

**MARYLAND DEPARTMENT OF TRANSPORTATION**  
**MARYLAND TRANSPORTATION AUTHORITY**

*Baltimore, Maryland*

*Invitation for Bids*

**PART A**

**Baltimore Harbor Tunnel, Fort McHenry Tunnel,  
Francis Scott Key Bridge, John F. Kennedy Memorial Highway,  
Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge,  
Thomas J. Hatem Memorial Bridge,  
William Preston Lane, Jr. Memorial Bridge,  
Intercounty Connector (ICC), Point Breeze Property**



**Maryland  
Transportation  
Authority**

**Contract No. MR-3020-0000**

**ON-CALL FACILITY REPAIRS**

**Anne Arundel, Baltimore, Cecil, Charles, Harford, Howard, Montgomery, Prince  
George's, Queen Anne's Counties and Baltimore City**

**October 30, 2023**

**2023 VERSION 1.0 DRAFT 1 – February 14, 2023**

**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 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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ON-CALL FACILITY REPAIRS

Contract No. MR-3020-0000

**Invitation for Bids**  
**KEY INFORMATION SUMMARY SHEET**

CONTRACT NO.: MR-3020-0000

eMMA SOLICITATION: BMP040536

TITLE: On-Call Facility Repairs

FACILITY: Baltimore Harbor Tunnel, Fort McHenry Tunnel, Francis Scott Key Bridge, John F. Kennedy Memorial Highway, Governor Harry W. Nice Memorial/Senator Thomas “Mac” Middleton Bridge, Thomas J. Hatem Memorial Bridge, William Preston Lane, Jr. Memorial Bridge, Intercounty Connector (ICC), Point Breeze Property

COUNTY: Anne Arundel, Baltimore, Cecil, Charles, Harford, Howard, Montgomery, Prince, George’s, Queen Anne’s Counties and Baltimore City

ADVERTISED: October 30,2023

PRE-BID MEETING: A Pre-Bid Meeting will be held on **Wednesday, November 8, 2023, beginning at 10:00 a.m. Local Time.** The Maryland Transportation Authority, Point Breeze, Curtis Creek Conference Room, 2310 Broening Highway, Baltimore, MD 21221

QUESTIONS DUE DATE **November 22, 2023, at 3:00 p.m. Local Time [See Section GI-7](#)**

PROCUREMENT OFFICER: Janet Fleming  
Phone # 410-537-7510  
Email Address: [jfleming@mdta.state.md.us](mailto:jfleming@mdta.state.md.us)

BIDS ARE TO BE SENT TO: [www.bidx.com](http://www.bidx.com)

BID DUE DATE AND TIME: **Wednesday, December 20, 2023, at 1:00 p.m. Local Time**

CLASSIFICATION: Class - E (\$2,500,001 to \$5,000,000)

PROJECT TIME: 1825 Calendar Days

LIQUIDATED DAMAGES: **[MBE Liquidated Damages – See Section CP-3](#)**  
**[Project Liquidated Damages – See Section GP-8.09](#)**

MINIMUM MBE GOALS: Overall 18% with no sub-goals

MINIMUM VSBE GOAL: 1% Veteran-Owned Small Business Enterprise



## ***Maryland Transportation Authority***

### **ON-CALL FACILITY REPAIRS**

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**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.



**ELECTRONIC BIDDING  
INSTRUCTIONS AND REQUIREMENTS FOR ELECTRONIC BIDDING**

**Electronic Bidding Documents**

All bidding documents referred herein that discuss paper or hardcopy submittals are to be construed to mean electronically submitted.

**Contract Documents**

The Administration will continue to post advertisements of projects on the eMaryland Marketplace Advantage (eMMA) website, an electronic commerce system administered by the Maryland Department of General Services, located at <https://emma.maryland.gov>. All associated contract materials, including the solicitation notices, summaries of pre-bid meetings, bidder's questions and the Procurement Officer's responses, addenda, and other solicitation related information will no longer be provided on eMMA. These materials will only be available on the Bid Express website located at <http://www.bidx.com/maryland/main>, and will continue to be available at no charge. However, in order to be awarded a Contract, bidders must still be registered 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.

