

**MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSPORTATION AUTHORITY**

Baltimore, Maryland

Invitation for Bids

PART A

JOHN F. KENNEDY MEMORIAL HIGHWAY



Maryland
Transportation
Authority

Contract No. KH-3046-0000

**I-95 / I-695 INTERCHANGE EXPRESS TOLL LANES –
RAMPS MB & MH**

Baltimore County

October 10, 2025

**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**

2020 VERSION 1.0 DRAFT 4 – December 29, 2021

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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Invitation for Bids **KEY INFORMATION SUMMARY SHEET**

CONTRACT NO.: KH-3046-0000

eMMA SOLICITATION: BPM051797

TITLE: I-95 / I-695 INTERCHANGE EXPRESS TOLL LANES – RAMPS MB & MH

FACILITY: JFK Memorial Highway

COUNTY: Baltimore County

ADVERTISED: October 10, 2025

PRE-BID MEETING: October 22, 2025, 11:00a.m. local time at Maryland Transportation Authority, 8019 Corporate Drive, Suite F, Baltimore, MD 21236

QUESTIONS DUE DATE November 5, 2025, 3:00pm **See Section GI-7**

PROCUREMENT OFFICER: Jullian Johns
Phone # 410-537-6774
Email Address: jjohns@mdta.state.md.us

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

BID DUE DATE AND TIME: December 3, 2025, 12:00p.m. local time

CLASSIFICATION: Class - J (\$50,000,001 to \$75,000,000)

PROJECT TIME: 720 Calendar Days

LIQUIDATED DAMAGES: **MBE Liquidated Damages – See Section CP-4**
Project Liquidated Damages – See Section GP-8.09

MINIMUM MBE GOALS: Overall 28% with sub goals of 8% African American and 11% for Woman-Owned firms

MINIMUM VSBE GOAL: 1%

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.



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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. All fees are payable to Bid Express. Potential



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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 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 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 Tinubu Surety Solution and Surety 2000. For information on Tinubu Surety Solution please visit <http://www.tinubu.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.



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NOTICE TO CONTRACTORS

How to obtain potential bidder's list?

A Bidder's List for this solicitation is available on the Bid Express website, (<https://www.bidx.com/maryland/main>). To view this:

- Visit the BidX website listed above;
- On the menu bar across the top, select the "Lettings" tab;
- Select the desired Letting Date from the List of Lettings;
- Select the desired Proposal;
- On the right-hand side, under "Also Available" select "Plan Holders/Eligible Bidders."
- To access contact information for "Plan Holders", select "Export (csv)" and open or save the file created from this action. Note, if no "Plan Holders" are listed, the file will be blank. "Voluntary Plan Holder" contact information and Business Classification are available on the page.



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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 for questions regarding eMaryland Marketplace Advantage website. Contact Bid Express at (888) 352-2439 or at customer.support@bidx.com for questions about “.ebsx” 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 “.ebsx” 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 bidding documents, with the exception of the “.ebsx” 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 “.ebsx” file and submit bids.
- Q6: How can I view the “.ebsx” 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



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computer. Please note that MDOT SHA does not use Trns*Port Expedite® for bidding purposes.

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>.



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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 “.ebsx 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 work to be performed under this contract is located along I-95 (John F. Kennedy Memorial Highway) at the I-695 interchange in Baltimore County. Along eastbound I-695, the limit of pavement is approximately 700 feet west of the Lillian Holt Drive overpass. Along westbound I-695, the limit of pavement is at the Stemmers Run overpass. Along I-95 Express Toll Lanes ETL, the limit of pavement is approximately 1,500 feet south of the Rossville Boulevard overpass. The overall limits of work extend past the limits of pavement to account for additional overhead signs, toll rate signs, and placement of the Toll Gantry along northbound I-95 ETL. The project includes additions of Ramps MB and MH to the I-95 and I-695 interchange. Ramp MH provides a connection from eastbound I-695 to Northbound (NB) I-95 ETL. Ramp MB provides a connection from westbound I-695 to NB I-95 ETL. Both these ramps merge into one lane before they go through the Toll Gantry on NB I-95 ETL.

