%	7.2%	11.6%
Parks Department	15.0%	15.7%	33.9%	32.1%
Total	14.5%	14.8%	32.8%	30.3%
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	32.4%	8.2%	9.5%	9.3%
Finance Department	7.4%	9.9%	10.0%	10.4%
Legal Department	2.8%	1.4%	1.5%	2.5%
Merit Board	100.0%	96.0%	96.0%	85.0%
Office of Chief Information Officer	4.6%	5.0%	4.9%	8.7%
Office of Internal Auditor	29.5%	22.0%	27.5%	12.0%
Total	11.6%	9.0%	9.5%	9.5%
Grand Total	21.1%	19.9%	25.3%	24.3%

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	32.1%	4.7%	16.0%	6.6%	9.5%
Planning Department	35.8%	11.7%	24.0%	23.6%	23.7%
Parks and Recreation Department	24.1%	21.5%	18.4%	22.7%	22.0%
Total	24.4%	21.1%	18.8%	22.7%	22.1%
<u>Montgomery County</u>					
Commissioners' Office	13.8%	27.3%	28.3%	40.6%	32.6%
Planning Department	2.3%	2.3%	22.7%	14.3%	11.6%
Parks Department	15.0%	16.5%	50.4%	25.0%	32.1%
Total	14.5%	15.1%	49.9%	22.6%	30.3%
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	32.4%	3.3%	13.5%	8.8%	9.3%
Finance Department	7.4%	18.1%	10.2%	12.2%	10.4%
Legal Department	2.8%	0.9%	1.9%	4.4%	2.5%
Merit Board	100.0%	0.0%	0.0%	0.0%	85.0%
Office of Chief Information Officer	4.6%	100.0%	0.0%	51.0%	8.7%
Office of Internal Auditor	29.5%	6.8%	70.4%	0.0%	12.0%
Total	11.6%	6.2%	10.5%	9.4%	9.5%
Grand Total	21.1%	18.4%	33.6%	22.3%	24.3%

Prepared by Finance Department
October 29, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY
FY 2014
FOR TWELVE MONTHS ENDED JUNE 30, 2014

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 35,749,413	\$ 756,655	\$ 10,730,139	\$ 23,307,318	\$ 455,352	\$ 225,291	\$ 21,821	\$ 252,837
MFD\$	\$ 4,342,941	\$ 50,846	\$ 609,425	\$ 3,347,017	\$ 122,972	\$ 113,072	\$ 11,975	\$ 87,634
Percentage	12.1%	6.7%	5.7%	14.4%	27.0%	50.2%	54.9%	34.7%
Miscellaneous Services:								
Total \$	\$ 29,706,984	\$ 1,187,381	\$ 6,499,354	\$ 19,150,956	\$ 1,391,346	\$ 425,376	\$ 113,760	\$ 938,811
MFD\$	\$ 9,783,071	\$ 203,047	\$ 1,845,296	\$ 7,326,490	\$ 246,808	\$ 36,930	\$ 268	\$ 124,232
Percentage	32.9%	17.1%	28.4%	38.3%	17.7%	8.7%	0.2%	13.2%
Professional Services:								
Total \$	\$ 11,305,039	\$ 1,732,669	\$ 1,704,738	\$ 3,676,675	\$ 1,861,359	\$ 767,827	\$ 357,541	\$ 1,204,230
MFD\$	\$ 2,344,191	\$ 179,897	\$ 680,742	\$ 895,192	\$ 548,813	\$ 2,400	\$ 0	\$ 37,147
Percentage	20.7%	10.4%	39.9%	24.3%	29.5%	0.3%	0.0%	3.1%
Construction:								
Total \$	\$ 47,799,463	\$ 49,612	\$ 19,232,863	\$ 28,085,646	\$ 172,492	\$ 258,850	\$ 0	\$ 0
MFD\$	\$ 13,879,819	\$ 0	\$ 9,127,837	\$ 4,749,032	\$ 0	\$ 2,950	\$ 0	\$ 0
Percentage	29.0%	0.0%	47.5%	16.9%	0.0%	1.1%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 124,560,899	\$ 3,726,317	\$ 38,167,094	\$ 74,220,595	\$ 3,880,549	\$ 1,677,344	\$ 493,122	\$ 2,395,878
MFD\$	\$ 30,350,022	\$ 433,790	\$ 12,263,300	\$ 16,317,731	\$ 918,593	\$ 155,352	\$ 12,243	\$ 249,013
Percentage	24.4%	11.6%	32.1%	22.0%	23.7%	9.3%	2.5%	10.4%
Pr. Geo. Commissioners' Office								
Total \$	\$ 107,261							
MFD\$	\$ 10,232							
Percentage	9.5%							
Mont. Commissioners' Office								
Total \$	\$ 20,840							
MFD\$	\$ 6,794							
Percentage	32.6%							
Merit Board								
Total \$	\$ 20,001							
MFD\$	\$ 17,000							
Percentage	85.0%							
Office of Chief Information Officer								
Total \$	\$ 105,396							
MFD\$	\$ 9,207							
Percentage	8.7%							
Office of Internal Auditor								
Total \$	\$ 54,881							
MFD\$	\$ 6,568							
Percentage	12.0%							
GRAND TOTAL \$	\$ 124,869,278							
MFD\$	\$ 30,399,823							
Percentage	24.3%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2014
FOR TWELVE MONTHS ENDED JUNE 30, 2014

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 107,261	9.5%	\$ 60,066	13.7%
Planning Department	3,880,549	23.7%	149,292	0.0%
Parks and Recreation Department	74,220,595	22.0%	5,892,862	1.2%
Total	<u>78,208,405</u>	<u>22.1%</u>	<u>6,102,220</u>	<u>1.3%</u>
<u>Montgomery County</u>				
Commissioners' Office	20,840	32.6%	6,398	0.0%
Planning Department	3,726,317	11.6%	149,869	0.2%
Parks Department	38,167,094	32.1%	4,376,721	2.6%
Total	<u>41,914,251</u>	<u>30.3%</u>	<u>4,532,988</u>	<u>2.6%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	1,677,344	9.3%	24,423	0.0%
Finance Department	2,395,878	10.4%	104,262	3.5%
Legal Department	493,122	2.5%	9,182	0.0%
Merit Board	20,001	85.0%	-	0.0%
Office of Chief Information Officer	105,396	8.7%	7,189	0.0%
Office of Internal Auditor	54,881	12.0%	795	0.0%
Total	<u>4,746,622</u>	<u>9.5%</u>	<u>145,851</u>	<u>2.5%</u>
Grand Total	<u>\$ 124,869,278</u>	<u>24.3%</u>	<u>\$ 10,781,059</u>	<u>1.8%</u>

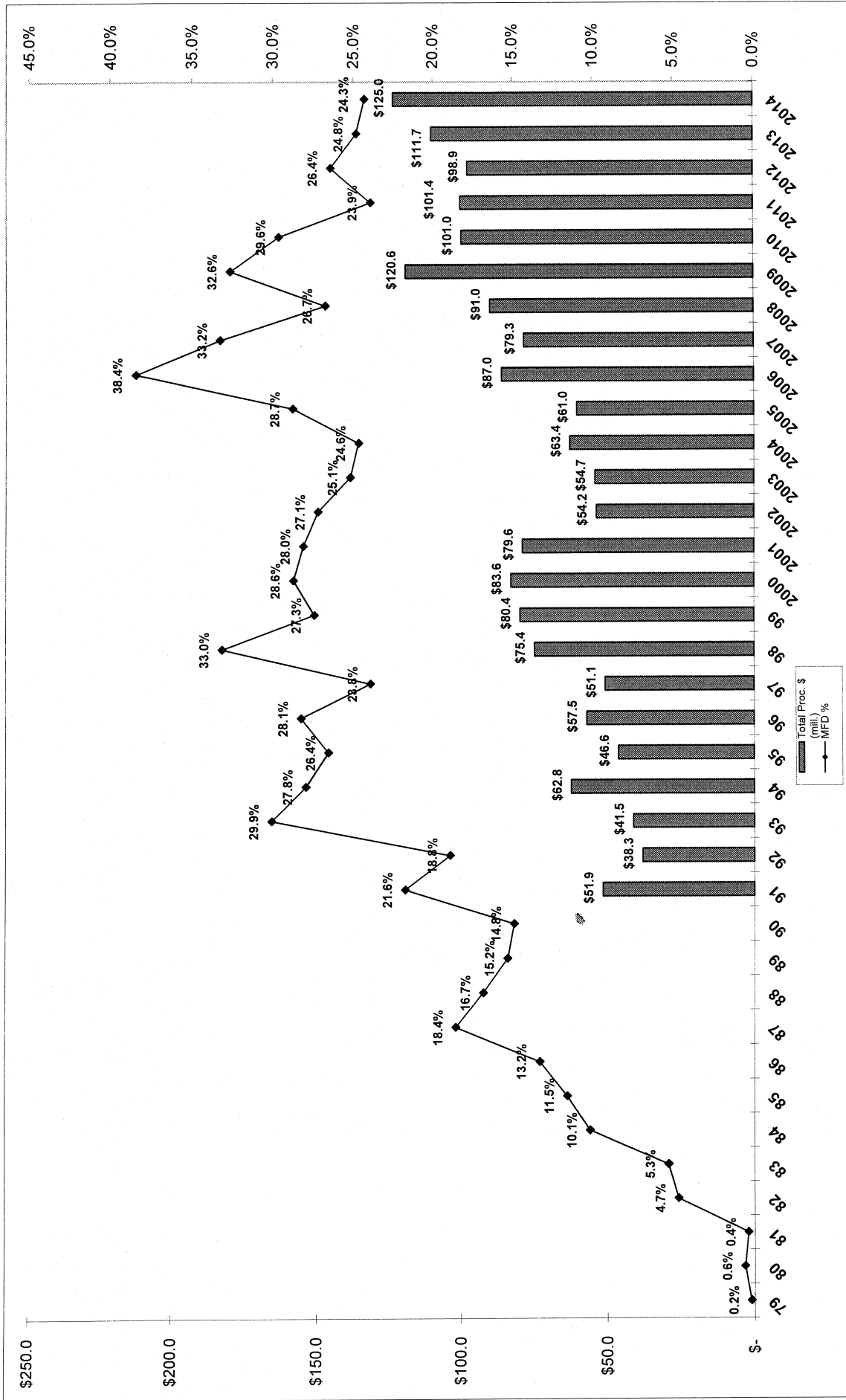
Percentage of Purchase Card Procurement to Total Procurement **8.6%**

Prepared by Finance Department
October 29, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



