



SOLICITATION FOR
ARCHITECTURAL AND ENGINEERING
PROFESSIONAL SERVICES
FOR
THE RETRIEVER ATHLETICS CENTER (RAC) RENEWAL PROJECT
RFP NO: BC-21094-C

ISSUED: 03/22/2018

**PROCUREMENT/ISSUING
OFFICE**

UMBC Department of Procurement & Strategic Sourcing
University of Maryland, Baltimore County
Administration Building, 7th Floor
1000 Hilltop Circle
Baltimore, MD 21250

PROJECT MANAGEMENT

UMB Office of Facilities and Operations
University of Maryland, Baltimore
Saratoga Street Offices
220 Arch Street
Baltimore, MD 21201

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ATTACHMENTS

ATTACHMENT A: Retrievers Activities Center Renewal Project Description dated March 1, 2018.

ATTACHMENT B: **Proposal Forms:**
Bid/Proposal Affidavit
Professional Liability Insurance Form
License Documentation Form (Individuals and Firms)
Acknowledgement of Receipt of Addenda Form
References Form (Individual and Firms)
Key Personnel Current Workload Form

ATTACHMENT C: **MBE Attachments:**
Attachment 1A - MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule
Attachment 1B – Waiver Guidance

Attachment 1C – Good Faith Efforts Documentation to Support Waiver Request

Attachment 2 – Outreach Efforts Compliance Statement

Attachment 3A – MBE Subcontractor Participation Certification

Attachment 3B – MBE Prime – Project Participation Certification

Attachment 4A – Prime Contractor Paid/Unpaid MBE Invoice Report

Attachment 4B – MBE Prime Contractor Report

Attachment 5 – Subcontractor Paid/Unpaid MBE Invoice Report

ATTACHMENT D: **Additional Forms:**

Contract Affidavit Form

University's Standard Consulting Agreement (Programming Services)

University's Standard Form of Agreement with Architects and Engineers
(RAC Renovation Design Services)

THE FOLLOWING DOCUMENTS ARE PACKAGED OR AVAILABLE SEPARATELY AS INDICATED:

The University of Maryland (Baltimore) *Procedure Manual for Professional Architectural/Engineering Services* dated 2009 Edition with 2015 Updates; available at the following website as *Current Edition of the UMB A/E Procedure Manual*:
[UMB - Facilities and Operations - Design and Construction.](#)

UMBC Supplement to UMB Procedure Manual for Professional Architectural/Engineering Services available at the following website: <https://umbc.box.com/v/RAC-Renewal-Project>

SECTION 1 - SOLICITATION SCHEDULE

Issue Date	Thursday, 3/22/18
Pre-Proposal Conference & Site Visit Date	Thursday, 3/29/18, at 3:30 pm
Pre-Proposal Conference Location	Room 310 University Center (UC) Building University of Maryland, Baltimore County (UMBC) 1000 Hilltop Circle Baltimore, MD 21250
Deadline for questions for Initial Technical Proposal	Thursday, 4/12/18, on or before 12:00 pm.
Initial Technical Proposal Due Date	Thursday, 4/19/18, on or before 12:00 pm.
Submit Initial Technical Proposal to UMBC Box:	Technic.mzdg8nj8cdkiga2l@u.box.com
Deadline for questions for Second Technical Proposal	Wednesday, 5/9/18, on or before 12:00 pm
Second Technical Proposal Due Date	Friday, 5/14/18, on or before 12:00 pm
Submit Second Technical Proposal to UMBC Box:	TBD
Interview Sessions for Shortlisted Firms	Thursday, 5/17/18 and Friday, 5/18/18
Deadline for scope clarification questions for Initial Fee Proposal	Wednesday, 5/23/18, on or before 1:00 pm
Initial Fee Proposal Due Date	Monday, 6/4/18, on or before 12:00 pm
Submit Initial Fee Proposal to UMBC Box	TBD
Initial Fee Proposal Negotiation Session	Thursday, 6/7/18, 1:00 pm FM Building Room 101
Fee Proposal Revision 1 Due Date	Tuesday, 6/12/18, on or before 12:00 pm
Fee Proposal Revision 1 Negotiation Session	Thursday, 6/14/18, 10:00 am, FM Building, Room 101
Fee Proposal Revision 2 Due Date	Tuesday, 6/19/18, on or before 12:00 pm

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Fee Proposal Revision 2 Negotiation Session		Wednesday, 6/20/18, 2:00 pm Administration Building Room 929
Final Fee Proposal Due Date		Thursday, 6/21/18, on or before 12:00 pm

END OF SECTION 1 - SOLICITATION SCHEDULE

SECTION 2 – SUMMARY AND BACKGROUND

A. SUMMARY

1. The University of Maryland, Baltimore County (UMBC) is seeking proposals for services from qualified design professional firms for the following:
 - Project programming for the Retriever Athletics Center (RAC) Renewal Project
 - Complete design services for the RAC Renewal Project.
2. The requirements for technical submissions and for design team composition and experience are based on pre-design through construction phase services provided by the same selected firm.

