



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201
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BOARD OF COUNTY COMMISSIONERS

January 9, 2024

OPEN SESSION AGENDA

- 9:00 AM INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER, *President John F. Barr*
APPROVAL OF MINUTES: *December 12, 2023*
- 9:05 AM COMMISSIONERS' REPORTS AND COMMENTS
- 9:20 AM STAFF COMMENTS
- 9:30 AM CITIZEN PARTICIPATION
- 9:40 AM JOINT MEETING WITH THE MAYOR AND COUNCIL OF THE CITY OF HAGERSTOWN
Tekesha Martinez, Mayor; Kristin B. Aleshire, Councilmember; Tiara Burnett, Councilmember; Shelley McIntire, Councilmember; Matthew Schindler, Councilmember; Peter Perini, Councilmember; Scott Nicewarner, City Administrator, City of Hagerstown
- 10:40 AM BREAK
- 10:50 AM ANNUAL PRESENTATION BY HAGERSTOWN COMMUNITY COLLEGE PRESIDENT AND BOARD OF TRUSTEES TO THE WASHINGTON COUNTY COMMISSIONERS AND STAFF
Dr. James Klauber, President, Hagerstown Community College
- 11:05 AM POLICE ACCOUNTABILITY BOARD ANNUAL REPORT
Steve McCarty, Chair, Police Accountability Board
- 11:15 AM APPROVAL OF ZONING MAP AMENDMENT RZ-23-007
Zachary J. Kieffer, Deputy County Attorney
- 11:20 AM UPDATE TO COUNTY POLICY – UTILITY CONSTRUCTION WITHIN COUNTY PUBLIC RIGHT-OF-WAY
Scott Hobbs, Director, Engineering; Greg Cartrette, Director/Code Official, Permits and Inspections
- 11:30 AM 2024 SENATOR AMOSS FUNDING DISTRIBUTION
R. David Hays, Director, Emergency Services

11:40 AM INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0138) – FIRE HOSES AND ACCESSORIES FOR DIVISION OF EMERGENCY SERVICES
Rick F. Curry, Director, Purchasing; Eric Jacobs, Operations Manager, Division of Emergency Services

11:45 AM INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0136) FIVE (5) FISHER STAINLESS EXTREME V 8.5 FT TRUCK PLOWS FOR THE HIGHWAY DEPARTMENT
Brandi Naugle, Buyer, Purchasing; Zane Rowe, Deputy Director, Highway Department

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-23-0135) – MICROSOFT OFFICE 365 LICENSING
Brandi Naugle, Buyer, Purchasing; Josh O’Neal, Chief Technical Officer, Information Technology

SOLE SOURCE PROCUREMENT (PUR-1656) ESRI CLOUD MODEL OF GEOGRAPHIC INFORMATION SOFTWARE ENTERPRISE LICENSE AGREEMENT
Brandi Naugle, Buyer, Purchasing; Josh O’Neal, Chief Technical Officer, Information Technology

11:55 AM CLOSED SESSION – *(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals and To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.)*

1:20 PM RECONVENE IN OPEN SESSION

1:20 PM SECOND STAFF COMMENTS

ADJOURNMENT

***THE BOARD OF COUNTY COMMISSIONERS WILL BE ATTENDING
A GRAND OPENING AND RIBBON CUTTING CEREMONY
FOR PROFESSIONAL BOULEVARD AT 1180 PROFESSIONAL COURT, HAGERSTOWN,
MARYLAND (LOWER-LEVEL MEETING ROOM AT THE MENTAL HEALTH CENTER OF
WESTERN MARYLAND, INC.) AT 3:00 P.M.***



Agenda Report Form

Open Session Item

SUBJECT: Joint Meeting with the Mayor and Council of the City of Hagerstown

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Tekesha Martinez, Mayor; Kristin B. Aleshire, Councilmember; Tiara Burnett, Councilmember; Shelley McIntire, Councilmember; Matthew Schindler, Councilmember; Peter Perini, Councilmember; Scott Nicewarner, City Administrator, City of Hagerstown

RECOMMENDED MOTION: N/A

REPORT-IN-BRIEF: A collaborative meeting with the Mayor and Council of the City of Hagerstown to discuss various topics.

DISCUSSION: A collaborative meeting with the Mayor and Council of the City of Hagerstown to discuss various topics.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ATTACHMENTS: N/A



Agenda Report Form

Open Session Item

SUBJECT: Annual Presentation by Hagerstown Community College President and Board of Trustees to the Washington County Commissioners and Staff

PRESENTATION DATE: January 09, 2024

PRESENTATION BY: Dr. James Klauber

RECOMMENDED MOTION: None at this time

REPORT-IN-BRIEF: State of HCC and budget presentation

DISCUSSION: Dr. Klauber and the HCC Board of Trustees will brief the Commissioners and staff on the changes at HCC over the year, along with a budget and tuition forecast.

FISCAL IMPACT: No increase for the operational budget will be requested.

CONCURRENCES: None

ALTERNATIVES: None

ATTACHMENTS: None

AUDIO/VISUAL NEEDS: No PowerPoint will be required.

Washington County, Maryland
General Fund
Department 90040 - Hagerstown Community College
FY25 Expenses

	2025 Operating Budget Requested	Adjustment	2025 Operating Budget Requested	\$ Change	% Change	2024 Operating Budget Approved	2023 Actuals Final	2022 Actuals Final
502000 - Appropriations	10,236,290	0	10,236,290	0	0.00%	10,236,290	10,035,290	10,035,290
Operating Expenses	10,236,290	0	10,236,290	0	0.00%	10,236,290	10,035,290	10,035,290
Total	10,236,290	0	10,236,290	0	0.00%	10,236,290	10,035,290	10,035,290

Washington County, Maryland
General Fund
Department 90040 - Hagerstown Community College
FY25 Expenses

	2025 Operating Budget Requested	2025 Variance Comments Requested
502000 - Appropriations	10,236,290	No increase in FY25 requested budget.
Total	10,236,290	



Washington County, Maryland
Outside Agency Funding Request
FY2025

The Office of Budget and Finance
100 West Washington Street, Room 3100
Hagerstown, Maryland 21740
Phone: 240-313-2300
Fax: 240-313-2301

General Information

Organization	<u>Hagerstown Community College (HCC)</u>	Contact Person:	<u>Dr. Heike Soeffker-Culicerto</u>
Address:	<u>11400 Robinwood Drive</u>	Telephone:	<u>(240) 500-2235</u>
City	<u>Hagerstown</u>	State	<u>MD</u> Zip Code <u>21742</u>
E-mail:	<u>hiseoffker-culicerto@hagerstowncc.edu</u>	Fax:	<u>(301) 733-7852</u>

Summary of Funding Request

Program Name	Total Budget					County Funding Request			
	Prior	Current	Proposed	%		Prior	Current	Proposed	%
General Fund Operating Budget	\$ 36,021,177	\$ 42,326,125	\$ 43,071,206	1.8%	Form 2	\$ 10,035,290	\$ 10,236,290	\$ 10,236,290	0.0%
	\$ -	\$ -	\$ -	0%	Form 3	\$ -	\$ -	\$ -	0%
	\$ -	\$ -	\$ -	0%	Form 4	\$ -	\$ -	\$ -	0%
	\$ -	\$ -	\$ -	0%	Form 5	\$ -	\$ -	\$ -	0%
	\$ -	\$ -	\$ -	0%	Form 6	\$ -	\$ -	\$ -	0%
	\$ -	\$ -	\$ -	0%	Form 7	\$ -	\$ -	\$ -	0%
Total	\$ 36,021,177	\$ 42,326,125	\$ 43,071,206	1.8%		\$ 10,035,290	\$ 10,236,290	\$ 10,236,290	0.0%

Certification Statement and Other Documents

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Attach Year End Financial Statement (audited if available), if not already provided.

☐

Attach Form 990, the most recent year filed and completed, if applicable.

I certify that all information in this application as well as all supplied supporting data of this application are true and complete to the best of my knowledge and belief. I understand that material omission or false information contained in the application could constitute grounds for disqualification from funding. I further understand that by submitting an application, I am accepting the terms and conditions as approved by the County Commissioners of Washington County, MD for the programs specified. Expenditures are also subject to County audit.

I also represent and warrant that the organization does not discriminate on the basis of race, creed, sex, age, color, national origin, physical or mental disabilities for employment, or the achievement of the mission or goal of the organization.

I understand that any and all applications submitted may be considered public documents. As such, all applications may be viewable and obtained by the public under provisions of the Public Information Act, MD Code Ann., State Government Article 10-613.

Applicant's Signature

Heike Soeffker-Culicerto

Date

1/3/2024

Washington County, Maryland
Outside Agency Funding Request

Program Budget

Organization Name: Hagerstown Commuity College (HCC) Funding Request: \$ 10,236,290

Program Name: General Fund Operating Budget # Clients Served: 31,782

Program Description: HCC ensures equitable access to affordable, high-quality educational programs, while fostering workforce development and cultural vitality in the region.

Expenditures	Total Program Cost			Budget Justification (Explain and justify each proposed budget line item for which an increase or decrease appears.)
	Prior Year Actual	Current Year Budget	Requested Year Budget (round nearest \$10)	
Personnel Costs:				
Wages	20,839,036	21,855,321	23,603,747	Increase for faculty and staff
Fringe Benefits	5,256,228	4,675,000	4,700,000	
Payroll Taxes	1,533,214	1,671,932	1,805,687	Employer's share of social security and Medicare
Total	\$ 27,628,478	\$ 28,202,253	\$ 30,109,433	
Operating Costs:				
Audit		-		Note: moved to contract services
Building Maintenance	156,986	300,000	300,000	
Contract Services	2,985,270	6,299,513	5,665,000	
Consultants		-		Note: moved to contract services
Equipment Maintenance		-		
Insurance	605,752	622,116	650,000	
Interest Cost		-		
Office Supplies		-		
Phone	245,814	373,000	373,000	
Rent Expense		-		
Utilities	1,840,282	994,221	1,000,000	
Vehicle Maintenance		-		
Other (detail below):		-		
1. Supplies and Materials	1,335,976	1,967,917	2,000,000	
2. Contingency - General	4,579,419	672,804	238,773	
3. Tuition Disc/Scholarships	738,058	800,000	1,600,000	
4. PD & Memberships	248,981	296,291	300,000	
5. Advertising	337,466	333,000	335,000	
Total	\$ 13,074,004	\$ 12,658,862	\$ 12,461,773	
Capital				
Equipment Purchases		1,465,010	500,000	
Hardware Purchases				
Other Capital Purchases				
Total	\$ -	\$ 1,465,010	\$ 500,000	
Grand Total				
	\$ 40,702,482	\$ 42,326,125	\$ 43,071,206	

Washington County, Maryland
Outside Agency Funding Request

Program Revenue

Organization Name:	Hagerstown Commuity College (HCC)	Funding Request: \$	10,236,290
Program Name:	General Fund Operating Budget	# Clients Served:	31782
Program Description:	HCC ensures equitable access to affordable, high-quality educational programs, while fostering workforce development and cultural vitality in the region.		

Program Revenue	Total Program Revenue			Budget Justification (Explain and justify each proposed budget line item for which an increase or decrease appears.)
	Prior Year Actual	Current Year Budget	Requested Year Budget <small>(round nearest \$10)</small>	
Grants:				
County - general operating	10,035,290	\$ 10,236,290	\$ 10,236,290	
County - Gaming				
County - Community Funding				
County - other (list):				
1.				
2.				
Federal				
State	13,959,737	16,184,916	16,184,916	
Contributions and bequests				
Municipal - other (detail):				
1.				
2.				
Total	\$ 23,995,027	\$ 26,421,206	\$ 26,421,206	
Operating Income:				
Fundraising				
Fees				
Other:				
1. Student Tuition and Fees		14,804,919	15,550,000	Maryland Blueprint
2. Miscellaneous		300,000	300,000	
3.				
Total	\$ -	\$ 15,104,919	\$ 15,850,000	
Other:				
Sale of Equipment				
Investment Income		800,000	800,000	
Loan Proceeds				
Total	\$ -	\$ 800,000	\$ 800,000	
Grand Total	\$ 23,995,027	\$ 42,326,125	\$ 43,071,206	



Agenda Report Form

Open Session Item

SUBJECT: Police Accountability Board Annual Report

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Steve McCarty, Chair of Police Accountability Board

RECOMMENDED MOTION: None

REPORT-IN-BRIEF: Chairman McCarty to present annual report of the Police Accountability Board to the Board of County Commissioners.

DISCUSSION: MD Code, Public Safety, 3-102 requires the Police Accountability Board to submit a report to the Board of County Commissioners that 1) identifies any trends in the disciplinary process of police officers in the County; and 2) makes recommendations on changes to policy that would improve police accountability in the County.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Annual Report

AUDIO/VISUAL NEEDS: N/A



POLICE ACCOUNTABILITY BOARD

To: Board of Washington County Commissioners, Maryland.

