



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
James T. Smith, Jr., Secretary • Robert L. Smith, Administrator

MEMORANDUM

TO: Holders of Contracts Documents

FROM: Nannette C. Gibson, Procurement Administrator
Maryland Transit Administration
Procurement Division
6 Saint Paul Street, 7th Floor
Baltimore, Maryland 21202-1614

SUBJECT: Addendum No. 1
Invitation for Bids (IFB) for
Contract No. T8000-0452
Metro Stations Parking Lots Snow & Ice Removal

DATE: July 9, 2014

Issued herewith and effective this date is Addendum No. 1. The Bidder shall include acknowledgement of receipt of this Addendum in accordance with Section 1, Item C.13 of this IFB and reported on the BID FORM INCLUDING UNIT PRICE SCHEDULE, Section IV, Item # 9, Page 3 of 17 on the Bid Form.

ITEM ONE:

The due date, location, and public opening of “sealed bids” remain unchanged, as originally stated in the IFB: “All bids must be received, no later than 2:00P.M. (Eastern Standard Time), on July 15, 2014”.

ITEM TWO:

THE FOLLOWING PAGES/SECTIONS TO THE IFB ARE REVISED AS INDICATED:

- **SECTION I – SOLICITATION INFORMATION AND INSTRUCTIONS – (SEE REVISED PAGES ATTACHED – ALL CHANGES ARE IN ITALICS)**

Addendum No.1

➤ **SECTION II – SPECIFIC SOLICITATION REQUIREMENTS – (SEE REVISED PAGE ATTACHED – ALL CHANGES ARE IN ITALICS)**

➤ **ATTACHEMENT 12 – MINORITY BUSINESS ENTRPRISE PARTICIPATION FORMS – (CORRECT FORMS ARE ATTACHED) AND MUST BE USED IN THIS IFB.**

There is a Minority Business Enterprise (MBE) goal of 25% with no subgoal for this IFB solicitation. A bidder who is certified as a Minority Business Enterprise and awarded the contract that results from this IFB is not exempt and must, therefore, still meet the MBE goal for this IFB with certified MBE subcontractors as detailed in this IFB.

ITEM THREE:

➤ **QUESTIONS INQUIRES/MTA RESPONNSES:**

Question # 1:

Do you know what the price of these services was the previous year?

MTA Response:

Yes, bid amount was \$1,551,000.00.

Question # 2:

Is using MBE required? And are the forms of MBE participation schedule required to fill out?

MTA Response:

Yes, this is a requirement and the MBE goal is 25% with no subgoal. Yes, MBE forms A & B are required with your bid. After review and if you are the apparent low bidder you are required to provide forms C through D with the signed documents from our office.

ITEM FOUR:

REMINDER:

This procurement has been designated for the **Small Business Reserve Program**. Only certified small businesses can bid on this procurement and be awarded the contract that results from this IFB.

The information issued with this Addendum will become part of the contract awarded to the successful bidder. If you have any questions regarding this Addendum, please contact me at 410-767-0813 or by e-mail at ngibson@mta.maryland.gov

A handwritten signature in blue ink that reads "Nannette C. Gibson". The signature is written in a cursive style and is positioned above a horizontal line.

Nannette C. Gibson
Procurement Administrator
MTA Procurement Division

**MARYLAND TRANSIT ADMINISTRATION
METRO STATIONS PARKING LOT SNOW & ICE REMOVAL
CONTRACT NO. T-8000-0452**

SECTION I – SOLICITATION INFORMATION AND INSTRUCTIONS

A. BACKGROUND

The Maryland Transit Administration (MTA) is a modal administration within the Maryland Department of Transportation. The Administration directly operates bus, metro, light rail and mobility transit services in the "Metro Transit District" comprising Baltimore City, and the surrounding counties. The Administration also contracts with several companies to operate statewide and commuter bus services, mobility services and commuter rail services ("MARC").

B. PURPOSE

The Contractor shall furnish all necessary labor, equipment and supervision as required in removing snow and ice from the Metro Stations parking Lots. The Contractor shall provide the MTA with equipment to clear the roadways, parking areas and vehicle entrances, walkways, exterior stairs and sidewalks during, and after a snowstorm. The Contractor shall provide these services on an as-needed basis. A detailed description of the work to be performed is provided in the "Scope of Work" of this IFB (See Section II).

This procurement has been designated for the **Small Business Reserve Program**. Only certified small businesses can bid on this procurement and be awarded the contract that results from this IFB.

C. ADMINISTRATIVE/CONTRACTUAL INFORMATION

1. Issuing Office

This IFB is issued by the MTA Procurement Department. The sole point of contact for this IFB is the Procurement Officer at the issuing office address as shown below:

Nannette C. Gibson, Procurement Officer
Maryland Transit Administration
William Donald Schaefer Tower
6th Saint Paul Street, 7th Floor
Baltimore, MD 21202-1614
Telephone 410-767-0813
Facsimile at 410-333-4810
E-mail address: Ngibson@mat.maryland.gov

2. Pre-Bid Conference

A Pre-Bid Conference will be held on **Monday, June 30, 2014**, at the MTA's **Procurement Division, 6 Saint Paul Street, 5th Floor, Room 731, Baltimore, Maryland 21202, beginning at 10:00 a.m.** Although all Bidders are encouraged to attend the Pre-Bid Conference, attendance is not mandatory. The number of representatives from each firm planning to attend the Pre-Bid Conference is limited to no more than two (2) persons. Please complete the Pre-Bid Conference Attendance Form (Attachment 4) and submit by **Friday, June 27, 2014 at 2:00 pm** to **Nannette C. Gibson, Procurement Officer**, via e-mail at ngibson@mta.maryland.gov or via fax at **410-333-4810**. Ms. Gibson may also be contacted via telephone at **410-767-0813**.

A written summary of the Pre-Bid Conference and all known questions and answers provided at the time of the conference, will be distributed on the MTA's website (www.mta.maryland.gov).

3. Inquiries

Written questions from prospective Bidders will be accepted by the Procurement Officer prior to the due date for bid opening. Questions may be submitted by mail, facsimile, or by e-mail to the Procurement Officer. **The submission deadline for written inquiries is Tuesday, July 08, 2014 by 4:00 p.m. (Eastern Time).** In case of questions not received in a timely manner, the Procurement Officer shall, based on the availability of time to research and communicate an answer, decide whether an answer can be given before the bid due date. Answers to all substantive questions that have not previously been answered, and are not clearly specific only to the requestor, will be distributed to all vendors who are known by the Procurement Officer to have received a copy of the IFB.

4. Approved Equals And/Or Exceptions

Requests for approved equals and/or exceptions to the specifications must be in writing on the form provided in Attachment 3 of this IFB. Any questions and/or clarifications regarding the specifications must also be submitted in writing on the contractor's letterhead. All exceptions/approved equals and questions/clarifications must be submitted no later than **4:00 P.M., July 08, 2014**. Facsimile inquiries should be forwarded to 410-333-4810, Attention: Nannette C. Gibson. Facsimile messages will not be accepted unless accompanied by telephone notifications at (410) 767-0813. Any verbal responses will not be binding on the MTA.

Bidders are cautioned that any exceptions to the proposed contract or exceptions to other material requirements shall render their bid non-responsive unless approved prior to the opening of the bid.

