

OFFICIAL TRANSCRIPT OF THE  
MARYLAND DEPARTMENT OF TRANSPORTATION  
MARYLAND TRANSIT ADMINISTRATION  
PRE-PROPOSAL CONFERENCE  
FOR  
ENVIRONMENTAL COMPLIANCE, ENGINEERING  
AND TECHNICAL SERVICES CONSULTING SUPPORT

CONTRACT NO. MTA-1389

August 20, 2013

10:00 A.M.

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

Agency:

Heidi Tarleton, MTA Procurement  
Paula Cullings, Office of Fair Practices  
Doy Miller, MTA OSQARM  
Dennis Rafferty, Sr., MTA OSQARM

Participants:

Cari Finch, Environmental Alliance, Inc.  
Michael Hamlon, Sovereign/MBE  
Melanie Barber, Versar  
Mike Nelson, Versar  
Tom Inacarrino, Spectrum-MBE  
Grant Heslin, ARC Environmental  
Edward Stetz, Skelly and Loy Inc.  
Chuck Hegberg, Navarro & Wright  
Becky Morris, EA  
Ken Guttman, Gannett Fleming  
Brian Whipple, Potomac-Hudson Engineering  
Will Lyman, KCI Technologies  
Erich Sonnenberg, Stell Environmental Enterprise  
Fred Wagner, A. Morton Thomas  
Donn Dietrich, Chesapeake Environmental  
Sandy Henningsen, Froehling & Robertson  
Joseph L. Taylor, Hepaco  
Louis Wittenberg, F&R  
Crystal Yamber, Specialized Engineering  
Iris Madden, Michael Baker, Jr., Inc.

Court Reporter:

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1 MS. TARLETON: Well, good morning everyone and I'm  
2 sorry about the change. We had another pre-proposal conference  
3 going at the same time and we didn't realize it until the last  
4 minute. So, I appreciate your flexibility and your patience.

5 I would like to welcome you to the Pre-Proposal  
6 Conference for the *Solicitation MTA-1389*, which is the  
7 *Environmental Compliance Engineering and Technical Services*  
8 *Consulting Support*.

9 Hopefully everyone has signed in. If you have, could  
10 you pass the sign-in sheets down for me, please?

11 My name is Heidi Tarleton. I am the Procurement  
12 Officer for this Solicitation. I have also brought some guests  
13 with me today. To my right -- and I will let them introduce  
14 themselves. They will be the individuals who will be managing  
15 the contract.

16 MR. MILLER: Doy Miller with the Safety Office.

17 MR. RAFFERTY: Dennis Rafferty, Deputy Chief, Safety  
18 Officer with MTA State.

19 MS. TARLETON: Okay. As you can see, this meeting is  
20 being recorded. So, we ask that anytime during this meeting you  
21 clearly state your name and firm before you comment or ask a  
22 question. Okay?

23 Any questions or inquiries regarding this solicitation  
24 following this meeting must be directed to me in an e-mail or by  
25 fax or by regular mail. My e-mail address is in the

1 solicitation but it is [htarleton@mta.maryland.gov](mailto:htarleton@mta.maryland.gov).

2           Okay. You are further reminded that you are only to  
3 converse with the Procurement Officer regarding this  
4 solicitation. Contact with any other division or personnel  
5 within this agency about this RFP could result in your firm  
6 being disqualified from further consideration for this contract  
7 award.

8           Only responses received from the procurement are the  
9 official position of the MTA. If it becomes necessary to revise  
10 any part of this solicitation, or if additional information is  
11 necessary to enable to better to make an adequate interpretation  
12 of the provisions of this solicitation, an addendum to this  
13 solicitation will be issued and posted on eMaryland Marketplace  
14 and the MTA procurement website.

15           The *closing date for receipt of inquiries and*  
16 *questions is September 3rd by 4 o'clock* and, of course, I  
17 believe -- is the 4th -- we're off Monday that 2nd, correct?  
18 Okay. That doesn't matter.

19           Just a reminder that any questions after today's  
20 meeting, again, must be submitted in writing by a regular mail,  
21 fax, or e-mail as noted in the solicitation.

22           **The due date for your proposal is September 17th at**  
23 **2 p.m. There will be no exceptions.**

24           I'd like to turn it over to Doy and Dennis so that  
25 they can give you a summary of the project.

1 MR. MILLER: We're putting this out because we have  
2 three full-time MTA employees monitoring and conducting  
3 compliance activities for the entire agency, all modes of  
4 transportation and the maintenance facility.

5 They need the technical expertise and the man power to  
6 do all their MBE and EPA compliance activities. So, the Scope  
7 of Work is intended to give us resources to call on your  
8 expertise and help with the inspections, the reporting,  
9 interaction with MBE, possibly EPA. Whatever environmental  
10 needs that arise, we gotta be able to deal with through the  
11 Safety Office and that's the intent of the Scope of Work.

