



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

**MEMORANDUM**

TO: Holders of Contracts Documents

FROM: Nannette C. Gibson, Chief of Operations  
Maryland Transit Administration  
Procurement Division  
6 Saint Paul Street, 7<sup>th</sup> Floor  
Baltimore, Maryland 21202-1614

SUBJECT: Addendum No. 2  
Request For Proposals (RFP) for  
Contract No. MTA-1359  
PARATRANSIT SERVICES

DATE: August 19, 2011

This is ADDENDUM No. 2 to the Request for Proposals (RFP) for Contract No. MTA-1359, PARATRANSIT SERVICES.

The State's procurement regulations require that you acknowledge receipt of this ADDENDUM No. 2 by submitting with your proposal. Acknowledge receipt by signing and include the attachment form with your proposal.

Failure to acknowledge receipt of this ADDENDUM could cause your proposal to be disqualified from further consideration for this procurement.

**ITEM ONE:**

- **The due date of the "sealed proposals" is being changed from September 1, 2011 to September 13, 2011, as is indicated in the attached "Anticipated Procurement Schedule." The location remains unchanged.**

**ITEM TWO:**

➤ **QUESTIONS/INQUIRES/MTA RESPONSES:**

**Question # 1:**

**Page 13:** Would the MTA consider reducing the performance bond requirement to 10% of the contract value for one year? As the RFP is currently written, the performance bond requirement is for 10% of the contract value for the full three year base term. Requiring a larger performance bond unnecessarily inflates costs to the MTA. Additionally, the larger than necessary bond requirement unfairly benefits the biggest transit firms in the evaluation process, because these very large firms have greater access to bonding capacity and can obtain bonding insurance at lower costs. Quality smaller firms will be hurt in the evaluation process by the excessive bonding requirement.

**MTA Response:**

**Performance Bond will remain unchanged for this solicitation.**

**ATTACHMENT FORM:**

Acknowledgement of receipt of ADDENDUM # 2 to Contract No MTA-1359 PARATRANSIT SERVICES with your proposal:

A. Consultant's Name:

B. Authorized Representative's Signature:

C. Printed Name of Representation:

D. Title:

E. Date:

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



Nannette C. Gibson, Chief of Operations  
MTA Procurement Division



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**MEMORANDUM**

TO: Holders of Contracts Documents

FROM: Nannette C. Gibson, Chief of Operations  
Maryland Transit Administration  
Procurement Division  
6 Saint Paul Street, 7<sup>th</sup> Floor  
Baltimore, Maryland 21202-1614

SUBJECT: Addendum No. 1  
Request For Proposals (RFP) for  
Contract No. MTA-1359  
PARATRANSIT SERVICES

DATE: August 18, 2011

This is ADDENDUM No. 1 to the Request for Proposals (RFP) for Contract No. MTA-1359, PARATRANSIT SERVICES.

The State's procurement regulations require that you acknowledge receipt of this ADDENDUM No. 1 by submitting with your proposal. Acknowledge receipt by signing and include the attachment form with your proposal.

Failure to acknowledge receipt of this ADDENDUM could cause your proposal to be disqualified from further consideration for this procurement.

**ITEM ONE:**

- **The due date of the "sealed proposals" is being changed from September 1, 2011 to September 13, 2011, as is indicated in the attached "Anticipated Procurement Schedule." The location remains unchanged.**

**ITEM TWO:**

THE FOLLOWING PAGES/ATTACHMENT TO THE RFP IS REVISED AS INDICATED:

- ATTACHMENT 4 MBE FORMS - (SEE REVISED ATTACHED)
- SECTION 1 PAGE 19 - (SEE REVISED ATTACHED)
- SECTION 1 ITEM JJ INSURANCE REQUIREMENTS - (SEE REVISED ATTACHED)

**ITEM THREE:**

- QUESTIONS/INQUIRES/MTA RESPONSES:

**Question # 1:**

Please provide more details on the schedule for replacing vehicles. The current language “will replace vehicles as necessary” is unclear and could cause proposers to inflate maintenance (and safety related) pricing to cover uncertainty about the condition of an aging fleet. The replacement schedule may also affect each provider’s risk of being assessed liquidated damaged as outlined in attachment 18.