Fr.: Steven McCarty, Chair Person, Washington County Police Accountability Board

Ref: 2023 Annual Report

The Washington County Police Accountability Board (“WCPAB”) is adhering to mandates and regulations enacted by the Maryland Legislature, and the Washington County Ordinance. The WCPAB has been meeting on a regular, quarterly basis with the heads of the Washington County Law Enforcement Agencies (“LEAs”).

In the earlier part of 2023, all of the five (5) members of the Administrative Charging Committee (“ACC”) received 40 hours of training required by the Maryland Police and Correctional Training Commission (“MPCTC”). In October 2023, one member of the Police Accountability Board received 16 hours of training from the MPCTC in order to serve as the civilian member sitting on a trail board.

The ACC meets on a monthly basis, and since receiving the required training, reviews cases submitted by the LEAs and issues written determinations on these cases. The ACC’s written determinations were returned to the heads of the LEAs and citizen complainant, if applicable, in a timely manner. The ACC does not hear cases from any of the State Law Enforcement Agencies serving Washington County.

Recommendations that come to the PAB from the ACC, have been shared with the LEA heads at the quarterly meetings. These recommendations/suggestions did not deal with needed perceived training of the police officers, but suggestions on the investigative formats that each LEA was using to submit a complaint/investigation to the ACC. The ACC, through the PAB, is encouraging all the LEAs to follow a more standard formatted investigative outline.

Steven L. McCarty
Chairperson



Agenda Report Form

Open Session Item

SUBJECT: Approval of Zoning Map Amendment RZ-23-007

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Zachary Kieffer, Deputy County Attorney

RECOMMENDED MOTION: The purpose of this agenda item is to seek approval of the request to rezone the applicants' property from Agricultural, Rural A(R) to Agricultural, Rural A(R) with the Historic Preservation (HP) Overlay.

REPORT-IN-BRIEF: The applicants, Jeffrey Unsworth and Laura J. Lane-Unsworth, seek a map amendment for a property located at 13215 Smithsburg Pike. The property is currently zoned Agricultural, Rural A(R). The applicants seek to apply the Historic Preservation (HP) Overlay on a +/-2.46-acre portion of the total +/- 25.52-acre parcel.

DISCUSSION: The Planning Commission recommended in favor of the proposed map amendment at its public information meeting on October 2, 2023. The Historic District Commission reviewed the application at their meeting on October 4, 2023 and also supports the request. The public hearing for the proposed rezoning request was held on December 12, 2023. A consensus of approval was reached by the Board of County Commissioners on December 12, 2023. This matter is on the agenda for decision by the Board of County Commissioners in the form of proposed Findings of Fact and Conclusions of Law as prepared by the County Attorney's Office for review, approval, and adoption by the Commissioners.

FISCAL IMPACT: N/A

CONCURRENCES: Washington County Planning Commission

ALTERNATIVES: N/A

ATTACHMENTS: Ordinance(s) with attached Decision and Findings of Fact

ORDINANCE NO. ORD-2023-

**AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-23-007)**

Pursuant to the provisions of Section 18.5 of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), Jeffrey P. Unsworth and Laura J. Lane-Unsworth, the Applicants, have petitioned the Board of County Commissioners of Washington County, Maryland (*Board*), seeking to apply the Historic Preservation (HP) Overlay on a 2.46 acre portion of the total 25.52 acre tract of land located at 13215 Smithsburg Pike, which is currently zoned Agricultural, Rural A(R).

The matter has been designated as Case No. RZ-23-007.

This application was reviewed by the Planning Commission, and the Planning Commission recommended that the application be approved.

The Board has considered all information presented at the public hearing conducted on December 12, 2023, and the recommendation of the Planning Commission. The Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-23-007 be, and hereby is, designated as Agricultural, Rural A(R) with a Historic Preservation (HP) Overlay.

IT IS FURTHER ENACTED AND ORDAINED that the official Zoning Map for Washington County be, and hereby is, amended accordingly. The Director of Planning and Zoning shall cause the Zoning Map to be amended pursuant to this Ordinance.

Adopted and effective this 9th day of January, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Dawn L. Marcus, Clerk

BY: _____
John F. Barr, President

Approved as to form and
legal sufficiency:

Zachary J. Kieffer
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

BEFORE THE
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

DECISION
Rezoning Case RZ-23-007

Property Owner:	David Forcino
Applicants:	Jeffrey and Laura Unsworth (Contract purchaser)
Requested Zoning Change:	Agricultural, Rural (AR) to Agricultural, Rural (AR) with Historical Preservation (HP) District Overlay
Property:	13215 Smithsburg Pike, Smithsburg, MD 21783 (the "Property")

Pursuant to Md. Code Ann., Land Use § 4-204 and Washington County Zoning Ordinance (the "Zoning Ordinance") § 27.3, the Board of County Commissioners of Washington County, acting upon the Applicants' request, makes findings of fact with respect to the matters set forth in the Zoning Ordinance. We also consider the recommendation of the Planning Commission which was made in this case, and the relationship of the proposed reclassification to the County's Comprehensive Plan (the "Plan"). After considering the recommendation of the Planning Commission and hearing evidence presented by the Applicants at a Public Hearing on December 12, 2023, with no evidence or witnesses presented in opposition, the Board will grant the requested zoning map amendment and makes the following Decision, which largely adopts the findings of the Staff Report and Planning Commission.

Location and Physical Features:

This parcel is located approximately .4 miles south of the intersection of Rowe Road and Smithsburg Pike (State Route 64) on the east side of Smithsburg Pike and .15 miles north of the Smithsburg Town Growth Area. The Property contains a multi-part farm complex that includes a stone dwelling, stone bank barn and brick smokehouse.

The dwelling's main portion is 2-stories of stone construction with a date stone of 1810 in the west end wall. Extending to the north of the main portion, is

a 1 ½-story three bay stone cabin built over a large spring. This spring emerges into a large stone-walled pond behind the house. According to the Maryland Inventory of Historic Properties (“MIHP”) documentation, it is estimated this northern portion was built in the late 18th century and was traditionally known as “Peter Mong’s Cabin”.

There is also a stone section extending east of the main structure that is a 1 ½-story five bay wing that was built in 2 stages. The MIHP records for the Property estimate these additions were built after construction of the main structure in 1810. The dwelling also retains nine over six wood window sashes through the majority. There is one 30-pane window on the rear of the main portion of the stone dwelling. The structures on the Property have had some renovations to the roofing, chimneys, and porches. The majority of the dwelling’s stonework and its openings remain intact. The dwelling’s interior, while also seeing some alteration over time, retains batten doors with long strap hinges in several sections of the dwelling. The interior configuration of the front stairway, built across the first story window is, according to MIHP records, a common construction found in Ca. 1800 houses in northeastern parts of the County.

The stone bank barn has had some alteration to the cantilevered portion over time, but the stone portion remains intact. The brick smokehouse is a small square construction with a pyramidal roof.

Some modern buildings have been added to the Property over time including a 4-bay concrete block garage and other buildings associated with the Property’s agricultural operations. The proposed boundary of the requested HP Overlay District does include some modern structures to ensure the full farmstead is encapsulated but the inclusion of these buildings appears minimal.

A portion of the Property, including the home, is located in FEMA Flood Zone A. Areas to the north, including the stone wall pond and the area which slopes gently down toward Tictum Run are identified as wetland on State or Federal inventories. The Property is also within an area known to have State Listed Sensitive Species.

ANALYSIS

Relationship of the Proposed Change to the Adopted Plan for the County:

The requested HP Overlay District does not substantively change the permitted land use or densities of the Property and therefore remains consistent with the recommendations found in the adopted Plan.

In addition to land use recommendations, the Plan also provides recommendations for promoting historic preservation as an economic development tool, a means to create and expand the housing stock, an avenue to retain the desirable but intangible historic rural character and as a way to address individual property owner's needs. The continued application of the HP Overlay District meets those goals and is consistent with the Plan. Since the Applicants requested the HP Overlay District, it is presumed to be consistent with their plans for the continued use, restoration and preservation of the Property.

Compatibility with Existing and Proposed Development in the Area:

The Property and the uses thereon appear to exist cohesively with adjoining properties and the area in general. A dwelling and its related agricultural buildings and land use have existed on the Property since the 18th century. Surrounding development is predominantly agricultural with a scattering of newer residential development. The HP Overlay District does not regulate land uses or density. Existing use patterns on and off site are likely to continue and must comply with current zoning regulations. More than 20 sites within a 1-mile radius of the Property are identified in the MIHP. Of the 20 sites, the Property is the only one reliably dating back to the 18th century. The Board takes particular note of the fact that the Property is one of less than 250 18th century sites on the MIHP for Washington County.

Change, Mistake and the HP Overlay District Criteria:

An application for a map amendment seeking the HP Overlay District is **NOT** subject to the "change/mistake test" generally required of a zoning map amendment.

Section 20.4 of the Zoning Ordinance sets forth the prerequisites and required documentation that must accompany a map amendment application for the establishment of an HP Overlay District. In pertinent part, the Zoning Ordinance requires the following:

- a. Petition to the Board of County Commissioners by the property owner;
- b. Applications to establish an HP Overlay shall be subject to the procedures noted in Article 27 of the Zoning Ordinance.
 - 1. The request for map amendment must be accompanied by the following, in addition to the data required by Article 27:
 - i. A scale drawing of the subject property boundaries indicating the location of all improvements including significant topographic features and landscaping.
 - ii. Documentation of the historical data that qualifies the property as an appropriate candidate for the HP Overlay. The data shall address the criteria stated in Section 20.5 of the Zoning Ordinance.
 - 2. The extent of the HP zone shall be limited to the significant structure and the immediate surrounding area, generally on the same parcel of land. HP zones shall not be approved on large areas of unoccupied lands.

The criteria for the establishment of an HP Overlay District are enumerated in Section 20.5 and listed below:

- a. If the Historic Resource meets any of the criteria noted below or if it is listed in either the Maryland Historical Trust's Inventory of Historic Sites or the National Register of Historic Places, it may be classified as an historic structure, site or district.
- b. Historical and Cultural Significance
 - 1. The historic resource should have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;
 - 2. The historic resource could be the site of a significant historic event;

3. The historic resource should be identified with a person or a group of persons who influenced society; or
 4. The historic resource exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities.
- c. Architectural and Design Significance
1. The historic resource embodies the distinctive characteristics of a type, period, or method of construction or architecture;
 2. The historic resource represents the work of a master artisan, architect or builder;
 3. The historic resource possesses high artistic value;
 4. The historic resource represents a significant and distinguishable entity whose components may lack individual distinction;
 5. The historic resource represents an established and familiar visual feature of the neighborhood, community, or County, due to its singular physical characteristics, landscape or historical event.
 6. The historic resource is the only example ever existing or remaining of a particular period, style, and material or construction technique.

Criteria Analysis:

The Applicants provided the MIHP documentation and references that highlight their justification and eligibility of the site for the HP Overlay District. The existing documentation supports the resources on the Property having significant character and value in the development and heritage of the County. The site is also identified with both the Rohrer and the Mong families who, as early settlers, influenced the County's development and the Property is a lasting example of the County's historic heritage. The documentation also indicates that the Property retains distinctive characteristics of local historic architecture with its stone construction and use of environmental features on the Property, namely its location over the spring. In addition to the Property's distinction as one of the County's few 18th century sites, it is also one of the remaining examples of early 19th century stone architecture within the County's existing resources.

The Property and structures meet several of the following criteria specified in Section 20.5 of the Zoning Ordinance for the establishment of the HP Overlay:

(a) The Property is listed on the Maryland Historical Trust's Inventory of Historic Sites.

(b) Historical and Cultural Significance

- The historic resources have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County;
- The historic resources are identified with a person or persons who influenced early County society;
- The historic resources exemplify the cultural, economic, social, political, or historic heritage of the County and its communities.

(c) Architectural and Design Significance

- The historic resource embodies the distinctive characteristics of a type, period, and method of construction and architecture;
- The historic resource represents an established and familiar visual feature of the County in the historical stone farmhouse.

Based on the information presented and analysis prior to any input from a public meeting or hearing, the Planning staff recommended approval of the application to apply the HP Overlay District, as requested.

Recommendations

The Washington County Planning Commission took action at its regular meeting held on Monday, October 2, 2023, to recommend approval of Map Amendment RZ-23-007 to the Board of County Commissioners. The Planning Commission considered the application, the supporting documentation submitted with the application, including the data required by 20.4(b) of the Zoning Ordinance, and the Applicants' presentation during the public information meeting. The Planning Commission also considered the Staff Report and Analysis, comments of interested parties received by the Planning Commission, and the specific criteria for establishment of an HP Overlay District in Section 20.5.

Based upon this information, the Planning Commission found that the application meets the criteria set forth in Section 20.5 of the County's Zoning

Ordinance to place the HP Overlay District in this location; and, therefore, recommended approval of this application. The Board of County Commissioners has considered all of the foregoing, as well as information that was presented during the public hearing of this matter.

