



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverly K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

TO: All Planholders
FROM: Maryland Transit Administration
SUBJECT: **ADDENDUM NO. 2**
Contract No.: MTA-1349
Operations Monitoring Services
DATE: April 3, 2012

Enclosed and effective this date is Addendum No. 2 to the subject Contract. This addendum does not delay the Closing date for receipt of proposal on April 10, 2012.

A conformed copy of the revised specification sections is attached. A list of the changes made to this contract is attached to this Addendum.

The Bidder shall acknowledge receipt of this Addendum by completing and returning this form with their proposal package.

All other terms and conditions remain unchanged.

Sincerely,

Gary R. Lockett, Procurement Officer
Construction/Installation & Professional Services Section
Procurement Division

Acknowledgement of receipt of ADDENDUM # 2 to Solicitation #MTA-1349

Vendor Name: _____

Authorized Representative's Signature

Date

ADDENDUM NO.: 2
DATE: 04/0212
CONTRACT NO.: MTA-1349

The following additions, deletions, and modifications are hereby made a part of the Contract Documents of Operations Monitoring Services, Contract No.: MTA-1349.

Item No.	Page	Modification
I. CONTRACT SPECIFICATIONS		
1	Pg. 21	Replace page 21 Changed Attachment number in section 5.b to Attachment 10.

Answers to questions are attached.

WARNING: Exceptions to terms and conditions may result in the Offeror being deemed “not reasonably susceptible of being selected for award.”

5. Administration

- a) Provide a description of the Offeror’s organization to include the type of organization (corporation, partnership, etc.), its principal business activity (ies), its principal office location and other businesses, office and facility locations, and number of employees for each. Provide a description of the major business functions, history, and organizational structure of the Offeror’s Organization. Include a profile of the location of all offices, staffing and services provided; and senior company officials' names, addresses and phone numbers. Provide information about the organization’s financial condition and financial responsibilities and capabilities to perform the requested services. Offerors shall include their specific experience with providing similar services. The experience listed should include a description of the program, the location of service provided, the contract dollar amount and the number of service vehicles required. Provide a minimum of three recent references for similar services, including the name of the Client and name, title, and address, phone number of person at reference who is most knowledgeable about the work performed.

- b) Provide an acknowledgement of the Offeror’s ability to comply with the insurance liability provisions of this RFP. **See Attachment 10.**

6. Technical Proposal Content

a) Proposed Services - Work Plan

The Offeror shall provide a detailed discussion of its service capabilities and approaches to address the requirements outlined in Section II of this RFP. Offerors must fully explain how the proposed services will satisfy the requirements of the RFP and indicate all significant capabilities or issues that will be examined to fulfill the scope of work.

In addition, the Offeror must describe its overall approach for satisfying the requirements of this RFP. Topics to be addressed include:

1. Understanding - This should demonstrate the Offeror’s understanding of the services to be provided under the Contract.

2. Project Management Methodology - The Offeror’s approach to managing the overall project. The overall Project Management approach must include the following items:



PROJECT: MTA-1349 Operations Monitoring Services

REQUEST FOR PROPOSALS - QUESTIONS / RESPONSES

		Responses to Questions	
No.	Page #, Section	Question	Response to Question
1		Does MTA have an estimated budget for this engagement?	The Offeror is expected to propose a budget for this project based on the requirements, as outlined in the scope of services, technical and financial proposal sections of the RFP.
2	Page 4, E. Signatures	With regards to signature requirements, are the requested signatures referring to the transmittal letters accompanying the technical and price volumes?	Yes.
3	Page 9, DD. Minority Business Enterprise	If an MBE elects to prime this engagement, does the MBE prime firm's MBE status count towards the specified sub goal(s) and utilization?	No, this contract is state-funded, therefore Maryland's MBE requirements apply for all Primes.
4	Page 16, i. Justification	What collected data formats are acceptable by the Contractor?	This information is to be provided by the Offeror.
5	Page 16, i. Justification.	What interfaces and data formats are expected for data reporting to OpStat?	PowerPoint presentation of the composite data.
6	Page 16, ii. Background.	There is mention of a current third party monitoring service. Who is the current third party monitoring service, i.e., incumbent, and are they eligible to bid on this RFP?	TindaleOliver and Associates, Inc.(TOA). Yes, they are eligible to bid.
7	Page 17, iii. Scope of Work.	Who is the current incumbent monitoring firm?	TindaleOliver and Associates, Inc.(TOA).
8	Page 17, iii. Scope of Work.	What is the average trip time (by mode) assuming 1,000 observations per month as indicated in the solicitation?	Varies by location and mode. Average has not been calculated.
9	Page 19, iii. Scope of Work, A. General, 14.	Will the Contractor be required to purchase special software or software seat license(s) for this engagement? If so, please provide type and version number?	This information is to be provided by the Offeror.



PROJECT: MTA-1349 Operations Monitoring Services

REQUEST FOR PROPOSALS - QUESTIONS / RESPONSES

		Responses to Questions	
No.	Page #, Section	Question	Response to Question
10	Page 19, III. Scope of Work, B. Labor Categories.	What provisions will be made for Contractor staff required to work at MTA facilities, i.e., desk, phone, etc.?	Work Station and phone at OSO for Project Manager.
11	Page 22, 5. Administration.	If several firms are proposing as a team, can the three required references span the team or do three references need to come from each of the proposing team member firms?	Each of the Prime members of the team must submit references.
12	Page 22, 5. Administration.	Should the reference to Attachment 9 regarding insurance liability provisions be Attachment 10?	Yes, the reference should be Attachment 10. This has been revised.
13	Page 23, 3. Service Plan.	Should the reference in the third sentence of this section (paragraph) to "Section II Scope of Service" be "III Scope of Work"?	In this RFP, the terms are synonymous.
14	Page 25, 8. Experience and Stability.	Should the reference in the first sentence of this section under (a) indicating "Section II Scope of Service" be "III Scope of Work"?	In this RFP, the terms are synonymous.
15	Page 25, 8. Experience and Stability.	Does each of the team members, prime and sub(s)/MBEs, need to provide the Financial Capabilities and Statements information requested?	Only the Prime Contractor is expected to submit the "Financial Capabilities/Statements" information.
16	Attachment A.	Do the insurance requirements in this attachment apply to both the prime contractor and to participating subcontractors / MBEs?	The Insurance Requirements only apply to the Prime Contractor.
17		Why are the RFP indemnification requirements for this project more stringent than the MDOT requirements stated? Are proposers obligated to meet the MDOT or RFP requirements for indemnification?	The Indemnification Requirements found in the RFP (Attachment 10) shall prevail for this solicitation because they detail the specific areas for Liability Coverage required for the work to be performed. The GCs only provide a general description of the Indemnification Requirements.
18		The MDOT General Conditions refer to a bonding assistance program. However, there are no bonding requirements included in the MTA contract. Is bonding required or not?	Bonding will not be a requirement for award of this contract.