B. UMBC BACKGROUND

Established in 1966, the University of Maryland, Baltimore County (UMBC) is one of twelve institutions that along with two regional centers constitute the University System of Maryland. UMBC is located on 482 acres with 4.2 million gross square feet and only 15 minutes from Baltimore's Inner Harbor and 30 minutes from Washington, D.C. and five minutes from BWI Airport.

UMBC combines the emphasis on teaching found at the best liberal arts colleges with the innovation of a research university. UMBC's students take full advantage of the educational, business, cultural, and recreational resources of Baltimore and Washington, D.C. At UMBC, students work alongside faculty who are leaders in their fields; think about the hard questions of society, science, and creative expression; and then move beyond the classroom to make a difference.

UMBC is increasingly recognized as a major resource for building the State's economy and addressing its social concerns. More than 70% of UMBC's 53,600 active alumni live and work in Maryland, contributing significantly to the State's economic and social vitality. In Fall 2017, UMBC had 13,662 enrolled students of which 50% are minority enrollments from nearly all 50 states and more than 80 nations, creating a richly diverse student body.

UMBC continues to be recognized for its academic program, innovation, value and campus environment including the following recent rankings:

- The 2018 U.S. News & World Report guide ranked UMBC: (a) the 7th Most Innovative university in the nation, (b) #13 top national university for Strong Commitment to Undergraduate Teaching, and (c) one of the nation's top universities overall on the Best National Universities' list.
- Princeton Review named UMBC one of the nation's top universities in its 2018 guide and featured UMBC in 2017 as one of the "Colleges that Pay You Back."
- UMBC was designated a "Minority Serving" institution for the U.S. Department of Education in February 2017.
- UMBC was named one of the nation's top academic workplaces for the 8th consecutive year by the Chronicle of Higher Education.

- For the eighth consecutive year, *Kiplinger's Personal Finance* has named UMBC a **Best Value College**, featuring UMBC on both its "top 100" public universities list and "top 300" national list. UMBC is one of just three universities in the State of Maryland to be featured for 2017.
- Both Forbes and Money magazines again recognized UMBC as one of the top value universities nationwide, providing one of the best investments that students and their families can make in higher education in 2017. Fiske Guide to Colleges also recognized UMBC for top academics and supportive community in its 2017 guide.
- UMBC is featured among Business First's top 75 public colleges and universities in the US, jumping up 10 spots from the 2016 rankings.
- Times Higher Education ranked UMBC in the top 5% of global universities in the 2016-17 academic year and as one of the world's top young universities for the 5th year.

UMBC's research expenditures totaled \$78.5M for fiscal year 2017. UMBC is ranked among the Top 20 U.S. universities in NASA funding and is classified by the Carnegie Foundation as a Doctoral University – Higher Research Activity.

C. RAC RENEWAL PROJECT BACKGROUND

1. The Retriever Activities Center (RAC) was built in three phases with the original wing completed in 1972. In spring of 2018, all intercollegiate athletics with the exception of aquatics, physical education and recreational sports activities, and the associated administrative staff, will vacate the RAC and relocate to the newly completed Event Center. The RAC building is approximately 95,200 net assignable square feet and 137,000 gross square feet. Many building systems are obsolete or beyond their service life.
2. The renewal project will correct existing deficiencies and leverage vacated space to enhance student experience and promote health and wellness. (See Attachment A for further details.)

END OF SECTION 2 – SUMMARY AND BACKGROUND

SECTION 3 – DEFINITIONS

Defined below are some of the terms used in the RFP:

Architect/Engineer (A/E):	Design Professional, registered in the State of Maryland, engaged by the University for this project.
A/E Proposer:	The A/E firm responding to this solicitation.
Agreement or Contract:	The contract between the University and the A/E.
BIM:	Building Information Modeling
Client:	University of Maryland, Baltimore County and its faculty and staff.
Code of Maryland Regulations (COMAR):	Official compilation of all administrative regulations issued by agencies of the State of Maryland.
Construction Manager (CM):	The firm engaged by UMBC to provide construction management at risk services, inclusive of preconstruction services and construction of the project.
Construction Administration Professional:	Professional who will be representing the A/E team as its primary point of contact and on-site representative during construction.
Construction Documents:	Written and graphic documents prepared or assembled by the A/E for communicating the design of the project and administering the contract for its construction.
Design Team:	The A/E and its consultants.
Minority Business Enterprise (MBE):	MBE regulatory language reproduced in this solicitation may refer to the A/E Proposer, the A/E, and the A/E's sub-consultants by a variety of terms including offeror, bidder, contractor, vendor, and subcontractor. These terms shall be interpreted to have their ordinary meaning in accordance with the intent and context of the applicable statements.
Prime Consultant:	The A/E firm contracted by the University and responsible for the other A/E's, if applicable, and design consultants.
Project Team:	UMBC, UMB, the A/E, the A/E's consultants, the construction manager, and others as may be included by UMBC.