5. Submission Deadline

In order to be considered, bids must be received no later than **2:00 p.m. (Eastern Time) on Tuesday, July 15, 2014** by the Procurement Officer at the address listed in Section I,C.1. Bidders submitting bids by mail should allow sufficient mailing and delivery time to ensure timely receipt by the Procurement Officer. Bids arriving after the closing date and time are late and shall be rejected in accordance with applicable regulations. Electronic and fax bids will not be accepted. A public bid opening will be held at the address referenced in Section I,C.1. of this IFB.

The "Unit Price Schedule" form shall not be altered in any way and shall contain only the price or prices stipulated on the form. The "Unit Price Schedule" form must contain all cost information in the format specified. All bids recorded shall be "fully loaded" and, as such, be inclusive of the direct and indirect cost (i.e. over head, hourly rates, general administration, profit, taxes, and fringe benefits, etc) associated with the delivery of services of this contract. The State does not guarantee a minimum or maximum numbers of service hours, for any Bidder awarded this contract.

A bid, request for modification, or request for withdrawal is late if it is not received by the Procurement Officer at the place and by the date and time specified in Section I,C.1 of this IFB.

A late bid, late modification, or late request for withdrawal shall not be considered. Exceptions may be made when a late bid, modification, or withdrawal is received before Contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of State personnel directing the procurement activity or their employees. A late modification of a successful bid that makes its terms more favorable to the State shall be considered at any time it is received and may be accepted.

6. Bids

Bids shall be prepared simply and economically, providing a straightforward, concise description of the Bidder's ability to meet the requirements of this IFB. The Bidder shall ensure that prices submitted on the Bid Form Unit Price Schedule (Section IV) in response to this IFB are fully loaded and include all materials, direct and indirect labor costs, other costs and profits for the Bidder. All bids become the property of the Agency, and neither the Agency nor the State of Maryland will be responsible for any expenses incurred by the Bidders in preparing or submitting their bids or for any other associated costs.

Bidders shall complete and submit their bids on the Bid Form Including Unit Price Schedule (Section IV of this IFB). Oral, telegraphic, electronic mail, facsimile or mailgram bids shall not be accepted. The Bid and all bid forms of each Bidder shall be signed by a corporate officer, partner, proprietor or individual authorized to legally bind the Bidder.

The State does not guarantee a minimum or maximum numbers of service hours, for any Bidder awarded this contract.

All bids shall be accompanied by a completed Bid/Proposal Affidavit (Attachment 1 of this IFB), Conflict of Interest Form (Attachment 5 of this IFB), Experience and References Form (Attachment 10 of this IFB), Living Wage Affidavit (Attachment 11 of this IFB), and any other documents, as applicable. The sample Contract Agreement and Contract Affidavit (Section V and Attachment 2 of this IFB, respectively) are included for reference only and shall be completed only by the Bidder recommended for contract award.

7. Performance Guaranty –

Performance Guaranty- to ensure its performance in accordance with the terms and conditions of the Contract and to protect the MTA and its patrons in the event of the Contractor's default on its contractual obligations, the Contractor shall be required to submit a Performance Guaranty to the MTA prior to commencement of the contract. The Guaranty shall equal ten percent (10%) of the total, five-year, estimated contract price and be in one of the forms specified below.

The Bidder shall state in the bid section which of the four forms of performance guaranty it wishes to utilize.

- a) A performance bond in the format specified in Attachment 15. The completed form shall be delivered to the MTA with the signed contract documents after receipt of Letter of Intent. The following Surety Bond Qualifications shall apply:

(I) Bonds shall be written through surety insurers authorized to do business in the State of Maryland as surety, with a rating of at least "B V" as to management and financial strength according to the latest edition of Best's Insurance Guide, published by A. M. Best Company, Oldwick, New Jersey.

Surety insurers shall be listed in the latest Circular 570 of the U.S. Department of the Treasury entitled "Surety Companies Acceptable on Federal Bonds", published annually. The bond amount shall not exceed the underwriting limitations as shown in this circular.

(II) Surety Bonds guaranteed through the U.S. Government Small Business Administration or Contractors Training and Development Inc. will also be acceptable.

(III) The attorney-in-fact or other officer who signs a contract bond for a surety company must file with such bond a certified copy of their power of attorney authorizing him or her to do so. The contract bond must be countersigned by the surety's resident Maryland Agent.

- (b) A pledge of U.S. Government Securities or cash held in escrow by a Maryland bank in the amount of ten percent (10%) of the total, five-year estimated contract ceiling price to be held by a Maryland bank in escrow for the term of the contract and any extensions thereto. The form of the pledge

must allow the MTA to direct the bank to liquidate the securities and withdraw funds from the escrow account upon presentation to the bank of a certification from the MTA Administrator that the Contractor has been issued a notice of termination for default in accordance with the terms of the contract. No countersignature or approval of the Contractor shall be required. The pledge must be signed and notarized by authorized officials of both the Contractor and the bank.

- (c) An irrevocable Letter of Credit (LOC) issued by a Maryland financial institution in a form acceptable to the MTA in the amount of ten percent (10%) of the total, five-year estimated contract ceiling price. The form of the LOC must allow the MTA to draw upon the funds upon presentation to the bank of a certification from the MTA Administrator that the Contractor has been issued a notice of termination for default in accordance with the terms of the contract. No countersignature or approval of the Contractor shall be required. The LOC must be signed and notarized by authorized officials of both the Contractor and the bank.
- (d) Retainage of a portion of the contractor's gross billing amount until the termination of the contract or when the retainage equals ten percent (10%) of the total, five-year estimated contract ceiling price, whichever occurs first. The portion retained shall be ten percent (10%) of each monthly billings for all billings covering the first year of services and five percent (5%) thereafter until the 10% ceiling is reached. If the contract is terminated for default, the retainage shall be forfeited. Forfeiture shall not be construed as a waiver of any other remedies the MTA is entitled to exercise under the contract or at law.

8. Signatures

An officer authorized to make a binding commitment for the firm(s) making the bid shall sign all bids.

9. Procurement Method

This procurement is being conducted in accordance with the Code of Maryland Regulation (COMAR), Title 21, State Procurement Regulations, COMAR 21.05.02, Procurement by Competitive Sealed Bidding. In accordance with COMAR 21.05.02.13, the State intends to award a contract to the responsible and responsive bidder whose bid meets the requirements set forth in the IFB and is the most favorable bid price.

10. Small Business Reserve (SBR)

This is a Small Business Reserve procurement for which award will be limited to Certified Small Business Vendors. Only businesses that meet the statutory requirements set forth in State Finance and Procurement Article, § 14-501 – 14-505, Annotated Code of Maryland,

and who are registered with the Department of General Services Small Business Reserve Program are eligible for award of a contract.

All Bidders shall submit the Small Business Contract Affidavit with their bid (See Attachment 13).

11. Contract Duration

This contract shall be in force for a period of **five (5) years** from the start date stated in the *Notice to Proceed* letter.

12. Incurred Expenses

The State will not be responsible for any costs incurred by Bidders in preparing and submitting a response to this IFB or for any other associated costs.

13. Addenda and Revisions To The IFB

If it becomes necessary to revise this IFB before the due date for bids, an addendum to the IFB will be posted on the MTA Website as described in the Prospective Bidders Letter. Bidders shall acknowledge receipt of all addenda in the transmittal letter of the Bid. (See Section IV).