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

**Bid Preparation**

AASHTOWare Project Bids™ Bid Component software is required to view, prepare and submit bids (proposal form packets) electronically. This software is available for download and use at no charge at <https://bids.cloverleaf.net/>. Training material and detailed instructions to "Set Up Internet Bidding" are available within the "AASHTOWare Project Bids™ – Flash Guides" through the Bid Express Training Center at: <https://www.bidx.com/site/trainingcenter>.

**Bid Submittal – Registration and Paid Subscription are 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 as the referring Agency, have a paid subscription to electronically submit bids via the 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. Note that there are fees to generate an ID for monthly Internet bidding.

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](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 takes 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



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or email the Bid Express Customer Support Team at 888-352-BIDX (2439) or at [customer.support@bidx.com](mailto: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 as specified in TC-2.05.

#### **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 selection of the appropriate MBE or DBE 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 selection of the appropriate MBE or DBE forms.

#### **Bid Security / Proposal Guaranty – Electronic Verification**

Bid Express permits bidders to have electronic bid bond verification. The Administration 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>. For additional information, see GP-2.07.

#### **Bid Opening and Requirements.**

Bid Opening shall be as specified in GP-2.13.





**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](mailto:mdotshabidx@sha.state.md.us).



**NOTICE TO CONTRACTORS**

**Frequently Asked Questions - General**

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

**A1: Contact eMaryland Helpdesk at (410) 767-1492 or at [emma.helpdesk@maryland.gov](mailto:emma.helpdesk@maryland.gov) for questions regarding eMaryland Marketplace Advantage website. Contact Bid Express at (888) 352-2439 or at [customer.support@bidx.com](mailto: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](mailto: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](mailto:customer.support@bidx.com).**

**Frequently Asked Questions – Accessing Materials**

Q5: Where can I retrieve the contract documents?

**A5: All contract bidding documents, with the exception of the “.ebxs” file needed to bid, may be downloaded from BidX free of charge. 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 download the “.ebxs” file and 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.**



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- Q7: How do I save the .ebsx and .00#x files?
- 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 (PFP) and Schedule of Prices?
- A8: **A .pdf copy of the PFP with a list of bid items is provided, for informational purposes only, in the download section of Bid Express for free. For bidding purposes, 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.**

#### **Frequently Asked Questions – Bidding**

- Q10: Do I need an account with Bid Express to bid?
- A10: **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>.**



Q11: How and where do we submit bids?

A11: 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 Items in the software to submit the bid. Once 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.**

Q12: Can I revise a bid I have already submitted it? If so, how can I revise my bid?

A12: **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 “.ebxs file” and re-selecting the attachment using the ‘Browse’ button, prior to re-submission.**

Q13: If I am not the apparent low bidder, am I required to deliver the original proposal guaranty/ bid security to MDOT SHA?

A13: **Yes, unless the bid security is electronically verifiable, all bidders must submit the original bid security as specified in TC-2.04 and TC-2.05.**

Q14: Is it acceptable to use a paper bid bond as a bid security?

A14: **No.**

Q15: Must I submit bid security for every project?

A15: **Yes, unless specified otherwise.**

## PROJECT SCOPE OF WORK

The scope of work shall include providing labor, equipment, materials, etc. necessary in performing miscellaneous Facility and other types of repairs, upgrades, replacements, and new construction as directed by the MDTA Project Manager in an on-call or task-based manner. This work may be required on any portion (Facility and all appurtenances) of any of the MDTA’s facilities. The work may include but is not limited to the following:

1. Roof leak repairs including membrane, insulation, decking and drains.
2. Facility Roof Replacement (partial or complete).
3. Floor tile removal and replacement.
4. Interior & exterior Facility painting & associated finishes.
5. Carpet/Flooring replacement.
6. Acoustic ceiling tile (ACT) and gypsum board ceiling replacement.