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Proposer: The firm responding to this solicitation.
Subconsultant: Consultants contracted to the A/E.
University: University of Maryland, Baltimore (UMB) and the
University of Maryland, Baltimore County (UMBC)
collectively

END OF SECTION 3 - DEFINITIONS

SECTION 4 – SCOPE OF WORK

A. PROGRAMING SERVICES

For this phase of services, the A/E team is to include, but is not limited to, the following disciplines:

- a. Prime A/E.
- b. A/E Programmer (if separate from Prime A/E).
- c. Structural Engineer.
- d. Mechanical Engineer.
- e. Electrical Engineer.
- f. Code Consultant.
- g. Communications and Safety Consultant.
- h. Audio/Visual Consultant.
- i. Cost Estimator.

The selected Consultant is to develop a Facility Program which include sufficient details to define architectural and engineering services needed to provide detailed guidance in creating the project design within the established budget parameters.

The consultant is expected to provide a program that outline the project requirements for the AE design team in the following areas under the review and direction of the universities administrative team:

- a. Architecture.
- b. Interior Design and Room Data Sheets.
- c. Structural, Mechanical, Electrical, and Life Safety Systems.
- d. Audio/Visual Systems.
- e. Communications, Safety and Security Systems.

The program must include a detailed project description to address the functional and technical aspects of the project sufficient for the University's review as to completeness and for the project to be fully designed.

The Consultant shall develop a comprehensive budget estimate for the proposed facility and include all costs for building renovations. The budget estimate will be provided in CSI UniFormat standard.

As part of the Second Phase Technical Proposal described in this document, shortlisted firms are to provide to the University a scope of work to complete the facility program, test fit scenarios, and cost estimate, inclusive of the associated verification efforts and time frame duration.

The final programming scope of services will be mutually agreed upon by the University and successful A/E firm during the course of proposal evaluation and fee proposal negotiations.

The Consultant will provide each submission in an electronic format to minimize the requirement for printing. The Consultant will provide electronic files with diagrams, drawings, tabular space data, and cost estimates to the University. Files shall be provided in PDF and editable, native file format.

B. RAC RENEWAL PROGRAM

The Consultant shall develop a detailed program for the facility, highlighting the number and size of all programmed spaces with detailed technical criteria for each space. Additionally, "space sheets" shall be completed for each space outlining the functional use, relationships to other spaces, technical criteria, utility requirements, general performance standards, and furniture/equipment to be accommodated.

The Selected firm is to employ Owner provided space planning data found in the Retrievers Activities Center Renewal Project Description included in Attachment A.

The Consultant shall develop graphics "bubble diagrams" and test fit sketches describing the desired functional and spatial relationships of spaces to satisfy the stated goals for functions housed in the RAC, as well as prepare narrative outlining the general building performance and design criteria.

The Consultant shall describe interior fit-out needed to meet user functional needs and describe modifications to building systems to accommodate functional requirements, while addressing system deficiencies highlighted in this solicitation.

Facility components requiring modification or replacement may include, but are not limited to:

1. Building envelope.
2. Interiors.
3. Elevator.
4. Plumbing.
5. HVAC.
6. Electrical power and lighting.
7. Life safety systems.
8. Communication and information technology systems.
9. Safety and security systems.

Site work is not part of the RAC Renewal Project unless inadequacies in existing underground utility services are discovered as a result of the programming work.

The Consultant shall specify the design necessary to comply with applicable codes and regulations for existing buildings and for building alterations, and as necessary to comply with UMB procedure manual and UMBC's Supplement.

The program will be based on the building remaining occupied during the alteration work. The design and construction teams will be required to define and provide phasing of work for protection of building occupants to assure continuous operation of functions remaining within the facility.

Through the programming and scope verification efforts, the Consultant shall provide a facility program that defines requirements for the subsequent design of facility upgrades. Additionally, the Consultant shall evaluate the program for these elements, together with associated cost estimates for each area of work, to tailor the project scope within the University's budget limitations of a \$18.4 Design-to-Dollar (DTD) amount.

1. Renewal goals include:
 - a. Enhance student experience in this building and promote health and wellness.
 - b. Replace failing building systems.
 - c. Improve accessibility.
 - d. Provide code compliant facilities.
 - e. Expand fitness space.
 - f. Relocate University Health Services (UHS), Health Promotions, Retriever Essentials (food pantry), and the Counseling Center into the RAC.
2. Specific project components identified by UMBC include:
 - a. Replace the roof.
 - b. Replace and upgrade mechanical system components.
 - c. Upgrade electrical service.
 - d. Upgrade security/surveillance system.
 - e. Limited interior modifications and finish upgrades to convert athletic areas into suitable spaces to support other campus programs.