14. Cancellation And Rejection Of Bids

The Agency reserves the right to cancel this solicitation or accept or reject any or all bids, in whole or in part. The Agency also reserves the right to waive minor irregularities in bids, or allow the Bidder to correct a minor irregularity, if either action is determined to be in the best interest of the State. If the solicitation is canceled, a notice of cancellation will be provided to all Vendors who were sent this solicitation or are otherwise known by the Procurement Officer to have obtained this solicitation. The Agency reserves the right to cancel this IFB in accordance with COMAR Regulation 21.06.02.

15. Duration Of Bid

Bids submitted in response to this IFB are irrevocable for one hundred twenty (120) days following the closing date of bids. This period may be extended at the Procurement Officer's request only with the Bidder's written agreement.

16. Contract Type

The contract to be awarded, as a result of this IFB, will be a Fixed Price contract pursuant to COMAR 21.06.03.02.

17. Compliance With Law

By submitting a bid in response to this IFB, the successful Bidder(s) selected for award

agrees that it shall comply with all Federal, State and local law applicable to its activities and obligations under the Contract.

18. Arrearages

By submitting a response to this IFB, the Bidder(s) represents that it is not in arrears in the payment of any obligation due and owing to the State of Maryland, including the payment of taxes and employee benefits, and that it shall not become in arrears during the term of this contract if selected for the contract award.

19. Acceptance of Terms and Conditions

- a. By submitting a bid in response to this IFB, Bidders shall be deemed to have accepted all the terms and conditions, set forth in this IFB and in the attached General Conditions for Maintenance Contract, Attachment 9.
- b. In the event of a conflict between provisions of the Contract, the IFB, the General Conditions, or any other document incorporated by reference into the Contract, the following order of precedence shall determine the prevailing provisions:
 1. The Contract
 2. The Invitation for Bid, including any addenda.
 3. The MDOT General Conditions for Maintenance Contracts, as amended July 2002.
 4. The Contractor's Bid, including any amendments.
- c. Section 52, Disputes, of the MDOT General Conditions for Maintenance was amended to incorporate the following language:

“Unless a lesser period is provided by applicable statute, regulation, or this Contract, the Contractor must file a written notice of claim with the Procurement Officer within 30 days after the basis for the claim is known or should have been known, whichever is earlier. Contemporaneously with or within 30 days of the filing of a notice of claim, but no later than the date of final payment under the Contract, the Contractor must submit to the Procurement Officer its written claim containing the information specified in COMAR 21.10.04.02.”

20. Procurement Regulations

This IFB and any resulting contract shall be governed by the State Finance and Procurement Article and by COMAR Title 21, State Procurement Regulations, as amended.

21. Conflict Of Interest

The Bidder covenants that it presently has no interest and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of the

services required under this IFB. (Attachment 5)

22. Incorporation By Reference

All terms and conditions of the IFB and amendments thereto, all provisions of the successful Bid and submittals in response to the IFB and amendments thereto, all applicable State and Federal Laws, statutory and regulatory provisions and orders, shall be incorporated by reference and made a part of the contract to be entered into as result of this IFB.

23. Alternate Bids and Multiple Bids

Alternate or multiple bids will not be accepted.

24. Resident Business Reciprocal Preferences

When awarding by competitive sealed bids, the Agency may, in accordance with COMAR 21.05.01.04, give a preference to the lowest responsive and responsible bid from a “resident business” (as defined in COMAR 21.05.01.04A(3)) if the State in which the non-resident business is located gives its residents preference. The preference given shall be identical to the preference given by the other state to its residents, unless this conflicts with any federal grant or regulation affecting this Contract.

25. Verification Of Registration And Tax Payments

Before a corporation can do business in the State of Maryland it must be registered with the Department of Assessments and Taxation, State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. They can be reached at 410-767-1330, or online at www.dat.state.md.us. It is strongly recommended that any potential Bidder complete registration prior to the due date for receipt of bids. A Bidder’s failure to complete registration with the Department of Assessments and Taxation may disqualify an otherwise successful Bidder from final consideration and recommendation for contract award.

All corporations doing business in Maryland are also required to register with the Department of Labor, Licensing and Regulation and must have a resident agent. The resident agent must be either an individual (not the corporation itself) with an address within the boundaries of Maryland or a corporation that represents other corporations as a resident agent.

26. Use of “e-Maryland Marketplace”

“e-Maryland Marketplace” is an electronic commerce system administered by the Maryland Department of General Services. In addition to using the e-Maryland marketplace web site (<http://www.ebidmaryland.com>) and other means for transmitting the IFB and associated materials, the solicitation and minutes of the pre-bid conference, vendors questions and MTA responses, addenda, and other solicitation related information will be provided by the Procurement Officer.

This means that all such information is immediately available to subscribers to e-Maryland Marketplace. Because of the instant access afforded by e-Maryland Marketplace, it is recommended that all vendors interested in doing business with Maryland State agencies subscribe to e-Maryland Marketplace.

27. Electronic Funds Transfer (EFT)

By submitting a response to this solicitation, the Bidder/Offeror agrees to accept payments by electronic funds transfer unless the State Comptroller's Office grants an exemption. The selected Bidder/Offeror shall register using the attached form COT/GAD X-10 Vendor Electronic Funds (EFT) Registration Request Form (Attachment 6). Any request for exemption must be submitted to the State Comptroller's Office for approval at the address specified on the COT/GAD X-10 form and must include the business identification information as stated on the form and include the reason for the exemption.(Attachment 6).

28. False Statements

Bidders are advised that Section 11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland provides as follows:

- (a) In connection with a procurement contract a person may not willfully:
 - (1) falsify, conceal, or suppress a material fact by any scheme or device;
 - (2) make a false or fraudulent statement or representation of a material fact; or
 - (3) use a false writing or document that contains a false or fraudulent statement or entry of a material fact.
- (b) A person may not aid or conspire with another person to commit an act under subsection (a) of this section.

A person who violates any provision of this section is guilty of a felony and on conviction is subject to a fine not exceeding \$20,000 or imprisonment not exceeding 5 years or both.

29. Invoice Submission Requirements

The Contractor shall submit, on a monthly basis, an invoice for work performed, completed, and accepted by MTA. Payment to the Contractor shall be made no later than thirty (30) days after the MTA's receipt of an approved invoice.

An approved invoice shall consist of the following information:

- The Contractor's Federal Employer Identification Number (FEIN) or Social Security Number, and the Contract Name and Number shall appear on the face of each invoice.
- A detailed description of the work performed and materials used must be included with each invoice. All prices will remain firm, in accordance with the prices

submitted on the "Bid Form/Unit Price Schedule.

- Address all invoices to the **Project Manager, Eric Bowser** at the following address:

Eric Bowser, Project Manager
Old Court Maintenance Facility
4380 Old Court Road
Pikesville, Maryland 21208

- Charges for late payment of invoices, other than as prescribed by Title 15, Subtitle 1, of the State Finance and Procurement Article, Annotated Code of Maryland are prohibited.

30. *Minority Business Enterprise Notice*

Minority Business Enterprises (MBE) are encouraged to respond to this solicitation notice and are therefore encouraged to obtain certification from the Maryland Department of Transportation. All questions related to certification must be directed to the Maryland Department of Transportation Office of Minority Business Enterprise/Equal Opportunity:

*Maryland Department of Transportation
Office of Minority Business Enterprise/Equal Opportunity
7201 Corporate Center Drive
P. O. Box 548
Hanover, MD 21276
Telephone: 410-865-1240*

Bidders attempting to classify themselves as minority contractors, within the meaning of the State procurement laws and regulations shall not be so viewed until and unless they are certified as such by the Office of Minority Business Enterprise/Equal Opportunity. The assigned certification number must appear on invoices.