Prepared by Finance Department
October 29, 2014

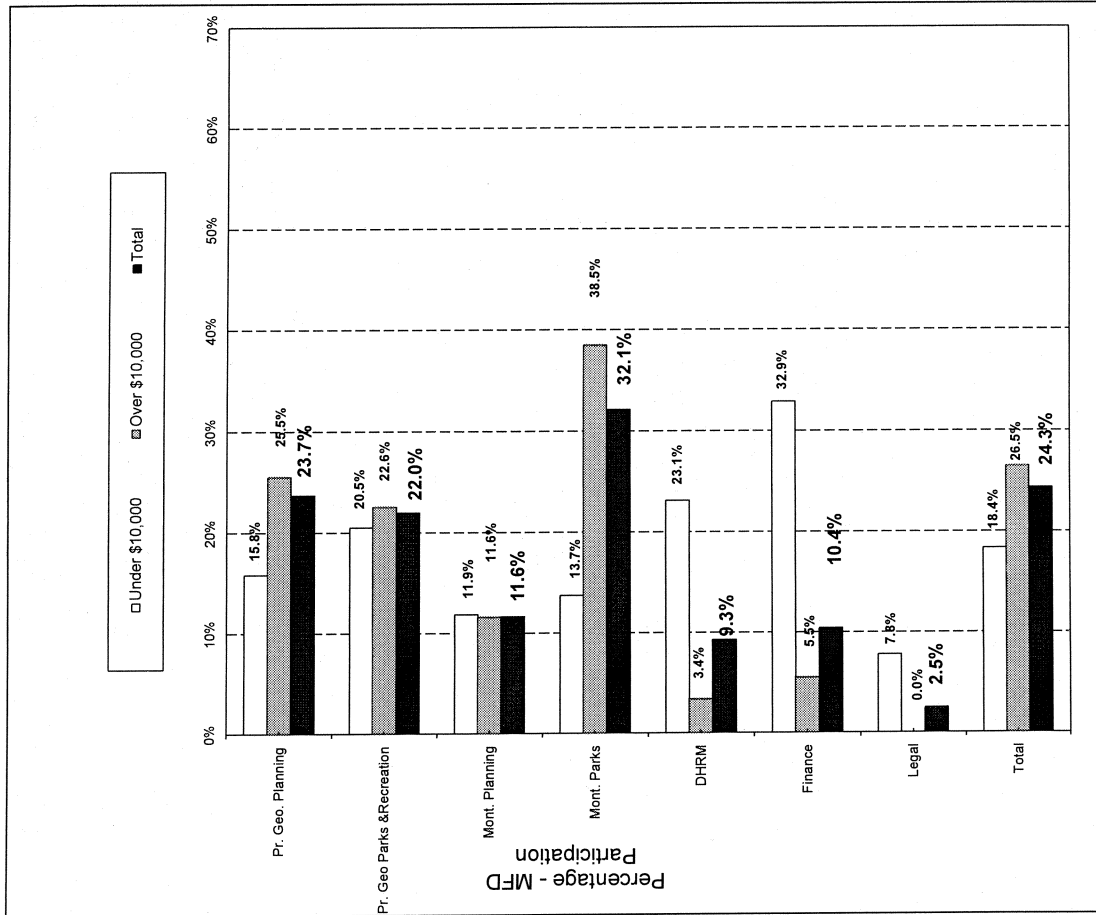
Attachment F

The Maryland-National Capital Park and Planning Commission

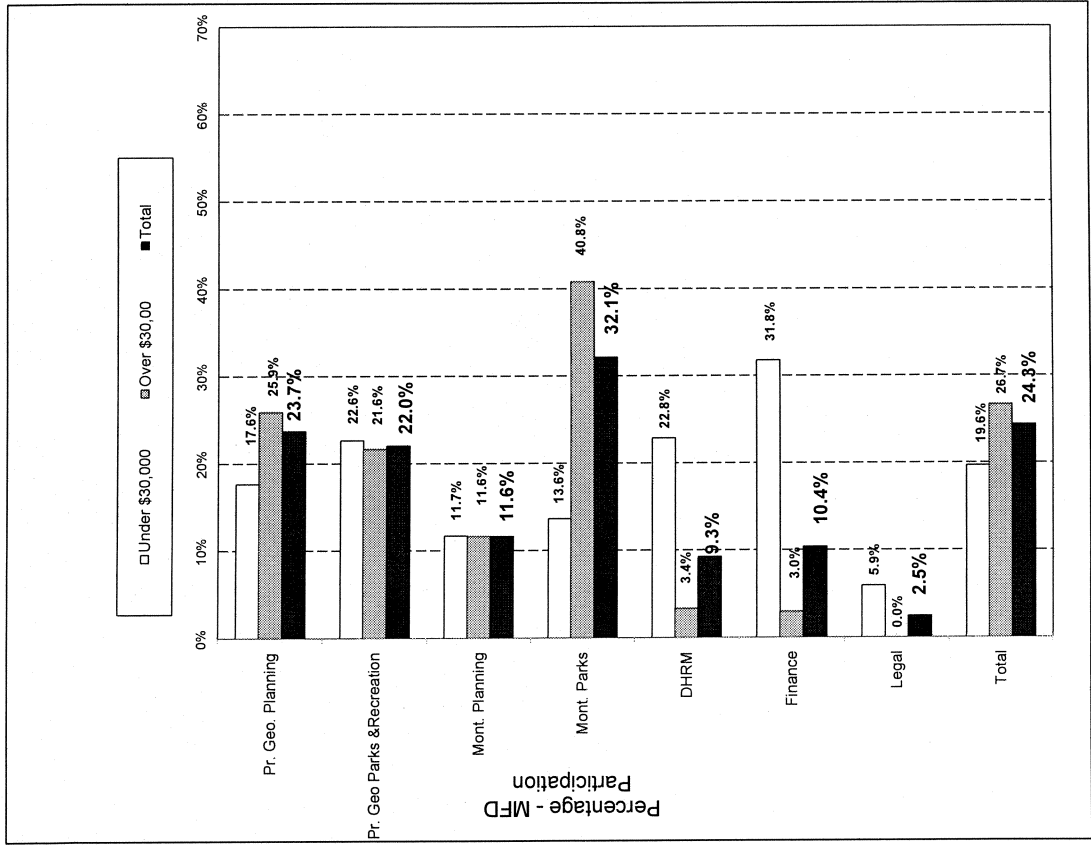
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2014

Under/Over \$10,000

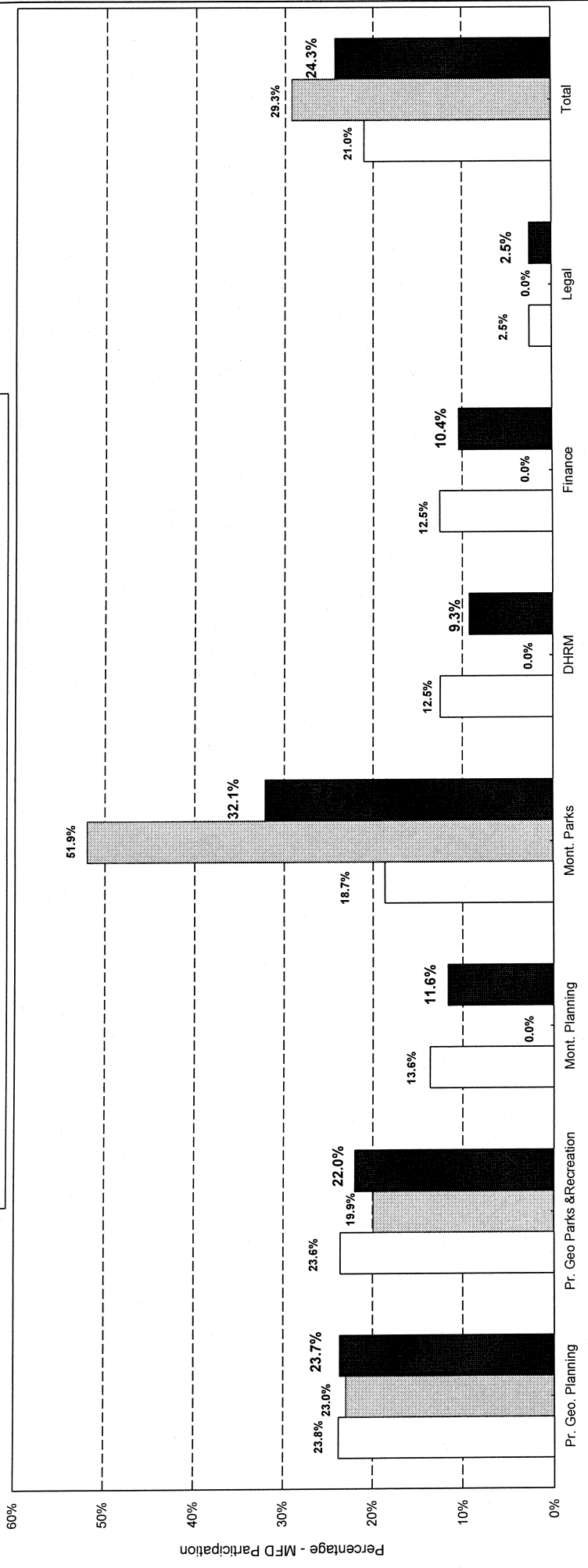


Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2014

□ Under \$250,000 □ Over \$250,000 ■ TOTAL



Prepared by Finance Department
 October 29, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2014
FOR TWELVE MONTHS ENDED JUNE 30, 2014

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number (2)</u>	<u>Percentage</u>
Montgomery County	\$ 23,581,554	18.9%	387	16.0%
Prince George's County	19,391,221	15.5%	799	33.0%
Subtotal	42,972,775	34.4%	1,186	49.0%
Maryland - other locations	47,720,820	38.2%	440	18.1%
Total Maryland	90,693,595	72.6%	1,626	67.1%
District of Columbia	2,790,317	2.2%	131	5.4%
Virginia	5,087,660	4.1%	175	7.2%
Other Locations	26,297,706	21.1%	493	20.3%
Total	\$ 124,869,278	100.0%	2,425	100.0%

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number (2)</u>	<u>Percentage</u>
Montgomery County	\$ 13,133,798	13.9%	261	15.2%
Prince George's County	10,991,532	11.6%	491	28.6%
Subtotal	24,125,330	25.5%	752	43.8%
Maryland - other locations	41,708,673	44.2%	333	19.3%
Total Maryland	65,834,003	69.7%	1,085	63.1%
District of Columbia	1,337,613	1.4%	78	4.5%
Virginia	3,381,045	3.6%	129	7.5%
Other Locations	23,916,794	25.3%	429	24.9%
Total	\$ 94,469,455	100.0%	1,721	100.0%

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number (2)</u>	<u>Percentage</u>
Montgomery County	\$ 10,447,756	34.4%	126	17.9%
Prince George's County	8,399,689	27.6%	308	43.8%
Subtotal	18,847,445	62.0%	434	61.7%
Maryland - other locations	6,012,147	19.8%	107	15.2%
Total Maryland	24,859,592	81.8%	541	76.9%
District of Columbia	1,452,704	4.8%	53	7.5%
Virginia	1,706,615	5.6%	46	6.5%
Other Locations	2,380,912	7.8%	64	9.1%
Total	\$ 30,399,823	100.0%	704	100.0%

Notes: (1) The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties. (2) FY 2014 3rd quarter numbers due to conversion to new financial system in the 4th quarter.

