

OFFICIAL TRANSCRIPT OF THE
MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
PRE-BID MEETING

FOR

HOWARD STREET LANDSCAPING

CONTRACT NO. T-1207-0240

JULY 10, 2012

10:00 A.M.

Maryland Transit Administration
6 St. Paul Street, 12th Floor Conference
Baltimore, Maryland 21202

Agency:

Joseph Johnson, MTA Procurement
Kishor Gheewala, MTA Engineering
Nareneh Manokiaw, MTA Construction (AECOM)
Seth Darlington, Wallace Montgomery
Paula Cullings, MTA Office of Fair Practices

Participants:

Florence Hawkins, Non Stop Transport, LLC
Greg Tucker, Chesapeake Turf
Mike Houck, DCS Staffing, LLC
Allen Delaney, DCS Staffing, LLC
Pamela Cuddy, Cuddy and Associates, LLC
Darryl Vaughn, Mid-Atlantic G.C.
Alem Hagos, Altransp Engineering, LLC

Court Reporter:
Lisa P. Campbell
One Stop Legal
Hyattsville, MD 20784
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1 MR. JOHNSON: Good morning, everyone.

2 ALL: Good morning.

3 MR. JOHNSON: My name is Joseph Johnson, Procurement
4 Officer, MTA. Today, is Tuesday, July 10th, 2012. This is the
5 Pre-Bid meeting for Solicitation T-1207-0240, Howard Street
6 Landscaping.

7 Before we get started, I would like to inform you,
8 there is a court reporter present. I ask that you state your
9 name and your company, clearly, each time you speak.

10 This contract is for the landscaping improvements on
11 both sides of Howard Street between Baltimore Street and
12 Franklin Street. This involves removing old unhealthy plants
13 and planting new healthy plants including trees, bushes and
14 ground covers. Site visits is at own discretion. The site is
15 accessible to the public.

16 This project has an estimated value between \$400,000
17 and \$1,000,000 dollars; the contract duration is 160 calendar
18 days; fifty percent (50%) of the work force must be performed by
19 the Contractor's own forces;

20 Liquidated damages will be assessed at \$1,200 per
21 calendar day.

22 A DBE goal subcontracting goal of twenty-eight percent
23 (28%) has been established for this project. This project is,
24 federally, funded and federal wage rates apply.

25 And, this project is subject to Section 165, Buy

1 America Requirements of the Surface Transportation Assistance
2 Act of 1982.

3 Deadline for questions is July 24th, 2012. All
4 questions must be directed to my attention at the
5 Administration's office or via internet address
6 jjohnson14@mta.maryland.gov. Faxed messages will not be
7 accepted unless accompanied by a telephone notification at
8 (410)767-3363. Our fax number is (410)333-4810. Questions
9 should be submitted on company letterhead. Questions will not
10 be accepted after the July 24th deadline at 4 p.m.

11 An addendum will be issued after the deadline to
12 respond to contractor's written questions and make revisions
13 which need to be made to the Specifications. All plan holders
14 will be informed by e-mail when the addendum has been issued and
15 ready to download from MTA's website.

16 **Bids are due August 8th, 2012 at 2:00 p.m.** A bid
17 should be enclosed in a sealed envelope, addressed to
18 Maryland Transit Administration, Procurement Division, 6 St.
19 Paul Street, Baltimore, Maryland 21202, clearly, marked as a
20 "Bid" and show the contract name and number on the front of the
21 envelope. Hand delivered bids should be deposited in the "Bid
22 Box" located on the 7th Floor before the 2:00 p.m. deadline.
23 Bids will be, publicly, opened and read aloud at 2:00 p.m.
24 according to the bid clock above the "Bid Box." We encourage
25 the public to attend the bid opening.

1 Bid prices are irrevocable for one hundred eighty
 2 (180) days following the bid opening, per SGP-2.08, Bid
 3 Irrevocable.

4 Insurance requirements. The MTA will provide Worker's
 5 Compensation, General Liability, Excess Liability, Builders
 6 Risk, Pollution Liability, Railroad Protective Coverage on
 7 behalf of the contractors and their subcontractors who will be
 8 working on this project. This approach to the project insurance
 9 is commonly called a "Wrap-Up" or Owner Controlled Insurance
 10 Program known as O-C-I-P.