31. *Minority Business Enterprise Subcontract Participation Goal*

An overall Minority Business Enterprise (MBE) subcontract participation goal of 25% of the total contract dollar amount has been established for this procurement with no sub-goals.

By submitting a response to this solicitation, the Bidder agrees that these dollar amounts of the contract shall be performed by MDOT certified minority business enterprises.

Refer to the MBE participation instruction in Attachment 12.

32. Liquidated Damages

This contract requires the contractor to make good faith efforts to comply with the Minority Business Enterprise ("MBE") Program and contract provisions. The State and the Contractor acknowledge and agree that the State will incur damages, including but not limited to loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the Contractor does not make good faith efforts to comply with the requirements of the MBE Program and MBE contract provisions. The parties further acknowledge and agree that the damages the State might reasonably be anticipated to accrue as a result of such lack of compliance are difficult to ascertain with precision.

Therefore, upon a determination by the State that the Contractor failed to make good faith efforts to comply with one or more of the specified MBE Program requirements or contract provisions, the Contractor agrees to pay liquidated damages to the State at the rates set forth below. The Contractor expressly agrees that the State may withhold payment on any invoices as a set-off against liquidated damages owed. The Contractor further agrees that for each specified violation, the agreed upon liquidated damages are reasonably proximate to the loss the State is anticipated to incur as a result of such violation.

- a. Failure to submit each monthly payment report in full compliance with COMAR 21.11.03.13B (3): **\$23.00 per day** until the monthly report is submitted as required.
- b. Failure to include in its agreements with MBE subcontractors a provision requiring submission of payment reports in full compliance with COMAR 21.11.03.13B (4): **\$82.00 per MBE subcontractor**.
- c. Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and/or amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the contract.
- d. Failure to meet the Contractor's total MBE participation goal and subgoal commitments: the difference between the dollar value of the total MBE participation commitment on the MBE participation schedule and the MBE participation actually achieved.
- e. Failure to promptly pay all undisputed amounts to a subcontractor in full compliance with the prompt payment provisions of this contract: **\$90.00 per day** until the undisputed amount due to the subcontractor is paid.

Notwithstanding the use of liquidated damages, the State reserves the right to terminate the contract and exercise all other rights and remedies provided in the contract or by law (See Attachment 14).

33. Protests

Any Bidder or other interested person who is aggrieved by the award or proposed award of the Contract resulting from this solicitation may protest that decision. Please note that the Maryland Board of Public Works does not have jurisdiction to consider protests relating to this solicitation or an award of contract under this solicitation.

All protests relating to this solicitation, the selections and/or award must be filed in writing with the Administration's Procurement Officer, and within the time limitation set forth in the code of Maryland Regulations (COMAR) 21.10.02. Bid protests shall be filed not later than seven (7) days after the basis for protest is known, or should have been known, whichever is earlier. Oral protests will not be considered.

The specific details of the protest procedures to be followed by aggrieved actual or prospective bidders are contained in COMAR 21.10. A written summary of this procedure will be provided, upon request, by the Contract Administration Department of the Maryland Transit Administration in the above address.

34. Public Information Act Notice

Bidders should give specific attention to the identification of those portions of their bids that they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Bidders are advised that, upon request for this information from a third party, the MTA is required to make an independent determination as to whether the information may or must be disclosed to the requesting party.

35. State Ethics Law

Under State Government Article, § 15-508, Annotated Code of Maryland, a Bidder who employs an individual who assists the Agency in drafting specifications for an invitation for bids or a request for proposals for a procurement may not submit a bid or proposal for the procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement. A Bidder with any questions regarding the applicability of this provision of the State Ethics Law in connection with this procurement should contact the State Ethics Commission, 9 State Circle, Suite 200, Annapolis, Maryland 21401 (Telephone: 410-974-2068).

36. Prospective Bidders

Prospective Bidders are those persons or firms who: (i) were sent this IFB; (ii) requested this IFB in writing; or (iii) otherwise obtained this IFB and notified the Procurement Officer in

writing that they obtained this IFB.

37. Living Wage Requirements

A solicitation for services under a State contract valued at \$100,000 or more may be subject to Title 18, State Finance and Procurement (SFP) Article, Annotated Code of Maryland. Additional information regarding the State's wage requirement is contained in this solicitation (see Attachment 11 entitled Living Wage Requirements for Service Contracts). If the Bidder fails to submit and complete the required documentation under State law, the State may determine a Bidder to be not responsible.

Contractors and Subcontractors subject to the Living Wage Law shall pay each covered employee at least \$13.19 per hour, if State contract services valued at 50% or more of the total value of the contract are performed in the Tier 1 Area. If State contract services valued at 50% or more of the total value are performed in the Tier 2 Area, a Bidder shall pay each covered employee at least \$9.91 per hour. The specific Living Wage rate is determined by whether a majority of services take place in a Tier 1 Area or Tier 2 Area of the State. The Tier 1 Area includes Montgomery, Prince George's, Howard, Anne Arundel, and Baltimore Counties, and Baltimore City. The Tier 2 Area includes any county in the State not included in the Tier 1 Area. In the event that the employees who perform the services are not located in the State, the head of the unit responsible for a State contract pursuant to §18-102 (d) shall assign the tier based upon where the recipients of the services are located.

The contract resulting from the solicitation has been determined to be a Tier 1 contract.

38. Investment Activities in Iran Act

State Finance & Procurement, §§17-701 – 17-707, Annotated Code of Maryland [Chapter 447, Laws of 2012].

A company listed on the Investment Activities in Iran list is ineligible to bid on, submit a proposal for, or renew a contract for goods and services with a State agency or any public body of the State. Also ineligible are any parent, successor, subunit, direct or indirect subsidiary of, or any entity under common ownership or control of, any listed company.

Agencies must obtain a certification regarding investments in Iran from each bidder or Offeror for new contracts and from each contractor seeking to renew an existing contract. Specifically, bidders, Offerors, and renewing contractors have to certify that at the time the bid/proposal is submitted or the contract renewed that the company is neither identified on the Investment Activities in Iran list nor engaging in investment activities in Iran.

A company that cannot make the certification must supply the agency, under penalty of perjury, with a detailed written description of its investment activities in Iran.

False Certifications: If an agency, using credible information, determines that a company has submitted a false certification regarding its investments in Iran, the agency

must notify the company and provide the company 90 days to demonstrate in writing that it is not engaged in investment activities in Iran. If the company fails to demonstrate that it is not engaged in investment activities in Iran in that time, the agency shall report the company to the Attorney General and to the Board of Public Works (See Attachment 1).

39. Procurement Schedule (All dates tentative.)

<u>Activity</u>	<u>Date</u>
IFB Advertising Date	June 23, 2014
Pre-Bid Conference	June 30, 2014
Bid Inquiry Deadline (4:00 p.m.)	July 08, 2014
Closing Date for Receipt of Bids (2:00 p.m.)	July 15, 2014
Anticipated Board of Public Works Approval	September 3, 2014

END OF SECTION I

**MARYLAND TRANSIT ADMINISTRATION
CONTRACT NO. T-8000-0452
METRO STATIONS PARKING LOTS SNOW & ICE REMOVAL**

SECTION II SPECIFIC SOLICITATION REQUIREMENTS

I. GENERAL DESCRIPTION OF WORK

A. The intent of this contract is to have a Contractor on-call who can provide the Administration with equipment required to clear the roadways, parking areas and vehicle entrances, Metro Station entrances, walkways, exterior stairs and sidewalks before, during, and after a snowstorm. The public's safety and well-being is our greatest concern and the Contractor needs to respond accordingly.