12 It's very heavy on environmental training for SWPPP  
13 and SPCC. We need people to come out on the -- at the MTA  
14 facilities and actually conduct the trainings. There may be  
15 needs to track the training, track the names, conduct the sign-  
16 in sheet monitoring -- the whole thing.

17 Inspections, weekly inspections, monthly inspections,  
18 asbestos inspections, tank inspections, and they need help doing  
19 all those things. Asbestos inspections, MBE required annual  
20 inspections and O&M reporting.

21 Tier 2 bi-annual SWPPP and SPCC reporting and  
22 inspections -- all these things are routine day-to-day type  
23 things we gotta get done to comply with MDE and EPA.

24 So, that's the intent of the Scope of Work. We have  
25 unusual projects come up and/or air quality evaluations and/or

1 air quality complaints where we might need somebody to come in  
2 and do some sampling. I did a -- I think this building one time  
3 had a water leak -- a flood. We had to come in and do some mold  
4 inspections remedial action type, type of response.

5 I think that's about it. Dennis --

6 MR. RAFFERTY: I wouldn't have anything else to add.  
7 Although the focus of our department is, is -- or this  
8 department within Safety is environmental compliance. So,  
9 that's, that's obviously the main focus of what this contract's  
10 about.

11 It's driven, among other things, by a consent  
12 agreement we have with EPA that occurred back in 06, 07, 08.  
13 And, that's it.

14 MS. TARLETON: Okay. Our Fair Practices staff isn't  
15 here just yet, due to the change in the room. So, I'd like to  
16 open it up for questions. So, again, any questions please make  
17 sure you state your name and your firm.

18 So, do you have any questions at this time?

19 [There was no response].

20 MS. TARLETON: Wow.

21 MS. MORRIS: I have one.

22 MS. TARLETON: Okay.

23 MS. MORRIS: My name is Becky Morris and I'm from the  
24 EA Engineering and Technology. Is Environmental Management  
25 Systems a reference to the RFP or is that a priority for MTA as

1 part of the contract?

2 MR. MILLER: It is a priority. We're trying to get it  
3 set up and implemented across the agency.

4 MS. MORRIS: Uh-huh.

5 MR. MILLER: But, it's not -- it has -- its kind of an  
6 effort we worked on with FTA to do the ISO [phonetic] Compliance  
7 Program and we had some contracts (indiscernible) rolling. So,  
8 it's kind of been delayed but that's one reason we're getting  
9 this out at this time.

10 MS. MORRIS: Uh-huh.

11 MR. MILLER: To get the expertise and manpower to pick  
12 it back up and continue on.

13 MS. TARLETON: Any other questions? Okay.

14 MR. WHIPPLE: Brian Whipple, Potomac-Hudson  
15 Engineering. Is there an existing contract that covered any of  
16 these services before and an incumbent contractor?

17 MS. TARLETON: No. We have been doing on, on an  
18 individual case by case basis as they came up. And we knew that  
19 we need a contract; but in the meantime, we've been doing it  
20 just on a case by case basis.

21 MR. GUTTMAN: Ken Guttman with Gannett Fleming. What  
22 I've noticed is that remedial response on a -- uh, no that's not  
23 it -- sorry. I'm looking for the correct section in the Scope.  
24 There is a section here that, that requires installation of some  
25 of the -- I think it's a push control system. That's the word

1 that caught me off guard a little bit -- the installation part.  
2 I'm wondering if MTA has some dollar figure in mind or have a  
3 feeling of those installations that you're considering that  
4 could be done under this contract.

5 MS. TARLETON: Are you talking about on page -- let me  
6 see here -- watch your hand -- page 26, Pollution Control.

7 MR. WHIPPLE: Yes. "Using the design, the consultant  
8 will complete the installation or provide construction  
9 oversight." But that's the part. I wasn't sure if that was \$10  
10 an hour project, half a million dollar project?

11 MR. MILLER: No, I'd say much smaller scale.

12 MR. WHIPPLE: Oh.

13 MR. MILLER: And I had some questions come up about  
14 paint booths, and things like that. So, I would -- nothing's  
15 coming to mind quickly that would be big -- half a million  
16 dollars.

17 MS. TARLETON: Anything else?

18 [There was no response.]

19 MS. TARLETON: You look like you really want to ask a  
20 question. [Laughing].

21 MS. YAMBAR: My name is Crystal from Specialized  
22 Engineering. As far as the Quality Assurance, Quality Control,  
23 in fact, the section on employer environmental, page 5, Division  
24 -- Division Overview, letter "G."