11 All bidders must submit, with their bid, the following
 12 documents fully executed -- a Bid Bond on a form furnished by
 13 the Administration in the amount of five percent (5%) of the bid
 14 price or an Individual Surety Bid Bond in the amount of five
 15 percent (5%) of the bid price; Contractor's Questionnaire; Bid
 16 Proposal Affidavit; Buy America Certificate; Certification
 17 Regarding Lobbying; MDOT DBE Forms A, Certified DBE Utilization
 18 and Fair Solicitation Affidavit; and MDOT DBE Form B, DBE
 19 Participation Schedule; a Cover Letter for each addendum issued
 20 by MTA signed; and a complete Insurance Cost Worksheet.

21 Frank Kernan is not here, today. Did you have
 22 anything to add for Frank?

23 MR. JOHNSON: Okay. We're going to, now, hear from
 24 Ms. Paula Cullings, our Office of Fair Practice representative.

25 MS. CULLINGS: Good morning, everyone.

1 MR. GHEEWALA: Good morning.

2 MS. CULLINGS: As stated, it is a, federally, funded
3 contract. Therefore, the participation of twenty-eight percent
4 (28%) shall be from firms that are certified as a DBE in the
5 MDOT Directory. Many of you, already, know the access of the
6 directory, but that directory is to MDOT. I think, we have the
7 address for MDOT; it's in your Solicitation. Joseph?

8 MR. JOHNSON: Yes.

9 MS. CULLINGS: Okay. When you look in the directory
10 for a certified firm that's DBE, you will find them listed as
11 MBE/DBE. You can use those firms. You may find firms that are
12 DBE only; you can use those. You should, also, look for a
13 letter "G" which means the firm may have graduated from that
14 particular NAIC code, only. You may use them for whatever they
15 are certified to do, but certainly, not the NAIC code that they
16 would have been graduated from.

17 Is it anyone, here, that is a DBE firm bidding as a
18 prime?

19 [There was no response.]

20 MS. CULLINGS: Okay. A DBE firm bidding as a prime is
21 not required to do the twenty-eight percent (28%) participation
22 because of the utilization of their own forces. That is not the
23 case with the State MBE program. However, if any subcontracting
24 is going to happen, we would hope that they would, equally, use
25 other DBE firms.

1 When we looked at the categories at this particular
2 participation, whether it's option 1 or 2, we came up with a
3 number of categories that would span the excavation earth work,
4 the brick work, tree removal, and fencing, of course,
5 maintenance of traffic. Again, whichever type of fencing that
6 is being offered, those are some of the areas that we identify.
7 You may feel free to be creative. You're not required to stay
8 along those lines. However, they must be firms that will do
9 something that's a useful function of the work that's being
10 offered.

11 If you procure supplies from a particular firm,
12 materials, commodities, products, you're only given sixty
13 percent (60%) -- well, whatever you spend, you're only credited
14 sixty percent (60%) of that towards your goal. If you're
15 buying, directly, from a DBE manufacturer, then, obviously, you
16 may have the full percentage of what you procure for that. But,
17 if you're going to a distributor, a supplier, who does not
18 manufacture the product, then you're only credited sixty percent
19 (60%) of what you spend. So, make sure in your calculations,
20 that you address that because, if we re-calculate, and you have
21 not done diligence, yourself, then, obviously, you would not
22 have met the goals.

23 Form A requires you to indicate to us that you accept
24 the twenty-eight percent (28%) or you're telling us something
25 different. It must be signed on page 2. Failure to sign it

1 says, it's not executed, and you could be out of the contract.
2 We recognize that many times those of you who come to the pre-
3 bid meetings are not the people who do the paperwork. So,
4 please, it's important to have them, whoever's doing it to know.
5 We have seen firms lose the contract because they failed to
6 comply to the DBE or MBE documents. It's very serious.

7 Form B has instructions. You may keep them. You
8 don't have to send them back to me. And, Part 1 of those --
9 Form B, also, allows you to do your calculations for your sake,
10 so that you're, very, clear about your numbers. You don't have
11 to send this to me, at all.

12 Part 2 of the Form DBE Participation allows you to
13 name the DBE firm in Column 1, their certification number in
14 Column 2, and in Column 3, you will indicate, 3.1, what
15 percentage of the contract will this firm receive. It, also,
16 has a 3.2 calculations, once again, to remind you if this is a
17 supplier, how to do your math. You may use as many pages of
18 this, as you need, make copies. If you're using multiple firms,
19 then, it's one form per firm.

20 [Forms] A and B must come with your bid documents.
21 The Forms C and D may arrive at the time you are notified as the
22 low responsible responsive bidder. However, if you care to send
23 them, altogether, there is no penalty.

24 [Form] C tells us that you have decided to -- you have
25 explained to us how you went about soliciting for your firms.

1 You may say I used the directory, I ran an ad in the paper, or
2 whatever you may have done.

3 And, [Form] D is your commitment where you have
4 indicated what each firm will do per page. You will sign it,
5 you may fax it to that person, scan it, they sign it, send it
6 back. I will accept it as a faxed document.

