

OFFICIAL TRANSCRIPT OF THE
MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION

PRE-BID MEETING

FOR

ANCILLARY MISCELLANEOUS PAVING AND
PARKING AREA CONSTRUCTION

CONTRACT NO. T-1300

September 14, 2011

10:30 A.M.

Maryland Transit Administration
6 St. Paul Street, #731-732
Baltimore, Maryland 21230

Agency:

Vanessa Ashe, Procurement Division
Valerie Moore, Office of Fair Practice

Participants:

Bernardo Rene Flores, B&R Concrete Masonry
Bruce Bergeron, Machado Construction
Dmitriy Simanovskiy, Brawner Builders
Ricardo Ventura, Anchor Construction

Court Reporter:
Saundra Jackson
One Stop Legal
Hyattsville, MD 20784
(301) 379-6607

1 MS. ASHE: Okay. We can get started. Okay, I'm just
2 what you to know a court reporter is, here, today. So, if for
3 asking any questions you may have, I ask that you state your
4 name and your company. Also, strongly recommend that you follow
5 up all questions asked, today, in writing.

6 We can get started. Good morning. My name is Vanessa
7 Ashe. I am the Procurement Officer on this project. Today is
8 Wednesday, September 14. It's at 10:39 a.m. This is the pre-
9 bid meeting for solicitation T-1300, Ancillary Miscellaneous,
10 Paving and Parking Area Construction.

11 I have, here, with me, today, Valerie Moore. She's
12 with our Office of Fair Practices. Valerie will speak to you a
13 little later in the meeting.

14 I would like to announce now that, unfortunately, our
15 Project Manager was not able to be with us today, so any
16 questions that you may have that, actually, deals with the
17 sample task or the project itself, those questions please send
18 that to -- direct them to me.

19 I'll give you a description of the project. The work
20 to be performed under this contract includes furnishing of
21 services necessary for the accomplishment of miscellaneous minor
22 construction, repairs and maintenance work for the
23 Administration's facilities located throughout the state. The
24 work will include, but not limited to, overall improvements in
25 parking lots, bus loops, bus lanes, bus stops, Light Rail,

1 MARC, and Metro stations.

2 The main activities include, but not limited to,
3 patching, blinding, milling, resurfacing, overlaying, sealing,
4 striping, widening, removal, reconstruction, demolition,
5 expanding, and rehabilitation of hot mix asphalt and Portland
6 cement concrete pavement, ADA, and drainage corrections, new
7 placement and/or replacement --

8 UNIDENTIFIED SPEAKER: I'm sorry, Vanessa. Do you
9 want Will to call in as part of a conference call --

10 MS. ASHE: He --

11 UNIDENTIFIED SPEAKER: -- Will Farillo (phonetic)?

12 MS. ASHE: He doesn't have to. We'll just --

13 UNIDENTIFIED SPEAKER: It's up to you.

14 MS. ASHE: -- whatever questions, they can send the
15 questions then because we do have a question and answer period

16 --

17 UNIDENTIFIED SPEAKER: Okay.

18 MS. ASHE: -- So the questions can be sent, then.

19 UNIDENTIFIED SPEAKER: Okay.

20 MS. ASHE: Thank you.

21 UNIDENTIFIED SPEAKER: Okay.

22 MS. ASHE: Mm-hmm.

23 I'm sorry. New placement and/or replacement of
24 sidewalk, curb, curb and gutter, will stops, drainage inlets,
25 bollards, gate, fences, signs, the light poles, and any other

1 required work as shown on the plans.

2 The sample task order description is: The project
3 will, which is located at Rogers Avenue, Metro Station, consist
4 of milling existing two-inch surface course from existing Lot 1
5 and placement of a new two-inch surface course. Also,
6 associated with the project, will be the restriping of the lot,
7 following placement of the final surface course, and replacement
8 of any existing regulatory sign as shown on the plans that you
9 should have gotten that were included in the Specs.

10 The work associated with the project includes
11 reconstruction of the existing Portland Cement Concrete bus
12 loop, replacement and/or resetting of granite curb, curb and
13 gutter and/or curbs, construction of new Portland Cement
14 Concrete pad for dumpster, ADA corrections throughout the lot,
15 slurry seal, seal coating of existing Parking Lot 2 surface,
16 installation of bollards, maintenance of vehicular and
17 pedestrian traffic, drainage corrections, removal of existing
18 light pole foundations, removal of fence, and installation of
19 ornamental fence, and any other work shown on the plans.

20 This project has a "not to exceed" amount of ten
21 million (\$10,000,000.00). Up to five (5) contracts will be
22 awarded from this solicitation.

23 A contract duration is for three (3) years.

24 Twenty-five percent (25%) of the work must be
25 performed by the contractor's own forces.

1 Liquidated damages will be assessed at \$200 per
2 calendar day.

3 A DBE subcontracting goal of thirty percent (30%) has
4 been established for this project.

5 This project is funded with federal dollars, and is
6 subject to Section 165 Buy America Requirements of the Surface
7 Transportation Systems Act of 1982.

8 Deadline for questions will be **September 28th, 2011**.

9 Again, I ask, and I apologize for the Project Manager not being
10 here, so your questions will be sent in, any questions you may
11 have before this September 28th deadline. And, all questions
12 must be directed to my attention at the Administration Office
13 located at 6 St. Paul Street or via e-mail at
14 Vashe@MTA.maryland.gov. Faxed messages will not be accepted,
15 unless accompanied by a telephone notification, and I can be
16 reached at 410-767-3353 and the fax number is 410-334-4810 and
17 this information is on the handout that we have and it can,
18 also, can be found in the Notice to Contractors in your
19 Specifications.

20 An addendum will be issued after deadline of the
21 questions has passed. The addendum will include responses to
22 contractor's written questions and any changes which need to be
23 made to the Specifications. All plan holders will be informed
24 by e-mail when the addendum has been issued and ready to be
25 downloaded from MTA's website.

1 Bidders are required to acknowledge all addenda by
2 signing a copy of each addendum, cover letter, and include in
3 your bid package. Although the MTA endeavors to notify
4 contractors of all addenda to the solicitation in a timely
5 manner, it is the responsibility of the contractors to make sure
6 they download all appropriate documents prior to bid due date.

7 The bids are due on **October 14th, 2011, no later than**
8 **2 p.m.** Bids should be sealed and addressed to the Maryland
9 Transit Administration, Procurement Division, 6 St. Paul Street
10 in Baltimore, Maryland 21202, and marked as such, "Bid for
11 Contract Number T-1300, Ancillary Miscellaneous, Paving and
12 Parking Area Construction." Hand-delivered bids should be
13 deposited in the bid box located on the 7th floor next to the
14 elevators before the 2 p.m. deadline. At that time, bids will
15 be, publicly, opened and read aloud. Bid prices are irrevocable
16 for one hundred fifty (150) days following bid opening per SGP
17 2.08 bid irrevocable.

18 Awards. The Maryland Transit Administration intends
19 to award multiple contracts. As we -- as I said before, up to
20 five (5) contracts from this solicitation will be awarded to
21 responsible bidders with the lowest responsive bid based on the
22 cost of the sample task provided in this Solicitation.

23 The contractor submitting the lowest bid will be
24 awarded that task. The lowest bid amount for the sample task
25 does not represent the actual amount for which the contract will

1 be awarded. The prospective responsible low bidder will be
2 advised of the actual "not to exceed" contract amount prior to
3 contract execution and will be awarded that contract amount.

4 The MTA does not imply or guarantee that the
5 contractor will receive either the grand total, price bid, or
6 the amount budgeted during the life of this contract. The
7 contract will only be compensated for the actual work,
8 satisfactorily, completed and accepted on a task-by-task and
9 item-by-item basis as required by the MTA in accordance with the
10 standard provisions and technical provisions of this contract.

11 Bid Bonds. Each bid exceeding one hundred thousand
12 dollars (\$100,000.00) must be accompanied by a Bid Bond on a
13 form furnished by the Administration in the amount of the five
14 percent (5%) of the bid price.

15 Payment and Performance Bonds. A performance and
16 payment bond is required for all construction contracts in
17 excess of one hundred thousand dollars (\$100,000.00). This
18 contract is a task-order contract and, Number 1, the performance
19 bond shall be in the amount equal to one hundred percent (100%)
20 of the contract price. The payment bond shall be an amount
21 equal to fifty percent (50%) of the contract price.

22 The bond shall be on a form furnished by the MTA,
23 underwritten by a surety authorized to do business in the State
24 of Maryland and in the amount specified for this Solicitation.
25 Upon receiving notification of contract award, the contractor

1 shall deliver the bonds to the MTA no later than the time the
2 contractor executes the contract.

3 I'm not sure if you all are familiar with eMaryland
4 Marketplace. Are you all registered with eMaryland Marketplace?

5 UNIDENTIFIED SPEAKER: Mm-hmm.

6 MS. ASHE: Okay. So, if not, please register with
7 eMaryland Marketplace. That is an electronic commerce system
8 administered by the Maryland Department of General Services.
9 Registration is free, and if you want to do business with any
10 State agencies, it would be best that you register with
11 eMaryland.

12 Are you all familiar with electronic funds transfer?
13 Again, electronic funds transfer, if you're not registered with
14 that, that is another thing you should register. For every
15 Solicitation that is expected to exceed two hundred thousand
16 dollars (\$200,000.00), you will be required to accept all
17 payments by electronic funds transfer, unless the State
18 Comptroller's Office grants an exemption.

19 We have insurance requirements for this contract. The
20 contractor and subs are responsible for all insurance for the
21 work on this job, including Worker's Compensation and Employer's
22 Liability, Comprehensive General Liability, Owner's Protective
23 Liability, Builders' Risk, Automobile Liability, Pollution
24 Liability, Excess and Umbrella Liability. Railroad Protective
25 Liability Insurance may be required per task order if the work

1 is done within fifty (50 ft.) feet of the track.

2 The Maryland Transit Administration will utilize an
3 Owner Controlled Insurance Program, known as OCIP, for any
4 Railroad Protective Liability insurance on this construction
5 project.

6 If you notice on Page BF 8 of the Bid form, item
7 number forty one (41), there's a line item for insurance premium
8 contingency and this amount will not be included in your base
9 bid, and it will only be added to the base bid in the event that
10 the bidder is excluded from this wrap up insurance program or
11 the program is terminated mid-term.

12 We also ask for a hiring agreement. By submitting a
13 bid or proposal in response to this solicitation, the bidder
14 agrees to execute and comply with the Maryland Department of
15 Human Resources hiring agreement. The hiring agreement provides
16 that the contractor and DHR will work, cooperatively, to promote
17 hiring by the contractor of qualified, entry level Maryland
18 temporary cash assistance customers to fill entry level job
19 openings, resulting from this procurement in accordance with
20 subparagraph 13-224 of the State Finance and Procurement.

21 All bidders must submit, with their bid, the following
22 documents; a Bid Bond in the amount of five percent (5%) of your
23 bid price; Contractor's Questionnaire; Bid Proposal Affidavit;
24 Buy America Certificate; Certification Regarding Lobbying; MDOT
25 DBE Form A, which is the Certified DBE Utilization and Fair

1 Solicitation Affidavit; the MDOT DBE Form B, which is the DBE
2 Participation Schedule; and also, a signed copy of the cover
3 letter for each addendum issued by the MTA.

4 Are there any questions?

5 [There were no questions.]

6 MS. ASHE: No questions? Also, there's cancellation
7 of or rejection of bids. Notice to contractors may be cancelled
8 in accordance with State Procurement regulations, and the
9 Administration reserves the right to reject any and all bids
10 and/or waive technical defects if, in its judgment, the interest
11 of the Administration so requires.

12 Since there are no questions, we'll hear from Valerie
13 Moore with our Office of Fair Practices dealing with the DBE
14 forms that you need to submit, complete and submit with your bid
15 package.

16 MS. MOORE: Thanks, Vanessa.

17 Good morning. My name is Valerie Moore, and I'm with
18 the Maryland Transit Administration's Office of Fair Practices,
19 MBE/DBE Section, and I'm going to go over the DBE forms that's
20 required for this project.

21 The first form is MDOT DBE Form A for, federally,
22 funded contracts, bids only, is due at the time of the bid
23 submission. If the bidder fails to accurately complete and
24 submit this affidavit, as required, the bid shall be deemed not
25 responsive.

1 Form A is the Certified DBE Utilization and Fair
2 Solicitation Affidavit, which is your commitment and
3 understanding of the overall DBE participation goal.

4 The MDOT DBE Form B for, federally, funded contracts,
5 bids only, is also due at the time of bid submission. If the
6 bidder fails to, accurately, complete and submit Parts 2 and 3
7 with the bid as required, the bid shall be deemed to responsive.

8 Form B is the DBE Participation Schedule, which
9 identifies the specific certified DBE firms who will be utilized
10 for subcontractable work for the sample task, only. It is
11 important that you engage the DBE firms as thoroughly as you
12 engage any other type of supplier or subcontractor or vendor.

13 All DBE firms listed on Form B must be certified with
14 the Maryland Department of Transportation at the time of bid
15 submission to perform the specific Scope of Work.

16 Please visit MDOT's website to access this electronic
17 DBE directory for a complete listing of certified firms at
18 www.mdot.state.maryland.us. That might be the old web address;
19 I think it's, now, www.mdot.state.gov. I apologize for that,
20 but I'm sure you're familiar with MDOT's directory, so you would
21 be able to visit that site to access the electronic directory.

22 If you are notified that you are the apparent awardee
23 or as requested by the Procurement Officer, you must submit MDOT
24 DBE Form C for, federally, funded contracts, bids only, and MDOT
25 DBE Form D for federally funded contracts, bids only, within ten

1 (10) business days of receiving such notice.

2 Form C is the Outreach Effort's Compliance Statement
3 and Form D is the DBE Subcontractor Project Participation
4 Affidavit. It is mandatory that you obtain signatures on Form D
5 from the participating DBE firms that are listed on Form B.

6 There's a sixty percent (60%) supply rule for items.
7 When calculating your goals, there is a sixty percent (60%) rule
8 for supply items. You may count your entire expenditure to a
9 certified business supplier that manufacturers or produces goods
10 through raw materials or that, substantially, alters goods
11 before a resale. However, you may only count sixty percent
12 (60%) of the expenditures to certified suppliers who are not
13 manufacturers. And, also, the DBE credit to suppliers may not
14 exceed sixty percent (60%) of the entire contract goal.

15 So, basically, it's important to have your forms
16 submitted with your package. If you have any questions
17 regarding on how to complete the forms, you can, you know,
18 contact our office. I have my business cards here, and we are
19 located right in this building on the 20th floor. Also, you want
20 to make sure that the firms you are -- you will be utilizing are
21 certified with MDOT. And, again, we are there to assist you if
22 you have any questions regarding the DBE forms.