C. DESIGN AND CONSTRUCTION PHASE SERVICES

1. The A/E team is to include, but is not limited to, the disciplines noted for the programming effort and any other disciplines identified as a result of the final program.
2. The A/E team shall provide the following six phases of work as more fully described in the UMB Procedure Manual, the UMBC Supplement to the UMB Procedure Manual, the UMBC Design and Facility Criteria Manual, and applicable codes and regulations:
 - a. Schematic Design Phase.
 - b. Design Development Phase.
 - c. Construction Documents Phase.
 - d. Bidding Support.

- e. Construction Phase.
- f. Post Construction Phase.
3. Project Delivery: The University will be using the Construction Management at Risk/CM with GMP (CM at Risk) contract method-
 - a. The CM will provide pre-construction services inclusive of cost estimating, value engineering, constructability reviews, trade bidding, and GMP submittals.
 - b. The CM will be responsible for constructing the Project during the construction phase.
4. Requirements of Maryland High Performance Green Building Program shall apply to this major renovation project to the extent possible.
5. Project Team: The University's intent is that the *Project Team* shall work from the beginning of this project through construction completion. The A/E shall provide leadership to the Project Team during the design phase. The CM shall provide leadership to the Project Team during the construction phase.
6. The University shall designate a UMB Project Manager who shall be the University's point of contact during the Design and Construction Phases. This representative shall be the primary channel of communication to the University and shall act as the University's liaison with the Project Team.
7. Partnering: The University is committed to a *Partnering* approach to the successful design and construction of its project.
 - a. Partnering is a collaboration among professionals (University, CM, A/E, and Trade Contractors) to maximize the success of a project while understanding and respecting the responsibilities and expertise of each team member.
 - b. The University may elect to conduct *Partnering* sessions on this project; a final determination will be made with the awarded A/E and CM firms.
8. AutoCAD and BIM: Follow UMBC standards and protocols available at <https://umbc.box.com/v/RAC-Renewal-Project>.
 - a. The University will develop a BIM Utilization Plan in collaboration with the selected Design Team and CM.
 - b. Goals for use of BIM include:
 - Improve system coordination and the execution of design intent in the field.
 - Simulate the planning sequence of construction activities and space requirements within the occupied building.
 - Improved coordination and clash avoidance.
 - Facilitate a collaborative project environment between stakeholders from project inception to completion.

D. PROGRAMMING SCHEDULE

The following time periods are sequential starting from the Notice-to-Proceed (NTP):

1. Pre-final Facility Program Completion: 8-weeks from NTP.
2. Cost Estimating and Review: 2-weeks from Pre-final Facility Program Completion.
3. Reconciliation and Production of final Facility Program: 2-weeks after Cost Estimating and Review phase.
4. Total: 12-weeks from NTP.

E. DESIGN SCHEDULE

The following time periods are sequential starting from the Notice-to-Proceed (NTP):

1. 8-weeks for SD Phase.
2. 3-weeks for University Review (technical review, cost estimate, cost estimate review).
3. 8-weeks for DD Phase.
4. 3-weeks for University Review (technical review, cost estimate, constructability review, VE sessions).
5. 8-weeks for 50-percent CD Phase.
6. 3-weeks for University Review (technical review, cost estimate, construct-ability review VE sessions).
7. 8-weeks for 95-percent CD Phase.
8. 2-weeks for University Review (technical review, cost confirmation).
9. 3-weeks for Bid Set Completion.
10. Rolling review to back check comments during bidding phase.
11. 4-month Bidding Phase including BPW approval.
12. Produce consolidated Construction Documents during Bidding Phase.
13. 18-month Construction Phase.
14. Project Completion: Fall 2021 (Continuous occupancy during construction).
15. Total:
 - a. Design: 46-weeks from NTP to Bid Set Completion.
 - b. Bidding: 4-months.
 - c. Construction: 18-months.

END OF SECTION 4 – SCOPE OF WORK

SECTION 5 - INSTRUCTIONS TO PROPOSERS

A. ISSUING OFFICE

1. The Issuing Office is:

University of Maryland, Baltimore County
Department of Procurement & Strategic Sourcing
Administration Building, 7th Floor
1000 Hilltop Circle
Baltimore, Maryland 21250

2. The Issuing Office shall be the sole point of contact with the University for purposes of the preparation and submittal of proposals in response to this solicitation.
3. All questions on this procurement are to be directed via email to the following individual:

Elizabeth Moss
University of Maryland, Baltimore County
Department of Procurement & Strategic Sourcing
Email: emoss@umbc.edu
Phone: 410-455-2540

B. LOCATION AND ACCESS

1. Campus maps and visitor parking information are available at:
<https://about.umbc.edu/visitors-guide/campus-map/>
2. UMBC is committed to ensuring that persons with disabilities have equally effective opportunities to participate in and benefit from the University's programs and services. Persons who may require reasonable ADA accommodations should contact the Issuing Office at (410) 455-2273 at least five (5) days prior to any meeting scheduled in connection with this solicitation.

C. PRE-PROPOSAL CONFERENCE

1. A Pre-Proposal Conference will be held at the date, time and location indicated in the Solicitation Schedule.
2. A walk through of the RAC will be conducted as part of the Pre-Proposal Conference and immediately following the meeting portion of the agenda.
3. Attendance is not mandatory, but is strongly recommended as clarifications may be provided.