7 Let me back up a little bit on [Form] B. [Form] B has
8 a third part, which allows, again, for signatures of executing
9 your Form B. So, you have two Forms, A and B that requires
10 signatures. Again, if you care to send everything in, at one
11 time, we'll accept it. And, if you want to just wait to know
12 who's the lowest responsible responsive bidder or the awardee
13 intent, then, [Forms] C and D will be asked for, at that time,
14 which will be the signature pages.

15 I think I've answered everything that you will have to
16 be responsible for other than the reporting, which is after the
17 fact. Once you are awarded, you will be sent a document that
18 allows you, as a prime, to report what you're spending with the
19 DBE, and the DBE will receive the same to verify what they've
20 been paid, accordingly.

21 Somewhere in between it all, there should be a written
22 executed agreement between you and the sub that my office would
23 receive. And, this agreement can be a one or two-pager. We're
24 not looking for, you know, a legal brief. And, this form is,
25 basically, telling the sub, 'this is what I want you to do, this

1 is what I needed to happen or how it should happen,' or whatever
2 you have agreed upon, 'this is how you invoice us,' and so on --
3 the particulars. You failure to do whatever constitutes
4 whatever else you have to say. You cannot put a contractor --
5 sub-contractor off the job or terminate them without having a
6 conversation with me about it. We either have to allow them to
7 cure or know that they can't cure. As we say to you, we can
8 terminate for convenience; you can only terminate a DBE for
9 cause. And, that cause would have to come to us in advance.
10 'This guy is not working out; he's not showing up,' whatever the
11 case might be, so that we can give you directions in replacing
12 that particular company. But, those things that they violate
13 should be the things that will end the agreement, and that's
14 what's key.

15 Are there any questions? Yes?

16 MR. DELANEY: I have a couple of questions. I'll
17 start off, first, by saying --

18 MS. CULLINGS: -- Give your name, and your company.

19 MR. DELANEY: My name is Allen Delaney, President of
20 DCS Staffing. We are an MBE/DBE certified firm. I bought out
21 some handouts. If anyone likes them, they could, certainly,
22 feel free to take those. It explains, briefly, what we do.
23 And, I just had a few questions pertaining to the project.

24 Will it be certified payroll?

25 MR. JOHNSON: I would have to get back to him on that.

1 MS. CULLINGS: Okay.

2 MR. DELANEY: The other question was -- I know it's a
3 federal project, is it, you said, the wages are prevailing wages
4 set for the project?

5 MR. JOHNSON: Yes.

6 MR. DELANEY: Prevailing wages?

7 MR. JOHNSON: Yes.

8 MR. DELANEY: And then, as it relates to the spending,
9 you, clearly, outline for the supplies and materials. As a
10 broker, that's what we do, as well. We're certified tree
11 shrubs, and certain things to support, but we, also, provide
12 labor, for instance, the actual workers.

13 MS. CULLINGS: Right.

14 MR. DELANEY: So, if we provided the workers to the
15 prime, how much of a spend would that be for the prime
16 contractor?

17 MS. CULLINGS: Okay. And, that's going to be a
18 question that I would like for you to write in because we want
19 to give a fair answer. But, the mechanisms that have been used
20 in the past is for what amount is, really, going to your company
21 because the bodies of the people are a pass through. So, let's
22 just say for example, if you're charging, you know, \$25 an hour
23 for a body, out of that \$25 your firm only, really, sees 12 of
24 it because the other 12 have gone through to the body.

25 MR. DELANEY: Precisely.

1 MS. CULLINGS: Right. So, that's where I need to be,
2 very, clear whether we're marking percentage, like the sixty
3 percent (60%) rule or whether we're looking at whatever
4 percentages shall be in your company because when they report
5 spending with you, you would be reporting confirmation, but you
6 will, also, be reporting the amount that, really, went into your
7 firm.

8 MR. DELANEY: Yes.

9 MS. CULLINGS: So, I would want to give you that,
10 properly.

11 MR. DELANEY: Okay. And, the reason I would
12 (unintelligible) with that is that this would be the first
13 project that we'll be looking to work with or partner with
14 someone on the federal level. I know on the state level, it's
15 100% percent spent --

16 MS. CULLINGS: Right.

17 MR. DELANEY: -- for the prime contractor.

18 And, then, lastly, as it relates to the Plan holders
19 List, you said, it'll be listed at the MTA website?

20 MR. JOHNSON: Yes.

21 MR. DELANEY: Okay.

22 MS. CULLINGS: Yeah, we're going to make -- we can
23 make copies.

24 MR. DELANEY: Make copies? That'll be excellent.

25 MS. CULLINGS: We have it, today, and, we can make

1 copies, so that it can be given, today.