**MTA Response:**

**The MTA cannot provide more details at this time. We are currently working on replacing vehicles as new ones come in from previous purchases. Allocation of vehicles has not been decided and will not be until we know how many Contractors will be awarded a contract and how many hours each one will be awarded. This is to be determined in the best interest of the State.**

**Question # 2**

Please provide the MTA’s plan for allocating vehicles among multiple contractors. In particular, please identify the vehicle type, age and mileage of the fleet the contractors may expect to operate.

**MTA Response:**

**Allocation of vehicles has not been decided and will not be until we know how many Contractors will be awarded a contract and how many hours each one will be awarded. This is to be determined in the best interest of the State.**

**Question # 3**

Will the average age of the fleet be the same for each contractor?

**MTA Response:**

**Allocation of vehicles has not been decided and will not be until we know how many Contractors will be awarded a contract and how many hours each one will be awarded. This is to be determined in the best interest of the State.**

**Question # 4**

We are requesting that the MTA establish a time limit for the assessment of liquidated damages as this would facilitate the Contractors' research efforts regarding the performance which has prompted the MTA's assessment of liquidated damages. If the liquidated damages were not assessed within this time period, they would be waived.

**MTA Response:**

**The MTA reserves the right to assess liquidated damages throughout the contract up to and including three (3) months after the contract ends. Due to the amount of work it takes for Mobility to reconcile our data and that we want our data as accurate as possible, Mobility shall not be held to deadlines in assessing liquidated damages.**

**Question # 5**

Would the MTA consider allowing the contractor to report the level or type of discipline administered without naming the employee involved?

**MTA Response:**

**The MTA shall be informed of the name of the employee and what discipline is administered to keep track of infractions that may lead to that employee no longer qualified to work for Mobility. This information is kept as confidential as possible with senior level staff at Mobility.**

**Question # 6**

Please consider dropping the requirement for pre-employment alcohol testing. It is not required by FTA's 49 CFR Part 40 and it is not a common industry practice. This requirement will add unnecessary additional cost.

**MTA Response:**

**The MTA requires their employees to have a pre-employment drug and alcohol test so this requirement shall be enforced.**

**Question # 7**

Will the evaluation of prices be based on the three year base term of the contract or on the full five year potential contract term?

**MTA Response:**

**The evaluation of prices will be based on the three year base term of the contract.**

**Question # 8**

Dispatching is included in the pricing sheets and not shown as an option, but in the RFP, it states that it is optional. Please clarify.

**MTA Response:**

**Dispatching is optional and if the Contractor does not bid on dispatching they will be under full control of MTA Supervisors handling their work. The pricing sheets were changed by the MTA Finance Department to make it easier to evaluate. If you do not wish to bid on dispatching you will simply put zeros in those areas.**

**Question # 9**

Is the proposer required to bid on all three of the cost options and tiers, or any portion therein?

**MTA Response:**

**The amount of work a Contractor receives will depend on the best price and best interest of the State. Please fill in all three cost options and tiers because until all evaluations of technical and financial proposals are completed the MTA cannot give a set amount of work to any vendor. The State is looking for the best service for the best price.**

**Question # 10**

Can you describe how many vehicles are assigned to each of the cost options, for pricing considerations? Eg. How many vehicles and operator hours are involved generally in covering each or all of the cost options?

**MTA Response:**

**The MTA is working on a new run cut and we cannot give a specific response to the number of vehicles per hours each Contractor will receive at this time. Again, the amount of work a Contractor receives will depend on the best price and best interest of the State.**

**Please fill in all three cost options and tiers because until all evaluations of technical and financial proposals are completed the MTA cannot give a set amount of work to any vendor. The State is looking for the best service for the best price.**

**Question # 11**

How many workstations does/do the current incumbents use in their operations?

**MTA Response:**

**At the present time the MCC has one workstation for each Contractor with a computer, phone and radio. Mobility is working on updating and adding more workstations for the Contractors as we continue to make improvements to our MCC operations.**

**Question # 12**

Is there any consideration to use another surveillance system other than DriveCam?

**MTA Response:**

**For consistency throughout the fleet the MTA is requesting DriveCam.**

**Question # 13**

The 110 hour formal training is at the cost of the contractor?