25 MS. TARLETON: On what page is it?

1 MS. YAMBAR: Page 5.

2 MS. TARLETON: And what letter?

3 MS. YAMBAR: "G," Quality Assurance and Quality

4 Control.

5 MS. TARLETON: I don't see that on the page 5. PG is

6 Contract Duration.

7 MS. YAMBAR: Uh-huh.

8 MS. TARLETON: Uh-huh. Okay. What is -- it's under

9 "Scope" I presume you're saying. Let's see.

10 (Pause in meeting)

11 MS. YAMBAR: I apologize.

12 MS. TARLETON: That's okay.

13 MS. YAMBAR: I'm looking at (indiscernible).

14 MS. TARLETON: That's quite all right. Let me just --

15 here is the "Quality Control Program." That's on 34.

16 MR. MILLER: Page 34?

17 MS. TARLETON: Yeah. It's, it's the only thing I see

18 so far for --

19 MS. YAMBAR: I'm sorry.

20 MS. TARLETON: That's all right.

21 MR. MILLER: No. I don't think that's specific. You

22 said inspections?

23 MS. YAMBAR: Uh, well I (indiscernible).

24 MR. MILLER: I didn't finish my thought there anyway.

25 Real quick, I don't think that's specific to any one discipline.

1 Intent was more when a firm submits any kind of deliverable, we  
2 would be looking for some means the company has or QAQC of the  
3 document. That's all.

4 MR. HESLIN: Grant Heslin with ARC Environmental. My  
5 question is has the agency -- do we have some sort of an idea of  
6 the project that you said tied to this contract at this point  
7 and whether or not -- I know you put the terms in here but --

8 MS TARLETON: We normally don't disclose the budget  
9 amount because that can skew your proposals.

10 MR. HESLIN: Uh-huh.

11 MS. TARLETON: So, we ask that you just provide your  
12 best financial proposal as you see based on the examples that we  
13 have here.

14 MR. HESLIN: Okay.

15 MS. TARLETON: Okay.

16 MR. HESLIN: That's all. Can I do a follow-up  
17 question?

18 MS. TARLETON: Sure.

19 MR. HESLIN: Okay. You said that in previous years  
20 it's been on a case by case basis.

21 MS. TARLETON: Uh-huh.

22 MR. HESLIN: Do you have any idea, for example, what  
23 was -- what sort of demand there was in previous years for these  
24 types of services?

25 MR. TARLETON: What are a couple of things we've asked

1 as far as individual assessment programming thing.

2 MR. MILLER: Very heavy on environmental training and  
3 reporting and continuous -- like I mentioned earlier, weekly,  
4 monthly inspections and reporting for this SPCC. The training  
5 kind of goes on year round at MTA as best we can and you may  
6 have to track it yourself so it's -- you know, around the  
7 calendar thing but very heavy on training and reporting.

8 There are some specific projects. We had some long  
9 term monitoring where we've had to do some tank removals and  
10 some hazardous materials removal for demolition of properties.  
11 Then all those things kind of go on around the calendar so  
12 ongoing and as needed.

13 MR. HESLIN: Does MTA prefer to do their training on-  
14 site or an off-site facility?

15 MR. MILLER: We need to work around the confines of  
16 our points where our day operation so we prefer to do on site.

17 Yes?

18 MR. GUTTMAN: Ken Guttman, Gannett Fleming. This is  
19 the first time I've seen the VSBE requirement --

20 MR. MILLER: Uh-huh.

21 MR. GUTTMAN: -- in an MTA quotation. What -- do you  
22 know where we go to see a certified list of VSBE's that will be  
23 acceptable to MTA?

24 MS. TARLETON: We -- Paula is here -- Paula Cullings  
25 from our Fair Practices Office and she will go over the MBE

1 requirements and the VSBE requirements. Okay? So, I guess if  
2 you want us to just jump right into that, is everybody  
3 comfortable?

4 MR. MILLER: Sure.

5 MS. TARLETON: Okay.

6 MS. CULLINGS: Okay. Good morning, everyone. I'm  
7 going to stand and make this a little easier. Many of you have  
8 already received your packages with the MBE forms in them - they  
9 run MDE.

10 This is a state funded project; therefore it's an MBE  
11 program. An MBE program often has subgoals, but in this  
12 particular case, we have waived that. So, whatever the goal is,  
13 I believe it's twenty percent (20%) minority participation, and  
14 0.5% --

15 MS. TARLETON: Uh-huh.

16 MS. CULLINGS: Veteran. So, you should have veteran's  
17 documents in your solicitation that will give you the direction  
18 on how to locate them; but I'll talk about them in a minute.

