

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF FINANCE

BUREAU OF PROCUREMENT  
7 E. Redwood Street, 10th Floor  
Baltimore, Maryland 21202

June 7, 2018

Via Email and First Class Mail

Robert F. Warder, Jr.  
President  
R. F. Warder, Inc.  
White Marsh, MD 21162

Re: Contract B50003236 – Maintenance & Repair Services for Plumbing and Heating Systems

Dear Mr. Warder,

The Mayor and City Council of Baltimore (the "City") entered into the above referenced contract with R. F. Warder, Inc. ("R. F. Warder") on January 29, 2014 (the "Contract"), which expires on January 28, 2019. Due to initial reports on the recent events which resulted in the death of Kyle Hancock, the City hereby suspends R. F. Warder's performance under the Contract due to life safety concerns. This suspension will allow the City to investigate R. F. Warder's apparent breach of the Contract, which requires R. F. Warder to "assume full responsibility and liability for the knowledge of, and compliance with all applicable Federal, State, and local regulations pertaining to work practices...and protection of workers" and "to enforce all applicable Federal, State, and local codes, regulations and standards" (Contract, DS8). These laws, codes, regulations and standards include but are not limited to the Occupational Safety and Health Act and the Maryland Occupational Safety and Health Act (Contract, DS19), both of which contain requirements for excavation and trenching operations. Initial reports of the incident indicate that this loss of life resulted from R. F. Warder's failure to comply with safety requirements relating to trenching while performing under the Contract. Pursuant to the Contract, I have determined that such suspension is in the best interest of the City.

The suspension of R. F. Warder's performance under the Contract shall be effective immediately. In the event that City personnel have informally or verbally informed R. F. Warder to cease performance prior to the receipt of this letter, that notification is hereby ratified by the City Purchasing Agent.

The City's actions herein are without waiver of any other rights or claims the City may have pursuant to the Contract or positions the City may take regarding the performance of services by R. F. Warder.

Sincerely,

Erin Sher Smyth, Esq., CPPO  
City Purchasing Agent

Mr. Robert F. Warder, Jr.

June 7, 2018

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cc: Steve Sharkey, Director of General Services  
Henry Raymond, Director of Finance  
Andre Davis, City Solicitor  
Michael Schrock, Chief Solicitor  
Reginald Moore, Director of Recreation and Parks  
Rudy Chow, Director of Public Works  
Pete Hammen, Chief of Operations, Mayor's Office