7. Repair and/or replace Facility damaged from natural forces or accidents.
8. Repair cracks in Facility foundations, walls, and floors.
9. Repair and/or replace and re-point masonry.
10. Repair and/or replace windows and doors.
11. Repair and/or replace on-site utilities.
12. Installation of new utilities.
13. Miscellaneous Facility and site repairs, renovation's enhancements, and modifications, which may or may not be security related and/or emergency related.
14. Repair and/or replace plumbing, including fixtures.
15. Repair and/or replace electrical systems.
16. Repair and/or replace light fixtures.
17. Repair and/or replace and upgrade HVAC installations.
18. Repair and/or replace Building Automation System (BAS) controls and/or components.
19. Repair and/or replace mechanical system installations.
20. Repair and/or replace Security System and/or components.
21. Repair and/or replace Fire Alarm System and/or components, including Sprinklers.
22. Repair and/or replace Data/Telephone/IT systems and/or components.
23. Repair and/or replace Elevator systems and/or components.
24. Repair and/or replace underground fuel storage tanks.
25. Provide access for in-depth inspections of facility components, including building and site features.
26. Facilities site preservation repairs, which includes curb and gutter repairs, sidewalk replacement, asphalt concrete resurfacing, handicapped parking delineations, striping, campus sign structures, security fencing and gates.
27. Salt barn/dome repairs and/or complete demolition and replacement.
28. Miscellaneous inlet and drainpipe repairs or replacement.
29. Hazmat material testing and abatement.
30. Horizontal Directional Boring /Drilling

It is important to note that the bid items included in this contract are only the most commonly used bid items. However, the Bidder should understand that many other items (i.e., material, equipment, and services) may be requested as part of a requested task. Portions of this work may have to be performed on an emergency basis rather than as a routine project. If an emergency arises, the Contractor hereby agrees to give the emergency priority until the emergency is resolved, even though this may be at the expense of other tasks for which the Contractor is responsible.

The MDTA Engineer will provide a list and priority of non-emergency projects to the Contractor on an as developed basis. For non-emergency work, the MDTA Engineer will issue a SOW to the Contractor. The SOW will have a deadline for response, which will typically be two (2) weeks, unless stated otherwise. Within two (2) weeks of receiving an assignment, the Contractor shall furnish to the Engineer the names, addresses, home phone numbers, cell phone numbers, email addresses, etc. of at least two (2) individuals who can be contacted by the Engineer and who are authorized to serve as the Contractor's Representative and provide construction services in the event of an emergency, as determined by the Engineer. One of these individuals shall always be available to be contacted with a maximum response time of two (2) hours.



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Work classified by the MDTA as emergency work may require immediate response based on verbal/email direction of the MDTA. For the purpose of this contract, “immediate response” shall be defined as the Contractor being onsite within four (4) hours of initial notification. The Contractor is required to have a Building Construction Superintendent, as required by the task, to be on site within four (4) hours with truck and tools in accordance with IFB Part B Section 400.10. Failure to comply with this requirement will result in a deduction on the next progress estimate of up to \$400.00 per hour for each hour the Contractor fails to show up beyond the four (4) hour response requirement, up to a maximum of \$10,000.00 or the value of the task, whichever is less. The amount of monies deducted will be a permanent deduction and are not recoverable. It is important for the Contractor to understand, that this requirement will not be satisfied, if unqualified personnel are dispatched, or if the personnel are not properly equipped with the necessary tools, as required in IFB Part B Section 400.10.

Work shall be performed as directed by the Engineer and may not be on a continual basis.