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MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverley K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

TO: All Planholders
FROM: Maryland Transit Administration
SUBJECT: ADDENDUM NO. 1
Contract No.: MTA-1349
Operations Monitoring Services
DATE: March 16, 2012

Enclosed and effective this date is Addendum No. 1 to the subject Contract. This addendum does not delay the Closing date for receipt of proposal on April 10, 2012.

A conformed copy of the revised specification sections is attached. A list of the changes made to this contract is attached to this Addendum.

The Bidder shall acknowledge receipt of this Addendum by completing and returning this form with their proposal package.

All other terms and conditions remain unchanged.

Sincerely,

Gary R. Lockett, Procurement Officer
Construction/Installation & Professional Services Section
Procurement Division

Acknowledgement of receipt of ADDENDUM # 1 to Solicitation #MTA-1349

Vendor Name: _____

Authorized Representative's Signature

Date

ADDENDUM NO.: 1
DATE: 03/16/12
CONTRACT NO.: MTA-1349

The following additions, deletions, and modifications are hereby made a part of the Contract Documents of Operations Monitoring Services, Contract No.: MTA-1349.

Item No.	Page	Modification
I. CONTRACT SPECIFICATIONS		
1	Sections 1-4	Replace in its entirety Page v – Table of Contents page numbers Page 1 – Change Inquiries Deadline to 03/26/12 Page 3 – Change Inquiries Deadline to 03/26/12 Page 9-10 – Insert additional MBE information including subgoal amounts
2	Attachment 4 - MBE Form A	Replace in its entirety Inserted MBE goal and subgoals on first page of Form A

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SECTION I – INTRODUCTION

I. 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").

II. PROCUREMENT SCHEDULE

February 21, 2012	Advertisement of the Request for Proposals in e-Maryland marketplace
February 21, 2012	Issuance of Request for Proposals
March 8, 2012	Pre-proposal Conference at 10:00 a.m. Maryland Transit Administration Contract Administration Division Rooms 731-732 6 St. Paul Street Baltimore, MD 21201
March 26, 2012	Submission deadline for inquiries
April 10, 2012	Closing date for submission of proposals. Proposals must be received by the Procurement Officer on or before 2:00 p.m. EST.
May, 2012	Oral Presentations (optional)
July, 2012	Projected date for selection of the Offeror proposed for contract award
October, 2012	Projected date contract with the successful Offeror will be presented to the Maryland Board of Public Works
November, 2012	Commencement date of the contract

III. PURPOSE

The Maryland Transit Administration is seeking professional services in support of the MTA's Operations Monitoring Program and the provision of on-call operations monitoring services in support of MTA's fixed route bus, light rail, Metro, and MARC modes.

Monitoring shall include Americans with Disabilities (ADA) stop and station monitoring for compliance as well as on-call criteria to be assigned by MTA.

IV. ABBREVIATIONS AND DEFINITIONS

For purposes of this RFP, the following abbreviations or terms have the meanings indicated below:

Administration – Maryland Department of Transportation

Americans with Disabilities Act of 1990 (ADA) – Federal civil rights legislation that mandates accessibility for people with disabilities.

Contractor – Offeror selected through this request for proposals to provide the services specified in this RFP.

Day – For purposes of this RFP, unless otherwise specified a day refers to calendar day.

MDOT – Maryland Department of Transportation.

MTA – Maryland Transit Administration.

Procurement Officer – The State representative for the resulting contract. The Procurement Officer is responsible for the contract, issuing notices to proceed, determining scope issues, and is the only State representative that can authorize changes to the contract. MTA may change the Procurement Officer at any time by written notice to the Contractor.

Project Manager/Coordinator – The State representative responsible for managing the daily activities of the Contract and providing guidance to the Contractor concerning Contract compliance.

RFP – Request for Proposal.

V. ADMINISTRATIVE/CONTRACTUAL INFORMATION

A. Issuing Office

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

Gary R. Lockett, Procurement Division
Maryland Transit Administration
Procurement Division
6 Saint Paul Street, 7th Floor
Baltimore, MD 21202-1614
Telephone 410-767-3360 Fax 410-333-4810
E-mail address: glockett@mta.maryland.gov

B. Pre-Proposal Conference

A pre-proposal conference will be held on **March 8, 2012** at the MTA's office located at 6 St. Paul Street, Baltimore, Maryland, 7th floor conference room 731 beginning at 10:00 a.m. Attendance should be limited to no more than two (2) representatives per proposing team.

The conference will be transcribed. A copy of the transcript will be available to potential Offerors on the MTA's website (www.mta.maryland.gov). A copy of the transcript and all known questions and answers at the time may be obtained, free of charge, only upon request.

C. Inquiries

Written questions from prospective Offerors will be accepted by the Procurement Officer prior to the pre-proposal conference. As reasonably possible and appropriate, such questions will be answered at the pre-proposal conference. (No substantive question will be answered prior to the pre-proposal conference). Questions may be submitted by mail, facsimile, or by e-mail to the Procurement Officer. Questions, both oral and written, will also be accepted from prospective Offerors attending the Pre-Proposal Conference. As reasonably possible and appropriate, these questions will be answered at the pre-proposal conference.

Questions will also be accepted subsequent to the pre-proposal conference. All post-conference questions should be submitted in a timely manner to the Procurement Officer only. **The submission deadline for written inquiries is March 26, 2012 by 4:00 p.m.** 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 proposal 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 to have received a copy of the RFP.

D. Submission Deadline

In order to be considered, proposals must be delivered, no later than 2:00 p.m. (Eastern Time) on April 10, 2012, to the Procurement Officer at the address listed in Section 1.V.A. Offerors submitting proposals by mail should allow sufficient mailing and delivery time to ensure timely receipt by the Procurement Officer. Proposals arriving after the closing date and time are late and shall be rejected in accordance with applicable regulations. Electronic and fax proposals will not be accepted.

One (1) original and four (4) copies of the Technical Proposal and one (1) original and four (4) copies of the Price Proposal, each in a separate sealed envelope, clearly marked with the full name and address of the Offeror and the contents of the envelopes or packages, e.g., **“Technical Proposal, Contract No. MTA-1349”** or **“Financial Proposal, Contract No. MTA-1349”**.

The identity of an Offeror and the Register of Proposals may not be disclosed before the Procurement Officer makes a determination recommending the award of the Contract in accordance with applicable regulations.

E. Signatures

Each proposal shall be signed by an officer authorized to make a binding commitment for the firm(s) making the proposals.