	<u>Total Procurement (1)</u>		<u>MFD Procurement (1)</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 80,581,716	64.5%	\$ 17,471,247	57.5%
Montgomery County	44,287,562	35.5%	12,928,576	42.5%
Total	\$ 124,869,278	100.0%	\$ 30,399,823	100.0%

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS

FY 2014

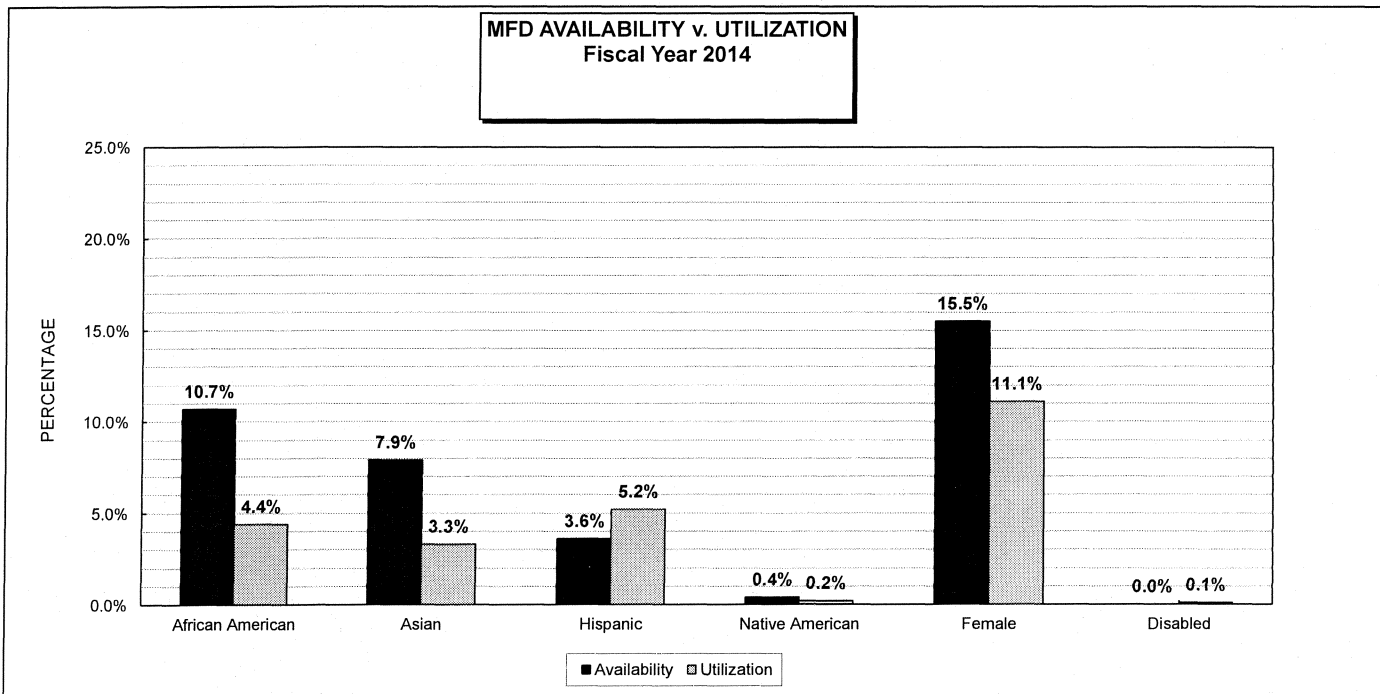
FOR TWELVE MONTHS ENDED JUNE 30, 2014

Attachment I

Total Amount of Procurement \$ 124,869,728

Amount, Percentage of Procurement by Category, and
Percentage of Availability by Category:

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 5,469,083	4.4%	10.7%
Asian	4,103,369	3.3%	7.9%
Hispanic	6,435,559	5.2%	3.6%
Native American	275,563	0.2%	0.4%
Total Minority Owned Firms	16,283,574	13.1%	22.6%
Female Owned Firms	14,023,517	11.1%	15.5%
Disabled Owned Firms	92,732	0.1%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 30,399,823	24.3%	38.1%



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

(2) n/a = not available

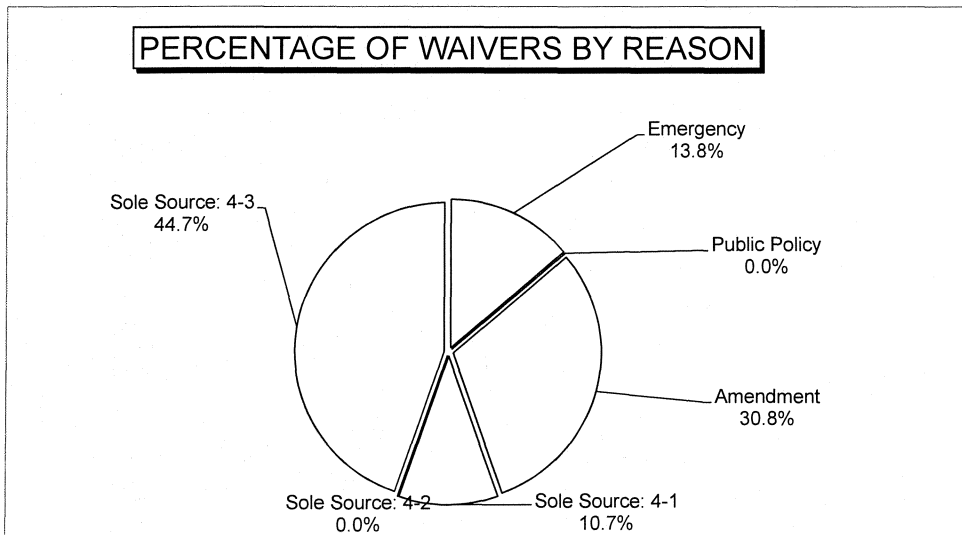
Prepared by Finance Department

October 29, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2014
FOR TWELVE MONTHS ENDED JUNE 30, 2014

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	7	\$ 495,372	13.8%
Public Policy	0	\$ -	0.0%
Amendment	27	\$ 1,104,500	30.8%
Sole Source: 4-1	8	\$ 385,544	10.7%
Sole Source: 4-2	0	\$ -	0.0%
Sole Source: 4-3	10	\$ 1,604,411	44.7%
Total	52	\$ 3,589,827	100.0%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2014
FOR THE TWELVE MONTHS ENDED JUNE 30, 2014**

Attachment K

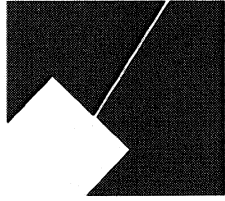
	Total Waivers		MFD Waivers		% of MFD		Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source	
	\$	Number	\$	Number	%	%	\$	Number	\$	Number	\$	Number	%	%
Prince George's County														
Commissioners' Office	0	0	-	0	0.0%	0.0%	\$ -	0	\$ -	0	-	0	0.0%	0.0%
Planning Department	16,415	1	-	0	0.0%	0.0%	-	0	-	0	-	0	0.0%	0.0%
Parks and Recreation Department	1,966,214	30	402,266	10	20.5%	20.5%	224,844	6	-	0	764,446	7	50.3%	50.3%
Total	1,982,629	31	402,266	10	20.3%	20.3%	224,844	6	-	0	764,446	7	49.9%	49.9%
Montgomery County														
Commissioners' Office	-	0	-	0	0.0%	0.0%	-	0	-	0	-	0	0.0%	0.0%
Planning Department	193,949	5	-	0	0.0%	0.0%	48,000	1	-	0	108,365	2	80.6%	80.6%
Parks Department	865,148	8	-	0	0.0%	0.0%	-	0	-	0	731,600	1	84.6%	84.6%
Total	1,059,097	13	-	0	0.0%	0.0%	48,000	1	-	0	839,965	3	83.8%	83.8%
Central Administrative Services														
Dept. of Human Resources and Mgt.	0	0	-	0	0.0%	0.0%	-	0	-	0	-	0	0.0%	0.0%
Finance Department	112,700	1	-	0	0.0%	0.0%	112,700	1	-	0	-	0	100.0%	100.0%
Legal Department	423,371	6	-	0	0.0%	0.0%	-	0	-	0	-	0	0.0%	0.0%
Merit Board	12,000	1	12,000	1	100.0%	100.0%	-	0	-	0	-	0	0.0%	0.0%
Total	548,071	8	12,000	1	2.2%	2.2%	112,700	1	-	0	-	0	20.6%	20.6%
Grand Total	\$ 3,589,797	52	\$ 414,266	11	11.5%	11.5%	\$ 385,544	8	\$ -	0	\$ 1,604,411	10	55.4%	55.4%

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

- It has been determined that:
- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
 - 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
 - 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.



The Maryland-National Capital Park & Planning Commission
Department of Finance - Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1600 Fax: 301-454-1606

January 13, 2015

TO: Commissioners

VIA: Patricia C. Barney, Executive Director

FROM: Joseph C. Zimmerman, Secretary/Treasurer

SUBJECT: MFD Purchasing Statistics— First Quarter FY15

The Commission's procurement policy (Practice 4-10, Purchasing) includes an anti-discrimination component which assures that fair and equitable vendor opportunities are made available to minority, female or disabled owned firms (MFDs). This program is administered jointly by the Office of the Executive Director and the Purchasing Division and includes a price preference program and an MFD subcontracting component based on the Commission procurement practices and the available MFD vendors in the marketplace. The price preference program has been suspended until a MFD study is conducted to provide evidence that the price preference is/is not needed. This report is provided for your information and may be found on the Commission's intranet.

Some of the observations of this FY15 report include:

- Attachment A indicates that through the first quarter of FY15, the Commission procured approximately \$41.6 million in goods, professional services, construction and miscellaneous services. Approximately 29% or \$12.0 million was spent with minority, female and disabled (MFD) owned firms.
- Attachment B indicates that in the first quarter MFD utilization was 29%.
- Attachment C represents the MFD participation by type of procurement. The MFD participation for construction through the first quarter of FY15 was 36.2%. Attachment C also indicates that the largest consumers of goods and services in the Commission are the Prince George's County Department of Parks and Recreation and the Montgomery County Department of Parks. These programs significantly impact the Commission's utilization of MFD firms. The MFD cumulative utilization numbers for these departments through the first quarter are 11.7% and 58.4%, respectively.
- Attachment D presents the FY15 activity for the Purchase Card program totaling approximately \$3.2 million of which 2.1 % was spent with minority, female and disabled (MFD) firms. The amount of procurement card activity represents approximately 7.7% of the Commission's total procurement dollars. One reason for lower MFD participation on the purchase card is that the cards are used with national retail corporations when a

quick purchase for a maintenance job is needed. The purchase cards are also used for training registration in order to guarantee attendance.

- Attachment E portrays the historic MFD participation rates, and the total procurement from FY 1991 to first quarter FY15.
- Attachments F and G shows the MFD participation in procurements at various bid levels to determine if MFD vendors are successful in obtaining opportunities in procurements that require informal bidding and formal bidding. Based on the department analysis, MFD vendors do appear to be participating, at an overall rate of 19.6% in informal (under \$30,000) and 32% in the formal (over \$30,000) procurements. In the newest delegation for transactions under \$10k, MFD participation is 16.5%. MFD vendors are participating at an overall rate of 34.4% in transactions over \$250,000.
- Attachment H presents the total amount of procurements and the number of vendors by location. Of the \$41.5 million in total procurement, \$32.0 million was procured from Maryland vendors. Of the \$12.1 million in procurement from MFD vendors, \$11.6 million was procured from MFD vendors located in Maryland.
- Attachment I compares the utilization of MFD vendors by the Commission with the availability of MFD vendors. The results show under-utilization in the following categories: Asian, Hispanic and Females. The amount and percentage of procurement from MFD vendors is broken out by categories as defined by the Commission's Anti-Discrimination Policy. The availability percentages are taken from the most recent State of Maryland disparity study dated February 17, 2011.
- Attachments J and K are prepared by the Department of Human Resources and Management and show the amount and number of waivers of the procurement policy by department and by reason for waiver. Total waivers were approximately 1% of total procurement.

For further information on the MFD report, please contact the Office of Executive Director at (301) 454-1740.

