

OFFICIAL TRANSCRIPT OF THE  
MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND TRANSIT ADMINISTRATION  
PRE-BID MEETING  
FOR  
METRO FIRE SUPPRESSION SYSTEM TESTING  
AND MAINTENANCE

CONTRACT NO. MTA-T-8000-0424

June 18, 2013

10:00 A.M.

Maryland Transit Administration  
6 St. Paul Street, 7th Floor Conference  
Baltimore, Maryland 21202

Agency:

Karen Elsey, MTA Procurement  
Paula Cullings, Office of Fair Practices  
Maurice Sylver, MTA Metro

Participants:

Terry L. Atherton, Interstate Fire Inspections and Testing, LLC  
Robin Busch, Fireline Corporation  
Frank Chenoweth, Fireline Corporation  
Michael Fotta, Interstate Fire Inspections and Testing, LLC  
Vincent Powers, Wayman Fire Protection, Inc.

Court Reporter:  
Kenneth Smith  
One Stop Legal  
5623 Monroe Street  
Hyattsville, MD 20784  
(301) 379-6607

1 MS. ELSEY: Good Morning. My name is Karen Elsey; I'm  
2 the Procurement Administrator for the Maryland Transit  
3 Administration. I'm Procurement Officer for this Solicitation.  
4 I'd like to welcome you to the pre-bid conference for the  
5 Solicitation entitled, Invitation for Bids, Contract Number T-  
6 8000-0424. Contract name is Metro Fire Suppression System  
7 Inspection and Testing. Conference is being recorded and I ask  
8 that you state your name and firm clearly. I would like the MTA  
9 staff to introduce themselves and then the vendors.

10 MS. CULLINGS: Good Morning. I'm Paula Cullings. I'm  
11 the Director of the Office of Fair Practices for the MTA.

12 MR. SYLVER: Maurice Sylver. I'm the Manager of Metro  
13 Maintenance.

14 MS. ELSEY: And you just gives names --

15 MR. POWERS: Vincent Powers, Wayman Fire Protection.

16 MS. BUSCH: Robin Busch, Fireline Corporation.

17 MR. FOTTA: Michael Fotta, Interstate Fire.

18 MR. ATHERTON: Terry Atherton, Interstate Fire.

19 MS. ELSEY: Before we begin the question and answer  
20 segment of this meeting, the following introductions are in  
21 order. And you are?

22 MR. CHENOWETH: Frank Chenoweth from Fireline.

23 MS. ELSEY: "Key Information Items and Highlights."  
24 Everyone has received a copy of the IFB off of the MTA website.  
25 We'll go through the key items. After that, I'll turn it over

1 to Fair Practices and then we'll go to the Project Manager.

2 No Bid Notice. Please turn in your Notice to Vendor  
3 Comments form. It's a No Bid Notice and that helps us  
4 understand why you didn't bid on our Solicitation. It's really  
5 important to us to get this information so if you don't want to  
6 bid please send it in to me.

7 Purpose of this IFB for MTA is to secure, through a  
8 competitive procurement process, the services of a qualified  
9 contractor to furnish all necessary labor and parts as described  
10 in Section 2, "Specific Solicitation Requirement" for each area.

11 I am responsible for this Solicitation and sole point  
12 of contact for all matters relating to the Solicitation. If you  
13 have any questions or concerns please direct them to me. Any  
14 questions must be in writing. Verbal is not binding by the MTA.  
15 Repeat, even the minutes, they're not binding by the MTA because  
16 we have to give you written word. This is just to help you  
17 remember everything in the meeting.

18 *Any questions, inquiries, anything like that must be*  
19 *submitted to me by June 26<sup>th</sup>. **Bids will be opened on July 9<sup>th</sup>,***  
20 ***2013 after the closing time of 2:00 p.m.***

21 Bid preparation and submittal. Requirements are  
22 detailed in the IFB in Section 1, "Solicitation Information  
23 Instructions." It's 10 pages.

24 Bid Acceptance. MTA reserves a right to reject any  
25 and all bids in whole or in part, received as result of the IFB,

1 to waive minor irregularities, allow the bidders to correct  
2 minor irregularities, to negotiate with all responsible bidders,  
3 to best serve the interest of the MTA and for the State.

