

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSPORTATION AUTHORITY
Baltimore, Maryland

Invitation for Bids

PART A

FRANCIS SCOTT KEY BRIDGE



Maryland
Transportation
Authority

Contract No. KB-3013-0000

POLICE TRAINING CENTER - SITE DEVELOPMENT

BALTIMORE CITY

MAY 4, 2021

SMALL BUSINESS RESERVE

Prospective Bidders who have received this document from a source other than <https://emma.maryland.gov> and wish to assure receipt of any changes or additional materials to the IFB, should immediately log into the eMaryland Marketplace

2020 VERSION 1.0 DRAFT 3 – September 2, 2020

Advantage website for this Solicitation so that amendments or other communications are sent directly to them.

****Minority Business Enterprises are Encouraged to respond to this Solicitation.****

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TABLE OF CONTENTS

TABLE OF CONTENTSI
INVITATION FOR BIDS 1
KEY INFORMATION SUMMARY SHEET..... 1
ELECTRONIC BIDDING 3
INSTRUCTIONS AND REQUIREMENTS FOR ELECTRONIC BIDDING..... 3
ONLINE TRAINING RESOURCES FOR ELECTRONIC BIDDING 5
FREQUENTLY ASKED QUESTIONS - GENERAL 6
FREQUENTLY ASKED QUESTIONS – ACCESSING MATERIALS 6
FREQUENTLY ASKED QUESTIONS – BIDDING 7
KB3013 - PROJECT SCOPE OF WORK..... 9
QUALIFICATIONS AND EXPERIENCE REQUIREMENTS..... 10
PART A..... 11
GENERAL INFORMATION 12
GI-1 SPECIFICATIONS..... 12
GI-2 PROJECT DESCRIPTION 12
GI-3 PROJECT TIME 12
GI-4 PROCUREMENT OFFICER 12
GI-5 CONTRACT MANAGER 13
GI-6 PRE-BID MEETING AND SITE VISIT 13
GI-7 QUESTIONS DUE DATE 14
GI-8 eMARYLAND MARKET PLACE ADVANTAGE 14
GI-9 ELECTRONIC COMMUNICATIONS..... 14
GI-10 BID DUE DATE AND SUBMITTAL REQUIREMENTS 14
GI-11 REVISIONS TO THE IFB 16
GI-12 CONTRACTORS RESPONSIBILITY 16
GI-13 BID GUARANTY AND BONDING REQUIREMENTS..... 17
GI-14ELECTRONIC FUNDS TRANSFER..... 19
GI-15 VERIFICATION OF REGISTRATION AND TAX PAYMENT 19
GI-16 ARREARAGES 19
GI-17 BID/PROPOSAL AFFIDAVIT..... 19
GI-18 MARYLAND HEALTHY WORKING FAMILIES ACT REQUIREMENTS 20
CONTRACT PROVISIONS..... 21
CP-1 MINORITY BUSINESS ENTERPRISE/AFFIRMATIVE ACTION/CONTRACT 22
COMPLIANCE 22
CP-2 SMALL BUSINESS RESERVE PROCUREMENT 23
CP-3 MBE FORMS 24
CP-4 MBE LIQUIDATED DAMAGES 25
CP-5 IMPORTANT INFORMATION REGARDING VETERAN-OWNED SMALL BUSINESS
ENTERPRISE (VSBE) BIDDING AND REQUIREMENTS 26
CP-6 APPRENTICESHIP TRAINING FUND..... 28
CP-7 INVESTMENT ACTIVITIES IN IRAN ACT 28
CP-8 CONCERNING THE MBE GOAL ON THIS CONTRACT..... 29
CP-9 MBE COMPLIANCE FIELD MEETING 30
CP-10 WORKFORCE HEALTH CARE STUDY LAW 31



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

Invitation for Bids
KEY INFORMATION SUMMARY SHEET

CONTRACT NO.: KB-3013-0000

eMMA SOLICITATION: BPM023490

TITLE: Police Training Center – Site Development

FACILITIES: Francis Scott Key Bridge

COUNTY: Baltimore City

ADVERTISED: May 4, 2021

PRE-BID MEETING: May 13, 2021, 10:00 a.m. Local Time, A Pre-Bid Meeting will be held via teleconference. The call-in teleconference numbers are 443-409-5228, conference ID 292 078 999# If you wish to participate through Teams directly, please email me at jfleming@mdta.state.md.us by May 11, 2021, 2:00 p.m. local time, to request the link.

SITE VISIT: May 17, 2021, 10:00 am Local Time at 3510 Hawkins Point Rd., Baltimore, MD 21226. Accommodations will only be made for Contractors submitting the Site Visit Response Form by the required date and time.

QUESTIONS DUE DATE May 29, 2021 at 3:00 p.m. Local Time **See Section GI-7**

PROCUREMENT OFFICER: Name Janet Fleming
Email Address: jfleming@mdta.state.md.us

BIDS ARE TO BE SENT TO: www.bidx.com

BID DUE DATE AND TIME: June 29, 2021, 1:00 p.m. Local Time

CLASSIFICATION: Class - D (\$1,000,001 to \$2,500,000)

PROJECT TIME: 365 Calendar Days

LIQUIDATED DAMAGES: **MBE Liquidated Damages – See Section CP-3**

MINIMUM MBE GOALS: Overall 28% with 8% African American and 11% women-owned sub-goals



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

MINIMUM VSBE GOAL: 0.5% Veteran-Owned Small Business Enterprise

SBR: Small Business Reserve

BID DOCUMENTS: Bid documents can be downloaded from <https://emma.maryland.gov>. Any questions regarding this website, please contact the eMaryland Marketplace Advantage Help Desk at 410-767-1492.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

ELECTRONIC BIDDING INSTRUCTIONS AND REQUIREMENTS FOR ELECTRONIC BIDDING

Electronic Bidding Documents

All bidding documents for KB-3013-0000 referred herein that discuss paper or hardcopy submittals are to be construed to mean electronically submitted.