23 MS. MOORE: Mm-hmm. Sure.

24 MR. BERGERON: If you are a certified DBE firm --

25 MS. MOORE: Your name?

1 MR. BERGERON: -- and you self-perform --

2 MS. ASHE: State your name.

3 MR. BERGERON: Oh, Bruce Bergeron with Machado
4 Construction.

5 If you are a certified DBE firm, can you self-perform
6 a minority requirement?

7 MS. MOORE: Yes, you can.

8 MS. ASHE: Yes.

9 MR. BERGERON: Thank you.

10 MS. ASHE: This is a federal funded contract --

11 MR. BERGERON: Thank you.

12 MS. ASHE: -- so yes, you can.

13 MS. MOORE: Mm-hmm.

14 MS. ASHE: We do, however, urge you or suggest that
15 you, at least, attempt to use other DBE's.

16 MR. BERGERON: Okay.

17 MS. ASHE: Mm-hmm.

18 Any other questions? All right.

19 MR. BERGERON: Do we -- Bruce Bergeron, again.

20 Do we know or do you have any idea of, other than the
21 one task listed, where the other tasks will be? You know, State
22 of Maryland is, pretty, wide.

23 MS. MOORE: Well, the reason we -- yes, you're right,
24 but, the reason we say state is because, again, they are
25 mentioning parking lots, so it would be -- it could, possibly,

1 be at our Park and Rides; it could be at our Metro stations, or
2 it could be at our Light Rail spots. So, it could -- that's why
3 we say over the state.

4 MR. BERGERON: Can it be in western Maryland? You
5 have busses out there, don't you, Frostburg area, and all that.

6 MS. ASHE: That's possible, but that's a question you
7 should send in because the Project Manager would be able to
8 answer that.

9 MR. BERGERON: Okay, okay. That's what I'll do, then.
10 But, it just helps --

11 MS. ASHE: Mm-hmm.

12 MR. BERGERON: -- get the numbers in line.

13 MS. ASHE: Right.

14 MR. BERGERON: Okay. Thanks.

15 MS. ASHE: So, you can send that question in. Again,
16 the deadline is September 28th.

17 MR. BERGERON: Okay.

18 MS. ASHE: Also, I'd like to remind you that, in most
19 cases, we find that whoever attends the pre-bid are not the
20 folks that fill out the documentation that you include in your
21 bid package. If possible, you should go back and stress to them
22 how important filling out your documentation is, especially,
23 your DBE package.

24 If your DBE package is found to be not in compliance,
25 then your complete bid will be found not to be responsive. So,

1 we urge you whoever, especially, is filling out your DBE
2 package, again, as Ms. Moore said, if you have questions, please
3 contact our Office of Fair Practices. Their contact information
4 is on the hand out if you need aid. They're not going to tell
5 you who to choose, but they'll aid you in filling out your
6 documents, properly.

7 MR. VENTURA: Another question. Ricardo Ventura with
8 Anchor Construction.

9 For each task --

10 COURT REPORTER: -- Excuse me. Spell your name for
11 the record, your first name.

12 MR. VENTURA: R-i-c-a-r-d-o.

13 Each task are drawings going to be provided for the
14 work or --

15 MS. ASHE: If --

16 MR. VENTURA: -- going to be directed on the field,
17 the work?

18 MS. ASHE: No. If drawings are necessary and if
19 drawings that our Project Manager feels will aid you better in
20 giving them a price, yes, they will supply drawings.

21 MR. VENTURA: Okay.

22 MS. ASHE: Any other questions?

23 Okay. It's, approximately, 11 o'clock. I thank
24 everyone for coming, and this meeting is over.

25 MR. BERGERON: Thank you.

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MS. ASHE: Thank you.

(PRE-BID MEETING WAS CONCLUDED).

CERTIFICATE OF TRANSCRIBER

I, hereby, certify that the Maryland Department of Transportation, Maryland Transit Administration pre-bid meeting for Contract No. T-1300 on 6 St. Paul Street in Baltimore, Maryland on September 14th, 2011 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 attorney or party, herein, and that I have no interest in the outcome of this solicitation.

In witness whereof, I have affixed my signature this 27th day of September, 2011.

By: 

Lisa P. Campbell
Transcriber