D. DUE DATE AND TIME

1. Initial Technical Proposal: The initial technical proposal shall be submitted via email to the Box address provided in the Solicitation Schedule with the email time log no later than the date and time deadline indicated in the Solicitation Schedule. File names for the documents are to include the RFP number and Proposer's name. Submit two (2) sets of the initial technical proposal as follows:
 - One set in Microsoft Word format (for documents created in word processing format).
 - One set in PDF format.
2. Second Technical Proposals: Only those firms shortlisted after review of the Initial Technical Proposal will be requested to submit a Second Technical Proposal. The due date for the Second Phase Technical Proposals will be set upon completion of the Initial Technical evaluation. UMBC anticipates the Second Phase Technical Proposals to be due on the date and time indicated in the Solicitation Schedule. Submit two (2) sets of the second technical proposal as follows:
 - One set in Microsoft Word format (for documents created in word processing format).
 - One set in PDF format.
3. Proposer Questions/Clarifications: Scope or procedural clarification questions from proposers shall be submitted to the Issuing Office no later than the date and time indicated in the Solicitation Schedule for the Initial Technical Proposal and Second Technical Proposal, respectively. Failure to request such clarification is a waiver of any claim by the Proposer for expense made necessary by reason of later interpretation of the solicitation documents by the University. Requests shall include the RFP number and name and shall be directed in writing by email to the individual referenced with the Issuing Office above.
4. Interview Sessions: Interviews will be conducted with the short-listed proposers on the dates indicated in the Solicitation Schedule.
5. Fee Proposals: Fee Proposals will be requested from only the highest technically rated Proposer, following evaluation of the Second Technical Proposals.
 - Scope clarification questions from the highest ranked firm for the development of the fee proposals shall be submitted to the Issuing Office no later than the date and time indicated in the Solicitation Schedule.
 - The due date for the initial fee proposals will be set upon completion of the second phase technical evaluation. UMBC anticipates the due date for the initial fee proposals to be on or around the date and time indicated in the Solicitation Schedule.

6. Fee Negotiations: The schedule for fee negotiations with the selected firm is anticipated to be as indicated in the Solicitation Schedule. The fee negotiation schedule provides for an initial negotiating session and three negotiating sessions for fee proposal revisions, if required.

E. LATE PROPOSALS

Any proposals, requests for modification, or requests for withdrawal that is not received at the designated location, time, and date set forth in the Solicitation Schedule will be deemed late and will not be considered. Delivery of the proposal to the specified location at the prescribed time and date is the sole responsibility of the proposer.

F. MODIFICATIONS AND WITHDRAWAL OF PROPOSALS

1. Withdrawal of, or modifications to, proposals are effective only if written notice thereof is filed to the Issuing Office prior to the time proposals are due. A notice of withdrawal or modification to a proposal must be signed by an officer with the authority to commit the firm.
2. No withdrawal or modifications will be accepted after the time proposals are due.

G. RIGHT TO REJECT PROPOSALS AND WAIVE INFORMALITIES

The University reserves the right to reject either all proposals after the opening of the proposals but before award, or any proposal, in whole or part, when it is in the best interest of the University. For the same reason, the University reserves the right to waive any minor irregularity in a proposal.

H. IRREVOCABILITY OF PROPOSALS

1. The final A/E fee proposal for programming services shall be irrevocable for two (2) months from the final fee proposal due date. This period may be extended by written mutual agreement between the selected firm and the University.
2. The final A/E fee proposal for the design phases of this project shall be irrevocable for six (6) months from the final fee proposal due date. This period may be extended by written mutual agreement between the selected firm and the University.

I. LICENSES AND REGISTRATIONS

Proposers must be permitted and licensed as required by the Laws of the State of Maryland and shall submit proof of current licensing, upon request.

J. ECONOMY OF PREPARATION

Proposals should be prepared simply and economically, providing a straight forward, concise description of the proposer's offer to meet the requirements of the solicitation.

K. CONFIDENTIAL/PROPRIETARY INFORMATION

1. Proposers should give specific attention to the identification of those portions of their proposals which they deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by the State under the Public Information Act, General Provisions Article, Title 4 of the Annotated Code of Maryland.
2. Proposals are not publicly opened. Proposers must clearly indicate each and every section that is deemed to be confidential, proprietary or a trade secret (it is not sufficient to preface your entire proposal with a proprietary statement).

L. MINORITY BUSINESS ENTERPRISE NOTICE

1. Establishment of Goal and Subgoals. An overall MBE subcontractor participation goal of 13% of the total contract dollar amount for the design services for the RAC Renewal Project has been established for this procurement. There is a 0% MBE subcontractor participation goal for the Programming Services. Subgoals do not apply for this procurement.
2. Notwithstanding the inapplicability of subgoals, the Proposers are encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet or exceed the overall MBE participation goal.
3. Refer to Additional Requirements Section for MBE participation instructions, including forms to be submitted with Technical Proposals.