## **QUALIFICATIONS AND EXPERIENCE REQUIREMENTS**

The Prime Contractor's Company shall have at least ten (10) years of experience as an established business performing major facility systems repair work of similar or comparable type, scope, complexity, and magnitude of work items and services described in the Invitation for Bids (IFB) on commercial and/or transportation buildings and facilities.

The experience of officers, employees, personnel, or subcontractors of the Company shall not be counted to satisfy the required ten (10) years' experience requirement for the company.

Evidence of the required work experience shall be provided in the Experience Questionnaire Form included in the IFB and submitted at time of bid.

For experience requirements of the various labor classifications, see IFB Part B Section 400.10.

## **HVAC SYSTEM QUALIFICATIONS**

The HVAC Contractor must have the following qualifications:

1. Before the start of task order work, the Contractor shall provide a list of all Air Conditioning, Heating, and Refrigeration Institute (AHRI) and/or Underwriters Laboratories (UL) certified equipment to be used in fulfillment of the task.
2. Before the start of task order work, the Contractor shall provide copies of the Clean Air Act (CAA) Section 608 Technician Certification Credentials for all personnel to be used in fulfillment of the task. Those certifications must remain current and not expired during the entire task order duration.
3. All technicians working under the task shall maintain a certification approved by the Environmental Protection Agency (EPA). Copies of certifications must be submitted to the MDTA before the start of task order work and remain current and not expired during the entire task order duration.

## **FIRE SYSTEM QUALIFICATIONS**

The Fire System Contractor must have the following qualifications:

1. The Contractor shall be certified in accordance with current National Institute for Certification in Engineering Technologies (NICET) standards and provide documentation to verify proof of certification. Copies of certifications must be submitted to the MDTA before the start of task order work.
2. The Contractor shall be certified by a nationally recognized testing laboratory (e.g., UL, LLC) as a provider of central-station fire alarm service or, where the system is monitored in a proprietary supervising station, proprietary-station fire alarm service. A copy of a Certificate of Compliance or similar declaration issued by the nationally recognized

- testing laboratory shall be submitted as proof before the start of task order work and remain current and not expired during the entire task order duration.
3. The Contractor shall have in its employment, certified mechanics, and technicians, and shall provide a copy of their license and/or certification qualifying them to work on this type of equipment before the start of task order work. Those licenses and certifications must remain valid and not expire during the entire task order duration. Approved licenses or certifications are:
    - A. NICET
      - NICET-certified, Fire Alarm technician; Level III minimum
      - Automatic Sprinkler System Layout
      - Inspection and Testing of Water-Based Systems
      - Special Hazards Suppression Systems
      - Fire Alarm Systems
      - Trained and certified by manufacturer in Fire Alarm system design
      - NICET Technologists Certification.

For more information on NICET, please refer to their website at [www.nicet.org](http://www.nicet.org)

## **SECURITY SYSTEM QUALIFICATIONS**

The Security Contractor must have the following qualifications:

1. Must have an installer's Maryland Security License. License must be current and not expired. Copy of the License must be submitted before the start of task order work.
2. Must have a Registered Communication Distribution Designer (RCDD) LAN Specialization Certificate. Copy of the Certification must be submitted before the start of task work order and remain current and not expired during the entire task order duration.
3. Must have a minimum of three (3) AMAG Certified technicians on staff and they must be committed to this project for the purpose of performing the security systems installation/test. MDTA will require proof that the Security Technicians used on this project have valid and up to date AMAG 8.1 or later certifications. At least one (1) of these technicians shall have residence within a one-hour drive of Baltimore, MD. Copies of the Certifications must be submitted before the start of task order work and remain current and not expired during the entire task order duration. The documentation must include the technician's name and the AMAG certification number.
4. Must have a minimum of three (3) years' experience in installing Closed-Circuit Television cameras for security applications. Evidence of experience must be submitted before the start of task order work.