The project includes but is not limited to:

- Construction of new seven-span curved steel girder bridge to carry Ramp MH over Stemmers Run, Southbound (SB) I-95, SB I-95 ETL and NB I-95 ETL.
- Construction of post-tensioned integral concrete pier cap at Ramp MH Pier 5.
- Construction of three Mechanically Stabilized Earth (MSE) Retaining Walls and one Top-Down Retaining Wall.
- H-Pile and drilled shaft installation.
- Installation of support of fill and support of excavation.
- Multi-phase Maintenance of Traffic including temporary pavement, temporary barrier setting and resetting, restriping, lane closures etc.
- Installation of overhead cantilever, and Dynamic Message Sign(s) (DMS) sign structures.
- Installation of ground mounted roadway signing, supports, and foundation.
- Installation, modification, removal, and maintenance during construction of Intelligent Transportation Systems (ITS) equipment including Closed-Circuit Television (CCTV) cameras, toll rate signs, and associated equipment, communications, and power systems.
- Installation of a toll gantry.
- Electrical feed to the toll gantry, including a generator.
- Roadway lighting and associated electrical feeds.
- Existing lighting system electrical upgrades and replacement of electrical feeds.
- Guardrail and concrete barrier installation.
- Utility monitoring and relocation of MDTA-owned electric lines
- Stormwater management bio-swale, gravel wetland, bioretention and micro-bioretention facility installation.
- Inlet and storm drain installation.
- Maintenance of stream flow.
- Stream restoration.
- Embankment excavation and fill.



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- Pavement milling.
- Asphalt paving.
- Installation of pavement markings.
- Erosion and Sediment Control.
- Tree removal.
- Landscaping.

QUALIFICATIONS AND EXPERIENCE REQUIREMENTS

1. The Prime Contractor, as a company, shall have a minimum of ten (10) years of experience performing interstate highway and steel bridge construction projects of a similar scope and complexity as required in these Contract Documents, including but not limited to steel girder bridges, asphalt pavement, staged construction, maintenance of stream flow and stream restoration, deep foundations, retaining walls, drainage systems, Stormwater Management (SWM) facilities, erosion and sediment control, landscaping, overhead cantilever, toll and DMS sign structures, roadway lighting, signing and marking, and ITS system installation.

Experience of individual personnel in the firm will not count towards meeting the required experience of the firm. In the event that a Joint Venture (JV) will serve as the Prime Contractor, the individual entities of the JV shall each have at least ten (10) years of experience on interstate highway and steel bridge construction projects that are in similar complexity and scope as to the project described within this IFB. The JV does not need to have ten (10) years of experience of the JV entities working together as a team. Evidence of this experience shall be provided at time of bid in the Experience Questionnaire included in the Invitation for Bids. Each member of the JV Team shall complete the questionnaire form separately.

Spotted Lantern Fly (SLF) permit shall be obtained by the Contractor and associated Sub-Contractors prior to issuance of Notice to Proceed and shall be maintained during construction operations throughout the duration of the project. For information on obtaining the permit please visit:

<https://mda.maryland.gov/plants-pests/pages/spotted-lantern-fly.aspx>

Presently, the training is available through the Penn State Extension Website: Spotted Lanternfly Permit Training for Businesses: Maryland (psu.edu)

2. The trenchless conduit installation shall be performed by a specialty Contractor/Sub-Contractor who shall be experienced in trenchless conduit installation and have completed a minimum of five (5) construction projects of similar diameter and in similar ground and groundwater conditions, one project of which shall have been successfully installed with similar cover conditions under an active roadway within the last five (5) years. This work shall be performed under the supervision of the Contractor's/Sub-Contractor's Superintendent, who will be fully knowledgeable of operating trenchless equipment similar to that proposed for this particular work. The Contractor's/Sub-Contractor's equipment proposed for use at the site shall have the demonstrated capacity to successfully complete the work within the specified contract time. Evidence of this experience shall be provided at time of bid in the Experience Questionnaire included in the Invitation for Bids.