M. JOINT VENTURE PROPOSERS

1. If the Proposer is a joint venture firm, the Proposer must provide all identification information for all parties and all requirements for all parties (i.e., licenses, insurance, etc.) as requested. As part of the initial technical proposal submission, the proposer must identify the percentage partnership for each joint venture party, the responsibilities of each joint venture party with respect to the scope of services/work inclusive of the requirements for each entity based on such services as described in this RFP document.
2. If the selected A/E is a joint venture firm, all joint venture parties will be held responsible for the contract obligations separately and severally.

N. ADDENDUM

Any addendum/amendments to the solicitation must be acknowledged by persons and entities known to have been issued, or otherwise to have received the solicitation. An Acknowledgement of Addendum form is provided in Attachment B and is to be submitted accordingly with the Initial Technical Proposal.

O. TECHNICAL PROPOSALS - GENERAL

This solicitation identifies the information that must be furnished in the Technical Proposals. Failure to include any of the items listed may result in a determination by the Procurement Officer that the Proposer is not reasonably susceptible of being selected for award. Proposers should describe in detail and provide evidence supporting the qualifications requested in this solicitation. Proposers are to compile their Technical Proposals in the order listed. It is preferable that tabs are utilized to separate each section or aspect of the response.

1. Project Personnel Definitions/Qualifications:

- Principal-in-Charge: Senior level position from prime/proposing A/E firm (such as Vice President) who will oversee the project from an executive level and to whom the A/E Project Manager directly reports.
- A/E Project Manager: The individual from the Prime Consultant responsible for the overall management of the project and who serves as the day- to-day contact person for the University and the CM during the design and construction phases. This individual provides coordination of the design consultants directly or indirectly through others on the team.
- A/E Programmer: Professional architect who is responsible for leading the programming effort and the final program document. Role could be fulfilled by either the A/E Project Manager or A/E Project Architect, depending on relevant facility type programming experience.
- A/E Project Architect: Professional, licensed architect who is responsible for leading the design and technical documentation of the project.
- Project Civil Engineer: Licensed, professional civil engineer who prepares the civil engineering design of the project.
- Project Electrical Design Engineer: Licensed, professional electrical engineer who prepares the electrical design of the project.
- Project Mechanical Design Engineer: Licensed, professional mechanical engineer who prepares the mechanical design of the project.
- Project Plumbing Design Engineer: Licensed, professional mechanical engineer who prepares the plumbing design of the project.
- Project Structural Engineer: Licensed, professional structural engineer who prepares the structural engineering design of the project.
- Construction Administration Professional: Person from the Prime Consultant who is directly responsible for the construction administration of the project with the majority of the person's CA work is performed on site. (It is the University's preference that the CA professional be involved during the design in a strong role.

Higher consideration will be given to proposals in which a design team member also serves in the role of construction administration professional).

- Construction Administration Professional (MEP): Person from the A/E team who is directly responsible for the construction administration of the project. (It is the University's preference that the CA professional be involved during the design in a strong role. Higher consideration will be given to proposals in which a design team member also serves in the role of construction administration professional).
 - Code Consultant: Professional consultant specialized in interpretation of fire, life-safety, and building codes.
 - Communications and Security Consultant: Professional consultant who prepares design for communications systems, information technology, access control, hardware, and surveillance systems.
 - Audio/Visual Consultant: Professional consultant who prepares design for audio/visual systems and related technology.
 - Cost Estimator: Professional person who prepares the cost estimating of the design.
2. Project Personnel identified as Key Personnel shall have successful, relevant experience with projects similar to those indicated in this solicitation. Include examples of similar and relevant project experience in resumes for the Key Personnel.
3. Describe project experience for each of the Key Personnel with the following information:
- Project name and location.
 - Full description of the project including total gross square footage, use of building, related information to adequately convey similarities to the proposed project work.
 - The role the person performed on the project, the dates of the person's involvement, and related information to convey the experience and expertise of the person.
 - Construction cost.
 - Start and completion date of the project.
 - Project delivery method (Design-Bid-Build or CMAR or Design-Build).
4. Personnel Commitment: By submitting the names of Key Personnel for consideration, the Proposer is committing these people to the University for this Project's duration, if awarded the Project. No personnel changes will be permitted without written authorization from the University via a contract modification issued by the Procurement Officer.

5. **Past Project Cost Adjustment:** For project construction costs that represent costs paid in the past, Proposers may use the following escalation chart to determine the project cost in today's dollars for purposes of meeting a minimum project cost requirement. The escalation factor is to be calculated from the mid-point of construction and it is cumulative. Project construction costs are not to include the cost of furnishings, fixtures and equipment (FFE).