Contract Documents

The Maryland Transportation Authority (MDTA) will continue to advertise projects on the eMaryland Marketplace Advantage (eMMA) website. The address for this website is <https://emma.maryland.gov>. The eMMA is an electronic commerce system administered by the Maryland Department of General Services. Members of the public, bidders, subcontractors and suppliers may continue to access the project contract documents through this website at no charge. All associated materials, the solicitation, the summary of pre-bid meetings, bidder's questions and the Procurement Officers responses, Addenda, and other solicitation related information will be provided on eMMA. In order to obtain updates and contract addenda, bidders must register on eMMA. The registration on eMMA is free. Should you have any questions regarding registration, please call the eMMA Help Desk at 410-767-1492. The project contract documents are also available on the Bid Express website located at <https://www.bidx.com/maryland/main> for a subscription fee.

Bidders must use the electronic bid forms provided by the MDTA to submit bids. The forms are available on the appropriate sections of the eMMA and on Bid Express websites. Paper bids will not be accepted for this contract. It is the bidder's responsibility to ensure that they download the complete official Bid Proposal Form ('.ebxs' file) and any amendment files ('.NUMx') associated with that specific Bid Proposal Form. Amendment files ('.NUMx') are posted to the Bid Express and eMMA websites when there is a change to the Bid Proposal Form, including a letting date change. The MDTA is not liable for the bidder's failure to download the complete contract documents, the official Bid Proposal Form ('.ebxs' file) or the amendment files ('.NUMx').

Bid Preparation

AASHTOWare Project Bids™ Bid Component software is required to view, prepare and submit the bid (proposal form packet). The AASHTOWare Project Bids™ Bid Component is available at <https://bids.cloverleaf.net/> for download and use at no charge. The AASHTOWare Project Bids™ Bid Component detailed instructions for set up and installation are available at:

https://www.infotechfl.com/downloads/bidx/Quick_Start_bidding_w_AASHTOWare_Project_Bids_Bid.pdf.

Bid Submittal – Registration and Paid Subscription is Required

In order to submit bids, bidders must: designate an individual to submit bids on behalf of the bidding entity, register with Bid Express, during registration select Maryland Department of Transportation (MDOT) as the referring Agency, have a paid subscription to Bid Express' Internet Bidding Service, obtain an Info Tech Digital ID and request to bid in Maryland. The designated individual must be authorized, pursuant to the effective legal documents of the bidding entity, to sign and submit binding legal documents on behalf of the bidding entity.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

Payment of a Bid Express subscription is required to submit a bid. For current fee schedules please visit https://www.infotechfl.com/legal/fee_schedule. All fees are payable to Bid Express. Potential bidders are encouraged to register in advance with Bid Express as the registration process and the Digital ID creation at least 7 business days. For more information about Bid Express registration and subscription, please visit <https://www.bidx.com/site/registration>. Bidders may call or email the Bid Express Customer Support Team at 888-352-BIDX (2439) or at customer.support@bidx.com for assistance with registration.

All bids must be submitted to <https://www.bidx.com/maryland/main>. A bid extension will not be granted for delays in registration, for errors in submission of electronic bids or for unsuccessful or incomplete transmission of bids to Bid Express. Bid submittal shall be in accordance with GI-11.

Bid Completeness and Accuracy

Bidders are solely responsible to review, understand and adhere to all bid instructions, requirements and specifications. Due to inherent limitations, the AASHTOWare Project Bids™ Bid Component software cannot identify all bid proposal errors and omissions. Bidders shall not rely on this software or the Bid Express website to identify errors and omissions in their bid proposal. Any feedback from the AASHTOWare Project Bids™ Bid Component software including, but not limited to, the green check marks and red exclamation marks does not validate, or otherwise indicate completeness or responsiveness of the bid proposal. Transmission of the bid proposal and Minority Business Enterprise (MBE) forms to Bid Express does not imply that the submitted bid package is free of errors and omissions or that the submitted bid is susceptible to award. Bidders are responsible for completeness and accuracy of their bid proposals and MBE forms.

Bid Security / Proposal Guaranty – Electronic Verification

Bid Express permits bidders to have electronic bid bond verification. The MDTA will accept electronic bid bond verification. The two companies that provide electronic bid bond verification are Insure Vision and Surety 2000. For information on Insure Vision please visit <http://web.insurevision.com>. For information on Surety 2000 please visit <http://surety2000.com>.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

NOTICE TO CONTRACTORS

Online Training Resources for Electronic Bidding

If you are a Contractor who is new to Maryland or are unfamiliar with the electronic bidding process, please visit Bid Express at <https://www.bidx.com/site/trainingcenter> and review the training materials first.

The Training Center offers a variety of videos and transcripts that include step-by-step guidance on topics such as; setting up a Bid Express account, creating a Digital ID, utilizing AASHTOWare Project Bids™ Bidding Component, downloading contract documents, bid submissions, and more.

Please note that the Maryland Department of Transportation State Highway Administration (MDOT SHA) does not use Trns*Port Expedite® and also does not use Small Business Network for our electronic bidding.

After visiting the Training Center, if you have additional questions or concerns, please see our Frequently Asked Questions Notice to Contractors or contact MDOT SHA's Bid Express Team by phone at (410) 545-8840 or by email at mdotshabidx@sha.state.md.us.

NOTICE TO CONTRACTORS



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

Frequently Asked Questions - General

Q1: Whom should I contact for technical issues related to eMMA or BidX?

A1: Contact eMaryland Marketplace Advantage Helpdesk at (410) 767-1492 for questions regarding eMMA website. Contact Bid Express at (888) 352-2439 or at customer.support@bidx.com for questions about “.ebxs” files or electronic bidding.

Q2: Will the quantities file be provided for projects that advertise on BidX?

A2: The quantities file (“qty.z”) will no longer be provided. The information from the “.ebxs” file can be exported from the AASHTOWare Project Bids™ Bid Component software to csv or tab separated format.

Q3: What is my vendor-id/ bidder-id to register on BidX?

A3: In most cases, the vendor-id is the letter ‘V’ followed by your firm’s FEIN without any dashes or spaces. Before requesting to bid in Maryland, please contact us at (410) 545-8840 or MdotSHABidX@sha.state.md.us to reconfirm your vendor-id/bidder-id.

Q4: Whom do I contact for billing and subscription questions?

A4: Please contact Bid Express Customer Support by phone at (888) 352-2439 or by email at customer.support@bidx.com.