19 The MBE program has a directory that many of you are  
20 probably familiar if you have bid with the State of Maryland.  
21 And it is at MDOT, M-D-O-T, and you can go online to that  
22 directory. In that directory you will find firms that have been  
23 certified all over the world. So it's not a Maryland  
24 certification that only the firms are in Maryland. Anyone who  
25 is qualified to be certified as a minority owned business of

1 their desire has been certified. We have approximately 6,000  
2 firms; again, they're all over the world. They do all kinds of  
3 things and whatever your needs are, we feel that it's, it's  
4 fairly adequate directory. We will not accept anyone else's  
5 certification and we will not accept a firm that is not  
6 certified by MDOT.

7           When you go in the directory, you will see a firm  
8 listed as "MDE/DBE;" and therefore you may use that firm, if you  
9 care, for this solicitation. But if you find a firm that's only  
10 "DBE" only, then there's -- you cannot use that firm for this  
11 solicitation. The DBE's are firms that are certified but it is  
12 applicable to our federal funded contract, and this is not the  
13 case. So, you will use a firm that is MBE and DBE -- they would  
14 -- they have the right to be duly certified and that would be  
15 your availability affirmed.

16           In the directory, you may also see the term  
17 "graduated" in front of a particular NAIC code. That means the  
18 firm is still certified as an MBE but that they graduated from  
19 that NAIC code only. They have exceeded their sales living or  
20 whatever the case might be. So, you may use them for other  
21 things but not that graduated NAIC code.

22           Are there any MBE firms here today? Okay. Obviously,  
23 you avail yourself to everyone. There's no exclusivity where a  
24 firm should say, "Oh, you can only give me your price." You are  
25 available to everyone in the room. We don't ask anyone to

1 compromise anything and we don't encourage any form of  
2 collusion. But, nevertheless, you're available to everyone in  
3 the room.

4 If you decide to bid as a prime, you must also do what  
5 everyone in the room is doing -- give twenty percent (20%) of  
6 the minority subcontracting as well as your veterans. So,  
7 you're not exempt because you're an MBE prime from doing the  
8 same participation. So, here again, you can bid as a prime and  
9 you can still avail yourself to others at the same time as long  
10 as you do not compromise any business practice that is among you  
11 all.

12 So, if you choose to say, 'No thank you, I'm not going  
13 to provide you with my sub ability because I'm bidding prime and  
14 that information is a little too proprietary,' that's fine.

15 In doing your documents, Form A is your commitment to  
16 accept the goals that have been offered. You must sign page 2  
17 of Form A. Failure to do this says you're not doing anything,  
18 so you're out. No redeeming, no 72 hours I can get it signed --  
19 that says you're not committed. Okay.

20 Form B is your opportunity to submit simply who you  
21 plan to subcontract to. Now, it has a few other pages of  
22 direction and has a worksheet. I don't need any of that back;  
23 that's for you to keep. But at the top of your solicitation,  
24 you must submit Form A and B.

25 [Form] B is column 1, who is the firm; column 2, what

1 is their certification number; and column 3 says what will I  
2 spend with this company. You will notice in column 3 at the  
3 bottom, if you're going to buy supplies from you MBE, there's a  
4 formula there to assist you in calculating. You may only take  
5 sixty percent (60%) of what you spend with an MBE supplier  
6 towards your goal.

7           The calculation is there so that it will help you to  
8 have the right math. Because if we calculate something  
9 different or you've made an error, and then it's less in the  
10 goal and you have not asked for a waiver for the difference,  
11 then you're in noncompliance. So, we want you to have all the  
12 aid you can possibly use to be successful.

13           We recognize that most of you in the room are not the  
14 ones who's going to fill out the paperwork. So, that means if  
15 you don't convey it properly, that can cost you the bid, and  
16 we've seen that happen time and time again. This is just as  
17 important as your solicitation. This is just as important as  
18 your bid to the proposal itself for the solicitation. So,  
19 please make sure you pass on the information for those who are  
20 going to do the writing on this document.

21           If you care to submit Forms C & D at the time, no  
22 penalty, we'll take it. But it must come to us sooner or later,  
23 at least from the responsible low responsible bidder. And you  
24 have a minute to give us that at a later time. But if you care  
25 to submit it up front, we'll take it.

1 [Form] C is to tell us how did you go about soliciting  
2 or looking for your MBE firm.

3 And [Form] D is the final document that says, 'Yes,  
4 I'm going to use this firm. They're on Form B. Here's their  
5 signature and my signature.' We allow you to fax those  
6 documents to one another so that you're not running around the  
7 country getting original signatures. So, that will have to come  
8 in at the time requested or if you care to submit it with your  
9 bid.