Conclusion

Based on the information provided by the Applicants in the initial application, further analysis by Staff, the Planning Commission's recommendation, and evidence presented at the public hearing, the Board of County Commissioners believes that there has been adequate evidence submitted to meet the various criteria that would support the application for Agricultural Rural with HP Overlay District to the subject property.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND

Dawn L. Marcus, Clerk

BY: _____
John F. Barr, President

Approved as to form and legal sufficiency:

Zachary J. Kieffer
Deputy County Attorney



Agenda Report Form

Open Session Item

SUBJECT: Update to County Policy – Utility Construction within County Public Right-of-Way

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Scott Hobbs, Director of Engineering; Greg Cartrette, Director of Permits and Inspections / Code Official

RECOMMENDED MOTION: Approve resolution to amend the DPW-2 Policy (formerly known as S-4) for Utility Construction within County Public Right-of-Way.

REPORT-IN-BRIEF: Staff recommends amending the DPW-2 Policy - Utility Construction within County Public Right-of-Way to address current technology and installation methods. The last amendment to the policy was July 2011.

DISCUSSION: Utility permits are issued by the Permits office, include conditions of work during permit/plan review, and are tracked in the field by the Inspections office. Updates to the policy include revisions to definitions, adding micro-trenching as an acceptable method of utility work, requirements for third-party inspections for projects with multiple crews working at the same time, and clarification of mitigation requirements, including resurfacing the road based on the pavement condition index.

FISCAL IMPACT: N/A

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Amended DPW-2 Policy

AUDIO/VISUAL TO BE USED: N/A



Washington County, Maryland Policy Manual

Policy Title: Utility Construction within the County Public Right-of-way

Policy Number: DPW-2 (formerly known as S-4 Policy)

Adoption Date: February 20, 1973; Amended

PURPOSE:

To establish a County policy to provide administrative and procedural guidance needed to accommodate utility construction within the County Public Right-of-Way. To establish specifications to facilitate increased safety and convenience for the residents/traveling public; preserve the County's infrastructure; mitigate the impact of utilities on the structural integrity, durability, and aesthetic quality of the County's roadways; provide for the accommodation of utility facilities within the right-of-way and establish procedures and controls for the issuance of permits.

The permit system established herein makes known the intent of the utility company and/or contractor to carry out work within the public right-of-way by requiring advanced submission of a written application and provides that the nature and extent of any utility work within the public right-of-way shall be clearly defined by the Applicant and agreed to by the County.

The policy also establishes an administrative procedure for the ~~County Division of Plan Review & Permitting (DPRP) and the Division of Public Works (DPW)~~ to coordinate the use of space within the public right-of-way and hold the Applicant responsible for such authorized work and provides a means for authorizing said work.

POLICY:

Washington County must approve the location, design, maintenance of traffic (MOT), and any unique requirements and issue a permit for utility construction within the public right-of-way owned and/or maintained by the Board of County Commissioners for Washington County, Maryland. A utility permit is required for any modification or new utility installation or connection including, but not necessarily limited to water, sanitary sewer, natural gas, electrical, cable television, telephone, fiber optics and related utility.

Control of utility construction is a key component to protect the public investment within the public right-of-way.

Consistent with the Maryland Department of Transportation (MDOT) State Highway Administration's (SHA) policy for utility cuts, a moratorium period of five (5) years from the date of construction completion is established on newly constructed roadways. Similarly, a moratorium period of three (3) years from the date of pavement overlay is established for existing highways/roads resurfaced or reconstructed. If repair to a utility or connection to a utility is necessary during this moratorium period, the Applicant/Permitee shall mill and overlay a minimum of twenty-five (25) feet beyond the affected area across the full width of the pavement (edge to edge).

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For areas outside of zoned residential areas, for exemption from this portion of the policy, the Applicant shall submit three (3) alternative designs for realignment or reconfiguration of the utility construction with construction cost estimates to the **County DPRP**. The **County DPRP** may select any of the submitted alternatives over the proposal to disturb the existing pavement. The intent for the moratorium is an attempt to maintain the integrity and pavement serviceability rating of these newly constructed or refurbished roadways. Mainline or longitudinal utility installations during the moratorium period for any highway/roadway is not acceptable.

Utility companies are urged to assure their mainline work is designed to accommodate future extension without disturbing existing pavement. Only when no other alternative is available will utility cuts be permitted on newly constructed or refurbished roadways.

REGULATORY AUTHORITY AND POLICY:

The Code of Public Local Laws of Washington County bestows authority to the Board of County Commissioners to adopt regulations regarding the construction of new highways, roads, bridges, drainage systems, and other incidental structures (Code of Public Local Laws, Chapter 7-301). Furthermore, the statute authorizes the Director to develop Standards, Policies, Details and Specifications affecting the design and construction of public works in the County (Code of Public Local Laws, Chapter 7-308).

More specifically, Chapter 7-310 of The Code of Public Local Laws of Washington County prohibits a person from installing, maintaining, repairing, relocating, or removing a pipe, wire, cable, fiber optics, performing an excavation within the public right-of-way or other materials without first obtaining a permit from the County. The chapter grants authority to require and exercise surety against incomplete or unsatisfactory work.

This policy does not apply to incorporated areas of Washington County, Maryland except where roadways owned and/or maintained by the Board of County Commissioners for Washington County, Maryland pass through the incorporated area.

The Board of County Commissioners may, from time to time, establish a fee structure for utility permits.

DEFINITIONS:

Acceptable notification: telephone conversation, letter, electronic email to a designated email address, request using the online permitting system (when available).

Applicant: Any person, as herein defined, who has applied for a permit to perform any construction regulated by the Code of Public Local Laws of Washington County.

County: The Board of County Commissioners for Washington County, Maryland or its duly designated agent, Division, or Department.

Emergency Utility Construction: A repair necessary to restore a pre-existing service when a service interruption occurs or a repair is necessary to prevent the loss of life, damage to property or restore essential service for livability factors.

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Highway system: The series of existing and proposed County roadways not within a planned or developed residential, commercial or industrial subdivision.

Maintenance of Traffic (MOT): An engineered plan to manage and ensure pedestrian and vehicular traffic through or around the area influenced by the proposed utility construction.

Major repair: New utility cut or repair requiring construction activity for more than five days; longitudinal cuts 500 feet or greater in length and any cut, transverse or longitudinal deeper than ten feet.

Method of Construction: Either horizontal directional ~~boring~~ drilling, directional boring, **impact moling, micro-trenching**, or open trench construction for utility work **as defined in detail herein**.

Miss Utility: A one-call notification center (1-800-257-7777) that identifies the location of utility facilities within the public right-of-way and notifies subscribing underground utility owners of proposed excavation plans.

Moratorium Period: A period of five (5) years from the date of construction completion for newly constructed roadways; a period of three (3) years from the date of pavement overlay completion for existing highways/roads resurfaced or reconstructed.

Permittee: An individual or corporation who has applied for and has been issued a utility permit in accordance with the provisions of this policy.

Right-of-way: Any land area that has been dedicated to public use for road or transportation purposes by a plat of subdivision or other instrument recorded in the land records office; any land area deeded to or acquired by the County for road or transportation purposes; any land area which has been conveyed to a public agency by easement for public use for road or transportation purposes; any land area which has been declared by competent authority to be public right-of-way through use or through prescriptive usage in accordance with Maryland Law; any land area along a County-maintained road which falls within the traveled way or actively maintained shoulders and side ditches of the County-maintained road. Public right-of-way does not include state roads, federal roads, municipal roads, park roads, private roads, or public utility easements.

Road classification: A hierarchical system of roadways, classified by function, used to determine the appropriate level of access management. County roadways shall be classified as principal arterial, minor arterial, collector, minor collector or local.

Settlement: Vertical consolidation and lowering of the pavement repair area where the vertical deflection created exceeds three-eighths inch (3/8") or causes water to pond within the repair area or change the flow path directions.

Spot patch: A square or rectangular excavation/cut into existing pavement to provide access to an existing utility within the paved roadway surface that is not specifically oriented in a longitudinal or transverse direction.

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Stop work order: An act, order or certificate issued by a representative from the authority having jurisdiction suspending authorization to perform any work within the public right-of-way or other areas under the jurisdictional control of the Board of County Commissioners.

Subdivision street system: The series of existing and proposed County roadways within a planned or developed residential, commercial, or industrial subdivision.

Surety: Valuable consideration pledged or deposited for the purpose of assuring performance of the obligations imposed under this and other County policies in a form acceptable to the County Attorney, including an irrevocable standby letter of credit, performance bond, or certified check. Sureties must be of AM Best rating, listed as U.S. Treasury approved, licensed and certified to conduct business in the state of Maryland. The County may also require the surety to produce a Summary balance Sheet prior to acceptance of a bond. Letters of Credit shall be drawn on a Maryland bank branch, having a local branch office in Washington County, MD, and subject to automatic renewal. Performance bonds shall also be subject to automatic renewal.

Utility Permit: An official document or certificate issued by the **County DPRP** authorizing performance of construction within the public right-of-way and within a specified time, as further provided and detailed in the supporting documents, agreements, conditions, plans, and specifications relating thereto.

Zoned Residential Areas: The following areas identified in the Washington County Zoning Ordinance (Residential Rural District “RR”, Residential Transition District “RT”, Residential Suburban District “RS”, Residential Urban District “RU”, and Residential Multi-Family District “RM”).

UTILITY PERMIT:

Public utility companies, government political entities, private property owners, and developers proposing utility construction within a public right-of-way owned and/or maintained by the Board of County Commissioners for Washington County, MD shall submit an application for a utility permit to the **County DPRP**.

The following activities require the issuance of a utility permit:

- Any residential, commercial, or industrial utility service connection(s) within the public right-of-way (new or modified);
- Any utility trenching, tunneling, horizontal directional drilling / directional boring, **micro-trenching**, or cutting of existing pavements within the public right-of-way;
- Temporary construction of the above examples.
- Adjustment or replacement of manhole frame(s) and cover(s) and valve boxes;
- Routine maintenance of existing utility infrastructure;
- Repairs to existing utility facility infrastructure;
- Underground **and/or overhead utility** facility construction within the public right-of-way;
- Modifications to utility facilities which are required to be made as part of a capital improvement program project; and
- Testing/inspection of utility facilities which impede flow of traffic on public roadway.

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Utility Permits shall expire one (1) year from the date of permit issuance unless the ~~County DPRP's Director or the DPW Director~~ stipulates a shorter or longer term when the permit is initially issued. Failure to complete the work within the specified time frame will be just cause to require the Applicant to reapply.

UTILITY PERMIT REVIEW AND APPROVAL PROCESS:

Utility Permit (Non-emergency situations):

1. Upon receiving an application and the supporting documentation for a Utility Permit, the ~~County DPRP~~ representative will investigate the proposed work to determine its acceptability for tunneling, horizontal directional drilling, directional boring, ~~micro-trenching~~, open trench construction, overall safety, MOT and other factors. When the MOSH/OSHA regulations require the creation of an excavation safety plan, the plan shall be submitted with and form a part of the supporting documentation for the application.
2. After affirming a favorable recommendation, establishing the acceptable method of construction and posting of the appropriate surety; the ~~County DPRP~~ will issue a Utility Permit at the approved location.
3. The ~~County DPW~~ will hold, manage, exercise, and release utility permit held sureties.
4. The ~~County DPW~~ shall assign a construction inspector to monitor the work progress and serve as the point of contact for the Permittee.
5. Forty-eight (48) hours prior to beginning construction, the Permittee must notify the ~~County DPW~~ of the intent to begin the proposed work. This notification is necessary to allow that office time to schedule an inspection. Failure to make the appropriate notification shall be just cause to issue a stop work order until the appropriate inspections can be arranged. The ~~County DPW~~ may establish an electronic mailbox for notification or establish a voice mail box to aid in Permittee notification. A ~~County DPW~~ inspector will be assigned to become the Permittee's point of contact relating to the respective utility permit.
6. For major repair work, a pre-construction conference shall be held before commencing with the work unless it satisfies the requirements for emergency utility construction.
7. For permits for new installation serving 5 or more residences, a pre-construction conference shall be held before commencing with the work.
8. The ~~County DPW~~ Inspector shall periodically inspect the work site for conformance with the policy and approved drawings. Inspections may be made upon Washington County's receipt of a complaint relating to the work.
9. After all work is completed, the ~~County DPW~~ Inspector must be informed that all construction has been completed within the County's right-of-way. The Inspector will conduct a final inspection, establish a punch list or attest to satisfactory completion.
10. Assuming all work is completed to the satisfaction of the ~~County DPW~~ Inspector; the one-year maintenance period will commence. After which, provided the utility patch work and effected pavements remain acceptable, the surety will be released. Unless authorized by the ~~County Director of Public Works~~, in no case will the surety be released in less than 12 months from the completion of the utility pavement repair. If some component of the work is unsatisfactory, the Permittee will be notified and corrective action required. The surety shall not be released until all work is completed to the ~~County DPW~~ satisfaction.