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GENERAL INFORMATION

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PART A



Maryland Transportation Authority

I-95 / I-695 INTERCHANGE EXPRESS TOLL LANES – RAMP MB & MH

GENERAL INFORMATION

Contract No. **KH-3046-0000**

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 2022 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. 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

The work to be performed under this contract is located along I-95 (John F. Kennedy Memorial Highway) at the I-695 interchange in Baltimore County. Along eastbound I-695, the limit of pavement is approximately 700 feet west of the Lillian Holt Drive overpass. Along westbound I-695, the limit of pavement is at the Stemmers Run overpass. Along I-95 ETL, the limit of pavement is approximately 1,500 feet south of the Rossville Boulevard overpass. The overall limits of work extend past the limits of pavement to account for additional overhead signs, toll rate signs, and placement of the Toll Gantry along northbound I-95 ETL. The project includes additions of Ramps MB and MH to the I-95 and I-695 interchange. Ramp MH provides a connection from eastbound I-695 to NB I-95 ETL. Ramp MB provides a connection from westbound I-695 to NB I-95 ETL. Both these ramps merge into one lane before they go through the Toll Gantry on NB I-95 ETL.

GI-3 PROJECT TIME

The time to complete the Project resulting from this IFB shall be for a period of 720 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:

Jullian Johns



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Division of Procurement
Maryland Transportation Authority
2310 Broening Highway
Baltimore, MD 21224
E-mail: jjohns@mdta.state.md.us

Phone No. 410-537-6774

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:

Nafiz Alqasem
Office of Engineering and Construction
Maryland Transportation Authority
8019 Corporate Drive, Suite F,
Nottingham, MD 21236
E-mail: nalqasem@mdta.maryland.gov

Phone No. 410-537-8200

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

GI-6 PRE-BID MEETING

A Pre-Bid Meeting will be held on October 22, 2025, beginning at 11:00 a.m., Local Time, MDTA 8019 Corporate Drive, Suite F, Baltimore, MD 21236. 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



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Please submit all questions in writing to the Procurement Officer: Jullian Johns via email at: MDTAPROCUREMENT@mdta.state.md.us with a copy to jjohns@mdta.state.md.us. Questions will be received until November 5, 2025, 4:00pm 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 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 **December 3, 2025, 12:00 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.



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- (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: Jullian Johns, 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 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



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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.)
- 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.



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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.
 - 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.



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- 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 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:

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



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Fax: 410-333-2552

Email: mmgdeal@mmgggroup.com

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.

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



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Resolution must be submitted with the Bid, verifying signatory authority on behalf of the Company.

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/>.



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**CP-1 MDOT PROJECT LABOR AGREEMENT REQUIRED AND OPTIONAL
PROVISIONS**

1. Purpose

The purpose of this document is to provide clarity on Project Labor Agreement (PLA) provisions expectations from the Maryland Transportation Authority (MDTA). These lists are not all-inclusive; contractors and unions can agree to include additional provisions in their PLA as long as other provisions do not conflict with the required provisions mentioned here.

2. Bid Submission Requirements

Bidders must submit a **signed PLA Commitment Letter** with their bid, affirming their obligation to negotiate and execute a PLA that includes the required provisions listed above. The final PLA shall be submitted to MDTA for **review and acceptance** prior to issuance of the Notice to Proceed.

MDTA reserves the right to reject any PLA that does not substantially conform to the above requirements or that may impair labor harmony, timely project delivery, or workforce participation goals.

The PLA must fully conform to all State and federal statutes, regulations, and executive orders.

3. Required PLA Provisions

The provisions listed below are required in a contractor's PLA.

3.1. Purpose

This article (or articles) must provide general terms of the agreement and must specify that the agreement pertains only to this project.

3.2. Scope of Agreement

This article must discuss the scope of the agreement. This must include mentioning that the agreement is solely for the purpose of this project. The PLA must also clearly specify that contractors and their subs are NOT required to sign onto any collective bargaining agreements.

This article should discuss any work to be excluded from the scope of this agreement. MDTA is comfortable with the following types of work being excluded from the PLA:

- Architectural and engineering services, state inspectors' or other public employees' work, emergency work performed to avoid immediate risk of harm to persons or property, non-construction support services, creation and installation of artwork, future maintenance, or warranty or repair work after acceptance of the Project.

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- Off-site maintenance of equipment and on-site supervision of equipment maintenance and off-site laboratory work for testing.
- Offsite fabrication at non-temporary facilities not established specifically for the Project and which have been used for fabrication of other projects.
- Repair or maintenance work performed by the Owner's staff or by contractors retained outside of Construction Manager's Prime Contract, after acceptance of work by the Owner under the Prime Contract.
- Work of persons, firms and other entities that perform consulting, planning, scheduling, design, environmental, geological, management, or other supervisory services.
- Work recognized through local practice for systems integration and testing.
- Commissioning work.