2 MR. DELANEY: Along with the Pre-bid list, as well?

3 MR. JOHNSON: Yes.

4 MR. DELANEY: Great. Thank you. I, greatly,
5 appreciate it.

6 MS. CULLINGS: Okay.

7 Are there any other questions? Sure.

8 MR. TUCKER: My name is Greg Tucker with Chesapeake
9 Turf. And, I'm a little confused or maybe I misheard. I heard
10 twenty percent (20%), and then, I heard twenty-eight percent
11 (28%). Is it twenty percent (20%) for state and twenty-eight
12 (28) or is it just twenty-eight percent (28)?

13 MS. CULLINGS: No, it's twenty-eight percent (28%)
14 federal --

15 MR. TUCKER: Okay.

16 MS. CULLINGS: -- participation DBE. And, it's in the
17 document. It should be --

18 MR. TUCKER: Okay.

19 MS. CULLINGS: -- also, there.

20 MR. JOHNSON: Notice to Contractor, it's in there.

21 MS. CULLINGS: Yeah, in the Notice to Contractor, it
22 would, also, say twenty-eight percent (28%).

23 MR. TUCKER: Okay.

24 MS. CULLINGS: Okay.

25 MR. TUCKER: Are you going to review the Scope of Work

1 later on in the --

2 MR. JOHNSON: -- We'll get the Project Manager a
3 chance --

4 MR. TUCKER: Okay.

5 MR. JOHNSON: -- to elaborate on anything pertaining
6 to the Scope of Work.

7 MR. TUCKER: Okay.

8 MS. CULLINGS: Okay. Well, let me just say this. My
9 phone number I would give out is (410) 767-3934. Anything you
10 have as a question, you do need to write it to the Procurement
11 Officer so that it is recorded and the answer comes out in an
12 addendum. But, if you are calculating something or you have a,
13 particular, concern that we can help you with, that's a little
14 more proprietary, then, certainly, give us a call. Do call
15 MDOT, directly, if you're having some navigation problems with
16 the directory. I don't handle that.

17 If someone is not certified, today, and their papers
18 are not in, it's not likely they'll be certified in time for
19 this Solicitation. But, anything you query, through the
20 directory, and there's some discrepancies or thoughts about,
21 'Oh, does this match up,' then, certainly, take that straight to
22 MDOT and their number is (410) 865-1269. The only thing I would
23 help you with is something very proprietary in your trying to
24 determine how you're going to utilize, you know, a particular
25 format of subcontractors or maybe you want to be, very, clear

1 that their function is useful, and things of that nature.

2 MR. DELANEY: I would just, also, add about the NAIC
3 codes because, sometimes, clients get confused, in that you
4 might want to be specific as to the NAIC codes to make sure that
5 they match. Just because someone's a DBE doesn't, necessarily,
6 mean that their NAIC codes match the Solicitation.

7 MS. CULLINGS: Right. I mean, because the NAIC code
8 is with the written profile. So, when you go to the directory,
9 you, actually, see what a person say they do, and the NAIC code
10 is there. Is that what you're saying?

11 MR. DELANEY: Yes, ma'am.

12 MS. CULLINGS: Right. Okay, and so, that's the useful
13 function, the fact that this is what they're certified to do,
14 and these are things that have an application in the total Scope
15 of Work in any way that you choose to use the firms,
16 accordingly.

17 Alright, thank you, very much.

18 MR. GHEEWALA: A couple of items I wanted to bring to
19 your attention. I'm Kishor Gheewala with MTA. I'm the Project
20 Manager.

21 First, regarding the landscaping project, itself, the
22 documents are, pretty, self-evident. One issue that might be a
23 question would be fencing around the planting area. We have two
24 options for the fencing, and we will select one of the two
25 options, at the end of the bid. So, you are requested to put in

1 bid for both the options as a complete package.

2 Second thing that any fees related to the permits from
3 the city will be waived because we have an agreement with the
4 city, for this project. So, any permit fees or, you know, that
5 you might be required to pay, the successful bidder will be
6 given the copy of the agreement that we have with the city which
7 you can take it to the city when you apply for the permit to
8 work on the city sidewalks.

9 Other than that, are there any issues that I can
10 clarify, feel free to send me the questions to Joe, and we'll
11 respond back.