4 Closing date. One original and one copy of the bid  
5 price in separate sealed envelopes, clearly marked, are due to  
6 this office *no later than 2:00 p.m. on July 9<sup>th</sup>, 2013*. Bids  
7 arriving after the closing time will be rejected. We have a new  
8 way we're doing the bid opening now where you have to come in  
9 and physically hand your sealed bids to the receptionist. She  
10 will stamp them. We have an official time stamp that we'll  
11 stamp them with and then she'll put them in the sealed bid box.

12 Financial Capacity and Responsibility Information.  
13 Providing proof of insurance with your bid is required in the  
14 Section entitled "Insurance Requirements."

15 Contract Duration and Start Date. The contract  
16 duration is a five year contract effective from the date in your  
17 Notice to Proceed after Board approval.

18 If it becomes necessary to revise any part of this  
19 IFB, an addendum will be posted on the MTA website. The  
20 Acknowledgement of receipt of all addenda attached to the  
21 addendum will be required from all bidders receiving the IFB.  
22 When you do hand in your submission, please put this information  
23 on your bid sheet.

24 The MTA reserves the right to cancel in part or in its  
25 entirety in accordance with COMAR Regulation 21.06.02.

1           Minority Business Enterprises: This solicitation has  
2 a Disadvantaged Business Enterprise, (DBE) participation goal of  
3 15 percent (15%) and now Paula will take over.

4           MS. CULLINGS: All right. Good morning, everyone.  
5 The word is DBE, Disadvantaged Business. There is a difference  
6 and I want you to be very clear because this is federally  
7 funded. The subcontractors shall only be DBE certified. Now  
8 when you go in the directory, you will see MBE/DBE. That's fine  
9 to use a firm that is dually certified. You may find firms that  
10 are DBE only, that's fine. But if you come across a firm that  
11 is MBE only, you cannot use them on this particular  
12 Solicitation. So what I'd like to do is -- you all have  
13 probably bid us before, correct? And you've probably seen the  
14 forms but let me just send these around. Just so we can go  
15 through them very quickly. Excuse me. Make sure that you're  
16 very clear about what to do. We certainly don't want this to be  
17 the reason that you're not awarded and failure to do this  
18 correctly could jeopardize your bid document.

19           Many times I start out saying the people that are  
20 sitting here not the people that do the forms. It's unfortunate  
21 because those are the people that are going to cost you to lose  
22 the bid because they're not going to know what you know unless  
23 you personally convey it and we have seen bids to be rejected  
24 because you're a DBE or your MBE forms are inaccurate, not  
25 filled out properly, and there's nothing you can do to change

1 it. So you need to be very clear about who's filling out the  
2 form and the importance of it because it can jeopardize what's  
3 going on.

4           These are not the forms to fill out in your bid. You  
5 use the ones that are in your Solicitation. Do not use these.  
6 I will collect them, I want you to simply go through what I'm  
7 going to tell you and I will be collecting them back so there's  
8 no misunderstanding. Your forms have at the bottom the  
9 Solicitation number and so that's what you would use.

10           Okay. First thing you will do is recognize that the  
11 goals are 15 percent (15%), so number one must be checked off if  
12 you agree to do the 15 percent (15%), and you will enter that in  
13 there. You will put the Solicitation number in and you will  
14 decide that you can do this. If you find that there's some  
15 difficulty, then you would check the second box stating to us  
16 that you are likely to ask for a waiver and so on. Page two of  
17 this form must be signed and executed. If it is not signed and  
18 executed, you're out. You're not going any further because that  
19 means you haven't committed to anything and that's the  
20 difference of having someone do the forms and think, 'Oh well,  
21 it's done.'

22           Form B. This also comes back with your Solicitation  
23 or with your bid proposal or your bid price. The instructions  
24 are on Form B. That first page, please keep them, tear it off,  
25 I don't need them back, you need them. And the second part of

1 Form B is a worksheet. The worksheet is also for your purposes  
2 and that is to assist you in being clear on your calculations  
3 because if we recalculate what you've put in and it's below,  
4 then you're out if you haven't asked for a waiver. So you want  
5 to be very clear about your calculations.