10 Now the VBE is the Veteran's Business Enterprise. And  
11 the direction should be in your solicitation -- all about that -  
12 - and the proper form. You may go on the Veteran's  
13 Administration's website or as well as any that they're  
14 providing you with to identify the veteran. Their directory is  
15 not as kind and easy as the MDOT directory, I assure you.

16 And, so, therefore, I can't speak to the technology of  
17 how you would put in for the category, whether you're chasing a  
18 NAIC or what. But both are available. It's not extremely  
19 difficult. And if you don't have the documents, we will have to  
20 addendum you a complete packet because you will be reporting the  
21 VBE on a whole separate form from your current A through C forms  
22 -- A through D that we have there. So, we may have to addendum  
23 that 'cause you don't look like you have them with you.

24 Do you have them?

25 MS. TARLETON: Um, the --

1 MS. CULLINGS: Everyone's kind of looking through.

2 MS. TARLETON: The website is vetbiz.gov.

3 MS. CULLINGS: Tell me the form -- the whole packet.

4 MS. TARELTON: Yes, the forms are in there.

5 MS. CULLINGS: Okay. So the packet gives you some  
6 instructions --

7 MS. TARELTON: Yes.

8 MS. CULLINGS: -- on how to get to their site.

9 When you complete your A through D for the MBE  
10 program, certainly you would be notified as the prime and you'll  
11 be given further instructions on reporting monthly, as well as  
12 your sub will be getting the same. The way we monitor the  
13 contract to discern whether or not we're meeting the goals is  
14 through monthly payment reports. What you're paid by us, what  
15 you're paying each of your subs accordingly.

16 This goal is over the life of the contract. This goal  
17 is not every month; this goal is not per year; this is over the  
18 life of the contract. So, therefore, we expect to see payment  
19 activity and you certainly may not be aggressive all the time  
20 and sometimes you may be -- the nature of the work and how the  
21 work is being asked for.

22 We will ask for an agreement when you are given the  
23 notice that you are the awardee or considered -- a, a executed  
24 agreement between each of your subs and yourself. Very basic,  
25 very simple, not a phone directory of legalese. It states this

1 is what I want you to do; this is the penalty for not showing  
2 up; I have to keep the work moving; this is what we expect; and  
3 most of all, here's how you shall invoice us and this is how we  
4 will be paying you.

5           There is a prompt payment for the State of Maryland.  
6 COMAR addresses a number of issues but you are to pay your  
7 subcontractors within a ten day, I believe, period upon us  
8 paying you. And you shall not hold your invoices out because  
9 you're wealthy and you don't need it right now to avoid making  
10 those payments. We expect that you would do your monthly so  
11 that you can pay the sub monthly and accordingly.

12           If you need a waiver -- because a waiver is allowed --  
13 if necessary, there is a process. The process is that you would  
14 submit Form A and you will probably check off the second box  
15 that says, 'No, I'm not going to be doing twenty percent (20%)'  
16 or whatever. 'I've got something else in mind' or 'I have some  
17 thoughts about what I'm going to do differently.' That would  
18 alert us that you will be asking for a waiver. And you would be  
19 asked by Procurement, at the appropriate time, to submit those  
20 documents.

21           Those documents shall show us what your good faith  
22 effort has been. You just can't get a waiver because. You must  
23 show us what efforts you made, the -- the firms you have to have  
24 evidence of how you reached them, when did you start to reach  
25 them, if they failed to respond to you, and whatever the

1 situation might be that you would think to need a waiver.

2 Thank you very much, Warren.

3 The waiver is -- there's not a template or grid for  
4 it. You give your story; we will bound you with against others  
5 who are able to meet those goals, and we will need to work it  
6 out on a case by case basis as to whether or not you're granted.

7 But we are confident when we set these goals that that  
8 amount of subcontracting is fair, and we are confident that the  
9 number of MBE's are well represented to respond. The question  
10 is, as of today, is when you should be reaching out to those  
11 subs, so they have as much ample time as you have to provide you  
12 with a response.

13 Anyone who's not certified today, it is not likely  
14 they can get certified in time for this solicitation. Your MBE  
15 shall be certified at the time you open the bid. So, anyone  
16 that's pending in the movement of what happens in MDOT, there's  
17 no assurances, we don't take anyone pending, you must be  
18 certified at the day the bid is open. I don't want you to go  
19 off with people who will say, 'Oh my stuff is pending.' 'Cause  
20 everyone wants to participate, so reach out to them. There are  
21 ample firms that are already certified.

22 So, wishing you great success. I do want to tell you  
23 that the VBE form looks like this. We're going to ask you to  
24 acknowledge certain things, but moreover, when you identify your  
25 VBE, you will have a form similar to what you had for the MBE

1 but slightly different. I think they ask for a DUNS number.  
2 There is no NAIC -- there is no certification number other than  
3 their DUNS and all of that is on the -- on the page. So, you  
4 will complete this. You are the bidder, sign it, as the  
5 affidavit, and so on. So, these are the documents.