**MTA Response:**

**Yes. They are your employees that must have the training to be allowed to drive for the MTA.**

**Question # 14**

All cost related to hiring (pre-employment physicals, drug and alcohol testing, etc) are at the expense of the contractor?

**MTA Response:**

**Yes. They are your employees that must have the testing to be allowed to drive for the MTA.**

**Question # 15**

The current contract allows for 6 or 12 month extensions, should the effective date of the new contract therefore be March 1, 2012 (instead of February 1<sup>st</sup>) or September 1, 2012?

**MTA Response:**

**The procurement schedule is an anticipated schedule.**

**Question # 16**

The schedule lists October 28, 2011 as the "Projected date for selection of the Offeror(s) proposed for contract award. Is this the NTP – Notice to Proceed? Under definitions, Page 4 the NTP is defined as: "A formal combined notification from the Procurement Officer that the Contractor should immediately, as of the date contained in the notice, begin performance of the contract." The Procurement Schedule further indicates that January 25, 2012 is the projected date the contract with the successful Offeror(s) will be presented to the Maryland Board of Public Works and that the contract will then commence on February 1, 2012. If contractor starts preparations for the contract on October 28, 2011 and then the contract is not approved on January 25, 2012 is the contractor reimbursed for costs to that point? Or does contractor not commence preparations until February 1, 2012 with a service start date at a later time?

**MTA Response:**

**The procurement schedule is an anticipated dates.**

**Question # 17**

Will the dollars paid by successful bidder(s) for ongoing administrative services provided in performing this contract by MDOT certified MBE firms be credited toward the 25% MBE goal?

**MTA Response:**

**For purposes of achieving the MBE participation goal, the bidder can choose to subcontract specific portions of work to a certified MDOT MBE firm as long as the certified MBE is performing within its NAICS Code. If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goal. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the letter "G" after the appropriate NAICS Code).**

**Questions #18**

Section III Page 1 of the RFP states that "proposer must submit one (1) unbound original, so identified, and seven copies of each volume" plus and "an electronic version of both the Volume 1 – Technical Proposal in MS Word format and the Volume 2 – Financial Proposal in MS Word format."

**MTA Response:**

**In order to be considered, proposals and acknowledgement of all Addendums must be received no later than 2:00 p.m. (Eastern Time) on September 13, 2011 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 original and four (4) copies of the Technical Proposal and one original and four (4) copies of the Financial 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-1359" and "Financial Proposal, Contract No. MTA-1359".**

**Questions #19**

What is the historic trend of the existing contractors' liquidated damages and incentives over the past three years?

**MTA Response:**

**The amount ranges from \$3,500 - \$75,000 for LD's and \$5,000 for incentives monthly throughout the contract. The amount of liquidated damages is assessed and negotiated on a monthly basis.**

**Questions #20**

Can MTA provide information on the fleet listed in Attachment 14 including engine and transmission replacement history, and updated chassis mileage?

**MTA Response:**

**Each provider keeps records at their site on this information along with sending daily reports. It would take a couple of weeks to compile this information into a response. All vehicles have equipment repaired as needed.**

### **Questions #21**

What will be the composition of the fleet (number of sedans and cutaways and model year) for each Tier? The fleet mix to be assigned will provide contractors direction on how to price each of the three Tiers of service for fleet maintenance, fuel expenses, and insurance.

#### **MTA Response:**

**This is to be determined by how many awards are made and adjustments to the run cuts for the best value to the State.**

### **Questions #22**

By Tiers 1, 2, and 3, what are the estimated total annual fleet mileage and the average annual miles per vehicle for the cutaway and sedan vehicles?

#### **MTA Response:**

**This is to be determined by how many awards are made and adjustments to the run cuts for the best value to the State.**

### **Questions #23**

What is the retirement/replacement schedule for the current MTA Mobility fleet for sedans and cutaways during this new contract period?

#### **MTA Response:**

**This will be determined by the new run cut and what funds are provided for vehicle purchases in the next few years. At this time I cannot give an exact response.**

### **Questions # 24**

What are the current billing rates of contractors and do those rates include contractor-provided fuel costs?