3.3. Union Recognition and Employment

This article must specify the agreement between the contractor and the unions regarding hiring. This section can also address stewards, referrals, etc.

- The PLA must include terms governing union access to the project site, limited to business agents and representatives performing duties in accordance with safety and site protocols.
- Provisions must be included for the designation of union stewards with clearly defined responsibilities, rights, and conduct expectations.
- Nothing in the agreement should require employees to join a union or pay dues or fees to a union as a condition of employment.

3.4. Management Rights

This article must describe the contractor's management rights.

3.5. Work Stoppages and Lockouts, Labor Peace

This article must call for the prohibition of strikes, lockouts, work stoppages, or other labor disruptions during the life of the project. The PLA shall include enforceable no-strike, no-lockout clauses that apply to all covered workers and unions for the duration of the project. "Work now, grieve later" protocols must be adhered to on-site to ensure uninterrupted performance of work.

3.6. Disputes and Grievances

This article must address how the parties to the agreement plan to resolve any disputes and grievances that arise. The PLA must set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising before the work is completed.

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3.7. Jurisdictional Disputes

This article must address how the unions intend to resolve jurisdictional issues regarding performing the work involved on the PLA-covered portion of the project. Dispute resolution procedures must ensure that jurisdictional disagreements do not delay or disrupt project work.

3.8. Subcontractor Signatories to PLA

This article must note that all craft/trade subcontractors (except the categories described below) are expected to become signatories to the PLA.

The exclusions are as follows:

1. Any MBE, DBE, or other category described below in Section 3.17; and/or
2. Any non-craft/trade subcontractor, such as suppliers, installers, and the following:
 - (a) Any work performed by non-manual employees or workers including but not limited to salaried employees of any kind, superintendents, supervisors not covered by a Collective Bargaining Agreement, staff engineers, guards, emergency medical and first aid technicians, and other professional, engineering, administrative, supervisory, executive and management employees not covered by a Collective Bargaining Agreement or to any employees not covered by the Collective Bargaining Agreement of one of the Unions. This shall also specifically include such work where it is referred to by utilization of such terms as "quality control" or "quality assurance."
 - (b) Architectural and engineering services, state inspectors' or other public employees' work, emergency work performed to avoid immediate risk of harm to persons or property, non-construction support services, creation and installation of artwork, future maintenance, or warranty or repair work after acceptance of the Project.
 - (c) Off-site maintenance of equipment and on-site supervision of equipment maintenance and off-site laboratory work for testing.
 - (d) Offsite fabrication at non-temporary facilities not established specifically for the Project and which have been used for fabrication of other projects.
 - (f) Repair or maintenance work performed by the Owner's staff or by contractors retained outside of Construction Manager's Prime Contract, after acceptance of work by the Owner under the Prime Contract.
 - (g) This Agreement shall not apply to the work of persons, firms and other entities that perform consulting, planning, scheduling, design, environmental, geological, management, or other supervisory services.
 - (h) This Agreement shall not apply to the common division of work recognized through local practice for systems integration and testing.

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(i) This Agreement shall not apply to commissioning work.

3.9. Apprentices and Training

This article must describe how apprentices will be utilized on the project. The combined employment of apprentices shall not exceed thirty-three and one-third percent (33 1/3%) of the individual Union work force except by mutual agreement at a pre-bid meeting.

3.10. Wages and Benefits

This article must address the wages and benefits that the contractor and unions agree to. This article must also account for all other rules and requirements regarding wages and benefits.

For prevailing wages:

- All contractors and subcontractors, regardless of tier, must comply with applicable federal and state prevailing wage laws.
- The PLA must require payment of wages and fringe benefits in accordance with applicable Davis-Bacon or state prevailing wage determinations.
- Fringe benefits shall be paid to designated, jointly administered union trust funds, where applicable.

3.11. Work Rules

This article must describe any work rules for the project. The following uniform work rules must be included:

- Standard hours of work
- Overtime eligibility and pay rates
- Meal and rest break periods
- Absenteeism policies and reporting pay
- Recognized holidays

Provisions must support uninterrupted work and align with established industry standards.