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**ON-CALL FACILITY REPAIRS**

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**GENERAL INFORMATION**

Contract No. MR-3020-0000

**PART A**



# Maryland Transportation Authority

## ON-CALL FACILITY REPAIRS

### GENERAL INFORMATION

Contract No. MR-3020-0000

### GENERAL INFORMATION

#### GI-1 SPECIFICATIONS

All terms, conditions, and 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 2023 and all revisions thereof, or additions thereto that are specifically included in this Invitation for Bids. You can access the SHA's Standard Specifications for Construction and Materials at the following web site link: [www.roads.maryland.gov](http://www.roads.maryland.gov). Any Supplemental Specifications and Provisions shown on this web site shall only apply to this project if they are specifically included in this Invitation for Bids.

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.

#### GI-2 PROJECT DESCRIPTION

Work includes providing labor, equipment, materials, etc. necessary in performing miscellaneous Facility and other types of repairs, upgrades, replacements, and new construction as directed by the MDTA Project Manager in an on-call or task-based manner. This work may be required on any portion (Facility and all appurtenances) of any of the MDTA's facilities.

#### GI-3 PROJECT TIME

The time to complete the Project resulting from this IFB shall be for a period of **1825** Calendar Days. AT THE SOLE DISCRETION OF MDTA, THIS CONTRACT MAY BE RENEWED FOR A ONE YEAR PERIOD AT THE EXPIRATION OF THE INITIAL  FIVE (5) YEAR TERM UPON WRITTEN NOTICE BY MDTA TO THE CONTRACTOR, WHICH RENEWAL SHALL BE UNDER THE SAME TERMS AND CONDITIONS SPECIFIED HEREIN WITHIN THIS IFB AND THE RESULTING CONTRACT DOCUMENTS, INCLUDING AT THE SAME PRICES (IF APPLICABLE FOR ON-CALL).

#### 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

Phone No. 410-537-7510  
Fax No. 410-537-7801



## Maryland Transportation Authority

### ON-CALL FACILITY REPAIRS

#### GENERAL INFORMATION

Contract No. MR-3020-0000

E-mail: [jfleming@mdta.state.md.us](mailto: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  
300 Authority Drive  
Baltimore, MD 21222  
E-mail: [rwheeler1@mdta](mailto:rwheeler1@mdta).

Phone No. 410-663-2014  
Fax No. 410-537-7802

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 **Wednesday, November 8, 2023**, beginning at 10:00 a.m., Local Time, Maryland Transportation Authority, Point Breeze, Curtis Creek Conference Room, 2310 Broening Highway, Baltimore, MD 21224. 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.

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](mailto:MDTAPROUREMENT@mdta.state.md.us) with a copy to [jfleming@mdta.state.ms.us](mailto:jfleming@mdta.state.ms.us). Questions will be received until **Wednesday, November 22, 2023, at 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 eMM.



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Bidders should receive an automatic electronic confirmation email from the MDTA Procurement 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 eMaryland Marketplace Advantage.

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 **Wednesday, December 20, 2023, at 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.

- 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.



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(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: Robert Usher, 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 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**
- (k) **New VSBE Forms**

- 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 Administration 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.

**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 on eMaryland Marketplace Advantage. **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 eMaryland Marketplace Advantage.

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.) **IN THE EVENT MDTA OPTS TO RENEW THE CONTRACT FOR THE ADDITIONAL ONE YEAR RENEWAL OPTION, CONTRACTOR SHALL BE REQUIRED TO RENEW THE PAYMENT AND PERFORMANCE BONDS FOR THE ADDITIONAL ONE YEAR RENEWAL OPTION PERIOD PRIOR TO THE START OF THE OPTION PERIOD.**
- E. The Awardee shall begin work as specified in the "Notice to Proceed".
- 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 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).



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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.
    - 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.