#### **MTA Response:**

**The hourly price ranges from \$28.68 – \$34.91 for cut-a-ways and \$27.16 - \$33.45 for sedans. Fuel is a pass-through as described in Section II, H. Vehicle Maintenance, #5. Fueling, page 34.**

## Questions # 25

Section II, Page 3

Supplemental Service under Paragraph 2, item h states: Rates for use of supplemental vehicles are not to exceed sedan rates and subject to approval by the MTA. Earlier in the same section it states: All Terms and Conditions outlined in the Contract shall remain in full force and effect for the supplemental service.

Does the MTA expect any Supplemental Service to be provided in sedans only? Why does the MTA expect the Supplemental Rate not to exceed the proposed sedan rate when the proposed rate is with the MTA providing the vehicles and the Supplemental rate is with the contractor providing the vehicle? Does the contractor need to include the supplemental rate with our proposal?

### MTA Response:

**This is an option provided in the proposal for the Contractor to use if they want to offer supplemental service. The MTA is looking for sedan type vehicles, not cut-a-ways that is why the rate may not exceed the proposed sedan rate. The MTA is allowing you to use your vehicles if you have them available subject to inspection as the MTA vehicles are. You do not have to offer supplemental service, it is an option.**

## Questions # 26

Location of Facility "Make sure if you're going to give us another site or location or a different one than we're used to, make sure that we know, exactly, where it's located."

Is the MTA willing to review a proposed site location prior to bid submittal?

### MTA Response:

**The guidelines are in the RFP for the location. We will not visit a proposed site prior to bid submission. At the time of evaluation the proposed location will be taken into consideration.**

## Questions # 27

Section II pages 46 & 47 Dispatching – Option Pricing

MTA will perform surveillance functions to monitor operator and passenger activities. The contractor will provide MTA with the capability to monitor all dispatch activities and track operators performing our services in real time. The contractor is responsible for all equipment and maintenance of that equipment. The equipment set up will have two components: a. Desktop or other permanent set up to be housed on MTA property  
b. Portable equipment for the use of communication and for tracking service in any portion of the MTA service area

Can the MTA elaborate on the need for this equipment, if contractor is dispatching from the MTA MCC, using MTA provide software and hardware and the MTA provides radios and

MDT's for the vehicles why is there a need for the contractor to provide the described equipment?

**MTA Response:**

**The contractor must be able to communicate with their base from the MCC and the equipment necessary to handle this communication will be the responsibility of the contractor. This is an important connection to allow MCC staff to effectively communicate with their base.**

**Questions #28**

Attachment 28

Is the living wage mandatory for all bidders including the workforces covered under CBA's?

**MTA Response:**

**The Living Wage Law generally requires contractors and subcontractors to pay at least the Living Wage to their employees who work under procurement contracts that provide services to the State. As always, there are exceptions to the general rule. Sections 18-101 through 18-109, State Finance and Procurement Article, Annotated Code of Maryland; COMAR 21.11.10.**

**Questions # 29**

LL – Procurement Schedule / Section I Page 19

Timing of award. On October 28 the RFP contemplates notifying the winning bidders. Is the notice to proceed at the October 28 notification or will it be January 25, a week before the start of service?

**MTA Response:**

**The procurement schedule is an anticipated dates.**

**Questions # 30**

II.2 – Minority Business Enterprise / Section I Page 15

Please clarify the MBE forms that are required to be submitted with the bid.

**MTA Response:**

**The revised MTA forms are attached**

**Questions # 31**

Please Clarify the number of tours and Hours and Miles associated with each tier.

**MTA Response:**

**Hours and miles will vary day to day so there is no way to clarify the number of trips/hours/miles associated with each tier. The cost proposal was written in tiers for billing purposes. Until all proposals are received and evaluated there is no way to tell who is going to get what monthly service hours or what that number of miles will be. A new run cut is being done at the present time and it will take a few months to work out all the details.**

**Cost Proposal Tier 1**

**Monthly Service Hours**

**Cutaway (Bus) service hours: 1-12,500 vehicle hours**

**Sedan Service Hours: 1 - 10,000 vehicle hours**

**Cost Proposal Tier 2**

**Monthly Service Hours**

**Cutaway (Bus) service hours: 12,501 - 25,000 vehicle hours**

**Sedan Service Hours: 10,001 - 15,000 vehicle hours**

**Cost Proposal Tier 3**

**Monthly Service Hours**

**Cutaway (Bus) service hours: 25,001 - 99,999 vehicle hours**

**Sedan Service Hours: 10,001 - 15,000 vehicle hours**

**Questions # 32**

Please Clarify the number of vehicles assigned to each tier to include make, model and replacement schedule.