6 Moving on to Part 2 of Form B. This is where you will  
7 enter your name, contractor, the project description, the  
8 Solicitation. In column one, you will enter the DBE  
9 subcontractor. In column two, you will put in the DBE  
10 classification code which is their certification number which is  
11 found right behind their names. And in column three, you will  
12 enter to what percentage of this overall bid that you have  
13 submitted will this particular firm be handling for you. You  
14 may make as many copies of this sheet as you need. You may have  
15 multiple firms for 15 percent (15%), you may have one firm for  
16 15 percent (15%), whichever the case might be.

17 But please note the message on 3.2. If you are  
18 procuring supplies from a DBE, you will only be allowed 60  
19 percent (60%) of what you spend towards the goal. So if you  
20 spend \$2,000.00 dollars for a piece of wood, you spend the  
21 2,000, you show the 60 percent (60%), and that is what you will  
22 be giving credit towards that 15 percent (15%) goal. If you  
23 procure a service from a DBE, that service includes materials,  
24 then it's 100 percent (100%). Don't try to segregate the  
25 material from the service if they're bringing that with them to

1 do the job.

2           There's a couple pages, but once again, if you need  
3 two or more, you may make as many copies as you need. There is  
4 a third part which simply asks for again the signature. That is  
5 very important. Failure to do that says nothing is happening  
6 and you haven't committed.

7           Form C is asked of you or the awardee after it has  
8 been noted that you're going to be awarded, but if you care to  
9 submit Form C and D in the beginning, you can do so. [Form] C  
10 tells us how did you go about soliciting and looking for and  
11 selecting you DBE. You may say, 'I went to the MDOT directory,'  
12 because that's where they are, you may run an ad in the paper,  
13 you may have an event, whatever it might be we need to know how  
14 did you go about finding your subcontractors. What efforts did  
15 you make?

16           Form D is a form that you will make again as many  
17 copies of per vendor. You will fill this out, not the  
18 subcontractor. You will fill it out all the way through what  
19 percentage and or dollar, the subcontractor's name and so on.  
20 Whether it be the NAIC code or the specific type of work  
21 category, all of that is required for that particular company.  
22 And it shouldn't mirror what is on their profile when you go to  
23 the directory because in the directory tells you what they're  
24 certified to do. Now they will tell you they can do a 100  
25 things more but if it's not on that profile you will not be

1 given credit to have them go get lunch because they said they  
2 also do catering. We didn't ask for that in the Solicitation so  
3 you have to stay within those boundaries. You will sign it at  
4 "prime contractor's" box and you may fax it to your  
5 subcontractor to sign. And I will accept it as a fax document  
6 so that you're not running all over the place to get these  
7 signatures.

8           There is a last page here, and right now I want you to  
9 ignore that. These are the forms A through D. [Forms] A and B  
10 shall come with your bid. [Forms] C and D can be waited until  
11 the one single individual is awarded or will be awarded or  
12 intend to award, or if you care to send it all we don't hold you  
13 in any penalty for doing so. I noticed the two of you were  
14 noting things - is it anything that I can answer for you  
15 regarding some things on the form that you may have come across?

16           MS. BUSCH: Robin with Fireline Corporation.  
17 I see we had -- it said "dually." You have to have -- if you  
18 were a WBE with the city of Baltimore, you have to be a DBE as  
19 well. You have to have both --

20           MS. CULLINGS: -- First of all, take the city of  
21 Baltimore out of you mind.

22           MS. BUSCH: Okay.

23           MS. CULLINGS: You are bidding for the State of  
24 Maryland only.

25           MS. BUSCH: So it would have to be State --

1 MS. CULLINGS: -- We have a different program; we do  
2 not honor the city of Baltimore's at all.

3 MS. BUSCH: Okay.

4 MS. CULLINGS: Many of those firms are certified with  
5 the State. That's something you want to confirm with them and  
6 you need to check it through the directory because they will  
7 say, 'Yes I want the work.'

8 MS. BUSCH: Right.

9 MS. CULLINGS: Certification means certification. You  
10 need to go to the MDOT directory only.

11 MS. BUSCH: Great. Thank you.

12 MS. CULLINGS: And that -- and if you have any  
13 problems, it's [www.mdot.state.md.us](http://www.mdot.state.md.us). But I'm sure once you put  
14 in MDOT, something is going to pop up. Now what you want to be  
15 clear about is that the directory allows you to ask for a  
16 category, ask for a firms name, ask for a DBE, all types of ways  
17 you can go in, and that firm will pop up. And when they pop up,  
18 I think you get to click on that to get the full profile. You  
19 need to know what they're certified to do, and then you can  
20 utilize them.