6 UNIDENTIFIED SPEAKER: It's Attachment 19 A in your  
7 package.

8 MS. CULLINGS: Okay. So they would come back with  
9 your MBE A and B forms. They would not wait for their C and D  
10 are due.

11 Are there any questions -- anything that I can answer?  
12 I note that all questions shall come to the Procurement office,  
13 but if you have something personal where you're trying to work  
14 out your configuration -- it's just about you -- certainly, you  
15 can contact us to help you because that's not a global answer.

16 On the other hand, I do want to send you directly to  
17 MDOT for any questions you have in manipulating the Directory,  
18 or perhaps there's something there about the firm you're not  
19 clear about, they can do the work. You must use the folks to do  
20 a commercial useful function. So you cannot pick a catering  
21 company to bring lunch to the site, 'cause we didn't ask for you  
22 to do that in this solicitation.

23 So you may have reason to talk to MDOT directly.  
24 Their number is 410-865-1269. Whoever answers the phone is  
25 dealing with the Directory, the certification, and those 6,000

1 firms in that Directory. So, if you have some technical  
2 questions, go directly to them so that we don't hold you up and  
3 that you are most successful in getting your business done on  
4 the MBE side as well as the Directory. And that's good they're  
5 trying to help you manipulate that, that website or that  
6 Directory because that is theirs, they control it.

7 And they could also verify company certifications with  
8 you. Many times people will give you the acronyms of their  
9 company, but when they register they register with the full  
10 name, and you're having trouble trying to locate the company.  
11 So, those are the kinds of things you would take directly to  
12 MDOT.

13 Having the firm assure to you that they're certified  
14 that the only (one word indiscernible). Just don't take  
15 anyone's word for it without checking to see. And you should  
16 look to see if their profile is applicable to what the work at  
17 hand is all about.

18 I think I've covered everything. Any questions?  
19 Any questions of the MBE? Any questions from anyone else?

20 [There was no response.]

21 MS. CULLINGS: Okay. So, you all are a savvy group.  
22 You've been doing this a long time. You know what's going on.

23 [Laughter]

24 MS. CULLINGS: We just don't want you to miss any  
25 opportunities because of the MBE program. So, that's why I'm

1 availing myself. No question is crazy. We just don't want that  
2 to be the reason you didn't win. So, anything you think of, you  
3 should certainly write it to Heidi. We will try to answer it  
4 very quickly. But it's really important to make sure you're  
5 comfortable with what you're doing. It's coming in from our  
6 governor that we shall have this participating program and we're  
7 very confident that it can be delivered.

8 So, thank you very much and good luck to all of you.

9 VARIOUS SPEAKERS: Thank you.

10 MS. TARLETON: Does anyone have any other questions  
11 regarding the solicitation?

12 MR. WHIPPLE: I do. Brian Whipple with Potomac-Hudson  
13 Engineering. The Scope of Work in the EMS selection mentioned  
14 some significant IT systems that you're -- they're ongoing and  
15 in development. Can you tell us about what they are and what  
16 the status is of those systems and how the contractors would  
17 have to support those?

18 MR. MILLER: You may have to put that question in  
19 writing.

20 MR. WHIPPLE: Okay.

21 MR. MILLER: No. All I can tell you, I'm not an IT  
22 guy so we're, we're trying to work towards setting up a web page  
23 where each location can reference their EMS document there, you  
24 know, quickly or you can do it from a remote location.

25 MR. WHIPPLE: Okay.

1 MR. MILLER: But I'm not sure, you know, about that  
2 language. It's a web page with tabs where we can be at  
3 Washington Boulevard and click on the Cromwell location and see  
4 what's going on with their EMS type.

5 MR. WHIPPLE: Okay. But it is something that hasn't  
6 really been started yet or --

7 MR. MILLER: -- It -- it's started but not very far  
8 along.

9 MR. WHIPPLE: Okay. Okay. Thanks.

10 MS. TARLETON: Yes, sir?

11 MR. GUTTMAN: Ken Guttman, Gannett Fleming. Can you  
12 clarify the financial proposal? How it would be used? I think  
13 I understood that you're going to rank firms based on that whole  
14 qualification but when those firms will be evaluated financial  
15 secondarily, but I didn't understand whether at that point there  
16 was going to be purely low price.