12 Seth, do you have anything to add?

13 MR. DARLINGTON: No.

14 MR. DELANEY: Just one question as it relates to the
15 Specs --

16 MR. JOHNSON: -- Can you state your name, again,
17 please?

18 MR. DELANEY: Okay, Allen Delaney, DCS Staffing. Do
19 your prime subcontractors have to be pre-qualified with the city?

20 MR. GHEEWALA: With the city? I don't believe so, no.

21 MR. DELANEY: Okay. Alright. Very good.

22 MR. GHEEWALA: See, this contract is in a partnership
23 with the city, and MTA.

24 MR. DELANEY: Okay.

25 MR. GHEEWALA: And, MTA is managing this contract as

1 their own.

2 MR. DELANEY: So, it wouldn't have to be the city
3 or with MTA? We don't have to be pre-qualified? There's not a
4 qualification for this --

5 MR. GHEEWALA: -- Not that I know of, no.

6 MR. DELANEY: Okay. Very good.

7 MR. JOHNSON: Any more questions?

8 MR. TUCKER: Yes, I do. My name is Greg Tucker with
9 Chesapeake Turf. Are there any limitations in the amount of
10 area that we can open up at a time or a number of beds that we
11 can work on at a particular time?

12 MR. GHEEWALA: Seth, do you want to address that?

13 MR. DARLINGTON: No, there is an MDE permit, for this
14 job.

15 MR. TUCKER: Okay.

16 MR. DARLINGTON: But, all of them -- there are ENS
17 controls, (unintelligible) plans in the documents.

18 MR. TUCKER: Okay.

19 MR. DARLINGTON: But, there is no limitation on --
20 other than LOD that show in these plans, the amount of
21 excavation you can do with this.

22 MR. TUCKER: Is --

23 MR. GHEEWALA: -- However, there's one thing -- Kishor
24 Gheewala -- that your daily work will have to be covered up at
25 the end of the day. Is that part of the permit?

1 MR. DARLINGTON: Yeah. Everything needs to be
2 protected --

3 MR. GHEEWALA: Protected --

4 MR. DARLINGTON: -- according to the plans.

5 MR. GHEEWALA: -- according to the plan. And, we are
6 working, in partnership, with the city. So, that will be part
7 of the thing that the city has an issue during the sidewalk.
8 They might have event or whatever. We need to coordinate with
9 them, in terms of how much. And, that will be at the discretion
10 of the Resident Engineer. I mean, five blocks, he can say,
11 'Okay, I'm going to open up all five blocks, and then work at
12 the,' you know, that doesn't work. We need to coordinate and
13 cooperate with the city agencies.

14 MR. TUCKER: I noticed on the plantings, and the
15 reason I brought that question up, is it's ideal to plant
16 material at a certain period of time. So, preparing as many
17 beds as possible, for the ideal planting window, is really where
18 I'm kind of going with this.

19 MR. GHEEWALA: Of course. You are, also, aware of the
20 one-year care and maintenance warranty required in the
21 documents?

22 MR. TUCKER: That was going to be my next question.

23 MR. GHEEWALA: Yeah.

24 MR. TUCKER: With that one year current warranty, what
25 is the subject of like abuse like of traffic and people just

1 walking through the beds or, you know, vandalism or accidents or
2 anything like that?

3 MR. GHEEWALA: Well, I think, that is, pretty much,
4 explained in the Specifications as to what your responsibilities
5 are, and what the --

6 MR. DARLINGTON: -- It's, pretty, broad.

7 MR. GHEEWALA: -- the compensations are. And, one of
8 the reasons we are putting the fencing around the area is to
9 prevent that kind of a vandalism or walk into.

10 MR. TUCKER: Okay.

11 MR. GHEEWALA: And, we are spending a good bit of
12 money to put those fencing in that area.

13 MR. TUCKER: Mm-hmm.

14 MR. JOHNSON: Sir?

15 MR. DARLINGTON: I'm sorry. My name is Seth
16 Darlington with Wallace Montgomery.

17 MR. JOHNSON: Thank you.

18 Are there any more questions?

19 [There were no additional questions].

20 MR. JOHNSON: If there are no more questions, this
21 concludes the pre-bid meeting for Contract Number T-1207-0240,
22 Howard Street Landscaping.

23 Thank you for coming.

24 (Pre-Bid meeting was concluded.)

25

CERTIFICATE OF TRANSCRIBER

I, hereby, certify that the Maryland Department of Transportation, Maryland Transit Administration Pre-Bid meeting for Contract No. T-1207-0240 held at 6 St. Paul Street in Baltimore, Maryland on July 10th, 2012 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 duplicated electronic sound recording of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any MTA employee, 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 20th day of July, 2012.

By: 

Lisa P. Campbell
Transcriber