21 MS. BUSCH: Okay.

22 MS. CULLINGS: They could also work for the -- be  
23 certified for the City of Baltimore and that's fine. We don't  
24 have anything to do with that. They could be 8A with the  
25 Federal Government, they could be something in P.G. County, but

1 the only thing that counts is MDOT's directory. So if it's a  
2 firm you've been working with all along, you would like to  
3 continue, have them show you their profile, but you really  
4 should check it. The onus is going to be on you --  
5 -- not with what they told you.

6 MS. BUSCH: Very good. Thank you.

7 MS. CULLINGS: Yeah, the dual certification in MDOT is  
8 what you'll see, MBE and DBE. And even within that, you will  
9 see in their profile that they happen to be a female or not.  
10 That's what they consider dually certified minority and female.  
11 So either way, they're utilized but only in one capacity. Here  
12 we're not asking for sub-goals where we want so much for women,  
13 so much for Asian, so much for whoever. It's a straight 15  
14 percent (15%), however way you care to bring it among the people  
15 who are certified.

16 There's one other thing I want to caution you on in  
17 the directory and that is there are times when firms have  
18 graduated from a NAIC code and you'll see the word "graduated"  
19 right behind the NAIC code or capital "G." That means they are  
20 still certified as a DBE, but that particular NAIC code and all  
21 that's written for that NAIC code, they have graduated from the  
22 program. So if those are the things that you would have them  
23 do, then they're not, they can't. Maybe the next code will  
24 accommodate you or another firm. So if they're graduated you  
25 won't get credit for utilizing this company towards your goal.

1           If you have any technical difficulties navigating the  
2 directory, or you have talked to a firm and you can't find them,  
3 contact MDOT directly. You don't have to send an email and  
4 answer questions. Go directly to MDOT at 410-865-1269. Whoever  
5 answers the phone can help you with the technicalities of the  
6 directory and or the firm. We don't want you to be held up in  
7 trying to make choices and what you need to do.

8           I think I've covered everything. After the award  
9 portion however, you will be required to have an executed  
10 written agreement to my office with you and each sub. That  
11 agreement does not have to look like a telephone directory, it  
12 doesn't have to be a legally type of document, but it has to be  
13 an agreement that this is what you're going to do for me, this  
14 is how I'm going to need you to do it, maybe there's some time  
15 and space or when they come on to do certain tasks, whatever the  
16 penalty is for their failure to arrive and be all that you want  
17 them to be, how shall they invoice you accordingly. And that's  
18 the type of basic information we need to have in an executed  
19 agreement signed by them as well as yourself. You would be  
20 initiating the agreement, not the sub-contractor, because you're  
21 telling them as my sub this is what I have for you to do and I  
22 don't need you to show up until the third week to pour the  
23 cement because we'll be doing some other things before then,  
24 whatever the case might be.

25           Are there any questions?

1 [There was no response.]

2 MS. CULLINGS: Very good. Good luck to you. I'm sure  
3 out of 6,000 certified MBE firms, you should find someone that  
4 can participate. We feel that the 15 percent (15%) is  
5 conservative but is much achievable.

6 I do have to tell you how to get a waiver nonetheless,  
7 because you never know. Business is good people may say, 'No  
8 thank you,' all kinds of things can happen, so if you're  
9 planning to ask for a waiver -- let's just say you're not able  
10 to reach the 15 percent (15%) but you're able to do 11 because  
11 of the nature of the procurement, the nature of the things you  
12 have to segment -- then certainly, you would ask for a waiver  
13 for the difference. And you need to explain in detail why and  
14 how come and whatever efforts you made to make that 15 [percent]  
15 but whatever happened. If you contacted firms, you need to pull  
16 their profile and show this is who I contacted and so on. If  
17 you're asking for a 15 percent (15%) waiver for the entire  
18 amount, certainly it's the same but it's much more detailed,  
19 every effort that you made, every good faith effort that you  
20 made as to why you were not able to do this work through  
21 segmenting 15 percent (15%). We will evaluate against who was  
22 able to make 15 percent (15%). So it's not an automatic because  
23 you request it that it's going to be a, 'yes,' but it needs to  
24 be fully documented that your good faith effort overrides the  
25 fact that you can't make this happen. So if you need any

1 assistance with that, that's where you can contact me directly  
2 because that's not a question that goes out publically. My  
3 office number is 410-767-3934.