Attachments

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
FY 2015
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014

Attachment A

	<u>Procurement</u>		<u>Waivers</u>		<u>Procurement</u>	
	<u>Total \$</u>		<u>Total \$</u>	<u>Total #</u>	<u>MFD \$</u>	<u>%</u>
Prince George's County						
Commissioners' Office	\$ 37,778	\$ -	-	-	\$ 5,744	15.2%
Planning Department	572,456	-	-	-	293,843	51.3%
Parks and Recreation Department	25,079,647	90,577	6	6	2,938,928	11.7%
Total	<u>25,689,881</u>	<u>90,577</u>	<u>6</u>	<u>6</u>	<u>3,238,515</u>	<u>12.6%</u>
Montgomery County						
Commissioners' Office	8,163	-	-	-	-	0.0%
Planning Department	408,857	-	-	-	47,856	11.7%
Parks Department	14,784,634	88,746	1	1	8,633,813	58.4%
Total	<u>15,201,654</u>	<u>88,746</u>	<u>1</u>	<u>1</u>	<u>8,681,669</u>	<u>57.1%</u>
Central Administrative Services						
Dept. of Human Resources and Mgt.	202,082	174,000	1	1	77,939	38.6%
Finance Department	439,352	-	-	-	55,611	12.7%
Legal Department	42,747	-	-	-	4,700	11.0%
Merit Board	1,272	-	-	-	-	0.0%
Office of Chief Information Officer	13,870	-	-	-	206	1.5%
Office of Internal Auditor	3,103	-	-	-	-	0.0%
Total	<u>702,426</u>	<u>174,000</u>	<u>1</u>	<u>1</u>	<u>138,456</u>	<u>19.7%</u>
Grand Total	<u>\$ 41,593,961</u>	<u>\$ 353,323</u>	<u>8</u>	<u>8</u>	<u>\$ 12,058,640</u>	<u>29.0%</u>

Note: The "Waivers" columns report the amount and number of purchases approved to be exempt from the competitive procurement process, including sole source procurements.

Prepared by Finance Department
November 18, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS

FY 2015

MFD STATISTICS - CUMULATIVE AND ACTIVITY BY QUARTER

Attachment B

CUMULATIVE BY QUARTER

	SEPTEMBER	DECEMBER	MARCH	JUNE
<u>Prince George's County</u>				
Commissioners' Office	15.2%			
Planning Department	51.3%			
Parks and Recreation Department	11.7%			
Total	<u>12.6%</u>			
<u>Montgomery County</u>				
Commissioners' Office	0.0%			
Planning Department	11.7%			
Parks Department	58.4%			
Total	<u>57.1%</u>			
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	38.6%			
Finance Department	12.7%			
Legal Department	11.0%			
Merit Board	0.0%			
Office of Chief Information Officer	1.5%			
Office of Internal Auditor	0.0%			
Total	<u>19.7%</u>			
Grand Total	<u><u>29.0%</u></u>			

ACTIVITY BY QUARTER

	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	TOTAL
<u>Prince George's County</u>					
Commissioners' Office	15.2%				15.2%
Planning Department	51.3%				51.3%
Parks and Recreation Department	11.7%				11.7%
Total	<u>12.6%</u>				<u>12.6%</u>
<u>Montgomery County</u>					
Commissioners' Office	0.0%				0.0%
Planning Department	11.7%				11.7%
Parks Department	58.4%				58.4%
Total	<u>57.1%</u>				<u>57.1%</u>
<u>Central Administrative Services</u>					
Dept. of Human Resources and Mgt.	38.6%				38.6%
Finance Department	12.7%				12.7%
Legal Department	11.0%				11.0%
Merit Board	0.0%				0.0%
Office of Chief Information Officer	1.5%				1.5%
Office of Internal Auditor	0.0%				0.0%
Total	<u>19.7%</u>				<u>19.7%</u>
Grand Total	<u><u>29.0%</u></u>				<u><u>29.0%</u></u>

Prepared by Finance Department
November 18, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT STATISTICS
BY MAJOR PROCUREMENT CATEGORY

FY 2015
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014

ATTACHMENT C

	Grand Total	Montgomery Planning	Montgomery Parks	Pr. Geo. Parks & Recreation	Pr. Geo. Planning	Dept. of Human Res. & Mgt.	Legal Department	Finance Department
Goods:								
Total \$	\$ 8,128,755	\$ 88,687	\$ 3,284,530	\$ 4,545,392	\$ 62,134	\$ 55,954	\$ 4,901	\$ 87,157
MFD\$	\$ 765,276	\$ 11,571	\$ 148,648	\$ 495,433	\$ 5,660	\$ 43,670	\$ 4,700	\$ 55,594
Percentage	9.4%	13.0%	4.5%	10.9%	9.1%	78.0%	95.9%	63.8%
Miscellaneous Services:								
Total \$	\$ 4,173,413	\$ 237,285	\$ 938,292	\$ 2,273,407	\$ 245,317	\$ 89,071	\$ 37,846	\$ 352,195
MFD\$	\$ 935,004	\$ 6,705	\$ 275,832	\$ 601,545	\$ 28,038	\$ 22,867	\$ 0	\$ 17
Percentage	22.4%	2.8%	29.4%	26.5%	11.4%	25.7%	0.0%	0.0%
Professional Services:								
Total \$	\$ 1,651,808	\$ 52,896	\$ 233,029	\$ 1,060,083	\$ 260,145	\$ 45,655	\$ 0	\$ 0
MFD\$	\$ 371,283	\$ 29,580	\$ 3,870	\$ 77,688	\$ 260,145	\$ 0	\$ 0	\$ 0
Percentage	22.5%	55.9%	1.7%	7.3%	100.0%	0.0%	0.0%	0.0%
Construction:								
Total \$	\$ 27,575,799	\$ 29,989	\$ 10,328,783	\$ 17,200,765	\$ 4,860	\$ 11,402	\$ 0	\$ 0
MFD\$	\$ 9,981,127	\$ 0	\$ 8,205,463	\$ 1,764,262	\$ 0	\$ 11,402	\$ 0	\$ 0
Percentage	36.2%	0.0%	79.4%	10.3%	0.0%	100.0%	0.0%	0.0%
SUBTOTAL								
Total \$	\$ 41,529,775	\$ 408,857	\$ 14,784,634	\$ 25,079,647	\$ 572,456	\$ 202,082	\$ 42,747	\$ 439,352
MFD\$	\$ 12,052,690	\$ 47,856	\$ 8,633,813	\$ 2,938,928	\$ 293,843	\$ 77,939	\$ 4,700	\$ 55,611
Percentage	29.0%	11.7%	58.4%	11.7%	51.3%	38.6%	11.0%	12.7%
Pr. Geo. Commissioners' Office								
Total \$	\$ 37,778							
MFD\$	\$ 5,744							
Percentage	15.2%							
Mont. Commissioners' Office								
Total \$	\$ 8,163							
MFD\$	\$ 0							
Percentage	0.0%							
Merit Board								
Total \$	\$ 1,272							
MFD\$	\$ 0							
Percentage	0.0%							
Office of Chief Information Officer								
Total \$	\$ 13,870							
MFD\$	\$ 206							
Percentage	1.5%							
Office of Internal Auditor								
Total \$	\$ 3,103							
MFD\$	\$ 0							
Percentage	0.0%							
GRAND TOTAL \$	\$ 41,593,961							
MFD\$	\$ 12,058,640							
Percentage	29.0%							

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MFD PROCUREMENT STATISTICS
Comparison of MFD % for Total Procurement and Purchase Card Procurement
FY 2015
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014

Attachment D

	Total Procurement		Purchase Card Procurement	
	Total \$	MFD %	Total \$	MFD %
<u>Prince George's County</u>				
Commissioners' Office	\$ 37,778	15.2%	\$ 20,191	17.6%
Planning Department	572,456	51.3%	28,543	0.0%
Parks and Recreation Department	25,079,647	11.7%	1,711,705	1.7%
Total	<u>25,689,881</u>	<u>12.6%</u>	<u>1,760,439</u>	<u>1.9%</u>
<u>Montgomery County</u>				
Commissioners' Office	8,163	0.0%	1,439	0.0%
Planning Department	408,857	11.7%	39,491	4.0%
Parks Department	14,784,634	58.4%	1,361,379	2.2%
Total	<u>15,201,654</u>	<u>14.5%</u>	<u>1,402,309</u>	<u>2.3%</u>
<u>Central Administrative Services</u>				
Dept. of Human Resources and Mgt.	202,082	38.6%	5,251	0.0%
Finance Department	439,352	12.7%	28,518	6.7%
Legal Department	42,747	11.0%	500	0.0%
Merit Board	1,272	0.0%	-	0.0%
Office of Chief Information Officer	13,870	1.5%	318	0.0%
Office of Internal Auditor	3,103	0.0%	3,103	0.0%
Total	<u>702,426</u>	<u>19.7%</u>	<u>37,690</u>	<u>5.0%</u>
Grand Total	<u>\$ 41,593,961</u>	<u>29.0%</u>	<u>\$ 3,200,438</u>	<u>2.1%</u>

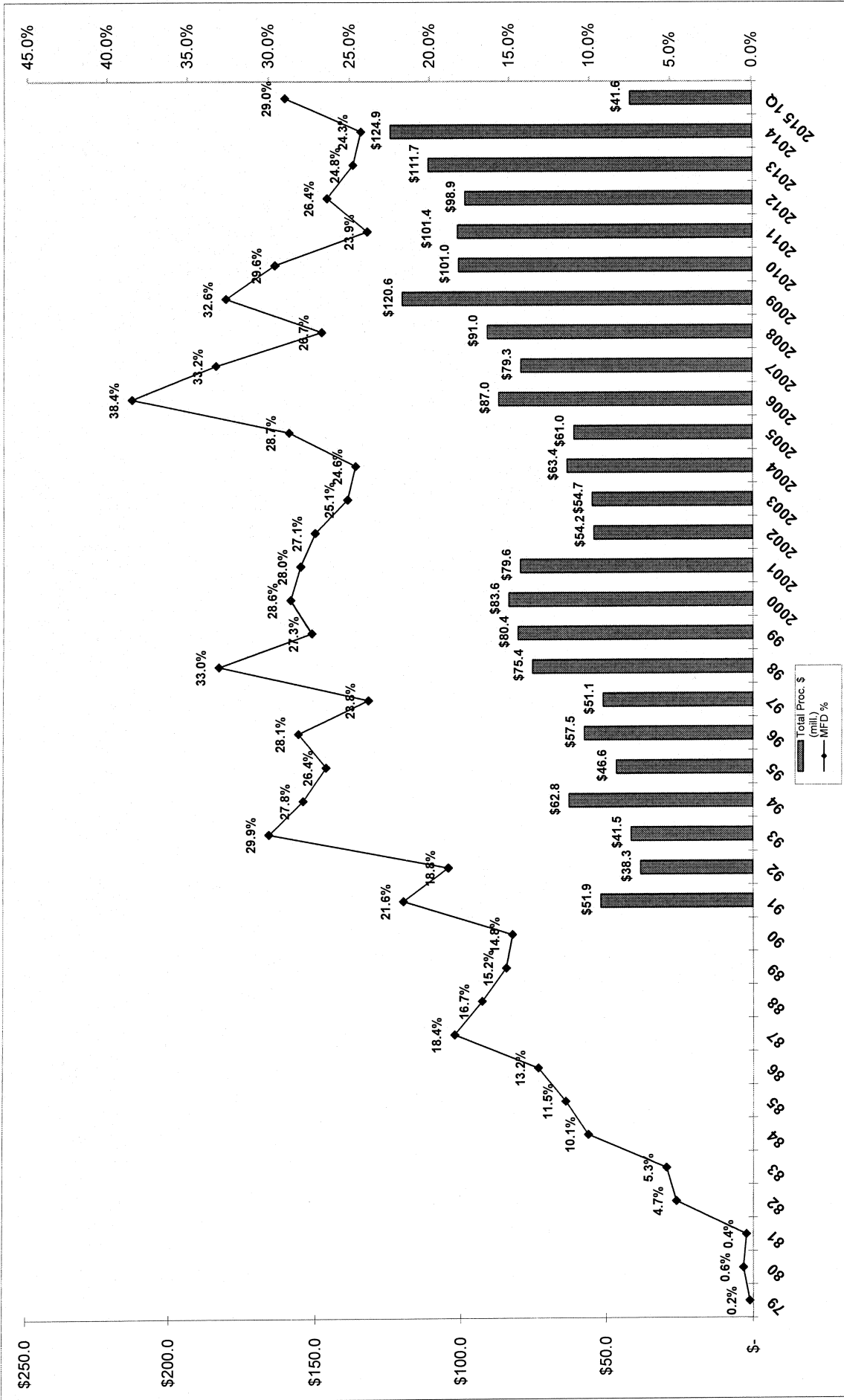
Percentage of Purchase Card Procurement to Total Procurement **7.7%**