17 MS. TARLETON: They are equally weighted. The  
18 technical and the price are equally rate -- rate -- weighted.

19 MR. GUTTMAN: Okay.

20 MS. TARLETON: Okay.

21 MR. GUTTMAN: Then, uh, follow-up question. It's Form  
22 Attachment 8A, the Financial Bid Form.

23 MS. TARLETON: Uh-huh.

24 MR. GUTTMAN: Each sub is going to submit that as  
25 well?

1 MS. TARLETON: No, just the prime.

2 MR. GUTTMAN: But does the sub submit pricing?

3 MS. TARLETON: The sub submits to you what you ask  
4 them to submit in order for you to come up with that  
5 attachment -- your final price.

6 MR. GUTTMAN: Even though the sub's overhead may be  
7 far less than the prime, you're going to be filling the same  
8 rate as ours if we're using the same labor category?

9 MS. TARLETON: They may -- they may have their own  
10 rates. Each sub will have their own overhead rates and  
11 everything. And what you'll do is you'll incorporate based on  
12 what you give them as a role, you'll incorporate all of that  
13 into your overall price.

14 So, let me give you an example. Say you have  
15 environmental compliance and you have someone that you know for  
16 an MBE that is going to provide you with that type of service.  
17 Then they have currently twenty-five percent (25%) overhead and  
18 then, of course, their work. Say their price came out to be  
19 50,000. You would incorporate that price in your overall price  
20 for that category.

21 Is it safe -- I'm sorry. But we're going to -- okay  
22 -- so this is based on -- I'm sorry. I am working on two  
23 proposals as well myself. This is based on labor rates.

24 MR. GUTTMAN: Yeah.

25 MS. TARLETON: So what we're going to do is you're

1 going to ask yourself to provide you their labor rates --

2 MR. GUTTMAN: Okay.

3 MS. TARLETON: -- of what it would be to perform  
4 certain functions. Okay -- of what task you are going to assign  
5 to them to give you an idea of what you're going to incorporate  
6 into your each individual labor rate as well.

7 MR. GUTTMAN: Okay. So I --

8 MS. TARLETON: So, if it's a --

9 MR. GUTTMAN: -- go back to my original question; do  
10 they fill this out then?

11 MS. TARLETON: You can ask them to fill them out.

12 MR. GUTTMAN: But you don't need to see it?

13 MS. TARLETON: No. No. We don't need to see the  
14 subcontractor's amount. We, we do not deal with the  
15 subcontractors. You guys all deal with the subcontractors. But  
16 we need to see your proposal of what you're going to set. We're  
17 going to be working together; we're going to be billing you.  
18 But we don't see anything from the subcontractors unless you got  
19 them papers.

20 MR. GUTTMAN: Okay.

21 MS. TARLETON: So if you want to use that form as a  
22 guide to your subcontractors, subcontractors -- they -- here's a  
23 task that I know I'm going to be subbing out. Give me your --  
24 how many people it's going to take 'cause you'll have to change  
25 those hours, of course, on the left hand side.

1 MR. GUTTMAN: But we were asked not to change the  
2 hours in here.

3 MS. TARLETON: Read "your submission" you cannot  
4 change the hours, but you can create a form for whatever you  
5 want for your subcontractors.

6 MR. GUTTMAN: I understand your point. I get -- but  
7 what -- I'm trying to just follow this and I'm -- my take away  
8 may be completely wrong but what I'm taking away is you're going  
9 to evaluate on the prime's labor rates, not the subs.

10 MS. TARLETON: That's correct.

11 MR. GUTTMAN: And then the prime award, if we would  
12 win, you would have to approve their rates for the work that  
13 they're doing at that point, before we do the work?

14 MS. TARLETON: No. We don't approve any of the sub's  
15 work. We approve just prime. We don't deal with the sub at  
16 all. You're talking about a totally, probably different process  
17 A&E, Architect -- Architectural and Engineering. This is an RFP  
18 that strictly is based on what you submit as your labor rate.  
19 But --

20 MR. GUTTMAN: Staff, for example, staff for a lot of  
21 key staff which may be subs.

22 MS. TARLETON: That's true. That's true.

23 MR. GUTTMAN: Certainly you'll want to know in the  
24 proposal what their rate is.

25 MS. TARLETON: What we're going to know is in your

1 Form A, B, C and D of what firms you're going to be using. We  
2 don't look at their financial proposal. We only look at those  
3 forms and, and either make a -- say that they're compliant or  
4 they're non compliant MBE's. That's it. You guys deal with  
5 their, their financial proposal.

6 MR. MILLER: It's probably just State Highway. We  
7 (indiscernible) the state highway proposals (indiscernible) in  
8 the -- it's a very in depth (indiscernible).

9 MR. GUTTMAN: Well, we, we do a lot of all types of  
10 contracts but in this particular one, I'm thinking that we may  
11 prime size it. One of our subs individual who possessed persons  
12 to serve a key role you may put them in the proposal but you're  
13 never going to see the rate then, you're just going to see --

14 MS. TARLETON: -- We're just going to see yours. What  
15 we're going to see is your Form C and D, and Form D, D -- she  
16 took my forms. I'm going to get her.