B. Snow Removal:

Contractor shall furnish all necessary labor, equipment and supervision, as specified for the clearing/ removal of snow and/or ice from sidewalks, walkways, exterior stairs, roadways, parking areas, vehicle entrances and Metro Station entrances for the Maryland Transit Administration (MTA) Metro Stations. The MTA may call the Contractor in for service at the discretion of the MTA Project Manager or Designee.

Contractors' failure to make site inspections prior to bid will be at their own risk.

C. Ice Removal:

1. De-Icing is the process of removing snow/ice before, during and after a storm.
2. Sodium Chloride is the de-icing chemical compound reference of the MTA Metro. At no time will other chloride compounds be used without express authority of MTA Management.
3. Sodium Chloride will not be used until temperatures are below 38 degrees Fahrenheit.

II. LOCATIONS AND EQUIPMENT REQUIRED AT EACH STATION

LIST OF ALL METRO STATION LOCATIONS

Num	Station	Location	Address
1	Owings Mills	Baltimore County	5018 Painters Mill Road - Owings Mills, MD 21117
2	Old Court	Baltimore County	4300 Old Court Road - Pikesville, MD 21208
3	Milford Mill	Baltimore County	4401 Milford Mill Road - Pikesville, MD 21208
4	Reisterstown Plaza	Baltimore City	6301 Wabash Avenue - Baltimore, MD 21215
5	Rogers Avenue	Baltimore City	4300 Hayward Avenue - Baltimore, MD 21215
6	West Cold Spring	Baltimore City	4501 Wabash Avenue - Baltimore, MD 21217
7	Mondawmin	Baltimore City	2307 Liberty Heights Avenue - Baltimore, MD 21217
8	Penn-North	Baltimore City	2501 Pennsylvania Avenue - Baltimore, MD 21217
9	Upton	Baltimore City	1702 Pennsylvania Avenue - Baltimore, MD 21217
10	State Center	Baltimore City	300 West Preston Street - Baltimore, MD 21201
11	Lexington Market	Baltimore City	301 North Eutaw Street - Baltimore, MD 21201
12	Charles Center	Baltimore City	110 East Baltimore Street - Baltimore, MD 21202
13	Shot Tower	Baltimore City	729 East Baltimore Street - Baltimore, MD 21204
14	Johns Hopkins	Baltimore City	702 North Broadway - Baltimore, MD 21287

A. Metro Station /Parking Lot: Front End Loader: Bucket Size:

- ❖ Owings Mills One (1) Loader - minimum 3-yard or larger
- ❖ Milford Mill Two (2) Loaders - minimum 3-yard or larger
- ❖ Reisterstown Plaza One (1) Loader - minimum 3-yard or larger
- ❖ Rogers Avenue Two (2) Loaders - minimum 3-yard or larger

B. Metro Main Line Stations:

1. Metro Stations from Owings Mills to Johns Hopkins and Metro Facilities [Metro Operations Control Center (MOCC) Facility 301 N. Eutaw Street including Lexington Market East & West Entrances]

- a) Provide sufficient equipment such as shovels, scrapers and squeegees, etc. as necessary to remove snow/ice from Metro Station entrances, walkways, exterior stairs and sidewalks within a three-hour period. The MTA will supply de-icing materials as directed by the MTA Project Manager or Designee.
2. Special Metro Locations:
- a) **Johns Hopkins Metro Station, (North & South Entrances)**
 - (1) North Entrance- 706 N. Broadway South Entrance- 600 N. Broadway
 - b) **Shot Tower Metro Station, (North & South Entrances)**
 - (2) 729 E. Baltimore, the entrances are approximately 600 feet from each other.
 - c) The contractor shall provide sufficient equipment such as snow blowers, salt spreaders, shovels, scrapers and squeegees, etc. as necessary to remove ice/ snow from Metro Station entrances, walkways, exterior stairs and sidewalks within a three-hour period.
 - (1) Johns Hopkins and Shot Tower Metro Stations, (North & South Entrances) shall be maintained from 5:00 a.m. to 12:00 midnight.

Rubber edges must be used on plows servicing sidewalks, walkways and exterior stairs.

III. TIME SERVICES TO BE RENDERED AND COMPENSATION

A. Notifications:

- 1. The MTA will notify the Contractor by telephone at least two (2) hours prior to when services are needed.

- a) The MTA will instruct the Contractor which Metro stations/ facilities are to have the snow and/or ice cleared/ removed.
 - b) The Contractor shall supply equipment Operators and Foreman/ Supervisor for Metro parking areas.
 - c) The Contractor shall supply an additional ten (10) laborers with a Foreman/ Supervisor for all the other locations other than Johns Hopkins and Shot Tower Stations.
 - d) The Contractor's work forces including Foremen/ Supervisors are to report to Old Court Maintenance Facility, 4380 Old Court Road, Baltimore MD 21208.
 - e) The MTA will escort the Contractor to their assigned locations, unless otherwise directed.
2. Once the Contractor has been notified, the equipment and workforce are to remain on site unless otherwise directed by the MTA.
 - a) If the roadways, parking areas and vehicle entrances are not cleared by 7:00 a.m. the MTA reserves the right to stop the snow/ ice removal operation.
 3. The MTA reserves the right to have this Contractor deployed to other properties, should the need arise, before being released.
 - a) The Contractor shall contact the Project Manager or Designee before departing MTA property.

B. Compensation:

1. The Contractor will be compensated for travel time at a maximum of one (1) hour.
2. The Contractor will be compensated for mobilization of each piece of equipment one time per season.
3. In the event of equipment failure, the Contractor will attempt to replace or repair the equipment promptly.

- a) The MTA shall not be liable for the time the equipment is out of service.
 - b) Should a replacement be required, the hourly rate will not start until the equipment arrives and is in service at the required location.
4. All charges/ hours for services provided will be verified and signed for by the MTA authorized personnel.
- a) Copies of the signed time/work tickets shall accompany all corresponding invoicing within 48 hours after the event.

IV. GENERAL INDEMNITY:

- A. The Contractor shall indemnify and save harmless, the MTA, and its officers, agents, and employees, from any and all claims, demands, suits, loss, damage, injury and liability, including costs and expenses incurred in connection therewith, however caused, resulting from, arising out of the contract, including delivery, transporting, loading, unloading, and use of equipment and/or supplies.
- B. The Contractor shall, in addition, take all reasonable precautions to protect MTA's Property during the performance of the contract, but shall not be held liable for minor or inconsequential damage(s) that may occur.
- C. The MTA assumes no responsibility whatever for damage(s) to privately owned vehicles on the MTA's Property: and such damage that occurs, shall be solely between the Contractor and the vehicle owner(s).

V. DURATION OF CONTRACT:

- A. The Contract duration shall be for a five (5) year period from Notice to Proceed.

VI. METHOD OF PAYMENT:

- A. Unit Price / Quantity:
 - 1. Payment for snow/ice removal shall be made at the unit price specified in the price schedule for the quantity of units furnished.