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SUSPENSION OR REVOCATION:

The **County DPW** Director associated with the inspection, or his/her agent/representative, may suspend or revoke any permit when the work is deemed to present a safety risk to the public; work is incomplete and the Permittee refuses to take appropriate corrective action; the Permittee fails to complete the work within the stipulated time frame or any other just cause in conflict with the provisions of this policy.

Suspending or revoking the permit shall not waive any right to exercise the surety posted for the respective utility construction work.

PERMITTEE'S RESPONSIBILITY UNDER THE UTILITY PERMIT:

The Permittee has legal obligations and administrative requirements upon receipt of a utility permit. The permit constitutes a binding contract between the Permittee, his/her heirs, successors, and assigns, and the Board of County Commissioners for Washington County, MD. It is important for Applicants to be aware of and understand the key responsibilities under the permit. This information is provided for illustrative purposes only and shall in no way be interpreted to supersede, contradict or substitute for the terms and conditions of an actual granted utility permit.

The basic responsibilities are summarized as follows:

- Obtain any other necessary permits that may be required by local, state or federal agencies;
- Contact Miss-Utility at 1-800-257-7777, a minimum of forty-eight (48) hours prior to beginning any work.
- Complete the construction as described on the approved construction drawings; failure to do so may result in the Permittee's removing and reinstalling all work under the permit;
- Construct the proposed improvements in accordance with County Standards and Specifications and any applicable policies and procedures of Washington County;
- Make any individual or corporation contracted to perform the work under this permit aware of the conditions of this permit;
- Determine the location, relocation and adjustments of public and private utilities affected by the proposed construction/connection;
- Maintain appropriate clearances from other utilities in the vicinity of the proposed work;
- Mitigate any adverse impact(s) of drainage by the construction contemplated;
- Protect the construction area from sediment entering the surface water runoff;
- **Wear reflective safety vests on the job site at all times. When MOSH/OSHA regulations require the creation of an excavation safety plan, the plan shall be submitted with and form a part of the supporting documentation for the application;**
- Provide for MOT during construction in accordance with federal, state and county requirements and the Manual on Uniform Traffic Control Devices (MUTCD);
- Replace/Install or compensate the County for any permanent traffic control markings damaged by the work and/or repairs to traffic signals/detection systems;

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- Normal traffic along a County right-of-way shall be maintained at all times using signs, flashers, barricades, flaggers, etc. All required signs shall be placed prior to construction or placement of any equipment or material on site. Provisions must be made for pedestrians to utilize area without entering onto pavement, as applicable.
- Maintain accessibility to any fire hydrants in the vicinity of the work area during construction;
- Maintain accessibility to any mailboxes or driveways (commercial or private) in the vicinity of the work area;
- All mud and debris tracked and/or spilled on the County road shall be removed promptly to eliminate potential hazards. Keep the adjacent and adjoining roadways clean and free of soil, dirt and other debris at all times during the construction;
- Indemnify and save harmless the Board of County Commissioners for Washington County, and all of its agents and employees from suits, actions, or claims of any character brought on account of any injuries or damages to person or property occurring as a result of any act or omission by the Permittee or their agent, servant, consultant or independent contractor employed by the Permittee for the performance of the work; and
- Repair any damage made to existing lawns, shoulders, sidewalks, curbs, pavement, permanent pavement markings, and drainage systems associated with the work;
- Installation under curb and sidewalks shall be via bore unless otherwise directed by the County inspector;
- Provide written notification (door tag or similar) to adjacent properties a minimum of one week in advance of the start of construction. Notification shall include a contact name, e-mail address, and telephone number for a project representative able to respond to any questions or complaints;
- For utility projects with multiple crews working in different locations at the same time, the Permittee shall be required to hire Permittee a third-party inspector, from a list of approved vendors that the County has vetted, to monitor the work and provide daily inspection reports with photos to verify work meets the requirements of the permit. The Permittee shall be solely responsible for payment of all expenses related to work performed by said third party inspector.
- If at any time during construction the scope of work changes, please call Washington County Division of Permits and Inspections to discuss the need to amend the permit.

UTILITY CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY STANDARDS:

To minimize disruption and damage within the County public right-of-way, the first method of construction contemplated for any project shall be to ~~tunnel or~~ horizontal directional drill / directional bore under the existing ground or pavement. When ~~tunneling~~ horizontal directional drilling / directional boring is not feasible as confirmed by the County nor will it accomplish the intended action, the County ~~DRPR~~ may authorize impact moling, micro-trenching, open trench, or aerial methods of construction as determined by the location of the work.

New aerial installations shall be avoided at such locations where there is a feasible and prudent alternative. Where new aerial installations are permitted, all poles, guys/anchors, and appurtenances shall be located to minimize adjustments for accommodating future road improvements or maintenance. They shall not be located in ditches, at drainage structure openings, on roadway shoulders, etc.

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~~Tunneling~~-Horizontal directional drilling / directional boring or impact moling shall be at least thirty-six (36) inches underground or beneath the base course of the road / pavement section unless otherwise approved by the County.

Impact moling (also referred to as pneumatic punching, missile boring, and stitch boring) is only permitted at underground lengths greater than 50 feet along the frontage of zoned residential properties or in densely populated areas but is acceptable for road crossing applications and under driveways; ~~Pneumatic punching is acceptable~~; however, this may be rescinded at any time by the County DPW Inspector if there is any excessive earth disturbance or evidence of pavement damage / heaving of pavements as a result of this operation. The Permittee shall repave the entire driveway if there is any evidence of pavement damage or heaving of the driveway.

Utility tunneling, pipe jacking, microtunneling, pipe ramming, and auger boring construction methods generally involve larger operations and will be dealt with on a case-by-case basis.

The County reserves the right to evaluate and accept other operations utilizing future technology that improves the expansion of broadband and other utilities.

Any new fiber proposed shall adhere to the horizontal directional drilling / directional boring or micro-trenching guidelines. In zoned residential areas, vaults, handholes, pedestals, cabinet boxes, etc. shall be installed in discrete areas, near existing utility infrastructure, or at the property line between two properties to limit the impact to the adjacent properties. This infrastructure and all fiber shall be clearly and accurately identified on the construction plans.

Qualifications and experience of contractors shall be submitted by the Permittee for review and acceptance prior to the start of work.

Horizontal Directional Drilling / Directional Boring / Impact Moling:

Horizontal directional drilling / directional boring is defined as a steerable system for the installation of pipes, conduits, and cables in a shallow arc using a surface launched drilling rig. This method involves the use of directional drilling machines to accurately drill along the chosen bore path and back ream the required pipe.

Although often used interchangeably, the terms horizontal directional drilling and directional boring are distinct in that they convey a different sense of scale. The term directional boring is generally reserved for mini/small sized drilling rigs, small diameter bores, and crossing lengths in terms of hundreds of feet. Impact moling involves installation of small diameter pipes or cables using a pneumatic hammering tool to create a borehole underground in compressible soils at short distances between two excavated pits. The term horizontal directional drilling is intended to describe large/maxi sized drilling rigs, large diameter bores, and crossing lengths in terms of thousands of feet. The Permittee shall specify the method on the construction plans and include location and sizes of the excavation pits, vaults, handholes, pedestals, cabinet boxes, etc.

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Horizontal directional drilling / directional boring or impact moling for new fiber in zoned residential areas will only be acceptable if the utility provides a soil boring report from a licensed geotechnical engineer that accurately locates the elevation of bedrock along the path of the drilling/boring and verifies the bedrock is below the intended depth of the path of the run. The County will only accept micro-trenching if rock is shown to be in the path of the drilling/boring in zoned residential areas.

Utility companies that have existing active fiber already underground within the County public right-of-way in a zoned residential area may repair, upgrade, or replace its lines in place by horizontal directional drilling / directional boring with test pitting and small excavation locations to tie into the existing infrastructure.

Micro-trenching:

Micro-trenching is low-impact slot-cut method that enables quick installation of underground fiber optic cable/microducts in trenches that are narrower/shallower than typical open trenches and reduces the impact on existing utilities and land surface with minimal impact to the community. Micro-trenches shall be installed at the edge of the gutter line or in the shoulder of the road pavement if no gutter line exists. The micro-trench shall be linear in nature, have a shape consistent with the roadway's horizontal alignment, and installed at a location and depth to adequately work around any existing utility or previous micro-trenched conduit. It is incumbent on each utility owner to work with future utility owners so as not to disrupt service already in place.

Unless otherwise approved by the County, the micro-trenches shall be approximately 1 inch in width and 12 to 16 inches in depth with a minimum of 6 inches clearance from top of pavement surface to top of installed conduits. The micro-trench must be filled with a flowable fill and a flexible asphalt/reinstatement system as approved by the County.

In areas that have previously installed fiber outside of the roadway, subsequent fiber installation shall use micro-trenching unless otherwise approved by the County. When a subsequent micro-trench is installed in the road, it must be at least one foot horizontally from the last micro-trench or on the other side of the road (if no trench exists on that side). If the pavement condition index for the road is greater than 75 per the latest survey, the Permittee shall mill and overlay the road after micro-trenching as directed by the County.

Open Cut/Trenching:

Open cut trenching is acceptable for longitudinal or transverse openings where other methods are deemed impractical by the County.

The minimum trench width shall be 24". The trench width is not to be confused with the minimum pavement repair width, which is five (5) feet (trench width plus three (3) feet).

The existing pavement edge limits of the open cut trench shall be saw cut to sharp/uniform lines.

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All materials used for utility construction within the public right-of-way shall conform to the latest standards and specifications for MDOT SHA and Washington County for construction.

Where discrepancies exist between these standards and specifications, the Washington County edition will prevail.

Backfill material within roadways shall be graded aggregate meeting MDOT - SHA Specifications.

The motoring public and pedestrians shall be protected against hazards associated with open utility trenches and excavations. The ~~County DPRP and/or the DPW~~ may require the submission, review and approval of a plan for MOT (vehicular and pedestrian) prior to issuance of a utility permit.

All open cut trenches and excavations in the paved section of roadway must be backfilled and capped with bituminous concrete cold mix or steel-plated at the end of the workday. An open trench can never block continuous access to the other side. ~~An open trench can never block continuous access to the other side.~~ When prolonged work makes this impractical, roadway open cut trenches shall be completed as soon as possible to minimize exposure and occurrence of unfortunate events. If an open cut area is intended to be open for five (5) or more calendar days, the open cut trench shall be separated for moving traffic by concrete barriers or filled to within two (2) inches of the adjacent pavement surface throughout its entire length. Whenever concrete barriers are used to protect a work area, an approved MOT plan shall be approved by the ~~County DPRP~~.

Traffic control devices, such as traffic signal loop detectors and pavement markings damaged during utility construction shall be repaired to the satisfaction of the County. If these devices are anticipated to be affected, a traffic signal timing and sequencing plan must be established prior to commencing with any work. The Permittee may agree to compensate the ~~County DPW~~ for the cost to replace/repair the traffic control devices. Failure to pay for replacement or repair of these devices shall be just cause to exercise a claim against the posted surety.

Open cut trenches shall be constructed in accordance with all local, state and federal safety regulations, specifically OSHA§ 1926.650.

Daily inspection of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, loss of life or damage to adjacent pavements and structures. Where MOT plans have been approved, the Permittee shall designate an MOT Manager to monitor the correct application of traffic control devices and order corrections to the MOT implementation where necessary.

Mill and Overlay Requirements:

A mill and overlay shall be required should the patch not meet the specifications as set forth in the County Standards and Specifications for design/construction and/or the Standards and/or Specifications for Construction and Materials, MDOT SHA.

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If pavement cuts are necessary on newly constructed or rehabilitated roadways within the moratorium period and no alternative is available, such cuts will be permitted and require a mill and overlay a minimum of twenty-five (25) feet beyond the affected area across the full width of the pavement (edge to edge). A two (2) inch deep mill and overlay is required for all utility patches as shown on the standard detail. Mill and overlay limits may be extended at the direction of the County based on the following guidelines:

Transverse or Spot Patches:

Whenever two or more transverse or spot patches are within fifty (50) feet of each other; the mill and overlay shall extend the full width of the pavement, a minimum of twenty-five (25) feet longitudinally beyond the two or more transverse or spot utility patches.

Longitudinal Patches:

Diagonal utility cuts shall be considered longitudinal cuts and shall meet the requirements set forth herein. When the distance from the edge of existing pavement to the edge of new asphalt patch base material is three (3) feet or less, the existing pavement between the edge and new base shall be removed and replaced with new HMA material. When the area designated as "mill and overlay" on the Detail titled "Utility Patch in Flexible Asphalt Pavement" exceeds fifty (50) percent of the existing total roadway width; the entire roadway width shall be milled and overlaid. Whenever longitudinal, transverse or spot cuts/patches are coincidental, the entire width of the roadway shall be milled and overlaid, to a distance not less than twenty-five (25) feet each side of the transverse cut/patch, measured in a longitudinal direction.

Longitudinal patches in excess of 100 feet in length shall require an engineered plan for review and approval by the County. A cost estimate for repairs shall be included and the surety adjusted to cover the cost of the repairs, plus a 15% administrative fee.

General:

Work on holidays and weekends shall not occur unless an exception is granted in writing by the **County DPW**. The **County DPW** must be notified whenever work is planned for holidays and weekends to determine if inspection services are necessary. This restriction does not apply to emergency work as defined herein.

The Board of County Commissioners will not encumber a public or private utility easement across right-of-way owned by them for a public roadway. The Permittee shall not assume that by way of constructing, modifying, repairing and/or reconstructing any part of a utility system, such act can be considered as granting authorization for a public, temporary or perpetual easement(s) for the said utility. The Permittee understands that any utility placed within the roadway right-of-way under a utility permit must be relocated, at the Permittee's expense, should the County propose a roadway reconstruction or improvement project where the utility is in conflict with the work proposed by the County. This includes horizontal and vertical position as well as service connections to properties served.

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Use of explosives shall be permitted only where necessary and as such, a minimum charge shall be used. All applicable federal, state, and local regulations shall apply. When explosives are contemplated; special inspections shall be performed by the **County DPW** Inspector to observe any heaving or movement of the existing pavements. If any pavement heaving or movement is created by the blasting operation, the affected area shall be removed and reconstructed in accordance with the **County** Standards and Specifications for ~~Public Works~~ **design**/construction.

Material may not be stockpiled on the public road, such that it creates a safety hazard for the motoring public or pedestrians, without prior approval by the **County DPW**.

All mud and debris tracked and/or spilled onto the County road shall be promptly removed to eliminate potential contamination to surface waters.

Pads must be used on all backhoe outriggers. No equipment with cleat wheels or tracks is permitted on the existing paved roadway surface. Any damage to existing pavements caused by cleats or tracks shall be repaired by the Permittee.

The location of cabinet boxes, pedestals, poles, guys/anchors, and other appurtenances shall not obstruct sight distance of roadway drivers. Additionally, a clear zone as defined by AASHTO shall be provided as wide as practicable between the edge of the traveled way and these appurtenances. Refer to AASHTO guidelines for further guidance.

MAINTENANCE OF TRAFFIC:

Traffic, both vehicular and pedestrian must be maintained through all phases of the construction or rerouted in a method acceptable to the **County DRPR and DPW**. All work activities within the public right-of-way requires appropriate MOT controls to protect the motorist, pedestrians and workers. The degree of controls required will be proportionate to the characteristics of the roadway, roadway classification, its traffic volumes and the type and extent of the work to be performed. All required signs shall be placed prior to construction or placement of any equipment or materials on site.

Construction personnel working within the public right-of-way shall don appropriate personal protective clothing in accordance with the MUTCD, OSHA, MOSH, and ANSI requirements.

The Permittee shall submit a site-specific traffic control plan for approval by the County when either of the following conditions exists:

- Work is proposed on a roadway classified as a collector or higher functional classification; or
- Proposed work is located within an area deemed urbanized by the **County DRPR or DPW**, with significant vehicular and/or pedestrian traffic.

The **County DPW** may waive this requirement for a site-specific MOT plan if it is determined the roadway is under-utilized or if the work activity would not seriously affect traffic. This waiver must be confirmed in written form from the **County DPW** (letter, memo or electronic mail).

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The site specific MOT plan shall correctly depict the name of the affected roadways, physical characteristics including the correct number of lanes, turn lanes, pavement markings, parking lanes, medians, traffic islands, posted speed limits, and all intersecting roadways and affected sidewalks within the proposed MOT plan. The MOT plan shall identify the proposed work zone and staging areas. The MOT plan shall identify and provide specific locations for all traffic control devices (i.e. signs, drums, taper lengths, cones, arrow panels, flaggers, variable message boards, etc.) to protect the work zone. The MOT plan must conform to the provisions set forth in the most recent editions of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

Regardless of the level of traffic volume on the roadway, if a complete road closure is necessary to complete the work, the Permittee shall submit for approval a MOT plan. Failure to obtain an approved MOT plan is just cause for the **County DPW** inspector to issue a stop work order.

SURETY:

Surety is required to provide protection and insurance to the Board of County Commissioners that the roadway affected by the proposed work will be repaired and returned to acceptable condition meeting the satisfaction of the **County DPW** and the repair will perform reasonably similar to the unaltered pavement (i.e. without reducing the pavement life expectancy and riding comfort). All utility permits (both individual and/or blanket) shall become null and void upon failure of the Applicant/Permittee to maintain active surety (individual and/or blanket) for the work contemplated.

Individual Utility Permit:

A utility installation bond is required prior to issuance of the utility permit. The standard surety value shall be \$2,500.00 and is subject to increase depending on the scope and magnitude of the work as determined by the **County DPRP**. The **County DPRP** may require the submission of an engineer's estimate of construction costs to validate the value of the surety to be posted. The County may also request the value of the surety be increased to be commensurate with the work contemplated (i.e. longitudinal patches 200 feet in length, special construction, etc.).

Surety for an individual utility permit shall remain in full effect for a period not less than one-year from the time the utility work is complete and accepted, as verified by the **County DPW** inspector.

Public Utilities and Government Entities:

To avoid the posting of surety for individual utility permits, a blanket utility permit surety may be posted by a public utility company or a government entity that owns and operates a public utility service. Private property owners and private contractors may not post a blanket utility surety, but must post individual surety for every utility permit obtained. The blanket surety may be posted once and remain in effect to cover all work performed by that respective utility or government entity, subject to renewal once every twenty-four (24) months. Having filed a blanket utility permit surety will waive the requirement to post individual utility surety for each utility permit obtained.

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The blanket surety value shall be twenty-thousand dollars (\$20,000.00) and is subject to increase depending on the scope of work as determined by the **County DPRP**. The **County DPRP** may require the submission of an engineer's estimate of construction costs to validate the value of the surety to be posted. The **County DPW** may also request the value of the surety be increased to be commensurate with the work contemplated. The surety must remain in continuous full effect.

The surety must remain in full effect for a period not less than one-year following the most recent utility work completed and accepted, as verified by the **County DPW** Inspector. Nothing in this policy prevents a public utility or government utility from converting a blanket surety to an individual surety.

CAUSES TO REJECT THE WORK AND EXERCISE THE POSTED SURETY:

The County may, upon failure of the Applicant/Permittee to comply with this policy/permit, exercise the posted surety. Typical examples where the surety may be exercised or called upon include, but may not be limited to:

- Applicant's failure to complete the work.
- Applicant's use of a construction method not authorized under the Permit.
- Applicant causing pavement damage beyond the approved limits.
- Applicant's failure to correct any disruption to the adjoining drainage system(s).
- Applicant's failure to correct any damage of adjacent sidewalks.
- Applicant's failure to correct any earth disturbance or landscaping damage.
- Failure upon the Applicant to implement, maintain and/or correct any deficiencies associated with the approved MOT measures.
- Settlement of the utility patch area.
- Poor quality pavement workmanship (waving, rumbled, shoved pavements, etc.).
- Ponding of water in and in the general vicinity of the utility pavement repair.

RESOLUTION OF PROBLEMS DISCOVERED DURING CONSTRUCTION:

The **County DPW** is committed to seeing every project through completion in accordance with the Permit. The Permittee shall confer with the **County DPW** Inspector on a regular basis to clarify the County's requirements or resolve any problems or disputes during construction. If the matter cannot be resolved at this level, then a supervisor will intervene.

Problems with the approved plans or disputes over the requirements will typically be handled by the **County DPW** Inspector but may be referred back to a **County DPRP** supervisor.

- Problems encountered during construction with the design or progress of the project, for whatever reason, must be addressed to the satisfaction of the **County DPW** in a manner that does not compromise the functionality or integrity of the final product. Problems caused by negligent design practices, incomplete plans, and the like will not be considered "hardships". A functionally equivalent design, at the Permittee's effort and expense, is expected to be implemented.

Washington County, Maryland Policy Manual

- If there is a discrepancy between the actual elevations and the elevations shown on the plans, the grade of the proposed curbing and paving shall be established by using the actual elevations of the road edge. If, in the County's judgment, the discrepancy is substantial enough to warrant formal plan revisions, such revisions shall be made by the Permittee and submitted to the County for approval. The County Inspector shall have the option of suspending the work in the affected portions of the permitted work until the revisions have been approved.

EMERGENCY UTILITY CONSTRUCTION:

Public utility companies and/or government owned utilities, who have active surety posted with the County, are authorized to proceed with work meeting the definition of emergency utility construction provided the following procedure is followed:

1. Project emerges, is evaluated and is believed to meet the Emergency Utility Construction definition contained herein.
2. If during the regular County working hours, a representative from the public utility company or government owned utility shall appear to the Offices of Permits and Inspections to apply for a utility permit and follow modified procedures outlined above and below (emergency utility construction will be given the highest priority).
3. If during County non-working hours, a representative from the public utility company or government owned utility shall notify the **County DPW** and leave a message on the designated voice mail system providing the following information:
 - a. Agency making the notification and performing the work
 - b. Date and time planned to commence with the emergency utility construction.
 - c. Estimated duration of time to complete the work.
 - d. The specific location; i.e. road name and address.
 - e. Type of utility being repaired.
 - f. Point of contact for field operations: Name and mobile telephone number.
4. The public utility company or government owned utility shall notify the **County DPW** via electronic mail. Provide the same information listed in item 2 above.
5. Following the emergency procedures for miss-utility notification.
6. Establish traffic control measures as appropriate for the work contemplated.
7. Establish excavation safety plan in conformance with OSHA/MOSH requirements.
8. Commence with the work and complete the work. Emergency Utility Construction trenches shall be opened and closed in one single operation without interruption.
9. Notify the **County DPW** and leave a message on the Emergency Utility Construction voice mail system and email that the work is complete.

Amended	May 13, 1980
Effective	May 13, 1980
Amended	September 22, 1987
Effective	November 1, 1987
Amended	July 11, 1989
Effective	July 11, 1989
Amended	July 2011
Amended	January 9, 2024



Agenda Report Form

Open Session Item

SUBJECT: 2024 Senator Amoss Funding Distribution

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Division of Emergency Services, Director R. David Hays

RECOMMENDATION: Move to accept the recommendations of the Director of Emergency Services, authorizing the Division of Emergency Services to make notification of the grant award from the FY 2024 Senator William H. Amoss Fire, Rescue, and Ambulance Fund subsidy as outlined in the attached document. The total fiscal year 2024 funding received by the County is \$336,233.00.

REPORT-IN-BRIEF: The State of Maryland distributes an annual payment to each County for support of local fire and rescue operations. The County in turn makes notification of the funding to the eligible vol. fire and rescue corporations. Financial accountability and reporting are handled within the Division of Emergency Services and the Department of Budget and Finance; with the County filing a financial report with the State on an annual basis.

DISCUSSION: The Senator William H. Amoss Fire, Rescue and Ambulance Fund is authorized within the Public Safety Article of the Annotated Code of Maryland. The Maryland Emergency Management Agency is responsible for the program.

FISCAL IMPACT: Loss of funding would result in the reduction of capital equipment funding and expenditures that are available to the independent fire and EMS companies.

CONCURRENCES: Director of Emergency Services, Chief Financial Officer

ALTERNATIVES: N/A

ATTACHMENTS: Fiscal Year 2024 Distribution Matrix

Washington County, Maryland
Allocation of 508 State Grant Funds

Fiscal Year 2024

<u>Fire</u>	Vendor	Total Distributions	Amount
Hagerstown Fire Department	1468	6	77,593.00
First Hose Company of Boonsboro	920	1	12,932.00
Clear Spring Volunteer Fire Company	396	1	12,932.00
Williamsport Volunteer Fire and EMS	2651	1	12,932.00
Community Volunteer Fire Company	699	1	12,932.00
Funkstown Volunteer Fire Company	1377	1	12,932.00
Volunteer Fire Company of Halfway	1498	1	12,932.00
Leitersburg Volunteer Fire Company	1688	1	12,932.00
Maugansville Goodwill Volunteer Fire Company	1813	1	12,932.00
Smithsburg Community Volunteer Fire Company	2310	1	12,932.00
Sharpsburg Volunteer Fire Company	2224	1	12,932.00
Potomac Valley Volunteer Fire Company	2068	1	12,932.00
Hancock Volunteer Fire Company	1510	1	12,932.00
Longmeadow Volunteer Fire Company	1698	1	12,932.00
Mt. Aetna Volunteer Fire Company	1908	1	12,932.00
Total Distribution - Fire		20	258,641.00
<u>EMS</u>			
Sharpsburg Area Emergency Medical Service	6013	1	12,932.00
Hancock Rescue Squad	1502	1	12,932.00
Boonsboro Area Emergency Medical Service	281	1	12,932.00
Clear Spring Volunteer Ambulance Club	393	1	12,932.00
Smithsburg Area Emergency Medical Service	2309	1	12,932.00
Community Rescue Service, Inc.	1035	1	12,932.00
Total Distribution - EMS		6	77,592.00
Grand Total		26	336,233.00



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-23-0138) – Fire Hoses and Accessories for Division of Emergency Services

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Rick F. Curry, CPPO, Director of Purchasing; Eric Jacobs, Operations Manager, Division of Emergency Services

RECOMMENDED MOTION: Move to authorize by Resolution, the approval for the procurement of fire hoses and accessories for the Division of Emergency Services from Witmer Public Safety Group, Inc., of Coatesville, PA at the contracted unit prices based on the contract awarded by Montgomery County, MD contract (solicitation #1114636); for the total sum in the amount of \$ 92,392.32.

<u>Product Number / Quantities</u>	<u>Description</u>	<u>Unit / Discount Price</u>	<u>Extended Price</u>
12515050ATB @ 24	Mercedes Kraken EXO Blue Fire Hose, 1.5"x50'	\$233.10/\$198.14	\$4,755.36
12515050ATC @ 24	Mercedes Kraken White 1.5"x50' Fire Hose	\$233.10/\$198.14	\$4,755.36
12520050ATY @18	Mercedes Kraken EXO Yellow Fire Hose, 2"x50'	\$313.63/\$266.59	\$4,798.62
12520100ATB @6	Mercedes Kraken EXO Blue Fire Hose 2"x100'	\$556.48/\$473.01	\$2,838.06
12525050ATR @15	Mercedes Kraken EXO Red Fire Hose 2.5"x50'	\$351.56/\$298.83	\$4,482.45
12530050ATC @30	Mercedes Kraken EXO White Fire Hose 3"x50'	\$423.08/\$359.62	\$10,788.60

<u>Product Number / Quantities</u>	<u>Description</u>	<u>Unit / Discount Price</u>	<u>Extended Price</u>
23140100ATK @31	Mercedes Megflo Black Fire Hose 4 x100'	\$867.91/\$737.72	\$22,869.32
23140050ATR @5	Mercedes Megflo Red Fire Hose 4"x50'	\$549.34/\$466.94	\$2,334.70
23140050ATK @5	Mercedes Megflo Black Fire Hose 4"x50'	\$549.34/\$466.94	\$2,234.70
23140025ATR @3	Mercedes Megflo Red Fire Hose 4"x25'	\$390.06/\$331.55	\$994.65
23140025ATK @3	Mercedes Megflo Black Fire Hose 4"x25'	\$390.06/331.55	\$994.65
23150030ATR @6	Mercedes Megflo Red Breather Hose 5"x30'	\$416.43/\$353.97	\$2,123.82
5196NF86R @6	Mercedes Textiles 6" Coupling	\$572.22/\$486.39	\$2,918.34
5172NF86H @6	Mercedes Textiles 4.5" Coupling	\$453.85/\$385.77	\$2,314.62
12515075ATC @1	Mercedes Kraken 1-1/2"x75' EXO	\$276.96/\$235.42	\$235.42
5124NH31RAGWO @9	Mercedes Wayout Coupling 1-1/2"x1-1/2"x1-15/16" EXO	\$48.46/\$41.19	\$370.71

<u>Product Number / Quantities</u>	<u>Description</u>	<u>Unit / Discount Price</u>	<u>Extended Price</u>
12520050ATY @1	Mercedes Kraken EXO Fire Hose 2"x50'	\$242.86/\$206.43	\$206.43
5128NH37RAGWO @3	Mercedes Wayout Coupling 2"x1-1/2"x2-5/16"	\$70.77/\$60.15	\$180.45
12525050ATC @1	Mercedes Kraken Fire Hose 2.5"x50'	\$274.64/\$233.44	\$233.44
5140NH46RAGW0 @3	Mercedes Wayout Coupling 2-1/2x2-7/8	\$76.92/\$65.38	\$196.14
ELK04XD012F04010003 @3	Elkhart Nozzle 200GPM	\$1,258/\$729.64	\$2,114.10
ELK04XD0F5702010001 @12	Elkhart Nozzle 150 GPM	\$1,258/\$729.64	\$8,755.68
ELK0069XD0F01010001 @3	Elkhart Shutoff	\$865/\$501.70	\$1,505.10
ELK66766007 @3	Elkhart 188XD Long Barrel	\$275/\$159.50	\$478.50
ELK0033XD0F03010002 @3	Elkhart XD Shutoff w/Internal Smooth Bore	\$830/\$481.50	\$1,444.204
ELK0033XD0F03010004 @6	Elkhart XD Shutoff w/Internal Smooth Bore	\$830/\$481.40	\$2,888.40
ELK04XD010F0201040A @6	Elkhart Chief XD Tip	\$844/\$489.52	\$2,937.12
ELK04XD010F0201020A @3	Elkhart Chief XD Tip	\$844/\$489.52	\$1,468.10

REPORT-IN-BRIEF: The Code of Public Laws of Washington County, Maryland (the Public Local Laws) 1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a part to the original contract. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the procurement of the vehicles in accordance with the Public Local Laws referenced above that participation would result in cost benefits or in administrative efficiencies.

The County will benefit from the direct cost savings in the purchase of the fire hoses and accessories because of the economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of the fire hoses and accessories by utilizing the Montgomery County, MD contract and eliminating our county's bid process would result in an administrative and cost savings for the Division of Emergency Services and Purchasing Department in preparing specifications.

DISCUSSION: N/A

FISCAL IMPACT: Funds are available in the Division of Emergency Services capital budget, in the amount of \$116,010 for this purchase.

CONCURRENCES: Division Director

ALTERNATIVES: N/A

ATTACHMENTS: Whitmer Public Safety Group, Inc.'s quote QUO142548 dated 12/20/2023 and quote QUO129992 dated 10/18/2023.

Quote#	QUO142548
Date	12/20/2023
Exp. Date	01/31/2024

Bill To:

Washington County DES
16232 Elliott Pkwy
Williamsport, MD 21795-4083
United States

Ship To:

Washington County DES
16232 Elliott Pkwy
Williamsport, MD 21795-4083
United States

ELKHART NOZLES 2024 PRICE

ID	Name	Terms	Sales Rep	Shipping Method
12849	Washington County DES	Net 30	John Shipley	Williamsport Pickup

#	Item Name	Description	Quantity	Unit Price	Amount
1	Description	MONTGOMERY COUNTY CONTRACT 1114636		0.00	0.00
2	ELK-04XD012F-04010003 03AA	Elkhart Chief XD Nozzle, 200 GPM @ 75 PSI, 1-3/8" Waterway, 1.5" NH F Inlet, No Grip, Yellow Bale, Yellow Bumper, Spinning Teeth, Laser Etched Include form and specify Laser Etch LIST \$1258.00 42% OFF	3	729.64	2,188.92
3	ELK-04XD0F57-02010001 01AA	Elkhart Chief XD Nozzle, 150 GPM @ 75PSI, 1.5" F NH Inlet, No Pistol Grip, Orange Bale Insert, Orange Bumper, Spinning Teeth, Laser Etched LIST \$1258.00 42% OFF	12	729.64	8,755.68
4	ELK-0069XD0F-01010001 0A	Elkhart XD Shutoff , 2.5" NH Inlet, No Smooth Bore 1.5" NH Outlet, No Grip, Black Bail Insert, Laser Etched Specify Etch and include Form: LIST \$865.00 42% OFF	3	501.70	1,505.10
5	ELK-66766007	Elkhart 188-XD Long Barrel Smoothbore Tip, 1.5" NH F with 1 1/8" Orifice with Black Rubber Bumper LIST \$275.00 42% OFF	3	159.50	478.50
6	ELK-0033XD0F-03010002 0A	Elkhart XD Shutoff W/ Internal Smooth Bore, 1.5" NH Inlet & Outlet, 15/16" Orifice, Red Bail Insert, Custom Laser Etch Specify Etch and include Form:	3	481.40	1,444.20

Quote#	QUO142548
Date	12/20/2023
Exp. Date	01/31/2024

#	Item Name	Description	Quantity	Unit Price	Amount
		LIST \$830.00 42% OFF			
7	ELK-0033XD0F-03010004 0A	Elkhart XD Shutoff W/ Internal Smooth Bore, 1.5" NH Inlet & Outlet, 15/16" Orifice, Blue Bail Insert, Custom Laser Etch Specify Etch and include Form: LIST \$830.00 42% OFF	6	481.40	2,888.40
8	ELK-04XD010F-0201040A	Elkhart Chief XD Tip, 150 GPM @ 75 PSI 1.5" NH Blue Bumper, Spinning Teeth LIST \$844.00 42% OFF	6	489.52	2,937.12
9	ELK-04XD010F-0201020A	Elkhart Chief XD Tip, 1.5" NH Female, 150 GPM @ 75 PSI, Red Bumper, Spinning Teeth LIST \$844.00 42% OFF	3	489.52	1,468.56

ACCEPTANCE OF QUOTATION

The above prices, specifications, and conditions are satisfactory and are hereby accepted.
Freight charges are estimated at the time of quote. Applicable freight costs will apply at time of shipment.

Quotation is valid until Jan 31, 2024

Signature: _____ Date: _____

Subtotal:	21,666.48
Discount:	0.00
Tax Total:	0.00
Freight:	0.00
Total:	21,666.48

Quote#	QUO129992
Date	10/18/2023
Exp. Date	12/31/2023

Bill To:

Washington County DES
16232 Elliott Pkwy
Williamsport, MD 21795-4083
United States

Ship To:

Washington County DES
16232 Elliott Pkwy
Williamsport, MD 21795-4083
United States

Hose Revised

ID	Name	Terms	Sales Rep	Shipping Method
12849	Washington County DES	Net 30	John Shipley	Ground

#	Item Name	Description	Quantity	Unit Price	Amount
1	Description	MONTGOMERY COUNTY CONTRACT #1114636		0.00	0.00
2	12515050ATB	Mercedes Kraken EXO Fire Hose, 1.5" X 50' Permatek Blue Stencil Each End: WASH CO DES LIST: \$233.10 15% OFF LIST	24	198.14	4,755.36
3	5124NH31RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 1-1/2" x 1-1/2" x 1-15/16" NH RL For Kraken EXO For 1-1/2" Hose	24	0.00	0.00
4	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	24	0.00	0.00
5	12515050ATC	Mercedes Kraken EXO Fire Hose, 1.5" X 50', Permatek Clear (White) Stencil Each End: WASH CO DES LIST: \$233.10 15% OFF LIST	24	198.14	4,755.36
6	5124NH31RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 1-1/2" x 1-1/2" x 1-15/16" NH RL For Kraken EXO For 1-1/2" Hose	24	0.00	0.00
7	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	1	0.00	0.00
8	12520050ATY	Mercedes Kraken Exo Fire Hose, 2" x 50' Permatek Color Treated Yellow Stencil Each End: WASH CO DES LIST: \$313.63	18	266.59	4,798.62

Quote#	QUO129992
Date	10/18/2023
Exp. Date	12/31/2023

#	Item Name	Description	Quantity	Unit Price	Amount
		15% OFF LIST			
9	5128NH37RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 2" x 1-1/2" x 2- 5/16" NH RL	18	0.00	0.00
10	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	18	0.00	0.00
11	12520100ATB	Mercedes Kraken Exo Fire Hose, 2" x 100' Permatek Color Treated Blue Stencil Each End: WASH CO DES LIST: \$556.48 15% OFF LIST	6	473.01	2,838.06
12	5128NH37RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 2" x 1-1/2" x 2- 5/16" NH RL	6	0.00	0.00
13	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	6	0.00	0.00
14	12525050ATR	Mercedes Kraken EXO Fire Hose, Permatek 2.5" x 50', Red Stencil Each End: WASH CO DES LIST: \$351.56 15% OFF LIST	15	298.83	4,482.45
15	5140NH46RAGWO	Mercedes WAYOUT (Arrow) Gold Anodized Alum. Coupling 2 1/2 X 2 7/8 NH R/L set For Kraken EXO	15	0.00	0.00
16	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	15	0.00	0.00
17	12530050ATC	Mercedes Kraken EXO hose 3" x 50', Permatek Clear (white) Stencil Each End: WASH CO DES LIST: \$423.08 15% OFF LIST	30	359.62	10,788.60
18	5140NH53RAGWO	Mercedes WAYOUT(Arrow) Gold Anodized Alum Coupling 2 1/2 x 3 5/16 NH R/L Price per Set for KrakenEXO	30	0.00	0.00
19	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	30	0.00	0.00

Quote#	QUO129992
Date	10/18/2023
Exp. Date	12/31/2023

#	Item Name	Description	Quantity	Unit Price	Amount
20	23140100ATK	Mercedes Megaflo Breathe Hose, 4" x 100', Permatek Black Stencil Each End: WASH CO DES LIST: \$867.91 15% OFF LIST	31	737.72	22,869.32
21	5164RZAG	Mercedes Alum. Coupling 4" Storz, Locking Anodized Gold with IReflect Locking Levers	31	0.00	0.00
22	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	31	0.00	0.00
23	23140050ATR	Mercedes Megaflo Breather 4" X 50' Hose, Permatek Coated Red Stencil Each End: WASH CO DES LIST: \$549.34 15% OFF LIST	5	466.94	2,334.70
24	5164RZAG	Mercedes Alum. Coupling 4" Storz, Locking Anodized Gold with IReflect Locking Levers	5	0.00	0.00
25	23140050ATK	Mercedes Megaflo Breather Hose, 4" x 50', Permatek Black Stencil Each End: WASH CO DES LIST: \$549.34 15% OFF LIST	5	466.94	2,334.70
26	5164RZAG	Mercedes Alum. Coupling 4" Storz, Locking Anodized Gold with IReflect Locking Levers	5	0.00	0.00
27	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	5	0.00	0.00
28	23140025ATR	Mercedes Megaflo Breather 4" X 25' Hose, Permatek Coated Red Stencil Each End: WASH CO DES LIST: \$390.06 15% OFF LIST	3	331.55	994.65
29	5164RZAG	Mercedes Alum. Coupling 4" Storz, Locking Anodized Gold with IReflect Locking Levers	3	0.00	0.00
30	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	3	0.00	0.00