Prepared by Finance Department
November 18, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS and TOTAL PROCUREMENT (millions)

Attachment E



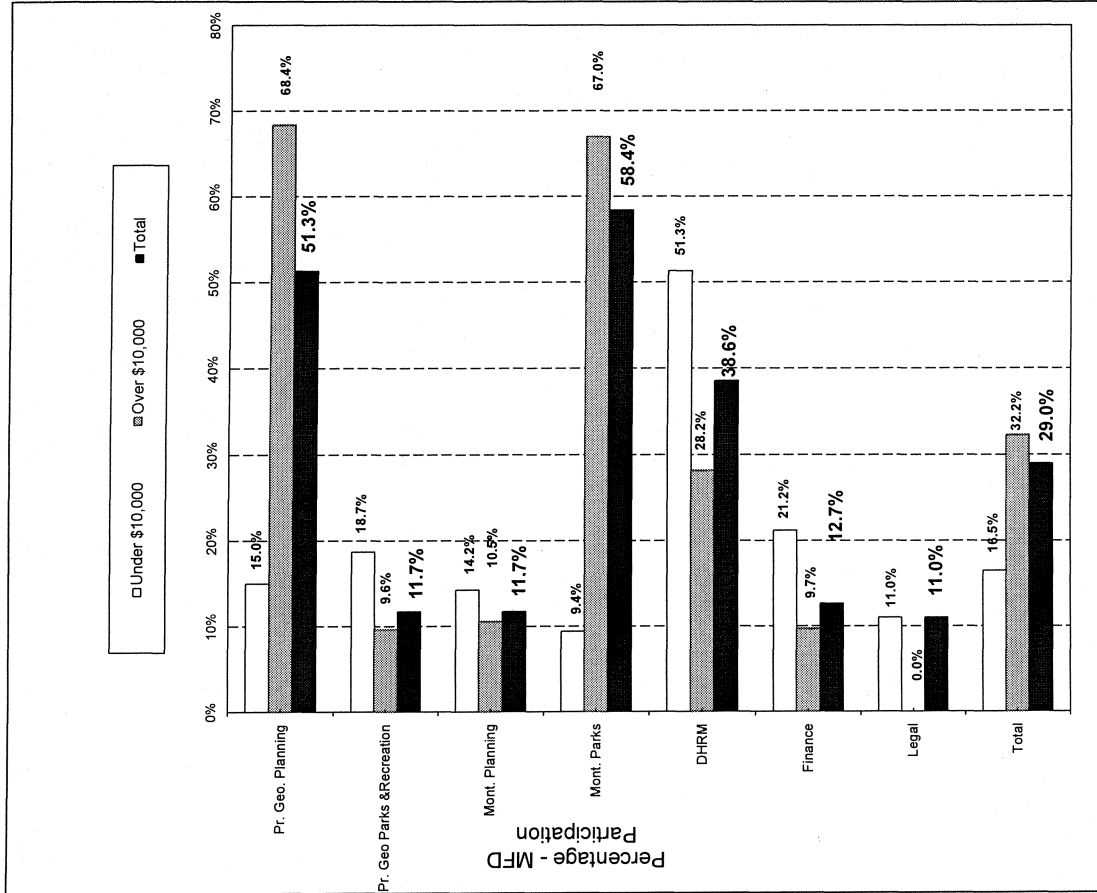
Prepared by Finance Department
November 18, 2014

The Maryland-National Capital Park and Planning Commission

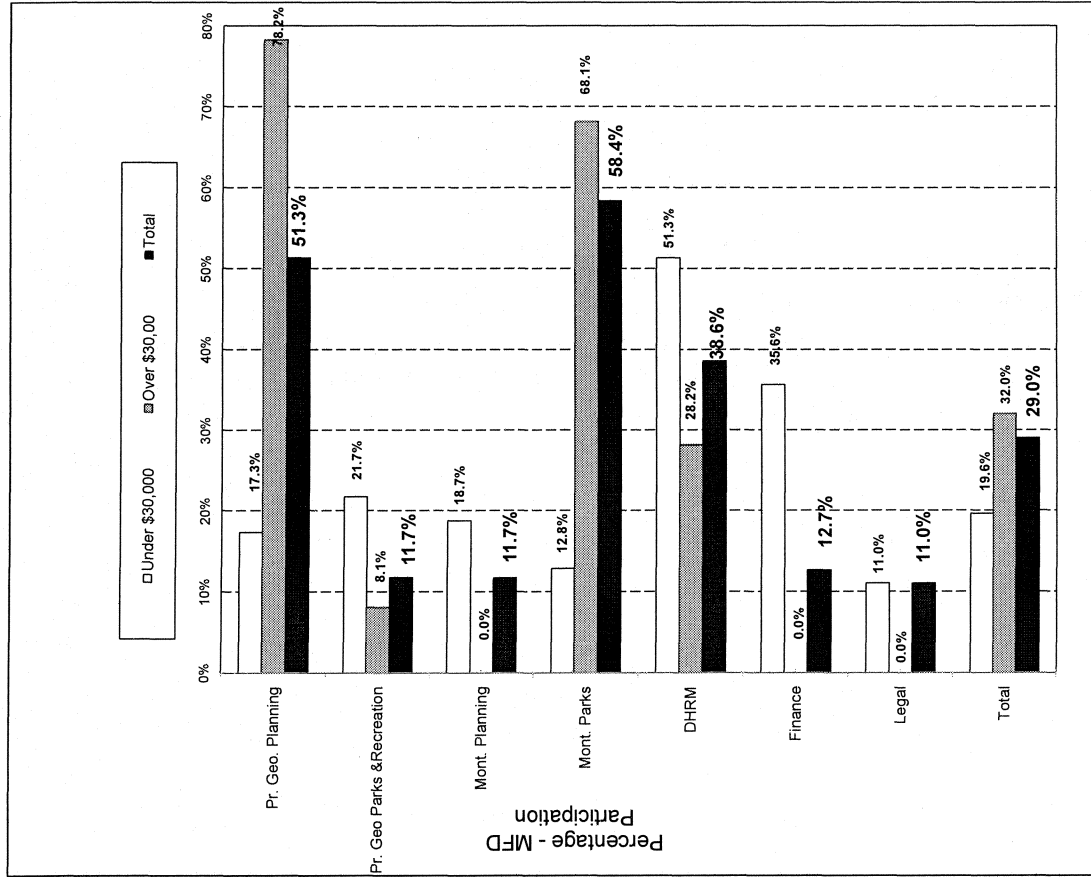
MFD Procurement Statistics - Transactions Under/Over \$10,000 & \$30,000 plus Total %

FY 2015 1Q

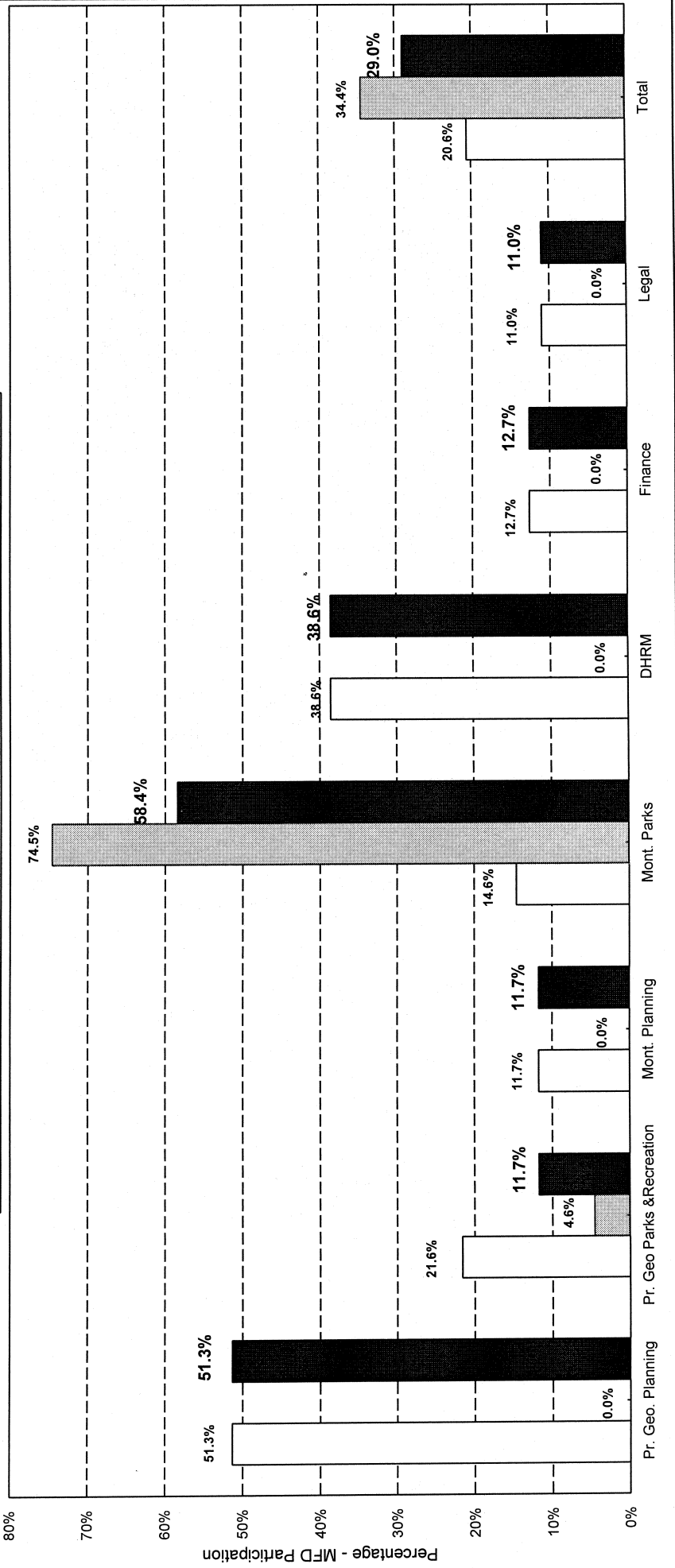
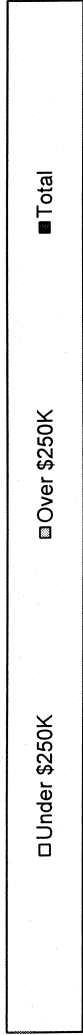
Under/Over \$10,000



Under/Over \$30,000



The Maryland-National Capital Park and Planning Commission
 MFD Procurement Statistics - Transactions Under /Over \$250,000 and Total %
 FY 2015 1Q



Prepared by Finance Department
 November 18, 2014

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Amount of Procurement and Number of Vendors by Location
FY 2015
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014

Attachment H

TOTAL of ALL VENDORS

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 3,411,826	8.2%	143	13.6%
Prince George's County	11,808,178	28.4%	376	35.6%
Subtotal	15,220,004	36.6%	519	49.2%
Maryland - other locations	16,743,021	40.2%	192	18.2%
Total Maryland	31,963,025	76.8%	711	67.4%
District of Columbia	421,495	1.0%	46	4.4%
Virginia	1,654,526	4.0%	75	7.1%
Other Locations	7,554,915	18.2%	223	21.1%
Total	<u>\$ 41,593,961</u>	<u>100.0%</u>	<u>1,055</u>	<u>100.0%</u>

TOTAL of Non-MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 1,696,977	5.7%	90	12.0%
Prince George's County	2,703,229	9.2%	238	31.7%
Subtotal	4,400,206	14.9%	328	43.7%
Maryland - other locations	16,004,435	54.2%	148	19.7%
Total Maryland	20,404,641	69.1%	476	63.4%
District of Columbia	330,019	1.1%	25	3.3%
Virginia	1,541,364	5.2%	56	7.4%
Other Locations	7,259,297	24.6%	195	25.9%
Total	<u>\$ 29,535,321</u>	<u>100.0%</u>	<u>752</u>	<u>100.0%</u>

TOTAL of MFD Vendors

<u>Location</u>	<u>Procurement</u>		<u>Number of Vendors</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Number</u>	<u>Percentage</u>
Montgomery County	\$ 1,714,849	14.2%	53	17.5%
Prince George's County	9,104,949	75.5%	138	45.6%
Subtotal	10,819,798	89.7%	191	63.1%
Maryland - other locations	738,586	6.1%	44	14.5%
Total Maryland	11,558,384	95.8%	235	77.6%
District of Columbia	91,476	0.8%	21	6.9%
Virginia	113,162	0.9%	19	6.3%
Other Locations	295,618	2.5%	28	9.2%
Total	<u>\$ 12,058,640</u>	<u>100.0%</u>	<u>303</u>	<u>100.0%</u>

Note: The following shows the amounts and percentages of procurement by the location of the department. The bi-county departments' activity is divided equally between the two Counties.