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#### 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 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, 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:

- a) Have its principal place of business in Maryland or be a Maryland resident;
- b) Be unable to obtain adequate bonding on reasonable terms through normal channels within 90 days of submitting a bond application to MSBDFA;
- c) Employ fewer than 500 full-time employees or have gross sales of less than \$50 million annually;
- d) Not subcontract more than 75 percent of the work;
- e) Have good moral character and a history of financial responsibility;
- f) Demonstrate that the contract will have a substantial economic impact; and
- g) 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:

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](mailto:mmgdeal@mmggroup.com)





## **Maryland Transportation Authority**

### **ON-CALL FACILITY REPAIRS**

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#### **GENERAL INFORMATION**

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#### **GI-14 ELECTRONIC 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](http://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.



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**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/>.

**GI-19 EVALUATED BASE BID**

For purposes of this Contract, the Evaluated Base Bid shall be defined as the TOTAL BASE BID OF ALL ITEMS listed in the Schedule of Prices.

**GI-20 BASIS OF CONTRACT AWARD**

The Maryland Transportation Authority (MDTA) intends to award this contract to the responsive and responsible Bidder with the lowest responsive bid based on the Evaluated Base Bid.

Please note that the amount submitted for the Evaluated Base Bid does not represent the actual amount for which a contract will be awarded. A contract will be awarded in the **Not-To-Exceed (NTE) amount of \$5,000,000.00.**

The MDTA does not imply or guarantee that a Contractor will receive the Evaluated Base Bid or Contract Total during the life of the Contract. The Contractor will only be compensated for the actual work, satisfactorily completed and accepted, on a Task-by-Task and Item by Item basis, as required by the MDTA and in accordance with the Standard Provisions and Technical Provisions of this Contract.



*Maryland Transportation Authority*

**ON-CALL FACILITY REPAIRS**

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**CONTRACT PROVISIONS**

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**CONTRACT PROVISIONS**



CONTRACT PROVISIONS

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**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 <https://www.mdot.maryland.gov/pages/home.aspx>. 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 **Eighteen** percent (**18%**) of the total contract dollar amount, including all renewal option terms, if, any, has been established for this procurement.

**There are no sub-goals**

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 subgoals, if any, established for the contract.

**CP-2 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 subgoals 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.**



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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 subgoal 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.
- 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-3 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.



**CONTRACT PROVISIONS**

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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. d. Failure to meet the Contractor's total MBE participation goal and subgoal commitments: the difference between the dollar value of the total MBE participation 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.



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CP-4 IMPORTANT INFORMATION REGARDING VETERAN-OWNED SMALL BUSINESS ENTERPRISE (VSBE) BIDDING AND REQUIREMENTS

Veteran-Owned Small Business Enterprises **MUST** be registered in eMarylandMarketplace Advantage (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) 21.11.14. 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 One (1%) 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:

- (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.



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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. A copy of the VSBE form E-1 (A-E VSBE Utilization Affidavit and Prime/Subcontractor Participation Schedule; Good Faith Efforts Documentation to support Waiver Requests; VSBE form E-2 VSBE Outreach Efforts Compliance Statement; and VSBE form E-3 VSBE Subcontractor Participation Statement; and related instructions

can be found at eMMA and BidX as an attachment to the solicitation. To submit the VSBE forms, the Contractor shall compile the completed VSBE forms with the experience Questionnaire into one file and upload in the BidX Experience Questionnaire Form Que.

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 21.11.14.07; 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.
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





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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-5 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-6 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](http://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.



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**NOTICE TO CONTRACTORS**

**CP-7 CONCERNING THE MBE GOAL ON THIS CONTRACT**

The Maryland Department of Transportation is committed to providing the maximum amount of contracting opportunities to certified Minority Business Enterprises (MBEs). 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.



**NOTICE TO CONTRACTORS**

**CP-8 MBE COMPLIANCE FIELD MEETING**

An MBE compliance Field Meeting will be conducted to review the responsibilities of the Administration 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.



**CP-9 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 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.