F. Procurement Method

This procurement is being conducted in accordance with the Code of Maryland Regulation (COMAR), Title 21, State Procurement Regulations, COMAR 21.05.03, Procurement by Competitive Sealed Proposals. In accordance with COMAR 21.05.03.03F, the State intends to award a contract to the selected responsible Offeror(s) whose proposal is determined to be the most advantageous to the state, considering price and the evaluation factors set forth herein. A responsible Offeror is one who has the capability in all respects to perform fully all contract requirements and who has the integrity and reliability which will assure good performance.

G. Contract Duration

The term of this Contract is for a period of three (3) years with two (2) one (1) year renewal options, which is anticipated to commence on **November 5, 2012 to November 5, 2015**.

H. Incurred Expenses

The State will not be responsible for any costs incurred by Offerors in preparing and submitting a response to this RFP, attending oral presentation(s), providing demonstrations, or for any other associated costs.

I. Addenda and Revisions to the RFP

In the event that it becomes necessary to enable Offerors to make an adequate interpretation of the provisions of this RFP, or if any substantive issues require change or clarification, an addendum to the RFP will be provided to each known Offeror. Offerors shall acknowledge receipt of all addenda in the transmittal letter of the Technical Proposal.

J. Acceptance of Proposals

The MTA intends to award one (1) contract to the Offeror that best satisfies the needs of the MTA, price and other factors considered. This request does not commit the MTA to award a contract. Contents of the Offeror's proposal shall become contractual obligations if a contract ensues.

K. Cancellation and Rejection of Proposals

The State reserves the right to accept or reject any and all proposals, in whole or in part, received in response to this RFP, to waive or permit cure of minor irregularities and to conduct discussions with all qualified or potentially qualified Offerors in any manner necessary to serve the best interests of the State of Maryland. The State reserves the right to cancel this RFP in accordance with COMAR Regulation 21.06.02.

L. Duration Of Offer

Proposals submitted in response to this RFP are irrevocable for one hundred twenty (120) days following the closing date of proposals or of Best and Final Offers (BAFO's), if requested. This period may be extended at the Procurement Officer's request only with the Offeror's written agreement.

M. Contract Type

Contract to be awarded as a result of this RFP will be an indefinite quantity with fixed labor rates.

N. Discussions

MTA may enter into discussions with all qualified Offerors. The term "qualified Offeror" includes only those responsible Offerors who submitted proposals initially judged by the Procurement Officer to be reasonably susceptible of being selected for award. Discussions shall be led by the Offeror's Team/Project Manager and will consist of an oral presentation by the Offeror to the MDOT Evaluation Committee, including questions from and discussions with the Committee and Procurement Officer. Offerors shall be notified of the time, date and location of the discussions. A submission of a proposal does not guarantee an Offeror the opportunity to be invited in for discussions.

The MTA retains the right, at its discretion, not to hold discussions with Offerors and may award a contract on the basis of Technical and Financial Proposals as submitted if, in the judgment of the Procurement Officer, the Offeror response demonstrates sufficient competition so that acceptance of an initial offer without discussion or negotiation would result in a fair and reasonable price.

O. Oral Presentations

Offerors may be required to make one or more oral presentations in order to clarify their proposals and to respond to the questions of the Evaluation Committee. Only those Offerors whose proposals have been judged to be reasonably susceptible of being selected for award, or potentially so, will be invited to make oral presentations. If required, these oral presentations will be scheduled at the convenience of the State after the initial review and as part of the overall evaluation of the proposals. Representations made during an oral presentation must be reduced to writing and shall become part of the Offeror's proposal and

are binding if the contract is awarded.

P. Best and Final Offers

When in the best interest of the State, the procurement officer may permit qualified Offerors to revise their initial proposals by submitting best and final Offers. This action is in accordance with COMAR 21.05.03.03.D.

Q. Proposal Form

Offerors shall complete and submit the proposals as defined in Section IV of this RFP. Proposals shall be prepared simply and economically, providing a straightforward and clear description of the Offeror's proposal for meeting the requirements of the procurement. Oral, fax, telegraphic, e-mailed or electronic submissions shall not be accepted. The Proposal and all proposal forms of each Offeror shall be signed by a corporate officer, partner, proprietor or individual authorized to legally bind the Offeror.

R. Compliance with Law

By submitting an offer in response to this RFP, the Offeror(s) selected for award agrees that it shall comply with all Federal, Maryland State and local law applicable to its activities and obligations under the Contract.

S. Arrearages

By submitting a response to this RFP, the Offeror(s) represents that it is not in arrears in the payment of any obligations due 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.

T. Acceptance of Terms and Conditions

By submitting an offer in response to this RFP, Offerors shall be deemed to have accepted all the terms and conditions, set forth in this RFP and in the attached General Conditions for Service Contracts.

In the event of a conflict between provisions of the Contract, the RFP, 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 (Attachment 1)
2. The Request for Proposals, including any addenda.
3. The MDOT General Conditions for Service Contracts (2002) as amended. (Attachment 2)

(a) Section 33, Disputes, of the MDOT General Conditions for Service

Contracts (2002) is 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.”

4. The Contractor’s Proposal (technical and financial), including any amendments.

U. Procurement Regulations

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

V. Conflict Of Interest

The Offeror 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 RFP. See Attachment 5.

W. Incorporation by Reference

All terms and conditions of the RFP and amendments thereto, all provisions of the successful Offerors’s proposal and submittals in response to the RFP 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 RFP.

X. Debriefing of Unsuccessful Offerors

Unsuccessful Offerors shall be debriefed upon their written request (submitted to the Procurement Officer), provided the request is made within a reasonable period of time after receiving notice of not being recommended for award from the Procurement Officer.

Requests for debriefings shall be honored by the MTA at the earliest feasible time after the request is received. Debriefings shall be held in accordance with COMAR 21.05.03.06.

Y. Protests

Any Offeror or other interested person who is aggrieved by the award of the contract

resulting from this solicitation or proposed award may protest that decision. If a protest is made, it shall be in accordance with Code of Maryland Regulations (COMAR) Section 21.10.

Z. 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 (DAT), State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. DAT can be reached at 410-767-1330, or online at www.dat.state.md.us. It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of proposals. An Offeror's failure to complete registration with the Department of Assessments and Taxation may disqualify an otherwise successful Offeror from final consideration and recommending for contract award.

AA. Use of "e-Maryland Marketplace"

"e-Maryland Marketplace" is an electronic commerce system administered by the Maryland Department of General Services.

Registration is free and will provide a means for your business to receive e-mail notifications of upcoming contracting opportunities in specified areas of interest and expertise. 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 Offerors interested in doing business with Maryland State agencies subscribe to e-Maryland Marketplace. For more eMM registration information, visit the website: <http://ebidmarketplace.com>.

A Contractor must be registered on eMM in order to receive a Contract award. Registration on eMM is free.