17 [Laughter]

18 MS. TARLETON: What you're going to do is on -- with  
19 your proposal, you'd have to submit Form A, which is that you're  
20 going to meet the MBE participation. Okay? Then you're going  
21 to look at Form B, which is going to spell out -- if you look at  
22 Part 2, this is going to tell me what they did and what  
23 percentage you're going to give them. Okay?

24 And then based on this, as long as you meet the twenty  
25 percent (20%), we don't care how much you pay them. But based

1 on your invoices and what you do pay them or whether or not you  
2 get to that twenty percent (20%) or not.

3 So, when you are actually -- say at the time of the --  
4 say we send you a letter saying that we're considering you for  
5 award, okay? You would submit Forms C and D, which is what  
6 outreach efforts you made to get the MBEs and then you're,  
7 you're actually going to fill out a form per MBE firm telling us  
8 what they're going to do, what NAIC codes, what description of  
9 work they're going to do, and they're going to sign it as well,  
10 too.

11 So, we're not concerned with the price of what you pay  
12 your subcontractors as long as everything is reflected in here  
13 for the prime.

14 MR. GUTTMAN: Okay.

15 MS. TARLETON: Did I still make it confusing?

16 MR. GUTTMAN: No. No. I understand.

17 MS. TARLETON: I'm sorry. Okay. Sorry. [Laughing].

18 Anyone else have any questions with us? Yes.

19 MS. FINCH: Cari Finch, Environmental Alliance. This  
20 is another clarification. On page 38, it actually has that the  
21 proposal date due is September 6th at 2 p.m.

22 MS. TARLETON: I'm sorry, on what page?

23 MS. FINCH: 38.

24 MS. TARLETON: 38. Thank you.

25 Although everywhere else and I just stated is the 17<sup>th</sup>.

1 MS. FINCH: Yes.

2 MS. TARLETON: On the very front it is September 17th  
3 at 2 o'clock. The questions are -- the inquiries are September  
4 1st. So, I will send out an addendum to correct that date on  
5 that page.

6 MR. GUTTMAN: I have a question. Ken.

7 MS. TARLETON: Sure.

8 MR. GUTTMAN: When I looked at that Attachment 8 and  
9 the hours that were put in there, it looked to me like they've  
10 been assuming that this is a full-time job for nine people. So  
11 then, come down to offer me for a true check and is that -- is  
12 that about what you expect for nine people to (one word  
13 indiscernible)?

14 MR. MILLER: No. That's probably high and we need the  
15 capacity in case, you know, we have to deal with underground  
16 floors, paint, or renovation projects. It's going to go up and  
17 down but nine on a full-time basis would be a little --

18 MR. GUTTMAN: -- high.

19 MR. MILLER: Yes.

20 MS. TARLETON: Yes?

21 MR. HESLIN: A follow-up question. Grant Heslin, Arc  
22 Environmental.

23 It seems pretty clear that you're looking at a single  
24 award for this contract. Does the MTA include any circumstances  
25 that you consider having two awardees for this contract or more?

1 MS. TARLETON: No.

2 MR. HESLIN: No? A follow-up question to that then.  
3 Will you be sending out part of your next -- your addendum to  
4 include who participated in this -- for this --

5 MS. TARLETON: -- Oh, I'm going to make a copy before  
6 you leave.

7 MR. HESLIN: Okay.

8 MS. TARLETON: Okay. But I will also attach it to  
9 the -- we'll post it on the MTA website and eMaryland  
10 Marketplace as well.

11 Does anybody else have any other questions?

12 [There was no response.]

13 MS. TARLETON: Well, thank you all for coming and good  
14 luck to you. Again, submit your questions to me in writing and  
15 we'll get back to you as quick as possible.

16 And before you leave, I do want to give you a list of  
17 the attendees today.

18 Lisa, thank you. I'll send you the list of attendees.

19 MS. CAMPBELL: Thank you. Have a great day.

20 MS. TARLETON: All right. You, too.

21 (Meeting concluded at 10:47 a.m.)

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CERTIFICATE OF TRANSCRIBER

I, hereby, certify that the Maryland Department of Transportation, Maryland Transit Administration Pre-Proposal Conference for Contract No. MTA-1389 held at 6 St. Paul Street in Baltimore, Maryland on August 20, 2013 was recorded by means of electronic sound recording.

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

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

In witness whereof, I have affixed my signature this 3rd day of September 2013.

By:   
\_\_\_\_\_  
Jacqueline Denlinger  
Transcriber