4 MS. CULLINGS: I have three other staff persons that  
5 do MDBE work, but it will be fine to contact me directly.  
6 Certainly, I want you to be successful and so in talking out  
7 your need for waiver might be what has to happen. All right.  
8 That being said, if there are no other questions, thank you for  
9 your attention and best wishes to you. And would you send back  
10 those documents? We just don't want you to get them mixed up  
11 and that has happened where the ones we gave out came back and  
12 that really ruined the situation.

13 MS. ELSEY: Anymore questions for Paula? Thank you.

14 MS. CULLINGS: You're welcome.

15 MS. ELSEY: Now, Living Wage Requirements. That's  
16 Attachment 10 in the Solicitation. Please read the whole thing  
17 and fill out the Affidavit. If you have any questions or need  
18 any more information, I put the DLLR website in there for you to  
19 look up anything you need to know. This is a Tier 1  
20 Solicitation and I believe right now the requirements are \$12.91  
21 is what you have to pay per hour as a minimum wage, but don't  
22 quote me on that, look on the website.

23 And the Prompt payment requirements Attachment 13.  
24 This is payment to your sub-contractors so you must make sure  
25 that you sign that document for your prompt pay and that you

1 agree to pay them in the timely fashion that we have on the  
2 forms.

3           There is request for confidential documents,  
4 Attachment 3 in your Solicitation. Anyone that needs the  
5 drawings which is a nice little pack, I can make copies of this  
6 after the meeting, you can sign right now and I can give you a  
7 copy of the drawings or I can email them to you. As long as I  
8 have the document, you can have the documents. Any other  
9 questions?

10           [There was no response.]

11           MS. ELSEY: That's the administrative part. Now we're  
12 going to turn it over to Maurice and let him talk about the  
13 Scope of Service.

14           MR. SYLVER: As you all know, this Scope of Service  
15 includes fire suppression testing and maintenance on an annual  
16 basis so eight underground metro stations to include the deluge  
17 system, the tunnel stand pipes and the fire valve pits. Each  
18 station has two fire valve pits and the tunnel stand pipes will  
19 run from Johns Hopkin's all the way out to the portal. This  
20 will be included in the annual testing, the tunnels sections  
21 including flow and all other NFPA codes listed in the contract.

22           Right now, all of this testing and maintenance is done  
23 in-house but due to budgetary and staffing, we found it  
24 beneficial to outsource these tasks on an annual basis. Any  
25 other testing and fire suppression documentation that will be

1 listed in the NFP codes listed in the contract will also be  
2 required as well.

3 Other than that, everything is listed in the contract  
4 document. If you have any questions and, at the conclusion of  
5 this meeting, we'll take a walk over to Charles Center which is  
6 typical for all of our stations. You have two fire valve pits,  
7 two valve rooms as well as the SCC booths and the F and P panels  
8 the fire management panels.

9 The document states testing will include all local  
10 panels. The local panels includes the fire management panel  
11 located in the station. There's also a SCC booth in the station  
12 which I will show you after this meeting if you care to go over  
13 to Charles Center and we have a local panel in each fire valve  
14 room. Documentation as the contract states will include 72 hour  
15 report after all testing. That's pretty much what we're looking  
16 for. If you have any questions?

17 [There was no response]

18 MR. SYLVER: Question?

19 UNIDENTIFIED SPEAKER: Not until we see it.

20 [Laughter]

21 MS. ELSEY: Any questions you have while you're on  
22 your guided tour, you have to put them in writing to me. I  
23 mean, you can ask him anything you want, but it's only binding  
24 if you get it in writing. I'll put any questions received in an  
25 addendum with all the answers.

1 MS. CULLINGS: I want to come back to prompt pay for a  
2 minute. You have a document in there that speaks to it and  
3 prompt pay probably tells you within a certain time five to ten  
4 business days after receiving payment. It's very clear that if  
5 you don't invoice, you don't get payment. So therefore, you're  
6 not going to pay the sub. But try to look at it on the basis  
7 that regardless of what is written about the timing, once you  
8 take possession ownership of services and goods, technically net  
9 30 days, you should pay a person if we never pay you because  
10 you're under contract with them accordingly. Just like when you  
11 get your American Express card, they don't care that you didn't  
12 get your pay check the payment is due.