BB. Electronic Funds Transfer (EFT)

By submitting a response to this solicitation, the 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 9). 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.

CC. False Statements

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

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

DD. Minority Business Enterprise

MINORITY BUSINESS ENTERPRISES ARE ENCOURAGED TO

1. **RESPOND TO THIS SOLICITATION NOTICE.**
2. **The Maryland Transit Administration hereby notifies all bidders that, in regard to any Contract entered into pursuant to this advertisement, Minority Business Enterprises will be afforded full opportunity to submit Bids in response to this Notice, and will not be subjected to discrimination on the basis of political or religious opinion or affiliation, race color, creed, sex, age or national origin in consideration for an award.**
3. **It is the goal of the Administration that Minority Business Enterprises participate in all Contracts. Each Contract will contain goals for Minority Business Enterprise participation on a contract-to-contract basis. A subcontracting goal of Twenty Five percent (25 %) of the total contract dollar amount has been established for this procurement. This dollar amount includes a sub goal of seven percent (7%) of the total contract dollar amount to be allocated to certified minority business enterprises classified as African American-owned businesses, a sub goal of four percent (4%) of the total contract dollar amount to be allocated to certified minority business enterprises classified as Asian American-owned businesses and a sub goal of twelve percent (12%) of the total contract dollar amount to be allocated to certified minority business enterprises classified as Women-owned businesses. All bidders must submit with their bid a fully executed copy of the Certified**

MBE Utilization and Fair Solicitation Affidavit (MDOT MBE FORM A) and MBE Participation Schedule (MDOT MBE FORM B). If the bidder fails to submit these completed forms with the bid as required, the procurement officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

- 4. ALL MBE FIRMS MUST BE CERTIFIED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION AT THE TIME OF TECHNICAL PROPOSAL SUBMITTAL. NO OTHER CERTIFICATIONS WILL BE ACCEPTED. This process takes an average of SIX months. By submitting a response to this RFP, the Offeror agrees that, as a minimum, this percentage of the contract's price will be allocated to MBE's.**

Questions or concerns regarding the MBE requirements of this solicitation must be raised before the receipt of technical proposals.

The directory is available at <http://www.mdot.state.md.us>. Select the Minority/Disadvantaged Business Enterprise link at the left side of the web site, half way down. The most current and up-to-date information on DBE/MBEs is available via this website. For additional information, please contact:

**Maryland State Department of Transportation
Office of Minority Business Enterprise
PO Box 548
Corporate Center Drive
Hanover, MD 21076
P: 410-865-1269 / 1-800-544-6056**

EE. Renewal Options

If the State exercises any renewal option (either for one year or one or more monthly extensions) the Offeror may adjust their base contract prices as noted on Page 12 to this RFP during the term of such renewals. This permissible adjustment mechanism shall be tied to the change in the Consumer Price Index (CPI). The specific procedure for calculating the adjustment and implementing the resulting price change is described as follows.

At least 30 days prior to the State exercising any renewal under the contract, the Offeror may submit a request to adjust the contract services rates then in effect based upon a change in the CPI as described below:

For service rates, the U.S. Department of Labor, Bureau of Labor Statistics (BLS), Consumer Price Index (CPI), All Urban Consumers, Washington-Baltimore, DC-MD-VA-WV, Commodities Less Food, Not Seasonally Adjusted (Series ID: CRA311SACL1) may be used as the basis for a

request to adjust services rates. However, in no event shall the price increase exceed five percent (5%) of the current contract unit price. The adjustment will be calculated, as a percent of the prior year annual prior calendar year "Annual" Index number is published in the BLS-CPI and the most current year final, not preliminary, monthly index number as published by the BLS-CPI. The difference is expressed as a percentage of the prior calendar year "Annual" Index number. The factor can only be used to document an increase in proposed renewal price schedule showing the current contract services rates; the services rates; the services rate adjustments as calculated using the BLS-CPI, All Food, Not Seasonally Adjusted (Series ID: CUURA311SACL1); and the proposed renewal contract rates.

In the event that the BLS discontinues the use of the CPI Index, the State may consider a request from the Offeror for a price adjustment based upon the most comparable successor index to the CPI, up to, but not to exceed, five percent (5%) for any renewal period.

1. For Example:

Consumer Price Index-All Urban Consumers

Series Catalog:

Series ID: CUURA311SACL1
 Not Seasonally Adjusted
 Area: Washington-Baltimore, DC-MD-VA-WV
 Item: Commodities less food
 Base Period: DECEMBER 1997=100

Data:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
1999	99.8		99.6		101.1		100.8		102.6		102.8		101.3
2000	103.4		107.1										

Most Current Final Index (1999 is) 101.3

Most Recent Annual Index (Mar 2000 is) 107.1

Difference 5.8

Since the resulting factor of 5.8% is larger than 5%, the Offeror would be allowed to submit a 5% price adjustment request to the State for the renewal option.

FF. Alternate Proposals and Multiple Proposals

Alternate or multiple proposals will not be accepted.

GG. Resident Business Reciprocal Preferences

A "resident business" is a business whose principal office or principal base of operations is located in the State.

A resident business preference is any preference that favors a resident business over a non-resident business. Such preferences include percentage preferences, discounts, point allowances, and employee residence requirements. Such preferences can be established by statute, regulation, executive or administrative order, directive, policy or practice.

Maryland law does not authorize procurement officers to favor a resident business over a non-resident business when awarding procurement contracts, unless the resident business is competing against a non-resident business whose home state grants resident business preferences. In the event that a non-resident business' home state grants resident business preferences, the procurement officer will give the resident business a reciprocal preference, i.e. the same preference as is offered by the out-of-state vendor's home state, unless the application of the reciprocal preference conflicts with a federal law or a grant affecting the procurement contracts.

HH. Public Information Act Notice

An Offeror shall give specific attention to the clear identification of those portions of its proposal that it considers confidential, proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the State under the Public Information Act, Title 10, Subtitle 6, Part III of the State Government Article of the Annotated Code of Maryland.

Offerors are advised that, upon request for this information from a third party, the Procurement Officer is required to make an independent determination whether the information can be disclosed (see COMAR 21.05.08.01). Information which is claimed to be confidential is to be placed *after* the Title Page and *before* the Table of Contents in the Technical proposal and, if applicable, in the Financial proposal.

II. Bid/Proposal Affidavit

A proposal submitted by an Offeror shall be accompanied by a completed Bid/Proposal Affidavit. A copy of this Affidavit is included as Attachment 6 of this RFP.

JJ. Contract Affidavit

All Offerors are advised that if a Contract is awarded as a result of this solicitation,

the successful Offeror will be required to complete a Contracts Affidavit. A copy of this Affidavit is included for informational purposes as Attachment 3 of this RFP. This Affidavit shall be provided within five (5) business days of notification of proposed Contracts award.