B. Submittal:

1. Invoices shall be submitted to the MTA Project Manager within 48 hours after the event.
2. Invoices shall accurately reflect the work that has been performed and accepted.
3. Invoices shall include the Contractor's Federal Identification Number, name, title and signature of the Contractor's representative who has complete authority to represent and act on behalf of the contractor.
4. Contractor shall submit all invoices in an electronic format acceptable to the MTA Project Manager
5. Invoices shall be sent to:
Eric Bowser, Project Manager, Maryland Transit Administration,
Old Court Maintenance Facility, 4380 Old Court Road, Pikesville,
Maryland 21208. 410-454-1809 (office) 410-454-1810 (fax).

VII. ADDITIONAL METRO CONTACTS:

- Information regarding roadways, parking areas and vehicle entrances
Mr. Garry Hall at (410) 454-1817
- Information regarding Metro Station entrances, exterior stairs, and walkways
Mr. Eric Bowser at (410) 454-1809

VIII. METRO INCIDENT COMMAND CENTER (MICC):

- A. Once advised that MICC is operational all communications shall be directed to the MICC.
 1. **Contact information:**
410-454-1811
4380 Old Court Road
Pikesville MD 21208

MDOT MBE FORM A
STATE-FUNDED CONTRACTS
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

In connection with the bid/proposal submitted in response to Solicitation No. T8000-0452, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the following subgoals, if applicable:
_____ percent (_____ %) for African American-owned MBE firms
_____ percent (_____ %) for Hispanic American-owned MBE firms
_____ percent (_____ %) for Asian American-owned MBE firms
_____ percent (_____ %) for Women-owned MBE firms

I agree that these percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), will be performed by certified MBE firms as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. For a partial waiver request, I agree that certified MBE firms will be used to accomplish the percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

2. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility/ offeror's susceptibility of being selected for award in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award or that the proposal is not susceptible of being selected for award.

**MDOT MBE FORM A
STATE-FUNDED CONTRACTS
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2**

3. Information Provided to MBE firms

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

4. Products and Services Provided by MBE firms

I hereby affirm that the MBEs are only providing those products and services for which they are MDOT certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM B
STATE-FUNDED CONTRACTS
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE 1 OF 2

***** STOP *****

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** if the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT's Office of Minority Business Enterprise at 1-800-644-8068 or via email at trbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority may approve a third-tier contracting agreement: (a) the bidder/offeror must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid/proposal in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as a supplier/wholesaler/regular dealer/franchisor/manufacturer, please follow these instructions for calculating the amount of the subcontract for purposes of achieving the MBE participation goals.
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to item C. If the answer is NO, please continue to item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to item D. If the answer is NO, continue to item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the MBE Participation Schedule, please divide the amount of any reasonable fee that the MBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.

**MDOT MBE FORM B
STATE-FUNDED CONTRACTS
MBE PARTICIPATION SCHEDULE**

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PAGE 2 OF 2

- D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. For Column 3 of the MBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the MBE firm is furnishing and installing the materials and is certified to perform these services, please divide the total subcontract amount (including full value of supplies) by the total Contract value and insert the percentage in Line 3.1. If the answer is YES and the MBE firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the MBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). To apply the 60% Rule, first divide the amount of the subcontract for these supplies/products only (not installation) by the total Contract value. Then, multiply the result by sixty percent (60%) and insert the percentage in Line 3.2.
7. For each MBE firm that is not being used as a supplier/wholesaler/regular dealer/broker/manufacturer, to calculate the amount of the subcontract for purposes of achieving the MBE participation goals, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- Example: \$ 2,500 (Total Subcontract Amount) ÷ \$10,000 (Total Contract Value) x 100 = 25%
8. **WARNING:** The percentage of MBE participation, computed using the percentage amounts in Column 3 for all of the MBE firms listed in Part 2, MUST at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts for this solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award. You may wish to use the Goal/Subgoal Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

GOAL/SUBGOAL WORKSHEET	
Total African American Firm Participation (Add percentages listed for African American-Owned Firms in Column 3 of MBE Participation Schedule)	(A) _____ %
Total Hispanic American Firm Participation (Add percentages listed for Hispanic American-Owned Firms in Column 3 of MBE Participation Schedule)	(B) _____ %
Total Asian American Firm Participation (Add percentages listed for Asian American-Owned Firms in Column 3 of MBE Participation Schedule)	(C) _____ %
Total Women-Owned Firm Participation (Add percentages listed for Women-Owned Firms in Column 3 of MBE Participation Schedule)	(D) _____ %
Total for all other MBE Firms (Add percentages for firms listed as Other MBE Classification in Column 3 of the MBE Participation Schedule)	(E) _____ %
Total MBE Firm Participation (Add percentages listed for all MBE Firms in Column 3 of MBE Participation Schedule)	(F) _____ %
The percentage amount in Box F should be equal to the sum of the percentage amounts in Boxes A through E.	

**MDOT MBE FORM B
STATE-FUNDED CONTRACTS
MBE PARTICIPATION SCHEDULE**

PART 2 – MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/officer requested a waiver in MDOT MBE Form A - State Funded Contracts for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, refer to sections 6 and 7 in Part 1 - Instructions. State the percentage amount of the products/services in Line 2.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 2.2 using the 80% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification _____	<p>2.1. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR AT THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE, EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS.</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p> <p>2.2. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER. STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 80% RULE PER SECTION 6(E) IN PART 1 - INSTRUCTIONS.</p> <p>_____ % Total percentage of Supplies/Products</p> <p>x _____ 80% (80% Rule)</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p>

Please check if Construction Sheets are attached.

**MDOT MBE FORM B
STATE-FUNDED CONTRACTS
MBE PARTICIPATION SCHEDULE
CONTINUATION SHEET**

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/offeror requested a waiver in MDOT MBE Form A - State Funded Contracts for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, refer to Sections 6 and 7 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 80% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification _____	3.1. TOTAL PERCENTAGE TO BE PAID TO THE MBE CONTRACTOR AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE - EXCLUDING PRODUCTS/SERVICES FROM SUPPLIER, WHOLESALE, OR REGULAR DEALER. _____% (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any) 3.2. TOTAL PERCENTAGE TO BE PAID TO THE MBE CONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALE AND/OR REGULAR DEALER. STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 80% RULE PER SECTION 6(b) IN PART 1 - INSTRUCTIONS. _____% Total percentage of Supplier/Products x _____ 80% (80% Rule) _____% (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)

Please check if Continuation Sheets are attached.

**MDOT MBE FORM B
STATE-FUNDED CONTRACTS
MBE PARTICIPATION SCHEDULE**

PART 3 - CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

~~PARTS 2 AND 3 MUST BE DECLARED WITH THE BID/SPECIAL
AL DIRECTED IN THE INVITATION TO BID/REQUEST FOR PROPOSAL~~

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MBE Form B.