**MTA Response:**

**As stated in the response above, this is subject to needs of the service and how many proposals are awarded the contract. The vehicle replacement schedule is subject to funds available for purchase of vehicles.**

**Questions # 33**

Please Clarify what level of service is counted in the current providers service tiers that are being operated today.

**MTA Response:**

**The current contract is being utilized in the best interest of the state. Tiers were not used in procuring the current contract.**

**Questions # 34**

Does Veolia currently operate Tier 1 and does MV currently operate tier 2?

**MTA Response:**

**The current contract is not counted in tiers.**

**Questions # 35**

At the present time who is currently operating Tier 3?

**MTA Response:**

**The current contract is not counted in tiers.**

**Questions # 36**

Please advise how bidders should price the new health care mandate? Should we include the estimated cost in our pricing or will the MTA sit down with the Contractors and renegotiate prior to the changes going into affect?

**MTA Response:**

**Your best estimate should be given in this proposal. The MTA will look into negotiating with the Contractor should the price of the new health care exceed what was proposed.**

**Questions # 37**

Is the MTA considering any service cuts within the next 12 months?

**MTA Response:**

**At this time there are no new plans to cut service however the MTA is looking at making the service more efficient and cost effective in the best interest of the State.**

**Questions # 38**

Please advise if the Living wage ordinance supersedes each individual contractors CBA, or does the negotiated CBA's prevail.

**MTA Response:**

**The Living Wage Law generally requires contractors and subcontractors to pay at least the Living Wage to their employees who work under procurement contracts that provide services to the State. As always, there are exceptions to the general rule.**

**Sections 18-101 through 18-109, State Finance and Procurement Article, Annotated Code of Maryland; COMAR 21.11.10.**

**Questions # 39**

Please advise if a contractor can bid an option to manage the entire call center

**MTA Response:**

**The RFP is for Paratransit Services, not managing the call center. This RFP does not have the option for a Contractor to manage the entire call center. It allows the option for the Contractor to assist with managing only their own service in our MCC.**

**ATTACHMENT FORM:**

Acknowledgement of receipt of ADDENDUM #1 to Contract No MTA-1359 PARATRANSIT SERVICES with your proposal:

A. Consultant's Name:

B. Authorized Representative's Signature:

C. Printed Name of Representation:

D. Title:

E. Date:

## REMINDER

**The recommended MBE Subcontract Goal is 25% with no sub-goals FOR THIS SOLICITATION. By submitting a response to this solicitation, the Offeror's agrees that this dollar amount of the contract will be performed by certified minority business enterprises.**

MBE Subcontractors not certified by the MDOT **will not** be accepted.

**A Offeror's who is certified as a Minority Business Enterprise and awarded the contract that results from this RFP is not exempt and must still meet the MBE subcontract goal for this RFP with certified MBE subcontractors as detailed in this RFP.**

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



Nannette C. Gibson, Chief of Operations  
MTA Procurement Division

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT**  
**PAGE 1 OF 2**

**THIS AFFIDAVIT MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT THIS AFFIDAVIT SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.**

In connection with the proposal submitted in response to Solicitation No. MTA-1359, 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 subgoal of \_\_\_\_\_ ( \_\_\_\_\_ %) percent for Women-Owned MBE firms and the subgoal of \_\_\_\_\_ percent ( \_\_\_\_\_ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

**OR**

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver 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. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

**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 – Proposals Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Proposals Only );
- (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 offeror's responsibility 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.

**MDOT MBE FORM A**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**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.