13 So keep that in mind because many times, primes are  
14 just very busy, multiple jobs, someone back at the ranch is not  
15 pushing the invoices so that's a reason not to pay the sub  
16 because, 'Gee,' I didn't get paid, but you know you took  
17 possession and therefore you are required to pay regardless and  
18 that's on the legal side of life. So I just want to keep you  
19 clear on that because we will be requiring you to report your  
20 payments to the subs monthly, as the subs are reporting payments  
21 received. And that's how we monitor whether or not you're  
22 meeting your goal. And when we see where the goal is not  
23 catching up to the appropriate time, you'll probably hear from  
24 us to see what could be happening and it could be changes in the  
25 work, it could be very legitimate, but all the people you list

1 to say you're going to do business with, we expect that to  
2 happen.

3           You do not have the freedom to change vendors on the  
4 DBE side at all. Whatever you do with other sub-contractors, I  
5 guess that's acceptable. So if you name these particular DBE's  
6 and win the bid, these are who you're going to live with so you  
7 need to engage them as early as possible for their prices and  
8 particulars. You will not be able to change them out because  
9 you met Bill after the fact and he can do it for less. That's  
10 not acceptable.

11           If you're having problems with the sub you need to see  
12 me immediately and if you need to change subs, only I can give  
13 you permission to do that. So don't just send a note to the  
14 Procurement Officer, we're changing Bill for Mary. They don't  
15 have anything to do with it, you need to see me. I'm certainly  
16 not going to let you keep a sub to hurt you or to bring down the  
17 project, so it's not a situation where all DBE's are perfect and  
18 right, but neither are our primes. So we work together to make  
19 sure that everything is going to be harmonious as possible. Now  
20 certainly, anything can happen with a sub, someone could go out  
21 of business; obviously you have to replace them. But we need  
22 that documentation if that's the case. And other things that  
23 happen in personnel so you know we're understanding but we have  
24 to be in the mix with you as this would occur. Thank you.

25           MS. ELSEY: Thanks, Paula. Living Wage Requirements

1 is Attachment 10. The DBE Forms are Attachment 11 and Prompt  
2 Pay is Attachment 12. They're all in your Solicitation.

3 Any other questions of any nature? Before Paula walks  
4 out or before we take a walk across the road?

5 [There was no response]

6 MS. ELSEY: All right. *Written questions are due to*  
7 *me by June 26<sup>th</sup>, 4:00 p.m.* at the latest because that way I can  
8 guarantee you're going to get a response. After that, you can  
9 ask questions, I just can't guarantee you're going to get your  
10 response in time to do your bid.

11 Technical proposals due **Tuesday July 9<sup>th</sup>, no later than**  
12 **2:00 pm** here on this floor to my attention. Please have them  
13 here before 2. When it goes to 2:01 on that little stop clock  
14 out there, it's too late. Thank everybody for coming and does  
15 anyone want to sign the request for confidential documents?  
16 I'll make a couple copies. You can sign it and if you'd like it  
17 emailed, put your email address on here I'll pop it over.

18 MS. ELSEY: Close this at 10:38.

19 (Meeting was concluded at 10:38 a.m.)

20 (There was a site visit immediately following the pre-bid  
21 meeting)

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**CERTIFICATE OF TRANSCRIBER**

I, hereby, certify that the Maryland Department of Transportation, Maryland Transit Administration Pre-Proposal Conference for Contract No. MTA-T-8000-0424 held at 6 St. Paul Street in Baltimore, Maryland on June 18, 2013 was recorded by means of electronic sound recording.

I further certify that, to the best of my knowledge, that the foregoing pages represent a complete and accurate transcript of the electronic sound recording of the conference as transcribed by me.

I further certify that I am neither an employee of MTA or relative to any party, herein, and that I have no interest in the outcome of this Solicitation and subsequent award.

In witness whereof, I have affixed my signature this 24th day of June 2013.

By:

A handwritten signature in cursive script that reads "Diane Humke". The signature is written in black ink and is positioned above a horizontal line.

Diane Humke  
Transcriber