The undersigned Prime Contractor hereby certifies and agrees that they have fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority business enterprise in its bid or proposal;
- (2) fail to notify the certified minority business enterprise before execution of the contract of its inclusion of the bid or proposal;
- (3) fail to use the certified minority business enterprise in the performance of the contract; or
- (4) pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

**MDOT MBE FORM C
STATE-FUNDED CONTRACTS
OUTREACH EFFORTS COMPLIANCE STATEMENT**

In conjunction with the offer/proposal submitted in response to Solicitation No. _____, I state the following:

1. Bidder/Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to personally contact the solicited MBE firms:

4. Please Check One:

- This project does not involve bonding requirements.
- Bidder/Offeror assisted MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS)

5. Please Check One:

- Bidder/Offeror did attend the pre-bid/pre-proposal meeting/conference.
- No pre-bid/pre-proposal meeting/conference was held.
- Bidder/Offeror did not attend the pre-bid/pre-proposal meeting/conference.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM D

STATE-FUNDED CONTRACTS

MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD OR THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE. BIDDERS/OFFERORS ARE HIGHLY ENCOURAGED TO SUBMIT FORM D PRIOR TO THE TEN (10) DAY DEADLINE.

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a subcontract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (If subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) which will receive at least \$ _____ or _____% (Total Subcontract Amount/ Percentage) for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative _____	Signature of Representative: _____	Signature of Representative _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____	Telephone: _____
Date: _____	Date: _____	Date: _____

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

MDOT MBE/DBE FORM B
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

**PART 1 – GUIDANCE FOR DEMONSTRATING GOOD FAITH EFFORTS
TO MEET MBE/DBE PARTICIPATION GOALS**

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE)/Disadvantaged Business Enterprise (DBE) participation goal (including any MBE subgoals) on a contract, the bidder/offeror must either (1) meet the MBE/DBE Goal(s) and document its commitments for participation of MBE/DBE Firms, or (2) when it does not meet the MBE/DBE Goal(s), document its Good Faith Efforts to meet the goal(s).

I. Definitions

MBE/DBE Goal(s) – “MBE/DBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s) on a State-funded procurement and the DBE participation goal on a federally-funded procurement.

Good Faith Efforts – The “Good Faith Efforts” requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE/DBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. *More pro forma* efforts are not good faith efforts to meet the DBE contract requirements. The determination concerning the sufficiency of the bidder/offeror’s good faith efforts is a judgment call; meeting quantitative formulas is not required.

Identified Firms – “Identified Firms” means a list of the DBEs identified by the procuring agency during the goal setting process and listed in the federally-funded procurement as available to perform the identified items of Work. It also may include additional DBEs identified by the bidder/offeror as available to perform the identified items of Work, such as DBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms or is a State-funded procurement, this term refers to all of the MBE Firms (if State-funded) or DBE Firms (if federally-funded) the bidder/offeror identified as available to perform the identified items of Work and should include all appropriately certified firms that are reasonably identifiable.

Identified Items of Work – “Identified Items of Work” means the bid items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE/DBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE/DBE Firms to increase the likelihood that the MBE/DBE Goal(s) will be achieved. If the procurement does not include a list of identified items of Work, this term refers to all of the items of work the bidder/offeror identified as possible items of work for performance by MBE/DBE Firms and should include all reasonably identifiable work opportunities.

MBE/DBE Firms – For State-funded contracts, “MBE/DBE Firms” refers to certified MBE Firms. Certified MBE Firms can participate in the State’s MBE Program. For federally-funded contracts, “MBE/DBE Firms” refers to certified DBE Firms. Certified DBE Firms can participate in the federal DBE Program.

II. Types of Actions MDOT will Consider

The bidder/offeror is responsible for making relevant portions of the work available to MBE/DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/DBE subcontractors and suppliers, so as to facilitate MBE/DBE participation. The following is a list of types of actions MDOT will consider as part of the bidder's/offeror's Good Faith Efforts when the bidder/offeror fails to meet the MBE/DBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Identify Bid Items as Work for MBE/DBE Firms

1. Identified Items of Work in Procurements

(a) Certain procurements will include a list of bid items identified during the goal setting process as possible work for performance by MBE/DBE Firms. If the procurement provides a list of identified items of Work, the bidder/offeror shall make all reasonable efforts to solicit quotes from MBE Firms or DBE Firms, whichever is appropriate, to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE/DBE Firms to increase the likelihood that the MBE/DBE Goal(s) will be achieved.

2. Identified Items of Work by Bidders/Offerors

(a) When the procurement does not include a list of identified items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE/DBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE/DBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make Good Faith Efforts.

B. Identify MBE Firms or DBE Firms to Solicit

1. DBE Firms Identified in Procurements

(a) Certain procurements will include a list of the DBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of identified DBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those DBE firms.

(b) Bidders/offerors may, and are encouraged to, search the MBE/DBE Directory to identify additional DBEs who may be available to perform the items of work, such as DBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE/DBE Firms Identified by Bidders/Offerors

(a) When the procurement does not include a list of identified MBE/DBE Firms, bidders/offerors should reasonably identify the MBE Firms or DBE Firms, whichever is appropriate, that are available to perform the identified items of Work.

(b) Any MBE/DBE Firms identified as available by the bidder/offeror should be certified in the appropriate program (MBE for State-funded procurements or DBE for federally-funded procurements)

(c) Any MBE/DBE Firms identified as available by the bidder/offeror should be certified to perform the identified items of Work.

C. Solicit MBE/DBEs

1. Solicit all identified Firms for all identified Items of Work by providing written notice. The bidder/offeror should:

(a) provide the written solicitation at least 10 days prior to bid opening to allow sufficient time for the MBE/DBE Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE/DBE Directory, unless the bidder/offeror has a valid basis for using different contact information; and

(c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE/DBE, and other requirements of the contract to assist MBE/DBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. "All" identified Firms includes the DBEs listed in the procurement and any MBE/DBE Firms you identify as potentially available to perform the identified Items of Work, but it does not include MBE/DBE Firms who are no longer certified to perform the work as of the date the bidder/offeror provides written solicitations.

3. "Electronic Means" includes, for example, information provided via a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE/DBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible by the interested MBE/DBE.

4. Follow up on initial written solicitations by contacting DBEs to determine if they are interested. The follow up contact may be made:

(a) by telephone using the contact information in the MBE/DBE Directory, unless the bidder/offeror has a valid basis for using different contact information; or

(b) in writing via a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, use all other reasonable and available means to solicit the interest of MBE/DBE Firms certified to perform the work of the contract. Examples of other means include:

(a) attending any pre-bid meetings at which MBE/DBE Firms could be informed of contracting and subcontracting opportunities;

(b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/woman community organizations, minority/woman contractors' groups, and local, state, and federal minority/woman business assistance offices listed on the MDOT Office of Minority Business Enterprise website; and

(c) effectively using the services of other organizations, as allowed on a case-by-case basis and authorized in the procurement, to provide assistance in the recruitment and placement of MBE/DBE Firms.

D. Negotiate With Interested MBE/DBE Firms

Bidders/Offerors must negotiate in good faith with interested MBE/DBE Firms.

1. Evidence of negotiation includes, without limitation, the following:

(a) the names, addresses, and telephone numbers of MBE/DBE Firms that were considered;

(b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

(c) evidence as to why additional agreements could not be reached for MBE/DBE Firms to perform the work.

2. A bidder/officer using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.

3. The fact that there may be some additional costs involved in finding and using MBE/DBE Firms is not in itself sufficient reason for a bidder's/officer's failure to meet the contract DBE goal, as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE/DBE Firm's quote is excessive or unreasonable include, without limitation, the following:

(a) the dollar difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/officer;

(b) the percentage difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/officer;

(c) the percentage that the DBE subcontractor's quote represents of the overall contract amount;

(d) the number of MBE/DBE firms that the bidder/officer solicited for that portion of the work;

(e) whether the work described in the MBE/DBE and Non-MBE/DBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and

(f) the number of quotes received by the bidder/officer for that portion of the work.