KK. Living Wage Requirement

A solicitation for services under a State contract valued at \$100,000 or more may be subject to Title 18, State Finance and Procurement Article, Annotated Code of Maryland. Additional information regarding the State's Living Wage requirement is contained in the following section entitled *Living Wage Requirements for Service Contracts*. If the Offeror fails to complete and submit the required Living Wage documentation, the State may determine an Offeror to be not responsible.

Contractors and Subcontractors subject to the Living Wage Law shall pay each covered employee at least \$12.49 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 contract value are performed in the Tier 2 Area, an Offeror shall pay each covered employee at least \$9.39 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. If 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 this solicitation has been determined to be a **Tier 1** contract.

A proposal submitted by an Offeror shall be accompanied by a completed Living Wage Requirement Affidavit. A copy of this Affidavit is included as Attachment 11 of this RFP.

LL. Electronic Procurements Authorized

Under COMAR 21.03.05, unless otherwise prohibited by law, the Maryland Transit Administration (MTA) may conduct procurement transactions by electronic means, including the solicitation, bidding, award, execution, and administration of a contract, as provided in the Maryland Uniform Electronic Transactions Act, Commercial Law Article, Title 21, Annotated Code of Maryland.

Participation in the solicitation process on a procurement contract for which electronic means has been authorized shall constitute consent by the bidder/offeror

to conduct by electronic means all elements of the procurement of that Contract which are specifically authorized under the RFP or the Contract.

“Electronic means” refers to exchanges or communications using electronic, digital, magnetic, wireless, optical, electromagnetic, or other means of electronically conducting transactions. Electronic means includes facsimile, electronic mail, internet-based communications, electronic funds transfer, specific electronic bidding platforms (e.g. eMarylandMarketplace.com), and electronic data interchange.

In addition to specific electronic transactions specifically authorized in other sections of this RFP (e.g. §30 related to EFT) and subject to the exclusions noted in section 5 of this subsection, the following transactions are authorized to be conducted by electronic means on the terms described:

1. The Procurement Officer may conduct the procurement using eMarylandMarketplace, e-mail or facsimile to issue:
 - (a) the solicitation (e.g. the RFP);
 - (b) any amendments;
 - (c) pre-proposal conference documents;
 - (d) questions and responses;
 - (e) communications regarding the solicitation or proposal to any Offeror or potential Offeror including requests for clarification, explanation, or removal of elements of an Offeror's proposal deemed not acceptable;
 - (f) notices of award selection or non-selection; and
 - (g) the Procurement Officer's decision on any protest or Contract claim.

2. An Offeror or potential Offeror may use e-mail or facsimile to:
 - (a) ask questions regarding the solicitation;
 - (b) reply to any material received from the Procurement Officer by electronic means that includes a Procurement Officer's request or direction to reply by e-mail or facsimile, but only on the terms specifically approved and directed by the Procurement Officer;
 - (c) request a debriefing; or,
 - (d) submit a "No Bid Response" to the solicitation.

3. The Procurement Officer, the State's Contract Manager and the Contractor may conduct day-to-day Contract administration, except as outlined in section 42.5 of this subsection utilizing e-mail, facsimile or other electronic means if authorized by the Procurement Officer or Contract Manager.

The following transactions related to this procurement and any Contract awarded pursuant to it are *not authorized* to be conducted by electronic means:

1. submission of initial bids or proposals;
2. filing of protests;
3. filing of Contract claims;
4. submission of documents determined by MTA to require original signatures (e.g. Contract execution, Contract modifications, etc); or
5. any transaction, submission, or communication where the Procurement Officer has specifically directed that a response from the Contractor, Bidder or Offeror be provided in writing or hard copy.

Any facsimile or electronic mail transmission is only authorized to the facsimile numbers or electronic mail addresses for the identified person as provided in the RFP, the Contract, or, as directed in writing by the Procurement Officer or Contract Manager.

END SECTION I

SECTION II – SCOPE OF SERVICES

I. JUSTIFICATION

Route and Stop Announcement (RASA) functions are mandated by Federal Transit Administration (FTA) and Americans with Disabilities Act (ADA). The monitoring contract gives Maryland Transit Administration (MTA) the means to comply with federal, state and local standards. MTA began using external resources to monitor RASA after the consent decree set forth in “Haynes vs. Porcari” case with the Department of Justice in September 2003. The legal requirement to perform monitoring using an external source ended December 2009. MTA opted to continue with the external monitoring to ensure MTA’s continuing compliance with federal, state and local standards.

The current contract effort yields approximately one thousand observation reports per month. These reports are used to support data reported during OpStat and identify non-compliant operation of our transit services. The monitoring service also provides passenger counts for special events such as football and baseball games, Artscape, etc. that provide the data MTA uses for budgeting and staffing planning.

This contract is critical to MTA’s state of compliance and strategically beneficial as a support mechanism for Transit Operations. MTA does not have the resources to perform these observations in-house.

II. BACKGROUND

Since 2003, the Transit Operations Division (TOD) of the MTA has been using third party monitoring services for compliance with ADA regulations. The main goal of this service is to ensure that system operators on all modes such as MARC, Metro, Light Rail and Bus; comply with federal and MTA operations procedures and mandates, as it relates to customers with disabilities. Currently, the monitoring project has expanded to include observation and reporting of specific MTA rules violations such as seatbelt and cell phone usage, reckless driving, farebox violations, and customer service issues. In addition, the program is designed to audit bus and rail routes and to measure operator compliance with required policies and expected behaviors, such as greeting and helping passengers, proper dress code and appropriate behavior as required under federal and MTA policies. The monitoring effort includes analysis of observations for ADA compliance with requirements such as, securement of wheelchairs, calling of internal and external stops, priority seating, observance of service animals and use of ramps and lifts, as well as a variety of other safety and passenger care standards.

III. SCOPE OF WORK

A. General

The MTA is seeking professional services in support of the MTA's Operations' Monitoring Program (OMP) and the provision of on-call operations monitoring services in support of MTA's fixed route bus, light rail, Metro, and MARC modes. Monitoring shall include ADA stop and station monitoring for compliance as well as on-call criteria to be assigned by MTA.

MTA's RASA Monitoring Program has evolved from a small group of part-time anonymous monitors riding the bus system to a much expanded suite of professional services that include numerous specialized monitoring functions and tasks. The Contractor may be required to provide technical support in the following areas:

1. Route and stop announcement monitoring for all MTA transit modes.
2. ADA compliance monitoring of operators and train crew performance.
3. MARC schedule and train crew customer service performance monitoring.
4. Monitoring of specific targeted mode routes, periods of operations, and for observation of reported anomalies.
5. Monitoring of platform and/or vehicle loading conditions at special events (sporting events, concerts, public events, etc.) and subsequent reporting duties.
6. Monitoring of operator and train crew adherence to MTA rules (such as cell phone use, seatbelt use, fare box use and violations when fare collection is hindered or restricted), customer service policies, and management functions.
7. Periodic observations for specific trips as mandated by quality control / OMP for special observations required for management information and control. Assume approximately 25-40 special trip monitoring requests per month of the contract term. These special monitoring assignments will typically include:
 - a) the monitoring of specific routes;
 - b) days of the week;
 - c) time of the day;
 - d) possibly targeting specific vehicles or operators.