Calendar year	% Escalation Factor
2008	6
2009	1
2010	1
2011	3.5
2012	3
2013	3.5
2014	4
2015	3
2016	3
2017	3.5
onward	3.5

P. INTERVIEW SESSION

1. Only those Proposers who are shortlisted based on the initial technical evaluation will be requested to attend an Interview Session at the University.
2. Proposers who submit proposals and are shortlisted as a result of the initial technical evaluation will be required to participate in interview sessions with University representatives.
3. The due date and time of the Interview Session will be set by the University upon completion of the initial technical evaluation, however, these sessions are anticipated to be held on the dates noted in Solicitation Schedule.
4. Proposers are advised to set those dates aside in their entirety accordingly on the appropriate people's calendars to avoid any conflicts. The actual time on this date will be verified with the applicable proposers at the time it is requested.
5. The purposes of the Interview Session are as follows:
 - For the University to meet the Proposer's key personnel.
 - Review the Proposer's scope of services for the programming services for this project.
 - Review the Proposer's special/unique qualifications.
 - Allow the Proposer to respond to other inquiries that the University has during the course of the session.
6. The Interview Session will be informal as the University is not interested in a marketing

presentation; rather, the University is requesting a round table discussion with the shortlisted AE firms.

7. Each shortlisted AE firm will be required to have the following select key personnel attend:
 - Principal in Charge.
 - A/E Project Manager.
 - A/E Programmer.
 - A/E Project Architect.
 - Project Mechanical Design Engineer.
 - Construction Administration Professional – Prime Consultant and MEP.
8. Upon completion of the Interview Session, the University will conduct the Second Phase Technical Evaluation.
9. As follow-up to the interview session, the University reserves the right to visit Proposer's place of business during the evaluation process.

Q. SIGNING OF FORMS

Signing of A/E Proposal Forms shall comply with the following:

1. If submitted by an individual, shall be signed by the individual.
2. If submitted by a partnership or joint venture, shall be signed by such member or members of the partnership or joint venture as have authority to bind the partnership or joint venture.
3. If submitted by a corporation, shall be signed by an officer, and attested by the corporate secretary or an assistant corporate secretary.

R. INSURANCE COVERAGE REQUIREMENTS

In addition to Professional Liability Insurance requirements described elsewhere, the A/E shall obtain and maintain from and after the date of the A/E Contract the following insurance:

- General Liability insurance in an amount not less than \$2,000,000 from and after the date of the A/E Contract and through two (2) years after final acceptance by the University of the Project. Such insurance is to include a contractual liability endorsement.
- Workmen's Compensation insurance per statutory requirements.
 - As a condition to the A/E contract, the A/E shall deliver to the University, not later than the date of execution of the A/E Contract, a certificate of insurance verifying compliance with the above insurance requirements.
 - Such Certificates/ Memoranda shall also provide for notice to the University not later than thirty (30) days prior to the expiration or cancellation of the referenced policy.
- Any and all insurance obtained and maintained by the A/E under the Contract for

this project shall indicate, in form satisfactory to the University, that the University may make a claim against such insurance.

- Failure to do so shall be a material breach of the A/E Contract.
- In the event that the A/E terminates, as a business entity, for any reason whatsoever, or in any manner whatsoever, the A/E shall obtain and provide for the maintenance of professional liability insurance, specifically covering the A/E's obligations performed or to be performed under the Contract for this project, in the amount set forth herein for the remainder of the time set forth herein.

END OF SECTION 5 – INSTRUCTIONS TO PROPOSERS

SECTION 6 - INITIAL TECHNICAL PROPOSAL

The Initial Technical Proposal consists of the following:

1. Transmittal Letter.
2. Standard Form SF 330 Part I (Contract Specific Qualifications as noted below)
3. Basis for Selection.
4. Additional information requested specifically in this solicitation:
 - a. Economic Benefit.
5. Required Forms (see Attachment B and C).
 - a. Bid/Proposal Affidavit Form.
 - b. Professional Liability Coverage Form.
 - c. License Documentation Forms.
 - d. Key Personnel Reference Forms.
 - e. Firm Reference Forms.
 - f. MBE Participation Form.
 - g. Acknowledgement of Receipt of Addendum Form (if applicable).

Standard Form 330 forms are available on the General Services Administration's website: <http://www.gsa.gov> in the "standard forms" section of the GSA Forms Library.

A. TRANSMITTAL LETTER

A transmittal letter prepared on the Proposer's business stationery must accompany Technical Proposals. The purpose of this letter is to transmit the Proposal; therefore, the letter shall be brief, but list all items contained within the Technical Proposal. The letter must be signed by an individual who is authorized to bind the proposer's firm to all statements, including services and financials, contained in the Proposal. The letter must include the contact name for the proposal, including telephone number and email address.