4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.

5. The bidder/officer may not use its price for self-performing work as a basis for rejecting a MBE/DBE Firm's quote as excessive or unreasonable.

6. The "average of the other subcontractors' quotes received by the" bidder/officer refers to the average of the quotes received from all subcontractors, except that there should be quotes from at least three subcontractors, and there must be at least one quote from a MBE/DBE and one quote from a Non-MBE/DBE.

7. A bidder/officer shall not reject a MBE/DBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE/DBE that is rejected as unqualified or that placed a subcontract quotation or offer that the bidder/officer concludes is not acceptable, the bidder/officer must provide a written detailed statement listing the reasons for this conclusion. The bidder/officer also must document the steps taken to verify the capabilities of the MBE/DBE and Non-MBE/DBE Firms quoting similar work.

(a) The factors to take into consideration when assessing the capabilities of a MBE/DBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.

(b) The MBE/DBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the efforts to meet the project goal.

E. Assisting Interested MBE/DBE Firms

When appropriate under the circumstances, the decision-maker will consider whether the bidder/offeror:

1. made reasonable efforts to assist interested MBE/DBE Firms in obtaining the bonding, lines of credit, or insurance required by MDOT or the bidder/offeror; and
2. made reasonable efforts to assist interested MBE/DBE Firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

III. Other Considerations

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE/DBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between certified MBE/DBE and Non-MBE/DBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether a bidder/offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is identified items of Work in the procurement. The decision-maker also may take into account the performance of other bidders/offerors in meeting the contract. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful bidder/offeror could have met the goal. If the apparent successful bidder/offeror fails to meet the goal, but meets or exceeds the average MBE/DBE participation obtained by other bidders/offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful bidder/offeror having made Good Faith Efforts.

IV. Documenting Good Faith Efforts

At a minimum, a bidder/offeror seeking a waiver of the MBE/DBE Goal(s) or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 business days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

A. Items of Work (Complete Good Faith Efforts Documentation Form E, Part 2)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE/DBE Firms in order to increase the likelihood of achieving the stated MBE/DBE Goal(s).

B. Outreach/Solicitation/Negotiation

1. The record of the bidder's/offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a) through (a) and 49 C.F.R. Part 26, Appendix A. (Complete Outreach Efforts Compliance Statement)

2. A detailed statement of the efforts made to contact and negotiate with MBE/DBE Firms including:

(a) the names, addresses, and telephone numbers of the MBE/DBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) (Complete Good Faith Efforts Form E, Part 3, and submit letters, fax cover sheets, emails, etc. documenting solicitations); and

(b) a description of the information provided to MBE/DBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE/DBE Firms (Complete Good Faith Efforts Form E, Part 4)

1. For each MBE/DBE Firm that the bidder/offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the bidder/offeror's conclusion, including the steps taken to verify the capabilities of the MBE/DBE and Non-MBE/DBE Firms quoting similar work.

2. For each certified MBE/DBE Firm that the bidder/offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the bidder/offeror's conclusion, including the quotes received from all MBE/DBE and Non-MBE/DBE firms bidding on the same or comparable work. (include copies of all quotes received.)

3. A list of MBE/DBE Firms contacted but found to be unavailable. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE/DBE contractor or a statement from the bidder/offeror that the MBE/DBE contractor refused to sign the Minority Contractor Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the bidder's/offeror's Good Faith Efforts.

2. Submit any other documentation the bidder/offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

**MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION**

PART 2 – CERTIFICATION REGARDING GOOD FAITH EFFORTS DOCUMENTATION

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

PARTS 3, 4, AND 5 MUST BE INCLUDED WITH THIS CERTIFICATE ALONG WITH ALL DOCUMENTS SUPPORTING YOUR WAIVER REQUEST.

I hereby request a waiver of (1) the Minority Business Enterprise (MBE) participation goal and/or subgoal(s), (2) the Disadvantaged Business Enterprise (DBE) participation goal, or (3) a portion of the pertinent MBE/DBE participation goal and/or MBE subgoal(s) for this procurement.¹ I affirm that I have reviewed the Good Faith Efforts Guidance MBE/DBE Form E. I further affirm under penalties of perjury that the contents of Parts 3, 4, and 5 of MDOT MBE/DBE Form E are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

¹ MBE participation goals and subgoals apply to State-funded procurements. DBE participation goals apply to federally-funded procurements. Federally-funded contracts do not have subgoals.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

**PART B – IDENTIFIED ITEMS OF WORK BIDDER/OFFEROR MADE AVAILABLE TO
 MBE/DBE FIRMS**

PAGE ___ OF ___

Prime Contractor	Project Description	Sollicitation Number

Identify those items of work that the bidder/offeror made available to MBE/DBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE/DBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the bidder's/offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE/DBE Firms, and the total percentage of the items of work identified for MBE/DBE participation equals or exceeds the percentage MBE/DBE goal set for the procurement. Note: If the procurement includes a list of bid items identified during the goal setting process as possible items of work for performance by MBE/DBE Firms, the bidder/offeror should make all of those items of work available to MBE/DBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE/DBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does bidder/offeror normally self-perform this work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was this work made available to MBE/DBE Firms? If no, explain why? <input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
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	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
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	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please check if Additional Sheets are attached.

MDOT MBE/DBE FORM B
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 4 – IDENTIFIED MBE/DBE FIRMS AND RECORD OF SOLICITATIONS

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

Identify the MBE/DBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE/DBE participation. Include the name of the MBE/DBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE/DBE provided a quote, and whether the MBE/DBE is being used to meet the MBE/DBE participation goal. MBE/DBE Firms used to meet the participation goal must be included on the MBE/DBE Participation Schedule, Form B. Note: If the procurement includes a list of the MBE/DBE Firms identified during the goal setting process as potentially available to perform the items of work, the bidder/offeror should solicit all of those MBE/DBE Firms or explain why a specific MBE/DBE was not solicited. If the bidder/offeror identifies additional MBE/DBE Firms who may be available to perform identified items of Work, those additional MBE/DBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE/DBE Firms must be attached to this form. If the bidder/offeror used a Non-MBE/DBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE/DBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Woman-Owned <input type="checkbox"/> Other MBE Classification		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing
Firm Name: MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Woman-Owned <input type="checkbox"/> Other MBE Classification		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 5 – ADDITIONAL INFORMATION REGARDING REJECTED MBE/DBE QUOTES

PAGE OF

Prime Contractor	Project Description	Solicitation Number

This form must be completed if Part 3 indicates that a MBE/DBE quote was rejected because the bidder/offeror is using a Non-MBE/DBE or is self-performing the identified items of work. Provide the identified items work, indicate whether the work will be self-performed or performed by a Non-MBE/DBE, and if applicable, state the name of the Non-MBE/DBE. Also include the names of all MBE/DBE and Non-MBE/DBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE/DBE (Include specification number from bid)	Self-performing or Using Non-MBE/DBE (Provide name)	Amount of Non-MBE/DBE Quote	Names of Other Firms who Provided Quotes & Whether MBE/DBE or Non-MBE/DBE	Amount Quoted	Indicate Reason Why MBE/DBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	<input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Please check if Additional Sheets are attached.