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 (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS 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](http://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](http://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 letter "G" 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 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 call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to [mbe@mdot.state.md.us](mailto:mbe@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 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 proposal in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the **percentage of the Contract (as provided in price/financial proposal or any best and final offer) for purposes of achieving the MBE participation goal and subgoals (if applicable):**
  - 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. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee as a percentage of Contract that the MBE firm will receive for the provision of such products/services in Line 4.1.
  - 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. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1 as a percentage of Contract.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**  
**PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE**  
 PAGE 2 OF 2

E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES (i) if the MBE firm is furnishing and installing the materials and is certified to perform these services, please include in Line 4.1 the total value of the subcontract amount (including full value of supplies); or (ii) if the 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). In Line, 4.2 of the MBE Participation Schedule, please state amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.

7. **WARNING:** Please note that the cumulative MBE participation in Column 4 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 (Proposals Only) for this solicitation. If an offeror is unable to achieve the MBE participation goals and/or any subgoals (if applicable), then the offeror must request a waiver in Form A or it may result in a determination that the proposal is not susceptible of being selected for award.

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).

**WORKSHEET**

Total African American Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for African American Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent African American-Owned Participation	=	<hr/> %
<hr/>		
Total Women-Owned Firm Participation Amount		<hr/>
(Add amounts listed for Women-Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Women-Owned Firm Participation	=	<hr/> %
<hr/>		
Total MBE Firm Participation Amount	\$	<hr/>
(Add amounts listed for all MBE Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
<b><i>Percent Overall MBE Participation</i></b>	<b>=</b>	<hr/> %

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 2 – MBE PARTICIPATION SCHEDULE**

**PART 2 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 OF THE MBE PARTICIPATION SCHEDULE SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE TO BEING SELECTED FOR AWARD.**

PAGE \_\_\_ OF \_\_\_

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S  NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% 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: _____  <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		4.1 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR - PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE. (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS – SEE 4.2 BELOW)</u>  _____%  4.2 <u>TOTAL AMOUNT 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) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u> Total value of Supplies/Products _____%  X 60% (60% Rule) = _____%  (amount for purposes of achieving the MBE Participation Goal and Subgoals).

Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**  
**CONTINUATION SHEET**

PAGE \_\_\_ OF \_\_\_

<b>Prime Contractor</b>	<b>Project Description</b>	<b>Solicitation Number</b>

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			<p>Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.</p>
<p>NAME OF MBE SUBCONTRACTOR AND TIER</p>	<p>CERTIFICATION NO. AND MBE CLASSIFICATION</p>	<p>NAICS CODE/S</p> <p>NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm</p>	<p>FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule.</p>
<p><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</p>	<p>Certification Number: _____</p> <p><input type="checkbox"/> Women-Owned  <input type="checkbox"/> African American-Owned  <input type="checkbox"/> Other MBE Classification</p>		<p>4.1 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE - EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS)</u></p> <p>_____ %</p> <p>4.2 <u>TOTAL AMOUNT 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) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u></p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

Please check if Continuation Sheets are attached.

**MDOT MBE FORM B**  
**STATE-FUNDED CONTRACTS (PROPOSALS ONLY)**  
**MBE PARTICIPATION SCHEDULE**

**PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE**

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION.**

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.

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 (PROPOSALS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

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

1. 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 instructions) used to solicit certified MBE firms for these subcontract opportunities.
  
3. Offeror made the following attempts to personally contact the solicited MBE firms:
  
4. **Please Check One:**
  - Offeror assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)
  
  - This project does not involve bonding requirements.
  
5. **Please Check One:**
  - Offeror did attend the pre-proposal meeting/conference
  - No pre-proposal meeting/conference was held.
  - Offeror did not attend the pre-proposal meeting/conference

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

# MDOT MBE FORM D

## STATE-FUNDED CONTRACTS (PROPOSALS ONLY)

### MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that \_\_\_\_\_ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such Prime Contractor will enter into a contract 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) will receive for at least \_\_\_\_\_% (Total Subcontract Amount – as a percentage of total Contract value) 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: _____
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.