The Contractor must be able to provide additional monitoring requests with little prep time (except when special form or database needs are necessary to comply with the request).

Some typical “on request” monitoring activities may include but are not limited to:

Type Event	Estimated Events per Year
Sporting Events (Recording passenger counts for Ravens and Orioles home games)	20
Special Events (Recording passenger counts for special events such as concerts, marathon, New Years Eve, etc.)	12
Operational Support (Monitoring activities during station outages, bus bridges, diversions, service disruptions)	30
Incident Follow Up	40

8. Provide monitoring data for all routes.
 - a) To the extent that is logistically possible and applicable, each line (including rail modes) must have monitoring coverage for 5% of the trips provided by MTA in each of the following service periods monitored or monitoring coverage every 3 months (2 trips in the service period, whichever is more).
 - i. Weekdays:
 - Early morning (between 3 a.m. and 6 a.m.)
 - A.M. peak trip (between 6 a.m. and 9 a.m.)
 - Midday trip (between 9 a.m. and 3 p.m.)
 - P.M. peak trip (between 3 p.m. and 6 p.m.)
 - Evening trip (between 6 p.m. and 9 p.m.)
 - Night trip (between 9 p.m. and midnight)
 - ii. Saturday
 - iii. Sunday

For example, 5% of weekday service would equate to about 200 weekday bus trips to monitor over a 3-month period. With the additional 5% monitoring coverage for Saturday and Sunday, this would equate to satisfactory service.
 - b) Unless otherwise requested and only if alternate trips exist, each quarter should be a different trip in the given period, until all trips in a service period are monitored.
9. Incorporate technology advances into the monitoring program to provide mobile device data capture and real-time reporting of monitoring observations.

10. Provide specialized reporting processes and data analysis necessary to identify performance or behavior trends to report monitoring data as dictated by MTA staff.
11. Provide a minimum of one on-site supervisor vehicle for exclusive use during this project (Cost to be included in hourly labor rates).
12. Provide data about passenger behavior issues (rudeness, violations of laws, loud/irritating behavior, etc.) as observed by monitors while performing normal monitoring duties.
13. Provide database services for the capture of collected field data with industry accepted database management policies and protection schemes.
14. Provide web (Internet) interface for data input, analysis, and reporting processes and provide expanded services as necessary such as remote data storage access and uploading of MTA data (shared drive relationships), and other technologies (such as Project Wise, Maximo, etc) as determined for success of the project.

B. Labor Categories

1. Project Manager
2. Oversight Manager
3. Technical Services Staff (GPS, database development, web interface, etc.)
4. Lead Monitors
5. Field Monitors

END OF SECTION II

SECTION III – PROPOSAL FORMAT

I. GENERAL

The Technical and Price Proposals will be reviewed for consistency with and response to the requirements of this RFP.

All interested Offerors must submit their proposals in a separate sealed carton or envelope and clearly labeled “**Technical and Price Proposals for Contract No. MTA-1349 – Operations Monitoring Services**” and deliver the documents to:

Gary R. Lockett, Procurement Officer
MTA, Contract Administration Division
6 Saint Paul Street, 7th Floor
Baltimore, Maryland 21202
Phone: 410-767-3360 Fax: 410-333-4810
E-mail: glockett@mta.maryland.gov

Proposals must be delivered on or before **2:00 PM Eastern Standard Time (EST) on April 10, 2012**. Any proposals not received by the time and date shall not be accepted. If offers are mailed, it is the Offeror’s responsibility to make allowances for on-time delivery. All proposals must be typewritten.

II. PROPOSALS

A two part submittal: Volume1- Technical and Volume 2 - Financial

Volume I – Technical Proposal must be sealed separately from Volume II – Financial Proposal but submitted simultaneously to the Procurement Officer (address listed in Section III.I – General). One (1) unbound original, so identified, and four (4) copies of each volume are to be submitted. Each sealed package must bear the RFP title and number, name and address of the Offeror, the volume number (I or II), and the closing date and time for receipt of the proposals on the outside of the package.

A. Submission

All pages of both proposal volumes must be consecutively numbered from beginning (Page 1) to end (Page “x”).

B. Technical Proposal Preparation and Submittal

Technical Proposals shall be responsive and conform to all requirements in these instructions and the requirements of the Contract Documents. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to the requirements of this section are neither solicited nor desired.

C. Technical Proposal Requirements

Each offeror shall submit a Technical Proposal in response to the requirements of this RFP. To facilitate, timely and efficient evaluations by the MTA's Evaluation Committee, the following submission requirements shall be followed.

1. Submission Guidelines

- a) The Technical Proposal shall be submitted in an 8½ x 11-inch binder or equivalent, with sequentially numbered pages. Provide index tabs to permit ready separation of sections during evaluation.
- b) The Technical Proposal shall be written in English.

2. Transmittal Letter

A letter of transmittal signed by an officer authorized to make a binding commitment for the firm submitting the proposal. The letter must contain the following:

- a) A statement that except as noted in the proposal Executive Summary that the Offeror has accepted, agreed to, and will comply with the "Scope of Services", "General Provisions for Services Contracts", and all other contract documents contained in this solicitation.
- b) A statement that the firm understands that by submitting a response to this solicitation, it represents that it is not in arrears in the payment of any obligation due to the State of Maryland, including the payment of taxes and employee benefits, and that it shall not become so in arrears, during the term of the contract, if selected for a contract award.
- c) A statement that the technical and price proposal is valid for a minimum of 180 days from date of submission.

3. Title and Table of Contents

The technical proposal should begin with a title page bearing the name and address of the Offeror and the name and number of this RFP. This should be followed by a table of contents for the technical proposal.

4. Executive Summary

The Offeror shall condense and highlight the contents of the technical proposal in a separate section titled "Executive Summary". The summary shall also identify any exceptions the Offeror has taken to the requirements of this RFP, the contract (Attachment 1), or any other attachments.

WARNING: Exceptions to terms and conditions may result in the Offeror being deemed “not reasonably susceptible of being selected for award.”