	<u>Total Procurement</u>		<u>MFD Procurement</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Prince George's County	\$ 26,041,094	62.6%	\$ 3,307,743	27.4%
Montgomery County	15,552,867	37.4%	8,750,897	72.6%
Total	<u>\$ 41,593,961</u>	<u>100.0%</u>	<u>\$ 12,058,640</u>	<u>100.0%</u>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MFD PROCUREMENT RESULTS

FY 2015

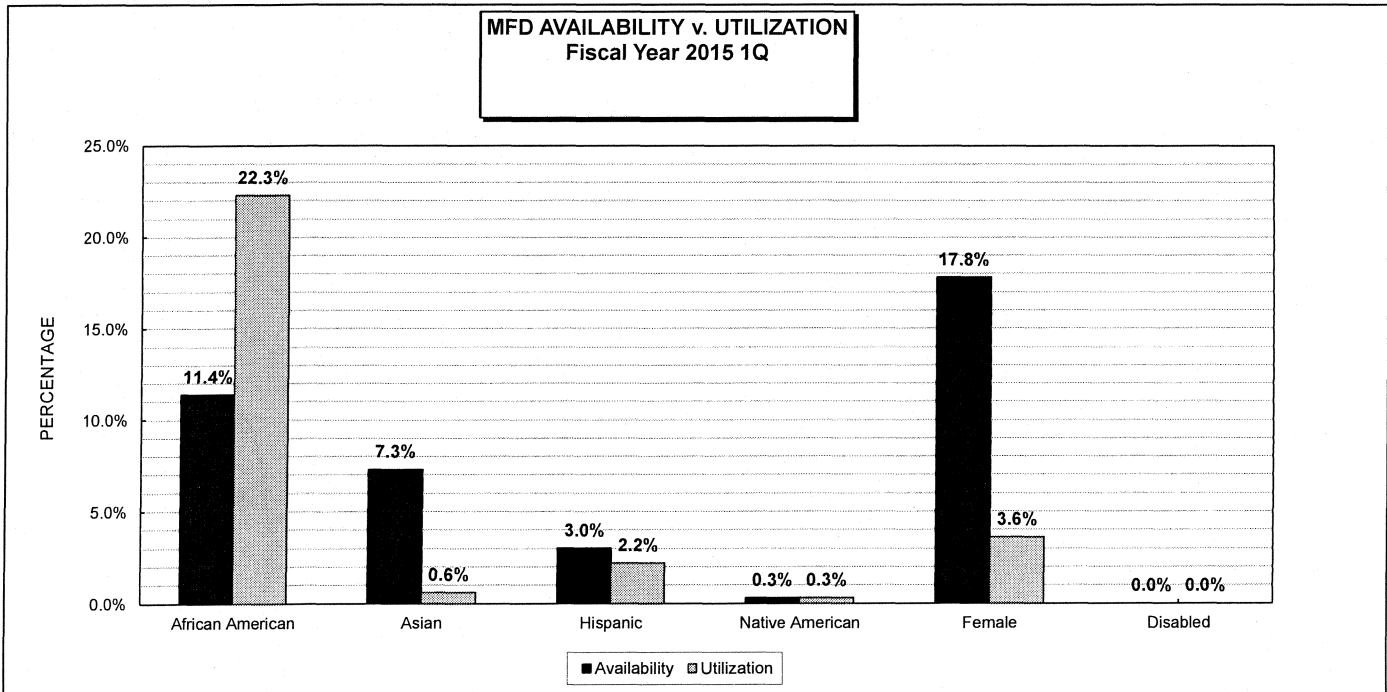
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014

Attachment I

Total Amount of Procurement \$ 41,593,961

Amount, Percentage of Procurement by Category, and
Percentage of Availability by Category:

	Procurement		Availability
	Amount	%	%
Minority Owned Firms			
African American	\$ 9,258,180	22.3%	11.4%
Asian	246,647	0.6%	7.3%
Hispanic	913,985	2.2%	3.0%
Native American	106,474	0.3%	0.3%
Total Minority Owned Firms	10,525,286	25.4%	22.0%
Female Owned Firms	1,529,802	3.6%	17.8%
Disabled Owned Firms	3,552	0.0%	n/a
Total Minority, Female, and Disabled Owned Firms	\$ 12,058,640	29.0%	39.8%



Note: (1) Availability percentages are taken from State of Maryland study titled "Disadvantaged Business Enterprise Disparity Study: Volume 1", dated July 5, 2013, table 2.23 on page 84.

(2) n/a = not available

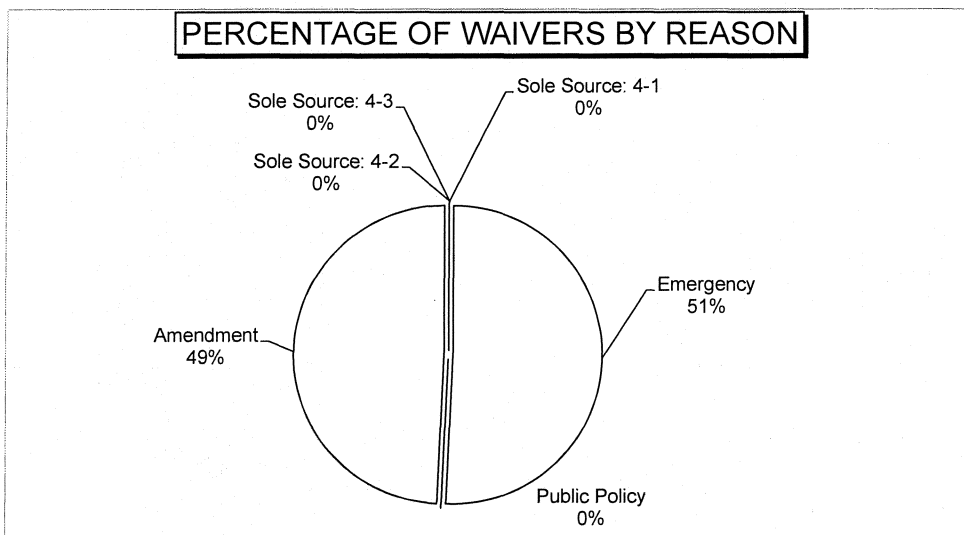
Prepared by Finance Department

November 18, 2014

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
REASONS FOR WAIVERS
CUMULATIVE DOLLAR AMOUNT & NUMBER OF WAIVERS
FY 2015
FOR THREE MONTHS ENDED SEPTEMBER 30, 2014**

Attachment J

	NUMBER	AMOUNT	PERCENTAGE
Emergency	7	\$ 179,323	51%
Public Policy	0	\$ -	0%
Amendment	1	\$ 174,000	49%
Sole Source: 4-1	0	\$ -	0%
Sole Source: 4-2	0	\$ -	0%
Sole Source: 4-3	0	\$ -	0%
Total	8	\$ 353,323	100%



Waiver Reason Definitions:

Emergency:

Sudden and unforeseeable circumstance have arisen which actually or imminently threaten the continuance of an essential operation of the Commission or which threaten public health, welfare or safety such that there is not enough time to conduct the competitive bidding.

Required by Law or Grant:

Public law or the terms of a donation/grant require that the above noted vendor be chosen.

Amendment:

A contract is already in place and it is appropriate for the above noted vendor to provide additional services and/or goods not within the original scope of the contract because the interested service and/or goods are uniquely compatible with the Commission's existing systems and patently superior in quality and/or capability than what can be gained through an open bidding process.

Sole Source 4:

It has been determined that:

- #1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- #2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- #3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TOTAL WAIVERS, MFD WAIVERS, AND SOLE SOURCE WAIVERS BY DEPARTMENT
PROCESSED FY 2015
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2014**

Attachment K

	Total Waivers		MFD/Waivers		% of MFD		Sole Source 4-1 Waivers		Sole Source 4-2 Waivers		Sole Source 4-3 Waivers		% Sole Source	
	\$	Number	\$	Number	%	Number	\$	Number	\$	Number	\$	Number	%	
Prince George's County														
Commissioners' Office	\$ 0	0	\$ -	0	0.0%	0	\$ -	0	\$ -	0	\$ -	0	0.0%	
Planning Department	0	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Parks and Recreation Department	90,577	6	24,588	2	27.1%	0	-	0	-	0	-	0	0.0%	
Total	90,577	6	24,588	2	27.1%	0	-	0	-	0	-	0	0.0%	
Montgomery County														
Commissioners' Office	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Planning Department	-	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Parks Department	88,746	1	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Total	88,746	1	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Central Administrative Services														
Dept. of Human Resources and Mgt.	174,000	1	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Finance Department	0	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Legal Department	0	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Merit Board	0	0	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Total	174,000	1	-	0	0.0%	0	-	0	-	0	-	0	0.0%	
Grand Total	\$ 353,323	8	\$ 24,588	2	7.0%	0	\$ -	0	\$ -	0	\$ -	0	0.0%	

Purpose of Summary of Waiver Report:

- (1) To monitor the amount, number, reasons for waivers in order to ensure the Commission is encouraging and maintaining good community, public, vendor, and interdepartmental relations;
To ensure fair and equitable treatment of all persons who deal in purchasing matters; to promote economy in Commission purchasing; and to ensure that minority owned firms receive a fair share of Commission awards (source: Practice 4-10); and
- (2) To comply with the Prince George's Planning Board directive of January 29, 1991 to report waiver activity to the Department Heads and the Planning Boards on a quarterly basis.

Sole Source: 4

It has been determined that:

- 4-1: The vendor's knowledge and experience with the Commission's existing equipment and/or systems offer a greater advantage in quality and/or cost to the Commission than the cost savings possible through competitive bidding, or
- 4-2: The interested services or goods need to remain confidential to protect the Commission's security, court proceedings and/or contractual commitments, or
- 4-3: The services or goods have no comparable and the above noted vendor is the only distributor for the interested manufacturer or there is otherwise only one source available for the sought after services or goods, e.g. software maintenance, copyrighted materials, or otherwise legally protected goods or services.