Frequently Asked Questions – Accessing Materials

Q5: Where can I retrieve the contract documents?

A5: All contract documents may be downloaded from eMMA free of charge. The same documents are provided on Bid Express for subscribed vendors as well. However, if you wish to bid on a contract, you must be registered with Bid Express and have a basic subscription that allows you to submit bids.

Q6: How can I view the “.ebxs” file?

A6: You may download the free AASHTOWare Project Bids™ Bid Component software from <https://bids.cloverleaf.net/>. This software must be installed locally on your computer. Please note that MDOT SHA does not use Trns*Port Expedite® for bidding purposes.

Q7: How do I save the .ebxs and .00#x files?



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

- A7:** Please select the .ebsx and .00#x files, or the Zip File for the proposal. The files must be saved in the same location (i.e., folder) and saved locally on your computer, not on a network drive.
- Q8:** Where do I find the Proposal Form Packet and Schedule of Prices?
- A8:** The Schedule of Prices and Proposal Form Packet are now condensed into a single file that ends with “.ebsx”, this is posted as a contract document at advertisement. For example, a contract PG6185170, the Proposal Form Packet and the Schedule of Prices file would be in a file titled PG6185170.ebsx.
- Q9:** How are contract addenda changes posted for electronic bidding projects?
- A9:** Every contract addendum will have an accompanying addendum letter and a file that is named ContractNumber.00#x where 00# refer to the number of addenda or amendments. Prior to submitting your bid, ALL addenda files must be downloaded. These amendment file(s) is (are) to be stored in the same location as the “.ebsx” file. The changes due to addendum are described in the accompanying addendum letter. Using the AASHTOWare Project Bids™ Bid Component software you can open the ContractNumber.ebsx file and the software will automatically compile all the addenda changes.
- Q10:** What do I do when the file has a “~” in the filename?
- A10:** Occasionally the “.ebsx” file posted on eMMA will have ‘~’ in the filename; if this occurs, you must download the file to the computer and rename it to “ContractNumber.ebsx” for it to work properly. For example, if you encounter a filename titled PG6185170~2.ebsx on eMMA, then download the file and rename it to PG6185170.ebsx. Similarly, if you encounter a file name titled PG6185170~1.003x on eMMA, then download the file and rename it to PG6185170.003x.

Frequently Asked Questions – Bidding

- Q11:** Do I need an account with Bid Express to bid?
- A11:** Yes, Bid Express requires at a minimum a basic subscription. For more information regarding subscription packages and fee, please visit <https://bidx.com/site/static?page=fees>.
- Q12:** How and where do we submit bids?
- A12:** Please refer to the project advertisement on where to submit bids.

Bids are filled out and submitted via the AASHTOWare Project Bids™ Bid Component software, using the Bid Express service. Please completely fill out the Proposal Form Packet and Schedule of Prices in the software to submit the bid. Once



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

the bid is complete, please click on the lightning bolt button at the top of the page or select Submit Bid from the Tools menu and start the Bid Submission Wizard to submit the bid.

More information on submitting bids electronically is available at the following location: <https://www.bidx.com/site/trainingcenter> where tutorial videos are available.

Q13: Can I revise a bid I have already submitted it? If so, how can I revise my bid?

A13: Yes, you may revise a bid that has been previously submitted. However, you may only revise bids prior to noon of the letting date. Once noon on the letting date has passed, bids may no longer be revised or withdrawn and will be processed as submitted.

If you wish to revise your bid, simply open the proposal using the AASHTOWare Project Bids™ Bid Component software and make your revisions. Please note when resubmitting your bid, you must re-attach all attachments. Re-attaching attachments means navigating to EVERY attachment location in the “.ebsx file” and re-selecting the attachment using the ‘Browse’ button, prior to re-submission.

Q14: If I am not the apparent low bidder, am I required to deliver the original proposal guaranty/ bid security to MDTA?

A14: Yes, unless the bid security is electronically verifiable, all bidders must submit the original bid security per GP-2.08.

Q15: Is it acceptable to use a paper bid bond as a bid security?

A15: No.

Q16: Must I submit bid security for every project?

A16: Yes, unless specified otherwise.



KB3013 - PROJECT SCOPE OF WORK

The scope of work will include site development work in preparation for a future MDTA Police Training Facility. Storm water management, erosion sediment control, landscaping, roadway, and parking lot are included. Water utility service and piping for future gas utility service are included. Electric pathway provisions are included for future utility service, parking lot lighting, electric gates, and electrical vehicle charging stations



QUALIFICATIONS AND EXPERIENCE REQUIREMENTS

The Prime Contractor's Company shall have at least five (5) years of experience as an established business performing major facility new construction of similar or comparable type, scope, complexity and magnitude on commercial and/or transportation buildings and facilities as the scope of services described in this IFB.

The experience of officers, employees, personnel, or subcontractors of the Company may not be counted to satisfy the required five (5) years' experience requirement for the company. Evidence of the required work experience shall be provided in the Experience Questionnaire in the Invitations for Bids and submitted at the time of bid.

In addition to this requirement, the Contractor and/or Subcontractor shall reference and adhere to all additional qualifications and experience requirements as specified within the technical specifications of the bid documents.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

PART A



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

GENERAL INFORMATION

GI-1 SPECIFICATIONS

All work on this project shall conform to the Maryland Department of Transportation, State Highway Administration's Specifications entitled, "Standard Specifications for Construction and Materials" dated July 2020, "Standard Specification" revisions thereof, or additions thereto, and the Special Provisions included in this Invitation for Bids. In addition, all terms and conditions of the standard specifications for construction and materials dated July 2020, revisions thereof or addition thereto shall apply to this Invitation For Bids unless otherwise specified herein. You can access the SHA's Standard Specifications for Construction and Materials at the following web site link: www.roads.maryland.gov

All reference to the Maryland State Highway Administration's offices and/or positions shall be construed to mean the Maryland Transportation Authority's ("MDTA") corresponding offices and/or positions. Throughout this IFB, the terms Maryland Transportation Authority and MDTA will be used interchangeably, but all refer to the Maryland Transportation Authority. Prior to any submittal or contact specified, the Contractor shall have the Construction Project Manager verify that the current office and/or position are shown in the specifications. The MDTA will not be responsible for any loss resulting from the Contractor not verifying the current MDTA office and/or position.