5. Administration

- a) Provide a description of the Offeror’s organization to include the type of organization (corporation, partnership, etc.), its principal business activity (ies), its principal office location and other businesses, office and facility locations, and number of employees for each. Provide a description of the major business functions, history, and organizational structure of the Offeror’s Organization. Include a profile of the location of all offices, staffing and services provided; and senior company officials' names, addresses and phone numbers. Provide information about the organization’s financial condition and financial responsibilities and capabilities to perform the requested services. Offerors shall include their specific experience with providing similar services. The experience listed should include a description of the program, the location of service provided, the contract dollar amount and the number of service vehicles required. Provide a minimum of three recent references for similar services, including the name of the Client and name, title, and address, phone number of person at reference who is most knowledgeable about the work performed.

- b) Provide an acknowledgement of the Offeror’s ability to comply with the insurance liability provisions of this RFP. See Attachment 9.

6. Technical Proposal Content

a) Proposed Services - Work Plan

The Offeror shall provide a detailed discussion of its service capabilities and approaches to address the requirements outlined in Section II of this RFP. Offerors must fully explain how the proposed services will satisfy the requirements of the RFP and indicate all significant capabilities or issues that will be examined to fulfill the scope of work.

In addition, the Offeror must describe its overall approach for satisfying the requirements of this RFP. Topics to be addressed include:

1. Understanding - This should demonstrate the Offeror’s understanding of the services to be provided under the Contract.

2. Project Management Methodology - The Offeror’s approach to managing the overall project. The overall Project Management approach must include the following items:

a. Project Organization, including identification and role of subcontractors.

b. Project Organization and Personnel

1. Project Organization Chart - An integrated organization chart must be provided containing all key personnel and their allocation to specific tasks, with a detailed management plan showing all lines of authority. The proposal must clearly set forth what work will be assigned to whom, what the lines of responsibility will be, and who will have management authority.

2. Team Composition - This section shall address any proposed teaming or subcontract arrangements. The interrelationship of all participant firms shall be included with respect to experience, capabilities and task assignments. For subcontractors proposed, a clear statement of commitment signed by an authorized official of the subcontractor must be included. The commitment shall include a definitive statement of the services to be performed. Offerors are to include a sample subcontract agreement form with their proposal, if subcontractors are proposed. Also include any MBE agreements or subcontractor agreements in your proposal

3. Service Plan - Offerors shall provide a detailed description and discussion of how it plans to provide the services. This description will demonstrate the understanding of the program as detailed in this RFP and clearly demonstrate capabilities to provide the requested services. Offerors shall address each component of Section II Scope of Service. Attention must be given to the timeline needed for hiring and training staff, with care taken not to adversely affect the current operations should any staff from the current operation be hired. Describe in detail the technology to be used and how it will be implemented. Address how Offeror will maintain quality control during the term of the contract assuring the MTA performance standards are consistently met. Additionally, any minimum requirements, which Offeror proposes to exceed, or any proposed cost reductions should be described.

4. Respondents must provide suitable evidence of staffing, management, and resources necessary to maintain the project for the project term.

7. Respondents Technical Approach Must Address:

1. Procedures and processes necessary to provide MTA with documented data on Bus, Metro, Light Rail, and MARC operation and personnel performance criteria on an ongoing basis and at a high level of dependability and reliability.
2. Capability and capacity to quickly establish processes and methods to adapt to MTA needs as requirements arise.
3. Procedures and processes for staffing an on-site supervisor and monitors, including classroom and field training necessary to conduct the monitoring duties.
4. Capability to develop specialized training packages that may be needed by the MTA modes for operator or supervisor training.
5. All staff must have classroom and field training necessary to prove acceptable performance to conduct the monitoring duties and ensure that MTA needs are met.
6. Perform refresher training and formal training for monitoring and supervisor staff as required to maintain level of service as conditions are modified. Respondents must provide a copy of the formal training program to be utilized for this project.
7. Provide a quality control/quality assurance plan to demonstrate ongoing project performance quality control measures.
8. Demonstrate adequate resource availability and flexibility to provide on-call special customer service monitoring services when MTA operational needs dictate an immediate response. This may include extraordinary staffing for customer service, crowd monitoring and control, supplementation of MTA staff, and other unforeseen needs for events or conditions arising during the term of this project.
9. Provide all procedures and processes necessary to provide MTA a complete package of data involving Bus, Metro, Light Rail, and MARC operational and personnel performance criteria on an ongoing basis and at a high level of dependability and reliability.
10. Provide evidence of public transit experience in monitoring operational services to include ADA compliance monitoring.

8. Experience and Stability

Offerors must include information on past experience with similar projects, information pertinent corporate resources and must include responses to the following sections and meet the MTA's minimum experience requirements as outlined below:

- a) An overview of experience rendering technical support services similar to those included in Section II (Scope of Services) of this RFP. This description must include a summary of the services offered, the number of years the Offeror has provided these services, the number of clients and geographic locations the Offeror currently serves, etc.
- b) References from customers who are capable of documenting:
 - (i) The Offeror's ability to manage projects of comparable size and complexity.
 - (ii) The quality and breadth of services provided by the Offeror.
 - (iii) Each client reference is to include the following information:
 - (a) Name of client organization;
 - (b) Name, title, and telephone number of Point of Contact for client organization;
 - (c) Value, type, and duration of contract(s) supporting the client organization.
 - (iv) An explanation of why the Offeror is no longer providing the services to the client organization, if the Offeror is no longer serving this client.
- c) Legal Actions Summary.

The Offeror must include the following:

- (i) A statement as to whether there are any outstanding legal actions or potential claims against the Offeror, and a brief description of any such action.
- (ii) A brief description of any settled or closed legal actions or claims against the Offeror over the past five (5) years.

d) Financial Capabilities And Statements.

Evidence that the Offeror has financial capacity to provide the services required under this RFP such as:

- (i) Copy of the last two (2) year end audited financial statements or best available equivalent report, and an analysis of those financial statements/reports
- (ii) Dunn and Bradstreet rating;
- (iii) Line(s) of credit

- (iv) Successful financial track record; and
- (v) Adequate working capital.

9. Forms Certifications and Assurances

The Offeror must complete, sign and submit the following attachments with the Technical Proposal:

- a) MBE Forms (Attachment 4 – Forms A and B)
- b) Conflict of Interest Affidavit and Disclosure (Attachment 5)
- c) Bid/Proposal Affidavit (Attachment 6)
- d) Certification Regarding Lobbying (Attachment 7)
- e) Living Wage Affidavit of Agreement (Attachment 11)

10. Past State Contracts Experience

Each Offeror must provide a list of all contracts with any entity of the State of Maryland that it is currently performing or which have been completed within the last 5 years. For each identified contract the Offeror is to provide:

- a) The State contracting entity
- b) A brief description of the services/goods provided
- c) The dollar value of the contracts
- d) The term of the contracts
- e) The State employee contact person (name, title, telephone number and if possible e-mail address)
- f) Whether the contract was terminated before the end of the term specified in the original contracts, including whether any available renewal option was not exercised.