Prepared by Department of Human Resources and Management
November 1, 2014



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

January 12, 2015

Adrian R. Gardner
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
General Counsel

RE: Litigation Report for the Month of December, 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, January 21, 2015. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

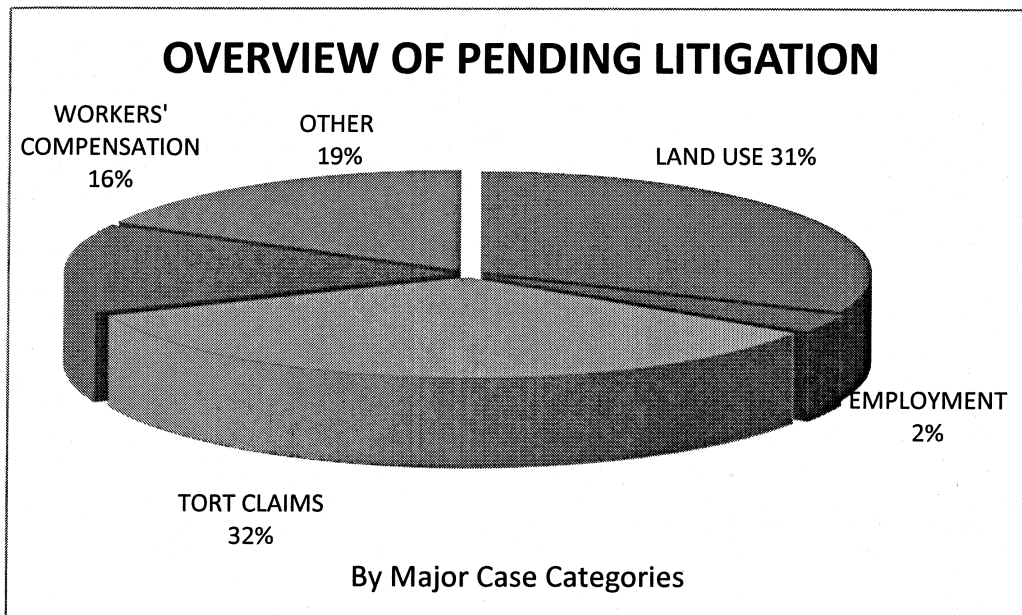
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December 2014 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use			4	1			5
Admin Appeal: Other							0
Land Use Dispute	1	1					2
Tort Claims	12						12
Employment Dispute		1					1
Contract Dispute	3	1					4
Property Dispute	2			1			3
Civil Enforcement	2						2
Workers' Compensation	5						5
Debt Collection							0
Bankruptcy							0
Miscellaneous		1					1
Per Forum Totals	25	4	4	2	0	0	35



December 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2015			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	6		1	9	2	6	5
Admin Appeal: Other (AAO)	0			-			0
Land Use Disputes (LD)	1	1		1	2	1	2
Tort Claims (T)	12	2	2	10	10	7	12
Employment Disputes (ED)	1			1			1
Contract Disputes (CD)	5		1	4	4	4	4
Property Disputes (PD)	4		1	4		1	3
Civil Enforcement (CE)	2			1	1		2
Workers' Compensation (WC)	5			10		6	5
Debt Collection (D)	0			-			0
Bankruptcy (B)	0			-			0
Miscellaneous (M)	1			1			1
Totals	37	3	5	41	19	25	35

**INDEX OF YTD NEW CASES
(7/1/2014 TO 6/30/15)**

A. New Trial Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Glessner v. Commission	PGParks	Tort	July 2014
Jones v. Commission	PGParks	Tort	July 2014
Hawkins v. Commission	PGParks	Tort	July 2014
Howard Entertainment v. Commission	PGParks	CD	July 2014
Commission v. Paniagua	MC	CD	Aug 2014
Commission v. Pirtle	MC	CE	Aug 2014
Prince George's County v. Darnell	PG	Tort	Aug 2014
Moore v. Perry, et al	PG	Tort	Sep 2014
Commission v. Kernan, et al	MC	CD	Oct 2014
Jackson v. Commission (D.Ct)	MCParks	Tort	Oct 2014
Tuckman-Barbee v. Commission	PG	CD	Nov 2014
Pulte v. Montgomery County, et al (Cir Ct)	MCPB	LD	Nov 2014
Jackson v. Commission (C.Ct)	MCParks	Tort	Nov 2014
Quick v. Commission	PGPR	Tort	Nov 2014
Jones v. Kellogg, et al	MC	Tort	Dec 2014
Quick v. Gathers	PGPR	Tort	Dec 2014
Pulte, et al v. Montgomery Cty, et al (Fed Ct)	MCPB	LD	Dec 2014

B. New Appellate Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014

**INDEX OF YTD RESOLVED CASES
(7/1/2014 TO 6/30/15)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Sweeney	PG	WC	July 2014
Commission v. Ferman	MC	WC	July 2014
Beatty v. Montgomery County, et al	MC	Tort	July 2014
Commission v. Rivera	PG	WC	July 2014
Bundi v. Soresi	PG	Tort	Aug 2014
Letke Security Contract v. Commission	MC	CD	Sept/Oct 2014
Commission v. Paniagua	MC	CD	Sept/Oct 2014
Reijerson v. Commission	PG	WC	Sept/Oct 2014
White v. Commission	PG	WC	Sept/Oct 2014
Kaviani v. Montgomery County Planning Board	MCPB	AALU	Oct 2014
Butler v. Commission	PGPR	Tort	Oct 2014
Jackson v. Commission (D. Ct.)	MCParks	Tort	Nov 2014
Bell v. Commission	PGPR	Tort	Nov 2014
Litrenta v. Commission	PGPR	Tort	Nov 2014
Duvall v. Commission	PGPB	LD	Nov 2014
Commission v. Kernan, et al	MC	CD	Dec 2014
Geico v. Ness, et al	PG	Tort	Dec 2014
Phoenix v. Commission	PG	Tort	Dec 2014

D. Appellate Court Cases Resolved.

Slover et al. v. Montgomery County Planning Board	MCPB	AALU	July 2014
Rock Creek Hills Citizens Assoc. v. Commission	MCPB	AALU	July 2014
Arking, et al v. MCPB	MCPB	AALU	July 2014
Kelly Canavan, et al v. Commission	PGPB	AALU	Oct 2014
Fort Myers Construction Corp v. Commission	MCPB	CD	Nov 2014
Bernardo Rene Flores v. Commission	PGPB	PD	Dec 2014
McClure v. Montgomery County Planning Board	MCPB	AALU	Dec 2014

Disposition of FY15 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Commission v. Paniagua	Claim for breach of rental contract	Dismissed on 09/10/14.
Kaviani v. Montgomery County Planning Board	Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.	Order of Court affirming Planning Board Decision on 8/25/14.
Letke Security Contract v. Commission	Defense of claim for breach of contract	Complaint dismissed on 09/03/14.
Slover et al. v. Montgomery County Planning Board	Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents.	Order of Court of Special Appeals affirming Judgment on 06/20/14.
Rock Creek Hills Citizens Association, et al v. Commission	Declaratory Judgment in Montgomery County Circuit Court attempting to stop transfer & development of Commission owned property as Association lacks standing to pursue the Federal Land and Water Conservation Fund claims.	Opinion from Court of Special Appeals affirming Montgomery County judgment on 05/27/14.
Montgomery County Department of Parks		
Beatty v. Montgomery County, et al.	Claimant is suing for tort arising from slip and fall.	Order by Court of Special Appeals affirming Judgment on 06/4/14.
Commission v. Fermin	WCC awarded 15% permanent partial disability under "other cases" and Commission appealed.	Case Settled and Dismissed on 04/11/14.
Commission v. Kernan, et al	Claim for breach of rental contract, seeking possession of property	Case dismissed on 11/03/14, tenant vacated property

Fort Myer Construction Corp v. Commission	Third party defendant noted appeal from Court's ruling in Commission's favor that URS owed the Commission duty to defend litigation.	Court of Special Appeals dismissed appeal on 09/25/14 with leave to file notice of appeal from a final judgment.
Jackson v. Commission	Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.	Jury trial prayed; case forwarded to Circuit Court on 11/06/14.
Montgomery County Park Police		
Montgomery County Planning Board		
Arking, et al. v. MCPB	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.	Petition for Writ of Certiorari denied on 04/21/14.
McClure v. Montgomery County Planning Board	Appeal filed from the Circuit Court ruling in the case of 21611 Ripplemead Drive; rejecting property owner's claim that lot not covered by conservation easement.	Judgment of the Circuit Court for Montgomery County affirmed on 12/02/14.
Prince George's County Department of Parks and Recreation		
Bell v. Commission	Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.	Case settled and dismissed on 10/02/14.
Bundi v. Soresi	Defense of claim for injuries sustained in a motor vehicle accident in a vehicle allegedly operated by Commission employee.	Trial. Judgment for Plaintiff in amount of \$7,510.10 on 08/13/14.
Commission v. Rivera	Commission is appealing the WCC's decision regarding permanency award	Case dismissed on 06/25/14.
Commission v. Sweeney	WCC ordered temporary total disability and Commission appealed. CAL 13-35118	Case settled and dismissed on 3/24/14.
GEICO v. Ness, et al	Defense of claim for property damage to a motor vehicle involving a vehicle allegedly operated by Commission employee	Complaint dismissed under Rule 3-506 on 11/25/14.

Litrenta v. Commission	Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. The driver is also named as a defendant.	Case settled and dismissed on 10/08/14.
Phoenix v. Commission	Defense of claim seeking damages for injuries sustained during a baseball game at Fletcher's Field. Commission filed a third party complaint against game officials.	Case settled without any payment from the Commission on 11/25/14.
Reijerson v. Commission	WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed	Case remanded to WCC on 09/25/14.
White v. Commission	WCC ordered certain surgery not causally related to accident injury and claimant appealed	Case remanded to WCC on 09/24/14.
Prince George's County Planning Department		
Prince George's County Planning Board		
Kelly Canavan, et al v. Commission	Petition for writ of certiorari seeking review of Court of Special Appeals order affirming Prince George's County Circuit Court decision on 02/19/13 to uphold the Planning Board's approval of Saddle Creek's preliminary Plan of Subdivision.	Petition for Writ of Certiorari denied on 07/21/14.
Duvall v. Commission	Defense of Claim for land dispute.	Commission's Motion to Dismiss granted by Court.; case dismissed on 10/17/14.
Bernardo Rene Flores v. Commission	Defense against Petition for Declaratory Judgment to invalidate Owner's Dedication of Green Space despite tax sale.	Judgment of the Circuit Court for Prince George's County affirmed on 12/02/14.
Prince George's Park Police		
Butler v. Commission	Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer	Case settled and dismissed on 08/22/14.

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DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Prince George's County v. Darnell

Case No. 0502-0020253-2014 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending Trial

Docket:

08/28/14	Complaint filed.
09/17/14	Notice of Intention to Defend filed.
01/14/15	Trial

Quick v. Commission

Case No. 0502-0023986-2014 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for alleged violations of the Americans with Disabilities Act.

Status: Pending Trial

Docket:

11/06/14	Complaint filed.
11/14/14	Service via certified mail
11/25/14	Notice of Intention to Defend filed by Commission
01/27/15	Trial

Quick v. Gathers

No. 0502-0026963-2014 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for alleged violations of the Americans with Disabilities Act.

Status: Pending Trial

Docket:

11/10/14	Complaint filed.
11/14/14	Service via Sheriff
01/28/15	Trial

DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Jones v. Kellogg, et al

Case No. 060100171232014 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury and property damages to motor vehicle involving a vehicle allegedly operated by Commission employee.

Status: Pending trial.

Docket:

10/14/14	Complaint filed
12/05/14	Notice of Intention to Defend filed by Commission
04/01/15	Trial

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission

Case No. CAL14-07980 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: Complaint filed.

Docket:

04/07/14	Complaint filed
05/30/14	Motion to Dismiss filed by Commission
08/06/14	Motion to Dismiss denied.
01/27/15	Pretrial conference

Commission v. 6509 Rhode Island Realty Corp.

Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Complaint filed.

Docket:

07/19/13	Complaint for condemnation filed
10/06/14	Summons reissued for service on Defendant

Commission v. Fleming

CAL 14-15514 (Tort)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed a lawsuit seeking subrogation recovery for amount due for personal injuries sustained by Commission employee.

Status: In discovery.

Docket:

06/20/14	Complaint filed
07/31/14	Defendant served via certified mail

08/29/14	Defendant filed answer
09/16/14	Court accepts Defendant's letter as answer to complaint
12/12/14	Good Faith letter filed by Commission seeking Answers to Interrogatories by 12/20/14 or Motion to Compel to be filed
02/02/15	Pretrial conference

Commission v. MARCOPOLO GF Co.
Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending settlement.

Docket:

07/19/13	Complaint for condemnation filed.
07/16/14	Motion for Order of Default filed.
08/29/14	Order of Default entered
09/23/14	Order of Default granted against MARCOPOLO GF Co.
11/14/14	Ex Parte Hearing on Damages, settlement reached
11/17/14	Continued 60 days pending settlement
01/15/15	Disposition Hearing

Glessner v. Surratt House
CAL 14-17158 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Complaint filed-never served.

Docket:

07/02/14	Complaint filed; no summons issued for service on Commission.
08/06/14	Motion to Enter Judgment filed by Plaintiff, despite lack of service
10/21/14	Complaint filed; Court orders Request for Waiver of fees granted
11/14/14	Complaint filed.

Hawkins v. Commission

CAL14-17950 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of tort claim for claimed near drowning while taking swimming lessons at Prince George's Sports and Learning Center in Landover, Maryland.

Status: In discovery.

Docket:

05/30/14	Complaint filed.
09/05/14	Answer filed.
12/15/14	Plaintiff's counsel files Motion to Strike Appearance
04/07/15	Pre-trial Conference

Jones v. Commission

CAL14-17154 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of claim for trip and fall on alleged broken concrete and loose gravel at Tucker Road Community Center.

Status: In discovery.

Docket:

07/15/14	Complaint filed.
08/22/14	Answer filed by Commission.
01/20/15	Pretrial conference scheduled.

Kelly v. Commission

CAL 14-13688 (T)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for injuries sustained in alleged slip and fall at Newton White Mansion.

Status: In discovery.

Docket:

06/12/14	Complaint filed; transferred from District Court, jury trial prayed
08/04/14	Answer filed.
10/23/14	Pre-trial conference
05/11/15	Trial

Moore v. Perry, et al
CAL14-22308(Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim for personal injury involving vehicle allegedly operated by Commission employee.

Status: In discovery.

Docket:

08/18/14	Complaint filed.
02/19/15	Pretrial conference

Rivera v. Commission
CAL13-37715 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Trial

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
05/15/14	Pre-trial conference
03/24/15	Jury Trial

Savoy, D. v. Commission
Case No. CAL14-09608 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 9% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/29/14	Petition for Judicial Review filed
05/08/14	Response to Petition filed
09/04/14	Pretrial statement and Expert Designation filed
09/09/14	Pre-trial conference.
06/04/15	Trial

Savoy, G. v. Commission
Case No. CAL14-09719 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 2% permanent partial disability of right hand and claimant appealed.

Status: Pending Trial

Docket:

05/02/14	Petition for Judicial Review filed
05/14/14	Response to Petition filed
10/15/14	Expert Witness and Pretrial statement filed by Commission
11/03/14	Pretrial Conference
05/12/15	Jury Trial

Tuckman-Barbee Construction Co., Inc. v. Commission
Case No. CAL14-28635 (CD)

Lead Counsel: Dickerson
Other Counsel: Chagrin

Abstract: Alleged breach of contract involving Southern Regional Technology and Recreation Complex in Fort Washington, Maryland.

Status: Motion to Dismiss Pending

Docket:

10/15/14	Complaint filed
11/04/14	Service on Commission
12/04/14	Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Commission

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Commission v. Pirtle

Case No. 394157-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Pending Motions hearing.

Docket:

08/12/14	Petition filed.
09/02/14	Affidavit of Service on Defendant filed.
10/07/14	Motion to Dismiss or in the alternative for Summary Judgment filed by Defendant
10/27/14	Commission's Motion in Opposition to Defendant's Motion to Dismiss filed; and Commission's Motion to Dismiss Counterclaim filed.
01/05/15	Motions Hearing
02/23/15	Court reset Motion Hearing

Fort Myer Construction Corporation v. Commission
Commission v. URS Corporation (Third-party claim by Commission)

Case No. 369478-V (CD)

Lead Counsel: Saul Ewing (Garry Boehlert)
Other Counsel: Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Commission filed third party complaint for alleged breach of contract seeking contribution and indemnity, and defense from URS Corporation.

Status:
Docket:

Awaiting decision.

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement
04/11/14	Commission's Motion for Sanctions for Lack of Substantial Justification of Attorney's Fees and Costs against Fort Myers Construction
04/11/14	URS's Motion for Sanctions
04/28/14	Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68.
04/28/14	Court granted Motion for Sanctions by URS and awarded Attorney's Fees and Costs against Fort Myer Construction in the amount of \$248,638.31.
05/05/14	Court enters Judgment in amount of \$103,420 in favor of URS on Counterclaim against Commission.
05/05/14	Court rules in favor of Commission on Third Party Complaint against URS holding that URS owed Commission a duty to defend.
05/15/14	Commission files Motion to Set Hearing on damages associated with failure of URS to defend issue.
05/15/14	URS files notice of appeal on duty to defend issue

05/23/14	Appearance of new counsel entered for Fort Myer
05/30/14	URS files opposition to Commission's Motion to Set Hearing on Damages
06/02/14	Court enters judgment in favor of Commission and URS for sanctions Court awarded against Fort Myer.
06/02/14	Court denied Motion for Sanctions filed by Fort Myer.
06/04/14	Notice of Appeal filed with COSA by Plaintiff
06/12/14	Motion of Stay of Execution of Judgment filed by Plaintiffs.
06/16/14	Commission's reply to URS's Opposition to Commission's Motion to Set Hearing on Damages
07/14/14	Order of Court granting Stay of Execution of Judgment and acceptance of supersedeas bonds pending appeal.
08/27/14	Order of Court granting Commission's request for hearing on damages and denying Motion of URS to exclude evidence.
09/05/14	Motion for Appropriate Relief to determine liability issues filed by URS
09/23/14	Motion in Opposition filed by Commission
10/07/14	Court grants Motion for Appropriate Relief to determine liability issues
11/10/14	Motion for Reconsideration filed by Fort Myer
11/13/14	Evidentiary hearing to determine quantum of Commission's damages against URS, Court takes matter under advisement
12/02/14	Plaintiff's Amended Motion to Reconsider, Revise or Strike Judgment on Motion for Sanctions previously entered.
12/12/14	Commission and URS files Motion in Opposition to Plaintiff's Amended Motion to Reconsider, Revise or Strike
12/18/14	Hearing on Motion for Reconsideration filed by Fort Myers; Court enters judgment in favor of Commission against the URS for \$352,355.68. Court takes Motion to Reconsider/Revise/Strike Judgment on Motion for Sanctions filed by Fort Myers under advisement.

Howard Entertainment, Inc. v. Commission

Case No. 393333-V (CD)

(Originally filed in District Court under Case #0602-0009462-2014)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Plaintiff filed complaint for breach of contract of payment for services for Southern Area Operations Festival of Nations

Status: In discovery.

Docket:

06/06/14	Complaint filed in District Court
07/14/14	Commission filed Intent to Defend and Request for Jury Trial
07/23/14	Bill of Complaint transferred to Circuit Court
02/27/15	Pretrial conference

Jackson v. Commission
Case No. 397287-V (Tort)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Defense of tort claim for claimed slip and fall alleged broken sidewalk at Jessup Blair Park in Silver Spring, Maryland.

Status: Complaint filed

Docket:

11/06/14	Complaint filed
12/10/14	Commission files Interrogatories/ Request for Production of Documents
04/17/15	Status/Pre-trial conference.

Munoz-Saucedo v. Commission
Case No. 388096 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability under "other cases" and claimant appealed.

Status: Case Stayed

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/03/14	Case stayed for a period of sixty days to file joint line of dismissal

Munoz-Saucedo v. Commission
Case No. 388097 -V (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 5% permanent partial disability to first (index) finger on left hand and claimant appealed.

Status: Case Stayed

Docket:

03/10/14	Petition for Judicial Review filed
03/19/14	Commission Response filed
08/15/14	Pre-Trial Conference
12/02/14	Case stayed for a period of sixty days to file joint line of dismissal

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 397601V (LD)

Lead Counsel: Gardner/Dickerson

Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Case Removed.

Docket:

11/14/14	Complaint filed
12/18/14	Notice of Removal to U. S. Federal District Court filed; case closed

MARYLAND COURT OF SPECIAL APPEALS

Hall, et al. v. Commission

September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Awaiting decision

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
09/11/14	Oral Argument held.

Kaviani v. Montgomery County Planning Board

September Term 2014, No. 01554 (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Appeal filed from the Circuit Court rule in the case of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Appeal filed.

Docket:

09/23/14	Notice of Appeal
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Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive wherein Court rejected property owner's claim that his lot is not covered by a valid conservation easement

Status: Awaiting decision

Docket:

08/01/13	Notice of Appeal
06/04/14	Oral Argument held.

Smith v. Montgomery County Planning Board
September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Commission appealed Circuit Court ruling for forest conservation violations at 21627 Ripplemead Drive.

Status: Awaiting decision.

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
05/15/14	Reply Brief filed
06/11/14	Oral Argument held.

MARYLAND COURT OF APPEALS

Rock Creek Hills Citizens Association, et al v. Commission

September Term 2014, Petition Docket No. 213 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision on Petition.

Docket:

06/09/14	Petition for Writ of Certiorari filed.
07/28/14	Commission's Response filed to Petition for Writ of Certiorari

Rounds v. Commission

September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting decision.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted
06/30/14	Order re-scheduling case to November, 2014 session
11/12/14	Oral Argument

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #:14-CV550-DKC (M)

Lead Counsel: Dickerson
Other Counsel: Gardner
Harvin

Abstract: Defense of claim alleging religious advancement on public property

Status: In discovery.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed
04/25/14	Motion for Leave to submit Amicus filed by interested Marylanders
05/01/14	Motion to Intervene filed by American Legion entities
09/18/14	Court grants Motion of Eleven Marylanders for Leave to Appear Jointly as Amicus Curiae in Support of Defendants and grants Motion to Intervene by The American Legion, The American Legion Department of Maryland and The American Legion Colmar Manor Post 131

Hartford Casualty Insurance Company v. Commission

Case No. 8:13-cv-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Projects in Prince George's County.

Status: Case stayed for mediation.

Docket:

06/18/13	Complaint filed
05/27/14	Plaintiff filed Consent Motion to Stay
05/28/14	Court stays case
09/25/14	Joint Status Report filed.
09/26/14	Court extends stay through 01/23/15.

Pulte Home Corporation, et al v. Montgomery County, et al

Case No. 8:14-cv-03955 (LD)

(Originally filed under Case No. 397601V-Mont. Cty)

Lead Counsel: Gardner/Dickerson
Other Counsel:

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the construction of a residential development in Clarksburg, Maryland.

Status: Complaint Filed.

Docket:

12/18/14	Notice of Removal and Complaint filed
01/02/15	Commission files Motion to Dismiss or in the Alternative for Summary Judgment and Supporting Memorandum
01/09/15	Plaintiffs file Motion to Remand and Motion for Extension to response to Commission's Motion to Dismiss

Streeter v. Commission

Case No. 12-CV-0976 RWT(ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Court Order.

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed