

County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 9

Resolution No. 109-2019

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code so that the County may enter into an agreement with 20006 Delaware Inc., a Delaware corporation, successor in interest to TSG Developments (Maryland) LLC, a Delaware limited liability company, formerly known as MI Developments (Maryland) Inc., to construct certain stormwater improvements along Davis Avenue.

Introduced and read first time July 1, 2019.

By order Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 15, 2019.

By order Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted [checked], Adopted with amendments, Failed, Withdrawn, by the County Council on July 29, 2019.

Certified By Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 4.106(e)(2) of the Howard County Code provides that the County
2 Council may, by resolution, authorize the County Purchasing Agent to waive the formal
3 competitive bidding requirements for any single purchase or sale if, in the judgment of the
4 County Council, the waiver will best serve the interest of the County; and
5

6 **WHEREAS**, 20006 Delaware Inc., a Delaware corporation, successor in interest to TSG
7 Developments (Maryland) LLC, a Delaware limited liability company, formerly known as MI
8 Developments (Maryland) Inc., a corporation in accordance with the laws of the State of
9 Delaware and registered with and in good standing with the Maryland State Department of
10 Assessments and Taxation (the “Developer”), is the owner of certain real property located in
11 Laurel, Howard County, Maryland described in the confirmatory deed recorded among the Land
12 Records of Howard County at Liber 14104, Folio 118 on June 25, 2012 confirming the
13 acquisition from Laurel Racing Association, Limited Partnership recorded among the Land
14 Records at Liber 10518, Folio 157 on February 9, 2007 (the “Property”); and
15

16 **WHEREAS**, the Developer intends to develop the Property and to construct certain
17 improvements along Davis Avenue extended as well as the construction of Sea Biscuit Lane and
18 Laurel Park Way along with other internal, private roads as shown on SDP 15-043 and
19 associated stormwater management practices; and
20

21 **WHEREAS**, the County is the owner of the stormwater management pond located at
22 9384 Davis Avenue, Laurel, Howard County, constructed under Capital Project Number D-1112
23 Davis Avenue Area Drainage Improvements (the “County Pond”) and which capital project
24 requires the construction of a stormwater drainage pipe from the County Pond through the
25 Property; and
26

27 **WHEREAS**, the Developer designed and is willing to install a bypass storm drain system
28 (the “Bypass”) through the Property to convey stormwater flow from the County Pond and the
29 improvements serving the Property which is included in the Approved Plans and Specifications
30 described in the Developer Agreement; and
31

1 **WHEREAS**, the construction of the Bypass and other improvements to the County Pond
2 will meet the County's goal of improving the existing storm drainage function of the County
3 Pond; and
4

5 **WHEREAS**, the Developer has proposed a cost sharing agreement between the County
6 and the Developer to pay for constructing a portion of the Bypass based upon the proportional
7 amount of runoff in the storm drain system that is from the County Pond; and
8

9 **WHEREAS**, accordingly, the County's estimated portion of the cost to construct the
10 Bypass shall not exceed Six Hundred Four Thousand Five Hundred Ninety-Seven Dollars and
11 Fifteen Cents (\$604,597.15); and
12

13 **WHEREAS**, the Director of the Department of Public Works has determined the most
14 cost effective and efficient way to construct the Bypass is to enter into a cost sharing agreement
15 with the Developer, which owns the property needed for the construction of the Bypass and will
16 dedicate the required easements to the County because the Developer owns the property needed
17 for the construction of the Bypass and shall dedicate the required easements to the County; and
18

19 **WHEREAS**, approval of this Resolution is limited to a waiver of County competitive
20 bidding requirements and shall not be deemed approval of any development project or site
21 development plan.
22

23 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
24 Maryland, this 29th day of July, 2019, pursuant to Section 4.106(e)(2) of the
25 Howard County Code, it declares that the best interests of the County will be served by
26 authorizing the County Purchasing Agent to waive the competitive bidding requirements of
27 Subtitle 1, "Purchasing", of Title 4, "Contracts, Purchasing and Property", of the Howard
28 County Code so that the County may enter into an agreement with 20006 Delaware Inc., a
29 Delaware corporation, successor in interest to TSG Developments (Maryland) LLC, a Delaware
30 limited liability company, formerly known as MI Developments (Maryland) Inc., for the

1 construction of a bypass storm drain system through the County Property to convey stormwater
2 overflow to the County Pond.

3

4 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
5 Maryland that this waiver of competitive bidding requirements shall not be interpreted or
6 construed as approval of any development project or site development plan.

Testimony in Support of Council Resolution 109-2019

Mark Thompson
The Stronach Group
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301-470-5494

Honorable County Council Members,

My name is Mark Thompson and I am a Senior Vice President of Development for The Stronach Group. My address is 198 Laurel Race Track Road, Laurel Maryland 20725. I am here to testify in favor of Council Resolution 109-2019.

The Stronach Group is the owner of Laurel Park Race Track and developer of the Transit Oriented Development, Laurel Park Station in Howard County. We have been working with the County for many years on this project and in particular have partnered with the Department of Public Works to develop a mutually beneficial solution to the flooding which currently occurs from the Davis Avenue Stormwater Management Pond.

The new storm drain which will be constructed through our property will provide an appropriately sized pipe to enable stormwater to effectively bypass the properties which are now subject to periodic flooding due to a lack of capacity in the current design. Our engineer, Vogel Engineering has worked closely with DPW staff in developing a design for the system. We have also solicited three bids for the work and reviewed these bids with County staff. The bidders were all reputable firms which have also done work for the County directly or are very well known to County DPW staff. The selected bidder, SEH was based on price and quality and was the low bidder on this component of the overall project. During construction, the County shall have the right to regulate and inspect all work in accordance with all agreements and codes.

By working together on this project, significant savings in time and money have been achieved. The County has saved costs in design/engineering, easement acquisition, and staff time for procurement and administration. In addition to solving a flooding problem outside of our property, the storm drain will serve to manage water flow within our development and therefore we view this project as a "win-win-win" for the County, our neighbors, and Laurel Park Station.

Thank you for your consideration and I request your support for CR 109-2019.