Quote#	QUO129992
Date	10/18/2023
Exp. Date	12/31/2023

#	Item Name	Description	Quantity	Unit Price	Amount
31	23140025ATK	Mercedes Megaflo Breather Hose, 4" x 25', Permatek Black Stencil Each End: WASH CO DES LIST: #390.06 15% OFF LIST	3	331.55	994.65
32	5164RZAG	Mercedes Alum. Coupling 4" Storz, Locking Anodized Gold with IReflect Locking Levers	3	0.00	0.00
33	80IDBSK	Mercedes Identify Stamping Both Ends, Black, limit 12 characters S1-SLOT1 Stamp:	3	0.00	0.00
34	23150030ATR	Mercedes Megaflo Breather Hose, 5" x 30', Permatek Red Stencil Each End: WASH CO DES PLEASE NOTE : ADD BELOW COUPLING TO MAKE 6 SECTIONS LIST: \$416.43 15% OFF LIST	6	353.97	2,123.82
35	5196NF86R	Mercedes Textiles 6" NH Coupling Aluminum Coupling 5 x 6 NH x 5 3/8 Rocker Lug Female Coupling Only (1) LIST: \$572.22 15% OFF LIST	6	486.39	2,918.34
36	5172NF86H	Mercedes Textiles 4.5" NH Alum. Coupling 5 x 4 1/2 NH x 5 3/8 LH (Female Only) 1 Female Coupling Only LIST: \$453.85 15% OFF LIST	6	385.77	2,314.62
37	12515075ATC	Mercedes Kraken EXO 1 1/2" X 75' Permatek Color Treated, Clear (White) Stencil Each End: WASH CO DES LIST: \$276.96 15% OFF LIST PLEASE NOTE ABOVE TO MAKE: (6)- 6' SECTIONS (3)- 10' SECTIONS USING BELOW COUPLINGS	1	235.42	235.42

Quote#	QUO129992
Date	10/18/2023
Exp. Date	12/31/2023

#	Item Name	Description	Quantity	Unit Price	Amount
38	5124NH31RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 1-1/2" x 1-1/2" x 1-15/16" NH RL For Kraken EXO For 1-1/2" Hose LIST: \$48.46 15% OFF LIST	9	41.19	370.71
39	12520050ATY	Mercedes Kraken Exo Fire Hose, 2" x 50' Permatek Color Treated Yellow Stencil Each End: WASH CO DES LIST: \$242.86 15% OFF LIST (3) 10' SECTIONS USING BELOW COUPLINGS	1	206.43	206.43
40	5128NH37RAGWO	Mercedes WAYOUT Gold Anodized Alum. Coupling 2" x 1-1/2" x 2- 5/16" NH RL LIST: \$70.77 15% OFF LIST	3	60.15	180.45
41	12525050ATC	Mercedes Kraken EXO Fire Hose, Permatek 2.5" X 50', Clear (White) Stencil Each End: WASH CO DES LIST: \$274.64 15% OFF LIST (3)- 10' SECTIONS	1	233.44	233.44
42	5140NH46RAGWO	Mercedes WAYOUT (Arrow) Gold Anodized Alum. Coupling 2 1/2 X 2 7/8 NH R/L set For Kraken EXO LIST: \$76.92 15% OFF LIST	3	65.38	196.14

ACCEPTANCE OF QUOTATION

The above prices, specifications, and conditions are satisfactory and are hereby accepted.
Freight charges are estimated at the time of quote. Applicable freight costs will apply at time of shipment.

Quotation is valid until Dec 31, 2023

Signature: _____ Date: _____

Subtotal: 70,725.84

Discount: 0.00

Tax Total: 0.00

Freight: 0.00

Total: **70,725.84**

RESOLUTION NO. RS-2024-

(Intergovernmental Cooperative Purchase [INTG-23-0138] Fire Hoses and Accessories for Division of Emergency Services)

RECITALS

The Code of Public Local Laws of Washington County, Maryland (the "Public Local Laws"), §1-106.3, provides that the Board of County Commissioners of Washington County, Maryland (the "Board"), "may procure goods and services through a contract entered into by another governmental entity in accordance with the terms of the contract, regardless of whether the county was a party to the original contract."

Subsection (c) of §1-106.3 provides that "A determination to allow or participate in an intergovernmental cooperative purchasing arrangement under subsection (b) of this section shall be by resolution and shall either indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justifications for the arrangement."

The Division of Emergency Services seeks to purchase fire hoses and accessories from Whitmer Public Safety Group, Inc., of Coatesville, Pennsylvania, at the contracted unit prices based on the contract awarded by Montgomery County, Maryland (solicitation #1114636) for the total cost of \$92,392.32.

Eliminating the County's bid process will result in administrative and cost savings for the Division of Emergency Services. The County will benefit from direct cost savings because of the economy of scale the aforementioned contract has leveraged. Additionally, the County will realize administrative efficiencies and savings as a result of not preparing, soliciting, and evaluating bids.

NOW, THEREFORE, BE IT RESOLVED by the Board, pursuant to §1-106.3 of the Public Local Laws, that the Division of Emergency Services is authorized to purchase fire hoses and accessories from Whitmer Public Safety Group, Inc., of Coatesville, Pennsylvania, at the contracted prices awarded by Montgomery County, Maryland (solicitation #1114636) for the total cost of \$92,392.32.

Adopted and effective this ____ day of January, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Dawn L. Marcus, County Clerk

BY: _____
John F. Barr, President

Approved as to form
and legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-23-0136) Five (5) Fisher Stainless Extreme V 8.5 ft. Truck Plows for the Highway Department

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Brandi Naugle, CPPO, Buyer, Purchasing Department; Zane Rowe, Deputy Director, Highway Department

RECOMMENDED MOTION: Move to authorize by Resolution, the Highway Department to purchase five (5) Fisher Stainless Extreme V 8.5 ft. truck plows from Rippeon Equipment Co. of Frederick, MD., for a total cost of \$53,204.50 and to utilize another jurisdiction's contract (#062222-DDY) that was awarded by Sourcewell to Fisher Engineering.

REPORT-IN-BRIEF: The Highway Department is requesting to purchase five (5) Fisher Stainless Extreme V 8.5 ft. truck plows to upfit the five (5) new pickup trucks purchased in August of this year. Those vehicles were replaced due to exceeding the County's Vehicle and Equipment Types and Usage Guidelines. The County's replacement guidelines for vehicles greater than 33,000 lbs. GVWR is recommended for a ten (10) year economic life cycle.

The Code of Public Laws of Washington County, Maryland (the Public Local Laws) §1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a party to the original contract. Sourcewell took the lead in soliciting the resulting agreement. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the purchase of this service in accordance with the Public Local Laws referenced above by resolving that participation would result in cost benefits or in administrative efficiencies.

The County will benefit from direct cost savings in the purchase of the plows because of the economies of scale this buying group leveraged. I am confident that any bid received as a result of an independent County solicitation would exceed the spend savings that the Sourcewell solicitation provides through this agreement. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting, and evaluating a bid. This savings/cost avoidance would, I believe, be significant.

DISCUSSION: N/A

FISCAL IMPACT: Funds in the amount of \$301,708.06 are budgeted in the Highway Department's Capital Improvement Plan (CIP) account EQP042.

CONCURRENCES: Andrew Eshleman, Public Works Director

ALTERNATIVES:

1. Process a formal bid and the County could possibly incur a higher cost for the purchase, or
2. Do not award the purchase of the dump trucks.

ATTACHMENTS: Rippeon Equipment Co., proposal dated 12/21/23.

AUDIO/VISUAL NEEDS: N/A

RIPPEON EQUIPMENT CO

9 6 4 0 L I B E R T Y R O A D * F R E D E R I C K , M D 2 1 7 0 1

PHONE 301.898.1200 FAX 301.898.0448

EMAIL: chrisq@rippeonequipment.com

PROPOSAL

Name:	Washington County Highway Department
Address:	Northern Ave
City	Hagerstown, MD 21742
Phone:	240 313 2722
Date:	12/21/2023
E-Mail	jreynard@washco-md.net
Quote	Fisher Plows for (5) Ford F350 Trucks Vin#'s ending in 47751, 48105, 47712, 47840, 48045

<u>QTY.</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
5	Fisher Stainless Extreme V 8.5-ft Truck Plow		
5	Mount Kit		
5	Handheld Control		
5	*LED Plow Light Kit is Additional from Standard Halogen. List Halogen #72530 \$539-27%= \$393.47 List LED #72525 List \$1085-27%= \$792.05-\$393.47 LED Upgrade Difference= + \$398.58 per plow	\$398.58	\$1992.90
5	Controller		
5	Isolation Module		
	Extreme V 8.5 ft Stainless Plow List Price w/above & Std. Halogen Plow lights \$11,864 *LED Plow Light Upgrade is added above	\$8660.72	\$43,303.60
5	Install Plow - Frederick	\$600.00	\$3000.00
		Plow Total	\$48,296.50
	Accessories		
5	Curb Guard Kit #44406 List Price \$291.00	\$232.80	\$1164.00
5	Deflector Kit #44710 List Price \$393.00	\$314.40	\$1572.00
5	Plow Shoe Kit #50700 List Price \$293.00	\$234.40	\$1172.00
5	Total Accessories		\$3908.00
5	Install Accessories – Frederick	\$200.00	\$1000.00
		Acc.Total	\$4908.00
		GrandTotal	\$53,204.50

	** Total Price Per Truck \$10,640.90		
,			
	Pricing		
	Fisher Engineering		
	Sourcewell #062222-DDY		
	27% Off Truck Plow Equipment List Price		
	20% Off Accessories List Price		

AUTHORIZED BY: Chris Quick 12/21/2023

RESOLUTION NO. RS-2024-

(Intergovernmental Cooperative Purchase [INTG-23-0136] Five [5] Fisher Stainless Extreme V 8.5 ft. Truck Plows for the Highway Department)

RECITALS

The Code of Public Local Laws of Washington County, Maryland (the "Public Local Laws"), §1-106.3, provides that the Board of County Commissioners of Washington County, Maryland (the "Board"), "may procure goods and services through a contract entered into by another governmental entity in accordance with the terms of the contract, regardless of whether the county was a party to the original contract."

Subsection (c) of §1-106.3 provides that "A determination to allow or participate in an intergovernmental cooperative purchasing arrangement under subsection (b) of this section shall be by resolution and shall either indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justifications for the arrangement."

The Highway Department seeks to purchase five (5) Fisher Stainless Extreme V 8.5 ft. truck plows from Rippeon Equipment Co. of Frederick, Maryland, for a total cost of \$53,204.50, and to utilize another jurisdiction's contract (#062222-DDY) that was awarded by Sourcewell to Fisher Engineering.

Eliminating the County's bid process will result in administrative and cost savings for the Highway Department. The County will benefit from direct cost savings because of the economy of scale the aforementioned contract has leveraged. Additionally, the County will realize administrative efficiencies and savings as a result of not preparing, soliciting, and evaluating bids.

NOW, THEREFORE, BE IT RESOLVED by the Board, pursuant to §1-106.3 of the Public Local Laws, that the Highway Department is authorized to purchase five (5) Fisher Stainless Extreme V 8.5 ft. truck plows for a total cost of \$53,204.50, and to utilize another jurisdiction's contract (#062222-DDY) that was awarded by Sourcewell to Fisher Engineering.

Adopted and effective this ____ day of January, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Dawn L. Marcus, County Clerk

BY: _____
John F. Barr, President

Approved as to form
and legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Intergovernmental Cooperative Purchase (INTG-23-0135) - Microsoft Office 365 Licensing

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Brandi Naugle, CPPO, Buyer; Josh O'Neal, Division Director, Information Systems

RECOMMENDED MOTION: Move to authorize by Resolution, the approval for the procurement of a licensing Agreement for the total sum of \$982,124.46 over a three (3) year period from Software House International (SHI) of Somerset, NJ.; based on the pricing structure awarded by the State of Maryland contract #2018011-02.

Year 1	Year 2	Year 3
\$327,374.82	\$327,374.82	\$327,374.82
		\$982,124.46

REPORT-IN-BRIEF: The Code of Public Laws of Washington County, Maryland (the Public Local Laws) 1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a part to the original contract. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the procurement of the vehicles in accordance with the Public Local Laws referenced above that participation would result in cost benefits or in administrative efficiencies.