***LL. Anticipated Procurement Schedule***

- June 30, 2011      Advertisement of the Request for Proposals on MTA website  
(<http://www.mta.maryland.gov>) and e-Maryland Marketplace website  
(<https://ebidmarketplace.com>)
- July 27, 2011      Pre-proposal Conference at 10:00 a.m.  
Maryland Transit Administration  
Contract Administration Division  
Room 731  
6 St. Paul Street  
Baltimore, MD 21202
- September 13, 2011***      Closing date for submission of proposals. Proposals must be received by the  
Procurement Officer before 2:00 p.m. EST.
- October 28, 2011      Projected date for selection of the Offeror(s) proposed for contract award
- January 25, 2012      Projected date contract with the successful Offeror(s) will be presented to the  
Maryland Board of Public Works
- February 1, 2012      Commencement date of the contract

## INSURANCE REQUIREMENTS

- I. Contractor shall obtain insurance of the types and in the amounts described below:
- A. Commercial General and Umbrella Liability Insurance  
Contractor shall maintain commercial General Liability (CGL) insurance and, if necessary, commercial umbrella insurance with a limit of not less than \$5,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this project.
1. CGL insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 01 96 (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and the tort liability of another assumed in a business contract.
  2. MTA shall be included as an insured under the CGL, using ISO additional insured endorsement CG 20 11 or a substitute providing equivalent coverage, and under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to MTA. There shall be no endorsements or modification of the CGL to make it excess over other available insurance; alternatively, if the CGL states that it is excess or pro rata, the policy shall be endorsed to be primary with respect to the additional insured.
  3. Waiver of Subrogation. Contractor waives all rights against MTA and its agents, officers, directors, and employees for recovery of damages to the extent these damages are covered by the commercial general liability or commercial umbrella liability insurance maintained pursuant to paragraph 1.A of this agreement.
- B. Automobile and Umbrella Liability Insurance. Contractor shall maintain automobile liability and, if necessary, commercial umbrella liability insurance with a limit of not less than \$5,000,000 each accident.
1. Such insurance shall cover liability arising out of any auto (including owned, hired, and non-owned autos).

2. Coverage as required in paragraph 1.B above shall be written on ISO form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later additions of CA 00 01.
  3. Waiver of Subrogation. Contractor waives all rights against MTA and its agents, officers, directors and employees for recovery of damages to the extent these damages are covered by the business auto liability insurance obtained by Contractor pursuant to Paragraph 1.B of this agreement.
- C. Workers Compensation Insurance. Contractor shall maintain workers compensation and employers liability insurance.
1. The commercial umbrella and /or employers liability limits shall not be less than \$5,000,000 each accident for bodily injury by accident or \$5,000,000 each employee for bodily injury by disease. Contractors shall maintain such insurance as necessary and/or required under Worker's Compensation Acts, and any other applicable laws.
  2. The alternate employer endorsement (WC 00 03 01 A) shall be attached to the policy.
  3. Waiver of Subrogation. Contractor waives all rights against MTA and its agents, officers, directors, and employees for recovery of damages to the extent these damages are covered by the workers compensation and employers liability or commercial umbrella liability insurance obtained by Contractor pursuant to Paragraph I.C. of this agreement. Contractor shall obtain an endorsement equivalent to WC 00 03 13 to affect this waiver.
- D. Evidence of Insurance. Prior to commencement of work, Contractor shall furnish MTA with certificates of insurance, executed by a duly authorized representative of each insurer, showing compliance with the requirements set forth above. Failure of MTA to demand such certificate or other evidence of full compliance with these insurance requirements or failure of MTA to identify a deficiency from evidence that is provided shall not be construed as a waiver of Contractor's obligation to maintain such insurance. Failure to maintain the required insurance may result in termination of this contract at MTA's option. If Contractor fails to maintain the insurance as set forth herein, MTA shall have the right, but not the obligation, to purchase said insurance at Contractor's expense. Contractor shall provide certified copies of all insurance policies required above within 10 days of MTA's written request for said copies.

- E. No representation of Coverage Adequacy. By requiring insurance herein, MTA does not represent that coverage and limits will necessarily be adequate to protect Contractor, and such coverage and limits shall not be deemed as a limitation on Contractor's liability under the indemnities granted to MTA in this contract.
  
- F. Cross-Liability Coverage. If Contractor's liability policies do not contain the standard ISO separation of insured provision, or a substantially similar clause, they shall be endorsed to provide cross-liability coverage.