Architectural Technical Specifications should conform to the Construction Specification Institute (CSI) Master Format 2018 edition or current revisions.

GI-2 PROJECT DESCRIPTION

The scope of work will include site development work in preparation for a future MDTA Police Training Facility. Storm water management, erosion sediment control, landscaping, roadway, and parking lot are included. Water utility service and piping for future gas utility service are included. Electric pathway provisions are included for future utility service, parking lot lighting, electric gates, and electrical vehicle charging stations.

GI-3 PROJECT TIME

The time to complete the Project resulting from this IFB shall be for a period of 365 Calendar Days.

GI-4 PROCUREMENT OFFICER

The sole point of contact for this IFB prior to the award of any contract is the Procurement Officer at the address listed below:

Janet Fleming
Division of Procurement
Maryland Transportation Authority
2310 Broening Highway
Baltimore, MD 21224



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

E-mail: jfleming@mdta.state.md.us

The MDTA may change the Procurement Officer at any time by written notice to the Contractor.

GI-5 CONTRACT MANAGER

The Contract Manager monitors the daily activities of the Contract and provides guidance to the Contractor. The State Contract Manager is:

Roy Wheeler
Office of Engineering and Construction
Maryland Transportation Authority
7677A Lillian Holt Drive
Baltimore, MD 21222
E-mail: rwheeler@mdta.state.md.us

Phone No. 410-663-2014
Fax No. 410-663-2101

The MDTA may change the Contract Manager at any time by written notice to the Contractor.

GI-6 PRE-BID MEETING AND SITE VISIT

A Pre-Bid Meeting will be held on May 13, 2021, beginning at 10:00 a.m., Local Time, **via teleconference no. 443-409-5228, conference ID292 078 999#**. If you wish to participate through Teams directly, please email be at jfleming@mdta.state.md.us by May 11, 2021, 12:00 p.m. local time, to request the link.

A Site Visit will be held on **May 17, 2021, beginning at 10:00 am**, Local Time at 3510 Hawkins Point Road, Baltimore, MD 21222. Attendance at the Site Visit is not mandatory. All interested Bidders are encouraged to attend in order to become familiar with the project environment.

The Site Visit Response Form shall be submitted via email to Janet Fleming at jfleming@mdta.state.md.us by **May 14, 2021 by 2:00 pm**. This Form serves as a reservation for the Scheduled Site Visit. Accommodations are contingent upon Bidders submitting the Site Visit Response Form.

Attendance at the Pre-Bid Conference is not mandatory, but all interested Bidders are encouraged to attend to raise questions and/or issues of concern regarding this IFB, gain an understanding of the bidding process, and facilitate better preparation of their bids. In addition, attendance may facilitate the Bidders understanding of the IFB requirements.

It is the sole responsibility of the Bidders to familiarize themselves fully with the scope of work and the contents of these specifications. Failure to attend the pre bid conference or site visit does not relieve the successful Bidder from their obligations to comply with all aspects of this bid package for the amount specified in their bid.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

As promptly as feasible after the Pre-Bid Meeting, a written summary of the Meeting and all questions and answers known will be distributed electronically via eMaryland Marketplace Advantage at <https://emma.maryland.gov>.

GI-7 QUESTIONS DUE DATE

Please submit all questions in writing to the Procurement Officer Janet Fleming via email at: MDTAPROUREMENT@mdta.state.md.us and cc: jfleming@mdta.state.md.us. Questions will be received until **May 29, 2021 by 3:00 p.m.** Local Time. Oral questions will not be entertained. All timely received questions and responses will be published as an Addendum to the solicitation on eMMA.

Bidders should receive an automatic electronic confirmation email from the MDTAProcurement mailbox once the question is received. If a bidder does not receive an email confirmation, please contact the Procurement Officer immediately. If a bidder does not receive an automatic electronic confirmation email and does not immediately contact the Procurement Officer, MDTA will not be able to accept questions after the question due date, provide answers to questions received after the question due date, or extend the bid due date because of questions not received.

GI-8 eMARYLAND MARKET PLACE ADVANTAGE

eMaryland Marketplace Advantage (“eMMA”) is an electronic commerce system administered by the Maryland Department of General Services. All associated materials, the solicitation, the summary of the Pre-Bid meeting, bidder’s questions and the Procurement Officers responses, addenda, and other solicitation related information will be provided via eMMA.

A Bidder must be registered on eMMA in order to receive a Contract award. Registration is free; should you have any questions regarding registration, please call the eMMA Help Desk at 410-767-1492.

GI-9 ELECTRONIC COMMUNICATIONS

With the exception of questions received prior to the Questions Due date as indicated in GI 7, bids and protests, the MDTA will **not** accept, notices of claim, or claims by any electronic means (including by facsimile or email).

GI-10 BID DUE DATE AND SUBMITTAL REQUIREMENTS

Bids are due no later than **June 29, 2021, 1:00 p.m., local time.** The bid shall be submitted only via the MDTA-required electronic bidding software and website. Paper copy submittals of the bid will not be accepted, except for the Proposal Guaranty. An authorized representative is required to sign the bid electronically. The MDTA may choose to reject a bid if it is not electronically signed by an authorized representative.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

- A. The bidder shall ensure delivery of its bid with all required components and attachments, including, but not limited to:
 - (a) **Bid Form.**
 - (b) **Schedule of Prices.**
 - (c) **Proposal electronic bidding file with Bidder’s Certificate.**
 - (d) **Bid Security:**
 - (1) An electronic verification of the bid bond submitted with the bid. A paper submission of the bid bond is not acceptable.
 - (2) A clear electronic image of all other acceptable forms of proposal guaranty must be uploaded to Manual Verification tab for Bid Bond and submitted with the bid. The original proposal guaranty with the contractor name, contract number and the bid opening date must be sent to or delivered to: Attention: Janet Fleming, Maryland Transportation Authority, Division of Procurement, located at 2310 Broening Highway, Baltimore, MD 21224. It must be received by the MDTA no later than three business days after bid opening.
 - (3) No bid will be considered unless the proposal guaranty or an evidence thereof is received by the MDTA in proper form by the bid opening date and time. An acknowledgement may be obtained by the bidder as a proof of proposal guaranty delivery.
 - (e) **MBE and VSBE forms.**
 - (f) **Buy American Steel Act**
 - (g) **Bid/Proposal Affidavit**
 - (h) **Experience Questionnaire**
 - (i) **Employee Health Care Expenses - Bid Information Sheet-The Prime and all Sub-Contractors**
 - (j) **Employee Health Care Expenses Certification Form- The Prime and all Sub-Contractors**
- B. The Bidder is solely responsible for any errors and for the timely submission of the bid, all components thereof and all attachments thereto through the electronic bidding system. The MDTA assumes no responsibility for any claim arising from the failure of any Bidder or of the electronic delivery system to cause any bid, its component(s), or attachment(s) thereto to not be delivered or to be corrupted during delivery.
- C. Please note that all information submitted with your bid is considered public information and will be available for review by the public upon request.



GENERAL INFORMATION

Contract No. KB-3013-0000

GI-11 REVISIONS TO THE IFB

In the event it becomes necessary to revise any part of the IFB, or if any additional information is required to enable potential Bidders to interpret the provisions of the IFB, an addendum will be issued by MDTA and posted eMMA. **PROSPECTIVE BIDDERS SHOULD REVIEW EMARYLAND MARKETPLACE ADVANTAGE PERIODICALLY TO DETERMINE WHETHER OR NOT MDTA HAS ISSUED AN**

ADDENDUM TO THIS IFB. MDTA is not responsible for notifying Bidders of addendums to the IFB other than by posting addendums on eMMA.

If an Addenda has revised any of the required Bid documents, make sure that you submit the revised pages in your bid. Pricing submitted shall reflect any and all changes made through an Addenda.

GI-12 CONTRACTORS RESPONSIBILITY

- A. This IFB is to be read and construed as a whole.
- B. Bidders agree to comply with each and every section, subsection and addendum of this solicitation. Failure to comply will result in the rejection of the Bid. **Bidders shall not change or alter any Attachment or alter any other State attachments or the Bid will be rejected.**
- C. Each Bidder is responsible for fully reading and understanding the terms and conditions of this IFB. Any Bidder finding any discrepancy in or omission from the IFB, or who is in doubt as to the meaning of any provision of this IFB, must direct questions or requests for clarification in writing to the Procurement Officer at the earliest possible time.
- D. If the Bid submitted for this contract is **\$100,000** or more, the Awardee shall furnish both a Payment Bond and also a Performance Bond in the full amount of Contract Award as security for the completion of the Contract, in accordance with the Plans, Specifications and Special Provisions. (Refer to COMAR 21.07.02.10 for a sample of forms.)
- E. The Awardee shall begin work as specified in the "Notice to Proceed" (NTP).
- F. Awardee shall guarantee that all work performed under this contract will be done in accordance with the Specifications and Special Provisions and in a good workmanlike manner and to guarantee to renew or repair any work which may be rejected due to defective materials or workmanship prior to final acceptance of the work.
- G. Awardee shall do all "Extra Work" required to complete the work contemplated at unit prices or lump sums to be agreed upon in writing prior to starting such extra work. If unit prices or lump sums cannot be agreed upon, Awardee agrees to perform such work



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

on a "Force Account" basis, as provided by the General Provisions.

H. Awardee shall supply such additional information as may be required by the Specifications.

GI-13 BID GUARANTY AND BONDING REQUIREMENTS

A Bid Security totaling five percent (5%) of the bid amount will be required on bids of One Hundred Thousand Dollars (\$100,000.00) or more. (Refer to MD Code Ann., State Finance and Procurement, § 13-207 and COMAR 21.06.07.09).

No bid will be considered for any Contract in excess of \$100,000 unless accompanied by a guaranty in the amount of not less than five percent (5%) of the amount bid.

A Bidder who elects to furnish a Bid Bond is requested to use the form provided with this IFB. On all Bid Bonds, the amount should be specified in dollars, both in words and in figures, or in percentages.

A Bidder who elects to furnish a blank check as security shall complete the Bid Guaranty Form provided with this IFB.

- A. Acceptable security for bid, performance, and payment bonds is limited to:
1. A bond in a form satisfactory to the State underwritten by a surety company authorized to do business in this State;
 2. A bank certified check, bank cashier's check, bank treasurer's check, cash, or trust account;
 3. Pledge of securities backed by the full faith and credit of the United States government or bonds issued by the State of Maryland;
 4. An irrevocable letter of credit in a form satisfactory to the Attorney General and issued by a financial institution approved by the State Treasurer; or
 5. For performance security, on construction contracts, the grant of a mortgage or deed of trust on real property located in the State of Maryland when:
 - a. The face amount of the instrument does not exceed seventy-five percent (75%) of the contractor's equity interest in the property, and
 - b. The assignment of the mortgage or deed of trust is recorded in the county land records pursuant to Real Property Article, § 3-106 Annotated Code of Maryland.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

- c. The assignment of the mortgage or deed of trust is recorded in the county land records pursuant to Real Property Article, § 3-103, Annotated Code of Maryland.
- B. When a bidder elects to use cash as security for bid, performance and payment bonds the acceptance of the cash security shall be acknowledged by a written receipt signed by the head of the General Accounting Division or his designee, and included in the Bidders bid package at the time of bid opening.
- C. Surety Bond Assistance Program

Small businesses may qualify for assistance in obtaining bid, performance and payment bonds through the Maryland Small Business Development Financing Authority (MSBDFA) pursuant to MD. CODE ECON. DEV §§5-561 to 5-575. MSBDFA can directly issue bid, performance or payment bonds up to \$5 million. MSBDFA may also guarantee up to 90% of a surety's losses resulting from a contractor's breach of bid, performance or payment bond or \$2,250,000.00, whichever is less. Bonds issued directly by the MSBDFA Surety Bond Program (Program) will remain in effect for the term of the contract. Bond guarantees will remain in effect for the term of the bond.

To be eligible for bonding assistance, an applicant must:

1. Have its principal place of business in Maryland or be a Maryland resident;
2. Be unable to obtain adequate bonding on reasonable terms through normal channels within 90 days of submitting a bond application to MSBDFA;
3. Employ fewer than 500 full-time employees or have gross sales of less than \$50 million annually;
4. Not subcontract more than 75 percent of the work;
5. Have good moral character and a history of financial responsibility;
6. Demonstrate that the contract will have a substantial economic impact; and
7. Never have defaulted on any loan or financial assistance made or guaranteed by MSBDFA.

Applicants are encouraged to apply for loan assistance under the Program through their respective bonding agents. Questions regarding the bonding assistance program shall be referred to:

Maryland Small Business Development Financing Authority
c/o Meridian Management Group, Inc.
826 East Baltimore Street
Baltimore, Maryland 21202
Phone: 410-333-2548
Fax: 410-333-2552
Email: mmgdeal@mmggroup.com



GENERAL INFORMATION

Contract No. KB-3013-0000

GI-14ELECTRONIC FUNDS TRANSFER

By submitting a response to this IFB, the Bidder agrees to accept payments by electronic funds transfer unless the MDTA grants an exemption. The selected Bidder shall register using the Maryland Transportation Authority, Vendor Electronic Funds Transfer (EFT) Registration Request Form. Any request for exemption must be submitted to the MDTA's Office of Finance for approval at the address specified on the EFT Registration Request Form and must include the business identification information as stated on the form and the reason for the exemption.

GI-15 VERIFICATION OF REGISTRATION AND TAX PAYMENT

Before a corporation can do business in the State of Maryland it must be registered with the Department of Assessments and Taxation, State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. It is strongly recommended that any potential Bidder complete registration prior to the due date for receipt of Bids. A Bidder's failure to complete registration with the Department of Assessments and Taxation may disqualify an otherwise successful Bidder from final consideration and recommendation for Contract award.

A foreign corporation is any corporation not incorporated under the laws of the State of Maryland. All foreign corporations, prior to performing any services for MDTA, must register with the Maryland State Department of Assessments and Taxation in compliance with Subtitle 2, Title 7 of the Corporations and Associations Article of the Annotated Code of Maryland. Compliance is required of the successful vendor as well as the proposed subcontractors.

Forms can be obtained via the Maryland Department of Assessments and Taxation web site at: www.dat.state.md.us.

GI-16 ARREARAGES

By submitting a response to this Invitation For Bids, a Bidder shall be deemed to represent that is not in arrears in the payment of any obligation due and owing the State of Maryland, including the payment of taxes and employee benefits, and that it shall not become so in arrears during the term of the contract if selected for contract award.

GI-17 BID/PROPOSAL AFFIDAVIT

The Bid/Proposal Affidavit must be completely filled out and signed by all the parties as indicated. The Bid/Proposal Affidavit shall be signed by an authorized representative of the Company, if signed by someone other than the President of the Company, a Corporate Resolution must be submitted with the Bid, verifying signatory authority on behalf of the Company.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

GENERAL INFORMATION

Contract No. KB-3013-0000

GI-18 Maryland Healthy Working Families Act Requirements

On February 11, 2018, the Maryland Healthy Working Families Act went into effect. All offerors should be aware of how this Act could affect your potential contract award with the State of Maryland. See the Department of Labor, Licensing and Regulations web site for Maryland Healthy Working Families Act Information: <http://dllr.maryland.gov/paidleave/>.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

CONTRACT PROVISIONS



CONTRACT PROVISIONS

Contract No. KB-3013-0000

CP-1 MINORITY BUSINESS ENTERPRISE/AFFIRMATIVE ACTION/CONTRACT COMPLIANCE

A. This Contract is subject to Executive Order 01.01.2007.16, (Code of Fair Practices). This Contract is subject to the applicable provisions of Title 14, Subtitle 3 of State Finance and Procurement Article COMAR 21.11.03, Minority Business Enterprises Policies; and COMAR 21.11.04, Contractor Affirmative Action Program Manual, MDTA; and the provisions of COMAR 11.01.10 which incorporates by reference the Minority Business Enterprise Program Manual. Copies of the Minority Business Enterprise Program Manual may be requested from the Maryland Department of Transportation (MDOT), Office of Minority Business Enterprise Office, located at 7201 Corporate Center Drive, Hanover, MD 21076 or can be found on the MDOT website at <http://www.mdot.maryland.gov/Office%20of%20Minority%20Business%20Enterprise/Resources%20Information>. This Contract is also subject to all applicable federal and State laws and regulations pertaining to Minority Business Enterprise and Affirmative Action.

B. An overall MBE subcontract participation goal of **Twenty-Eight Percent (28%)** of the total contract dollar amount, including all renewal option terms, if, any, has been established for this procurement.

The overall MBE subcontract participation goal includes the following sub-goals, which have been established for this procurement;

Eight (8 %) for African American MBEs,

Eleven (11 %) for Women-American MBEs,

By submitting a response to this solicitation, the Bidder acknowledges the overall MBE subcontractor participation goal, and commits to achieving the goal by utilizing certified minority business enterprises or requests a full or partial waiver of the goal.

NOTE: New Guidelines Regarding MBE Prime Self-Performance. Please note that when a certified MBE firm participates as a prime contractor on a contract, a procurement agency **may** count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation sub-goals, if any, established for the contract.



CONTRACT PROVISIONS

Contract No. KB-3013-0000

CP-2 SMALL BUSINESS RESERVE PROCUREMENT

This is a Small Business Reserve procurement for which award is limited to certified small business vendors. Only businesses that meet the requirements set forth in State Finance and Procurement Article, §§14-501 - 14-505, Annotated Code of Maryland, and who are registered with the Maryland Department of General Services Small Business Reserve Program are eligible for award. For the purposes of a Small Business Reserve procurement, a small business is a for profit business, other than a broker, that meets the following criteria:

- Independently owned and operated.
- Not a subsidiary of another business.
- Not dominant in its field of operation.

AND

- Its wholesale operations of the business did not employ more than 50 persons in its most recently completed 3 fiscal years.
- Its retail operations of the business did not employ more than 25 persons in its most recently completed 3 fiscal years.
- Its manufacturing operations of the business did not employ more than 100 persons in its most recently completed 3 fiscal years.
- Its service operations of the business did not employ more than 100 persons in its most recently completed 3 fiscal years.
- Its construction operations of the business did not employ more than 50 persons in its most recently completed 3 fiscal years.
- The architectural and engineering services of the business did not employ more than 100 SP 800 persons in its most recently completed 3 fiscal years.

OR

- The gross sales of the wholesale operations of the business did not exceed an average of \$4,000,000 in its most recently completed 3 fiscal years.
- The gross sales of the retail operations of the business did not exceed an average of \$3,000,000 in its most recently completed 3 fiscal years.
- The gross sales of the manufacturing operations of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years.
- The gross sales of the service operations of the business did not exceed an average of \$10,000,000 in its most recently completed 3 fiscal years.
- The gross sales of the construction operations of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.
- The gross sales of the architectural and engineering services of the business did not exceed an average of \$4,500,000 in its most recently completed 3 fiscal years.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

If a business has not existed for 3 years, the employment and gross sales average(s) is the average for each year or part of a year during which the business has been in existence.

CP-3 MBE FORMS

A. A Bidder shall include with their Bid:

1. A completed MDOT MBE Form A, Certified MBE Utilization and Fair Solicitation Affidavit, whereby the Bidder acknowledges the certified MBE participation goal and sub-goals or requests a waiver, commits to make a good

faith effort to achieve the goal and affirms that the MBE subcontractors were treated fairly in the solicitation process. **Use the form provided via BidX only.**

If the bidder fails to accurately complete and submit this affidavit as required, the bid shall be deemed non-responsive. COMAR 21.11.03.09 C (5).

2. A completed MDOT MBE Form B, MBE Participation Schedule, whereby the Bidder responds to the degree of MBE participation as stated in the solicitation, by identifying the specific commitment of certified MBE's at the time of submission. The Bidder shall specify the percentage of Contract value associated with each MBE subcontractor. **Use the form provided via BidX only.**

B. Within ten (10) working days from notification that it is the apparent lowest Bidder and apparent awardee, the apparent awardee shall provide the following documentation to the Procurement Officer:

1. A completed MDOT MBE Form C, Outreach Efforts Compliance Statement.
2. A completed MDOT MBE Form D, Subcontractor Project Participation Affidavit.
3. If the apparent awardee has requested a waiver (in whole or part) of the overall MBE goal or any sub-goal as part of the previously submitted MDOT MBE Form A, it shall submit: a completed MDOT MBE Form E, Good Faith Efforts Guidance and Documentation Form; and documentation supporting the waiver request that complies with COMAR 21.11.03.11, within the ten (10) working days with MDOT MBE FORM C, MDOT MBE FORM D and MDOT Form E.

C. If the apparent awardee fails to return the required documentation within the allotted ten (10) days, the Procurement Officer may determine that the apparent awardee is not responsible and therefore not eligible for contract award.

10-31-08



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

- D. If the MBE Forms are not submitted with your bid, your bid shall be rejected from consideration. If the MBE Forms are not completed and accurately submitted, your bid shall be rejected from consideration.

CP-4 MBE LIQUIDATED DAMAGES

The Contract that will result from this solicitation will require the Contractor to make good faith efforts to comply with the Minority Business Enterprise (“MBE”) Program and Contract provisions. The MDTA and the Contractor acknowledge and agree that the State will incur damages, including but not limited to loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the Contractor does not make good faith efforts to comply with the requirements of the MBE Program and MBE

contract provisions. The parties further acknowledge and agree that the damages the State might reasonably be anticipated to accrue as a result of such lack of compliance are difficult to ascertain with precision and that liquidated damages present a fair, reasonable, and appropriate estimation of damages.

Therefore, upon a determination by the MDTA that the Contractor failed to make good faith efforts to comply with one or more of the specified MBE Program requirements or Contract provisions and without the MDTA being required to present any evidence of the amount or character of actual damages sustained, the Contractor agrees to pay liquidated damages to the MDTA at the rates set forth below. Such liquidated damages are intended to represent estimated actual damages and are not intended as a penalty. The Contractor expressly agrees that the MDTA may withhold payment on any invoices as a set-off against liquidated damages owed. The Contractor further agrees that for each specified violation, the agreed upon liquidated damages are reasonably proximate to the loss the State is anticipated to incur as a result of such violation.

- A. Failure to submit each monthly payment report in full compliance with COMAR 21.11.03.13B (3): \$23.00 per day until the monthly report is submitted as required.
- B. Failure to include in its agreements with MBE subcontractors a provision requiring submission of payment reports in full compliance with COMAR 21.11.03.13B (4): \$82.00 per MBE subcontractor.
- C. Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and/or amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the contract.
- D. Failure to meet the Contractor’s total MBE participation goal and sub-goal commitments: the difference between the dollar value of the total MBE participation



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

commitment on the MBE participation schedule and the MBE participation actually achieved.

Notwithstanding the use of liquidated damages, the MDTA reserves the right to terminate the contract and exercise all other rights and remedies provided in the contract or by law.

CP-5 IMPORTANT INFORMATION REGARDING VETERAN-OWNED SMALL BUSINESS ENTERPRISE (VSBE) BIDDING AND REQUIREMENTS

Veteran-Owned Small Business Enterprises **MUST** be registered in eMMA AND verified by the Maryland Department of Veterans Affairs OR Vets First Verification Program (VetBiz) to qualify for Veteran status as a prime or subcontractor. A list of verified firms can be found at

<https://emma.maryland.gov> (not all-inclusive listing).

For more information on Veteran Verification, visit the Maryland Governor's Office of Small, Minority and Women Business Affairs at <https://gomdsmallbiz.maryland.gov/Pages/VSBE-Program.aspx>.

NOTE: New Guidelines Regarding VSBE Prime Self-Performance. Please note that when a certified VSBE firm participates as a Prime Contractor on a contract, a procurement agency **may** count the distinct, clearly defined portion of the work of the contract that the certified VSBE firm performs with its own forces toward fulfilling up to one hundred percent (100%) of the VSBE participation goal.

PURPOSE

Contractor shall structure its procedures for the performance of work required in this contract to attempt to achieve the VSBE goal stated in the Invitation for Bids. VSBE performance must be in accordance with this Section and as authorized by Code of Maryland Regulations (COMAR) 21.11.13. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Section.