3.12. Hours of Work, Overtime, Reporting Pay, and Holidays

This article should address the hours of work, overtime, reporting pay, holidays, and other related topics that the contractor and unions agree to.

3.13. Safety and Health

This article should describe the safety and health expectations for the project. This should include a reference to safety rules and regulations, including but not limited to Occupational Safety and Health Administration (OSHA) regulations.

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3.14. Non-Discrimination Clause

This article should state that the parties to the agreement agree not to discriminate in any manner against an employee or applicant for employment. The PLA should guarantee equal opportunities in employment and prohibit discrimination in recruiting, interviewing, hiring, upgrading, setting work conditions, or discharging employees or workers as required by federal and State law.

3.15. Voluntary Check-Off Authorization

The agreement shall allow for voluntary union dues deduction authorization by workers covered under the PLA, in compliance with applicable labor law.

3.16. General Savings Clause

This article should state that the agreement should remain in place even if it is determined that one clause is declared invalid, inoperative, or unenforceable by any competent authority.

3.17. MBE Clause

There must be a clause noting that the work performed by MBE subcontractors is excluded from the scope of this PLA. Essentially, MBE work is carved out of the PLA-covered work.

Suggested language is as follows:

“It is understood that these Certified MBE's and similarly protected classes, when awarded covered work exempted by this article, will not be required to sign or be bound by this Agreement as a condition of performing this work on the project.”

3.18. Competition

The PLA must allow all union and non-union contractors, subcontractors, and material suppliers who agree to abide by the terms of the project labor agreement to compete for work to be performed and materials to be provided without regard to whether they are otherwise parties to collective bargaining agreements.

4. Optional PLA Provisions

The provisions listed below are optional in a PLA.

4.1. Core Workers

The contractor and unions can consider including a core workers clause in the PLA. This clause would allow the contractor to bring a reasonable number of its key employees to work on the project, specifically on the PLA-covered work. Contractors may use a defined percentage of their own core employees subject to agreed-upon ratios between core workers and union-referred workers. The PLA must include a mechanism to identify and verify core workers in compliance with the union referral process.

4.2. Hiring Veterans

The contractor and unions can consider including a clause specifying the facilitation of hiring veterans and members of the National Guard and Reserves.



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4.3. Local Hiring or Other Hiring Goals

The contractor and unions can consider including a clause describing local hiring or other hiring goal requirements for the project.

CP-2 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 **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 subgoals, which have been established for this procurement:

8 % for African American MBEs,

11 % for Woman-Owned 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 subgoals, if any, established for the contract.

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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 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.**

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.**

3.

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.

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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. 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.



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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 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-percent (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



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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 21.11.14.07; 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 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.



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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.



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CONTRACT PROVISIONS

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NOTICE TO CONTRACTORS

CP-8 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.

The Administration reserves the right to verify the accuracy of the dollar value included on the Contractor's Affirmative Action Plan, including the value associated with the manufacture, supply, and installation of structural steel.



CONTRACT PROVISIONS

Contract No. **KH-3046-0000**

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NOTICE TO CONTRACTORS

CP-9 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-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

CP-11 CERTIFICATION OF MBE SUBCONTRACTS PRIOR TO AWARD

This provision applies if the selected contractor has committed to meeting MBE goals established for this contract.

In accordance with COMAR 21.11.03.10B, the MDTA is required, prior to award, but within 10 working days from the notification of apparent award of the contract, to verify that the prime contractor and each MBE subcontractor have entered into or intend to enter into, contingent upon completion of award of the contract by the MDTA to the prime contractor, a contract containing all necessary terms, including pricing, required for the MBE subcontractor to perform its proposed work and for the contractor to pay the MBE subcontractor for its work.

Prior to completion of the award, the selected prime contractor and each MBE subcontractor must execute and submit to the Procurement Officer a completed Certification of Agreement Between Prime Contractor and Subcontractor a copy of which is attached to this solicitation.



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A copy of the subcontract entered into or intended to be entered into by the prime contractor and each MBE subcontractor must be attached to each signed Certification of Agreement Between Prime Contractor and Subcontractor and must be approved by the MDTA prior to award. This review and approval by the MDTA of each MBE subcontract is solely for the benefit of the MDTA and the State of Maryland and shall not confer any rights, causes of action, or defenses on the part of the prime contractor or the MBE subcontractor against the MDTA or the State of Maryland.