The County will benefit from the direct cost savings in the purchase of the licensing because of the economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of the licensing by utilizing the State of Maryland contract and eliminating our county's bid process would result in administrative and cost savings for the Department of Information and Technology.

The County entered into a thirty-six (36) month agreement on December 1, 2023. The coverage term shall run for the term of December 1, 2023, through November 30, 2024; with two additional one-year periods. The department will have to budget for years two and three. The Office 365 suite of products offered by Microsoft supplies the County with its phones, email services, document editing software suite, and cloud storage of documents and data used by all County departments.

DISCUSSION: Washington County Information Systems is requesting this purchase to renew the licensing contract for continued years of service. Pricing can fluctuate on a yearly basis due to the addition or deletion of required licensing per county requirements.

FISCAL IMPACT: Funds in the amount of \$1,236,978.52 are available in 515180-10-11000 for this expenditure.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: SHI's Quote #23915261 dated 9/8/2023.

AUDIO/VISUAL NEEDS: N/A



Pricing Proposal

Quotation #: 23915261
Reference #: EA# 5803322 **Budgetary
Created On: Sep-08-2023
Valid Until: Jan-31-2024

MD-County of Washington

Crista Repp

100 W. WASHINGTON ST
RM 3300
INFO TECH
Hagerstown, MD 21740
United States

Phone: 240-313-2267

Fax:

Email: crepp@washco-md.net

Microsoft Inside Account Manager

Brendan Hill

290 Davidson Ave.
Somerset, NJ 08873

Phone: 732-624-5965

Fax:

Email: brendan_hill@shi.com

All Prices are in US Dollar (USD)

Quoted Items located on Sheet2

Additional Comments

Microsoft Licenses will typically be available 24-72 hours after receiving order confirmation from SHI.
Please note that for new Microsoft GOV Cloud (GCC) products being added on to your agreement, licenses will be available estimated 4-8 days after processing at SHI.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.

Part #	Product	Contract #	Coverage Start	Coverage End	Quantity	Retail	Discount	Your Price	Total
J5U-00004	AzureprepaymentG ShrdSvr ALNG SubsVL MVL Commit Provision	2018011-02	Dec-01-2023	Nov-30-2024	1			\$0.00	\$0.00
AAA-12414	CCAL Bridge 0365 Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	912	\$24.00	18.25000	\$19.62	\$17,893.44
3QA-00008	Intune P1 GCC Sub AP Per User	2018011-02	Dec-01-2023	Nov-30-2024	881	\$85.20	18.25000	\$69.65	\$61,361.65
U4S-00002	0365 G1 GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	480	\$115.20	18.25000	\$94.18	\$45,206.40
AAA-11894	0365 G3 GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	430	\$303.60	18.25000	\$248.19	\$106,721.70
T2N-00001	0365 G5 GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	2	\$496.80	18.25000	\$406.13	\$812.26
RMU-00004	Phone Resource Account GCC Sub Phone System Virtual User	2018011-02	Dec-01-2023	Nov-30-2024	116			\$0.00	\$0.00
NYH-00001	Teams AC with Dial Out US/CA GCC Sub Add-on	2018011-02	Dec-01-2023	Nov-30-2024	912		18.25000	\$0.00	\$0.00
LM9-00003	Teams Domestic Calling Plan GCC Sub 120 Min Per User	2018011-02	Dec-01-2023	Nov-30-2024	600	\$79.20	20.00000	\$63.36	\$38,016.00
LK9-00003	Teams Phone Standard GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	522	\$89.76	18.25000	\$73.38	\$38,304.36
KXJ-00001	Teams Shared Devices GCC Sub Per Device	2018011-02	Dec-01-2023	Nov-30-2024	225	\$90.00	18.25000	\$73.58	\$16,555.50
P3U-00001	Visio P2 GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	1	\$169.20	18.25000	\$138.32	\$138.32
7MS-00001	Project P3 GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	5	\$337.20	18.25000	\$275.66	\$1,378.30
9K4-00003	Visio P2 FSA GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	1	\$144.00	18.25000	\$117.72	\$117.72
AAD-34704	M365 G3 Unified FUSL GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	2	\$475.20	18.25000	\$388.48	\$776.96
DDJ-00001	Power BI Pro GCC Sub Per User	2018011-02	Dec-01-2023	Nov-30-2024	1	\$112.80	18.25000	\$92.21	\$92.21
AAA-35418	Azure Monetary Commit Provision	2018011-02	Dec-01-2023	Nov-30-2024	1			\$0.00	\$0.00

Total \$327,374.82

RESOLUTION NO. RS-2024-

(Intergovernmental Cooperative Purchase [INTG-23-0135] Microsoft Office 365 Licensing)

RECITALS

The Code of Public Local Laws of Washington County, Maryland (the "Public Local Laws"), §1-106.3, provides that the Board of County Commissioners of Washington County, Maryland (the "Board"), "may procure goods and services through a contract entered into by another governmental entity in accordance with the terms of the contract, regardless of whether the county was a party to the original contract."

Subsection (c) of §1-106.3 provides that "A determination to allow or participate in an intergovernmental cooperative purchasing arrangement under subsection (b) of this section shall be by resolution and shall either indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justifications for the arrangement."

The Information Systems Department seeks to purchase a Microsoft Office 365 license to cover a three (3) year period from Software House International (SHI) of Somerset, New Jersey, for a total cost of \$982,124.46, based on the pricing structure awarded by the state of Maryland contract #2018011-02.

Eliminating the County's bid process will result in administrative and cost savings for the Information Systems Department. The County will benefit from direct cost savings because of the economy of scale the aforementioned contract has leveraged. Additionally, the County will realize administrative efficiencies and savings as a result of not preparing, soliciting, and evaluating bids.

NOW, THEREFORE, BE IT RESOLVED by the Board, pursuant to §1-106.3 of the Public Local Laws, that the Information Systems Department is authorized to purchase a Microsoft Officer 365 license for a total cost of \$982,124.46 from SHI of Somerset, New Jersey.

Adopted and effective this ____ day of January, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Dawn L. Marcus, County Clerk

BY: _____
John F. Barr, President

Approved as to form
and legal sufficiency:

Kirk C. Downey
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740



Agenda Report Form

Open Session Item

SUBJECT: Sole Source Procurement (PUR-1656) – ESRI Cloud Model of Geographic Information Software Enterprise License Agreement

PRESENTATION DATE: January 9, 2024

PRESENTATION BY: Brandi Naugle, CPPO, Buyer, Purchasing Department; Josh O’Neal, Division Director, Information Systems

RECOMMENDED MOTION: Move to authorize a Sole Source procurement of a Esri Enterprise License Agreement for use by the Washington County Department of Information Technologies for a total sum for year two of \$74,000 from Environmental Systems Research Institute, Inc. of Redlands, CA.

REPORT-IN-BRIEF: ESRI is the software that drives all GIS-related operations for all County departments. It provides mapping and planning data essential to many aspects of Public Works and serves citizen and interagency requests and collaboration efforts around GIS data.

The Department of Information Technologies wishes to apply Sections 1-106.2(a)(1) & (2) of the Code of Local Public Laws of Washington County, Maryland, to the procurement requested. These sections state that a sole source procurement is authorized and permissible when: (1) Only one source exists that meets the County’s requirements.

This request requires the approval of four of the five Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) Not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish notice of the award in a newspaper of general circulation in the County and 2) An appropriate record of the sole source procurement shall be maintained as required.

DISCUSSION: N/A

FISCAL IMPACT Funds in the amount of \$1,236,978.52 are available in 515180-10-11000 for this expenditure.

CONCURRENCES: N/A

ALTERNATIVES: N/A

ATTACHMENTS: Environmental Systems Research Institute, Inc. quote dated 10/02/2023.

**esri**

380 New York Street
Redlands, CA 92373
Phone: + 190936932653265

RA 23689

PO#

11/28/23

QuotationPending
ARF

515180-10-11000

Date: 10/03/2023**Quotation Number:** 26173349**Contract Number:** SMALL GOVT ELA US**Send Purchase Orders To:**

Environmental Systems Research Institute, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Hannah Sistos

Please include the following remittance address on your Purchase Order:

Environmental Systems Research Institute, Inc.
P.O. Box 741076
Los Angeles, CA 90074-1076

County of Washington
Information Technology
GIS Office
100 W Washington St Rm 334
Hagerstown MD 21740-4748

Attn: Bud Gudmundson**Customer Number:** 268948

For questions regarding this document, please contact Customer Service at 888-377-4575.

Item	Qty	Material#	Unit Price	Extended Price
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Per the terms and conditions in your Esri Enterprise License Agreement, your organization is required to provide an annual usage report. This report should detail all deployments made under this agreement for your previous term, and should be provided to Esri as an Excel spreadsheet.

The annual usage report must include actual license counts by product, licensee, and location.

Please return your report via email to ea_usage_reports@esri.com.

Thank you in advance for your prompt attention to this matter.

10	1	168181	74,000.00	74,000.00
Populations of 125,001-150,000 Small Government Enterprise Agreement Annual Subscription				
Start Date: 01/04/2024				
End Date: 01/03/2025				
Subscription ID: 2103327684				

Please note Esri has introduced a price change and this quote reflects current pricing for your organization. It is important to us that we are able to continue to deliver value through enhancements to products, solutions, and capabilities.

Your renewal provides access to all the benefits you are familiar with, which you can review at <https://go.esri.com/maintenance>
For questions related to the price change, please reach out to your assigned Esri Account Manager.

Quotation is valid for 90 days from document date.

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

To expedite your order, please reference your customer number and this quotation number on your purchase order.



esri[®]

380 New York Street
Redlands, CA 92373
Phone: + 190936932653265

Quotation

Page 2

Date: 10/03/2023

Quotation Number: 26173349

Contract Number: SMALL GOVT ELA US

Item Qty Material#

Unit Price

Extended Price

Item Subtotal	74,000.00
Estimated Tax	0.00
Total	USD 74,000.00

DUNS/CEC: 06-313-4175 **CAGE:** 0AMS3

**esri**[®]

380 New York Street
Redlands, CA 92373
Phone: + 190936932653265

Quotation

Page 3

Date: 10/03/2023

Quotation Number: 26173349

Contract Number: SMALL GOVT ELA US

Item	Qty	Material#	Unit Price	Extended Price
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Renewal Options:

- Online: Renew through My Esri site at <https://my.esri.com>
 - Credit Card
 - Purchase Order
 - Email Authorization
- Email or Fax: Email Authorization, Purchase Order or signed quote to:
 - Fax: 909-307-3083
 - Email: service@esri.com

Requests via email or signed quote indicate that you are authorized to obligate funds for your organization and your organization does not require a purchase order.

If there are any changes required to your quotation please respond to this email and indicate any changes in your invoice authorization.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at

<http://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <http://assets.esri.com/content/dam/esrisites/media/legal/ma-full/ma-full.pdf> apply to your purchase of that item. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at

<http://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings.

Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy GSA, BPA) on your ordering document.

**esri**[®]

380 New York Street
Redlands, CA 92373
Phone: + 190936932653265

Quotation

Page 4

Date: 10/03/2023

Quotation No: 26173349

Customer No: 268948

Contract No: SMALL GOVT ELA US

Item Qty Material#

Unit Price

Extended Price

US FEDERAL CUSTOMERS: If you are a federal customer or a contractor purchasing on behalf of a federal customer a purchase order is required to receive an invoice. Please email the purchase order to service@esri.com

By signing below, you are authorizing Esri to issue a software support invoice in the amount of
USD _____ plus sales tax, if applicable.

Please check one of the following:

☐ I agree to pay any applicable sales tax.

☐ I am tax exempt. Please contact me if Esri does not have my current exempt information on file.

Signature of Authorized Representative

Date

Name (Please Print)

Title



Esri Inc
380 New York Street
Redlands CA 92373

Subject: Renewal Quotation

Date: 10/03/2023
To: Bud Gudmundson
Organization: County of Washington
Information Technology
Fax #: 240-313-2261 **Phone #:** 240-313-2277

From: Hannah Sistos
Fax #: **Phone #:** + 19093693265 Ext. 3265
Email: hsistos@esri.com

Number of pages transmitted
(including this cover sheet): 5

Quotation #26173349
Document Date: 10/03/2023

Please find the attached quotation for your forthcoming term. Keeping your term current may entitle you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services.

If your quote is regarding software maintenance renewal, visit the following website for details regarding the maintenance program benefits at your licensing level
<http://www.esri.com/apps/products/maintenance/qualifying.cfm>

All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date.

Please note: Certain programs and license types may have varying benefits. Complimentary User Conference registrations, software support, and software and data updates are not included in all programs.

Customers who have multiple copies of certain Esri licenses may have the option of supporting some of their licenses with secondary maintenance.

For information about the terms of use for Esri products as well as purchase order terms and conditions, please visit
<http://www.esri.com/legal/licensing/software-license.html>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575 option 5.