VSBE GOALS

A VSBE subcontract participation goal of **Point Five Percent (.5%)** of the total contract dollar amount has been established for this procurement. By submitting a response to this solicitation, the Bidder agrees that this percentage of the total dollar amount of the contract will be performed by verified VSBEs.

SOLICITATION AND CONTRACT FORMATION

A Bidder must include with its bid a completed VSBE Utilization Affidavit whereby:



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

- (1) the Bidder acknowledges it a) intends to meet the VSBE participation goal; or b) requests a full or partial waiver. If the Bidder commits to the full VSBE goal or requests a partial waiver, they shall commit to making a good faith effort to achieve the stated goal.
- (2) the Bidder responds to the expected degree of VSBE participation as stated in the solicitation, by identifying the specific commitment to VSBEs at the time of submission. The Bidder shall specify the percentage of contract value associated with each VSBE subcontractor identified on the VSBE Participation Schedule.

If a Bidder fails to submit the VSBE Utilization Affidavit with the bid as required, the Procurement Officer may determine that the bid is non-responsive. **Use the form provided via BidX only.**

Within ten (10) working days from notification that it is the apparent awardee, the awardee must provide the following documentation to the Procurement Officer:

- (1) VSBE Participation Schedule;
- (2) If the apparent awardee believes a full or partial waiver of the overall VSBE goal is necessary, it must submit a fully documented waiver request that complies with COMAR 21.11.13.07; and
- (3) Any other documentation required by the Procurement Officer to ascertain Bidder responsibility in connection with the VSBE participation goal.

If the apparent awardee fails to return each completed document within the required time, the Procurement Officer may determine that the apparent awardee is not responsible and therefore not eligible for contract award.

CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

1. Submit monthly to the MDTA a report listing any unpaid invoices, over 45 days old, received from any VSBE subcontractor, the amount of each invoice and the reason payment has not been made.
2. Include in its agreements with its VSBE subcontractors a requirement that those subcontractors submit monthly to the MDTA a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its VSBE participation obligations. These records must indicate the identity of VSBE and non-VSBE subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed by all VSBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3013-0000

4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the VSBE participation obligations. Contractor must retain all records concerning VSBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from VSBE subcontractors.

CP-6 APPRENTICESHIP TRAINING FUND

The State Apprenticeship and Training Fund (Fund) Law provides that contractors and certain subcontractors performing work on certain public work contracts are required to make contributions toward apprenticeship. See §17-601 through 17-606, State Finance and Procurement Article,

Annotated Code of Maryland. Contractors and subcontractors have three options where they can choose to make their contributions: (1) participate in a registered apprenticeship training program; (2) contribute to an organization that has a registered apprenticeship training program; or (3) contribute to the State Apprenticeship and Training Fund.

CP-7 INVESTMENT ACTIVITIES IN IRAN ACT

Companies appearing on the Investment Activities in Iran list are ineligible for Award. This list can be found at www.bpw.state.md.us.

A Company listed on the Investment Activities in Iran list is ineligible to bid on, submit a proposal for, or renew a contract for goods and services with a State agency or any public body of the State. Also ineligible are any parent, successor, subunit, direct or indirect subsidiary of, or any entity under common ownership or control of, any listed company.

In addition, all bidders must complete the Certification Regarding Investment Activities in Iran included herein and submit at time of bid.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

CONTRACT PROVISIONS

Contract No. KB-3010-0000

1 of 1

NOTICE TO CONTRACTORS

CP-8 CONCERNING THE MBE GOAL ON THIS CONTRACT

The Maryland Department of Transportation (MDOT) is committed to providing the maximum amount of contracting opportunities to certified Minority Business Enterprises (MBE). The previously established policy excluded consideration of the cost of supplying structural steel for MBE participation since there were no structural steel manufacturers certified by MDOT. This exemption is no longer applicable since MBE firms have been certified under this category.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

1 of 1

NOTICE TO CONTRACTORS

CP-9 MBE COMPLIANCE FIELD MEETING

An MBE compliance Field Meeting will be conducted to review the responsibilities of the MDTA and the Contractor's personnel relative to MBE Compliance and documentation. The meeting will be held within two weeks after starting work on the project.

The Construction Project Engineer, who will notify the following of the date, time and location, will arrange the meeting. At least one-week advanced notice will be required.

(a) Administrative Representatives.

- (1) Director, Division of Civil Rights and Fair Practices
- (2) Compliance Programs Manager
- (3) Area Engineer
- (4) Construction Project Engineer

(b) Contract Representatives.

- (1) Superintendent - Prime Contractor
- (2) Equal Opportunity Officer - Prime Contractor
- (3) Owner/Superintendent/Foreman MBE - Subcontractor

The Construction Project Engineer and Equal Opportunity Representative will jointly conduct the meeting. The Contractor shall notify the appropriate subcontractors and ensure their attendance.



Maryland Transportation Authority

POLICE TRAINING CENTER - SITE DEVELOPMENT

Contract No. KB-3013-0000

CP-10 WORKFORCE HEALTH CARE STUDY LAW

Payment of Employee Health Care Expenses

A. Payment of Employee Health Care Expenses Certification Form

Each bidder and all subcontractors to the bidder, are required to complete a Payment of Employee Health Care Expenses Certification form. Submit the completed Payment of Employee Health Care Expenses Certification Forms along with the bid. A copy of the Payment of Employee Health Care Expenses Certification Form can be found at eMMA and BidX as an attachment to the solicitation.

B. Excel Spreadsheet

The Payment of Employee Health Care Expenses Law (Use SB0433 as the value to search by Legislation number) requires the Board of Public Works to compile workforce health care coverage cost information submitted to procurement agencies from businesses bidding on construction contracts. The BPW must report the information to the General Assembly by August 1, 2020, 2021, and 2022. Therefore, MDTA must collect and report the information to the BPW.

The Payment of Employee Health Care Expenses spreadsheet was developed to report this information and is to be submitted at the time of bid. Please find The Payment of Employee Health Care Expenses spreadsheet template included in eMMA and BidX as an attachment to the solicitation. Complete it and submit with your bid. Each cell highlighted in yellow must be completed. If a cell is not applicable, enter "N/A". Each question (in columns), must be answered for each company (listed by row). Add more rows if needed to list all subcontractors on this project