Information obtained regarding the Offeror's level of performance on State contracts will be considered as part of the experience and past performance evaluation criteria of the RFP.

11. Economic Benefits

Offerors shall submit, with their proposals, a narrative describing benefits that will accrue to the Maryland economy as a direct or indirect result of their performance of this contract. Proposals will be evaluated to assess the benefit to Maryland's economy specifically offered.

Proposals that identify specific benefits as being contractually enforceable commitments will be rated more favorably than proposals that do not identify specific benefits as contractual commitments, all other factors being equal.

Offerors shall identify any performance guarantees that will be enforceable by the State if the full level of promised benefit is not achieved during the contract term.

As applicable, for the full duration of the contract, including any renewal period, or until the commitment is satisfied, the contractor shall provide to the procurement officer or other designated agency personnel reports of the actual attainment of each benefit listed in response to this section. These benefit attainment reports shall be provided quarterly, unless elsewhere in these specifications a different reporting frequency is stated.

Please note that in responding to this section, the following do not generally constitute economic benefits to be derived from this contract:

- a) generic statements that the State will benefit from the Offeror's superior performance under the contract;
- b) descriptions of the number of offeror employees located in Maryland other than those that will be performing work under this contract; or
- c) tax revenues from Maryland based employees or locations, other than those that will be performing, or used to perform, work under this contract.

Discussion of Maryland based employees or locations may be appropriate if the offeror makes some projection or guarantee of increased or retained presence based upon being awarded this contract.

Examples of economic benefits to be derived from a contract may include any of the following. For each factor identified below, identify the specific benefit and contractual commitments and provide a breakdown of expenditures in that category:

- a) The contract dollars to be recycled into Maryland's economy in support of the contract, through the use of Maryland subcontractors, suppliers and joint venture partners.
- b) The number and types of jobs for Maryland residents resulting from the contract. Indicate job classifications, number of employees in each classification and the aggregate payroll to which the contractor has committed, including contractual commitments at both prime and, if applicable, subcontract levels.
- c) Tax revenues to be generated for Maryland and its political subdivisions as a result of the contract. Indicate tax category (sales taxes, payroll taxes, inventory taxes and estimated personal income taxes for new

employees). Provide a forecast of the total tax revenues resulting from the contract.

- d) Subcontract dollars committed to Maryland small businesses and MBEs.
- e) Other benefits to the Maryland economy which the offeror promises will result from awarding the contract to the offeror, including contractual commitments. Describe the benefit, its value to the Maryland economy, and how it will result from, or because of the contract award. Offerors may commit to benefits that are not directly attributable to the contract, but for which the contract award may serve as a catalyst or impetus.

END OF SECTION III

SECTION IV – EVALUATION CRITERIA AND SELECTION PROCEDURE

I. EVALUATION OF PROPOSALS

- A. Technical Proposals received by the submission deadline, will be reviewed by the Procurement Officer after the closing date/time for submission of proposals.
- B. Technical Proposals will be evaluated by an Evaluation Committee appointed by the Procurement Officer. Offerors are advised to submit Technical Proposals that are complete (provide all information requested) and that fully describe their qualifications in a manner that does not require additional explanation or information. However, the MTA reserves the right to request clarification from offerors regarding information contained in the Technical Proposal.
- C. During the evaluation process the Committee may request Offerors to clarify data or other information presented in their Technical Proposals. The Committee and Procurement Officer may also hold discussions with Offerors in an effort to obtain enhanced proposals that will better serve the interests of the MTA.
- D. The Evaluation Committee, based on the information contained in the Technical Proposals will make a recommendation to the Procurement Officer of the acceptability or non-acceptability of any Proposal.
- E. Upon completion of the evaluation process, the Procurement Officer will classify each Technical Proposal as either; (a) reasonably susceptible of being selected for award or (b) Not reasonably susceptible of being selected for award.
- F. Offerors' whose Technical Proposals are deemed by the Procurement Officer as Not reasonably susceptible of being selected for award will be notified in writing of the decision and its financial proposals returned unopened.
- G. All Technical Proposals submitted in response to this RFP will be evaluated according to the following criteria, which are listed in order of relative importance (i.e., 1. is more important than 2. etc.):
 - 1. Experience and qualifications of key personnel assigned to this contracts, including labor categories.
 - 2. Responses to "Scope of Services" Section of this RFP, which demonstrates the Offeror's understanding of the service to be provided.
 - 3. Experience and performance on similar projects.

- a) References – minimum of three (3).
 - b) Past State or Federal Contract Experience
4. Project Organization Form
5. Financial Capabilities & Statements
6. Economic Benefits that the Offeror's proposal will provide to the Maryland economy to include:
- a) Any intended procurements from Maryland subcontractors, suppliers, and joint venture partners;
 - b) The number of jobs generated for Maryland Residents;
 - c) Tax revenues generated to Maryland and its political subdivisions; and
 - d) The amount or percentage of subcontractor dollars placed with Maryland Small Business and Maryland MBE's.
7. Form, Certification & Assurances

II. RECIPROCAL PREFERENCE

A "resident business" is a business whose principal office or principal base of operations is located in the State.

A resident business preference is any preference that favors a resident business over a non-resident business. Such preferences include percentage preferences, discounts, point allowances, and employee residence requirements. Such preferences can be established by statute, regulation, executive or administrative order, directive, policy or practice.

Maryland law does not authorize procurement officers to favor a resident business over a non-resident business when awarding procurement contracts, unless the resident business is competing against a non-resident business whose home state grants resident business preferences. In the event that a non-resident business' home state grants resident business preferences, the procurement officer will give the resident business a reciprocal preference, i.e. the same preference as is offered by the out-of-state vendor's home state, unless the application of the reciprocal preference conflicts with a federal law or a grant affecting the procurement contract.

III. FINANCIAL PROPOSALS

Financial Proposals will be evaluated separately from Technical Proposals. The financial evaluation will be based upon the prices submitted by the Offeror on the Financial Proposal Form (Attachment 8). Offerors will be ranked from the lowest to the highest price based upon the prices submitted to perform the services as defined in Section II – Scope of Work. When in the best interest of the State, the Procurement Officer may permit Qualified Offerors to revise their initial proposals and submit, in writing, best and final offers (BAFOs).

In making the overall award determination, technical factors will have equal weight with financial factors.

END OF SECTION IV

SECTION V – ATTACHMENTS

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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. **MTA-1349**, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Minority Business Enterprise (MBE) participation goal of **twenty five** percent (**25%**) and the following subgoals, if applicable:
seven percent (**7%**) for African American-owned MBE firms
percent (%) for Hispanic American-owned MBE firms
four percent (**4%**) for Asian American-owned MBE firms
twelve percent (**12%**) 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