B. STANDARD FORM SF 330, PART 1

Standard Form SF 330, Part I, Contract Specific Qualifications: Submit form completing all sections and following the form's instruction. Provide the following information:

1. Section A, Contract Information.

2. Section B, Architect-Engineer Point of Contact.
3. Section C, Proposed Team.
4. Section D, Organization Chart of Proposed Team: Include the following information:
 - a. Each firm's name and discipline or specialty.
 - b. Each key person's name, role, discipline or specialty, and office location.
 - c. The managerial relationship among the persons and firms.
 - d. A written description of the proposed contractual relationships among the firms. If the proposal includes more than one architecture firm or a joint venture, identify the proposed general scope of work of each architecture firm.
 - e. A summary or matrix of prior working relationships among proposed team members.
5. Section E, Resumes of Key Personnel proposed for this Contract: Submit resumes and experience for the following Key personnel. If a person has less than five years with their current employer, Proposers are to provide prior employment history for this Key Person (i.e. all prior employers' names and number of years with that employer):
 - a. Principal in Charge.
 - b. A/E Project Manager.
 - c. A/E Programmer.
 - d. Project Architect.
 - e. Project Mechanical Engineer.
 - f. Project Plumbing Engineer.
 - g. Project Electrical Engineer.
 - h. Code Consultant.
 - i. Construction Administration Professional - Architect.
 - j. Construction Administration Professionals - M/E/P.
 - k. Cost Estimator.
 - l. Communications and Security Consultant.
 - m. Audio/Visual Consultant.
6. Section F, Example Projects Which Best Illustrate Proposed Team's Qualifications for this Contract.
 - a. Submit number of projects indicated. Projects submitted shall be similar or relevant to the UMBC RAC Renewal Project and meet criteria indicated.

7. Section G, Key Personnel Participation in Example Projects. Provide matrix depicting key personnel identified in Section E, provide role on the example projects, and proposed roles in this contract.
8. Section H, Additional Information. Provide a Summary of Qualifications, a written description of why the Proposer is most qualified and skilled to design this Project. This should be objective and limited to not more than two (2) typewritten pages.

C. BASIS FOR SELECTION

Provide a brief explanation as to why each firm was selected for the proposed A/E team (limit 2 pages).

D. ECONOMIC BENEFIT

1. Provide a detailed, but concise, overall description as to how the award of this contract will benefit the economy of the State of Maryland if your firm is the successful A/E.
2. Such information is to include, but are not limited to:
 - a. A/E team members who are Maryland firms.
 - b. Number of employees in each A/E team member firm who are Maryland residents.

E. LICENSE DOCUMENTATION FORM

Complete and submit the License Documentation forms (found in Attachment B) as follows:

- a. For the individuals in the roles identified on the Proposing Team; and,
- b. For the person in responsible charge for each firm who will be stamping the drawings and must be licensed in Maryland.

F. PROFESSIONAL LIABILITY COVERAGE FORM

1. Complete the Professional Liability Insurance Form (found in Attachment B) to confirm the required professional liability insurance coverage (\$3 Million) including current and proposed additional coverage to be guaranteed if awarded the contract.
2. Include in this statement the dollar value of such coverage, expiration date and name of the insurance company.
3. Where the proposing A/E team is a joint venture (JV), comply with one of the following:
 - a. The JV, as a legal entity, must have the required \$5 Million professional liability insurance coverage.
 - b. Each party of the JV must have the required \$5 Million professional liability insurance coverage.

4. Professional Liability insurance shall be provided not less than from the date of the A/E Contract and through ten (10) years after final acceptance of the Project by the University.

G. MINORITY BUSINESS ENTERPRISE (MBE) PARTICIPATION FORM

Complete the Minority Utilization Form (MBE Attachment C) to describe the extent to which the required MBE participation level and subgoals, if applicable, are achieved.

H. BID/PROPOSAL AFFIDAVIT FORM

The Bid/Proposal Affidavit included in this package (see Attachment B for this form) must be executed by each responding proposer and submitted with the proposer's technical proposal.

I. ACKNOWLEDGEMENT OF RECEIPT OF ADDENDUM FORM

Complete the acknowledgement of receipt of addendum form, if applicable.

J. FIRM REFERENCE FORMS

The following firm references are to be provided in the Initial Technical Proposal. Use Firm Reference Form provided in Attachment B:

1. Prime/Proposing A/E Firm: Provide three (3) firm references based on the three (3) submitted projects.
2. Mechanical/Electrical Engineering Firm: Provide three (3) firm references based on the three (3) submitted projects.
3. Cost Estimating Firm: Provide two (2) firm references of which one is from the submitted project and the other is from a similar project.
4. For each of the firms named above, provide two additional references to be used only in the event the University is unable to contact one or more of the initial references provided.
 - a. For each of these references, provide a list of applicable projects with a brief description of each inclusive of dollar size and date completed.

The University reserves the right to verify all information given if it so chooses, as well as to check any other sources available (including itself if not provided as such). Ensure that accurate information is provided and that the contact person is capable of speaking to a firm's capability in performing the services required. References will be held in the strictest of confidence.

K. KEY PERSONNEL REFERENCE FORMS

Provide three (3) references for the following Key Personnel references by completing the Key Personnel Reference Form for each and based on their project experience included in the initial

technical proposal either via the firm's project experience for the person's resume (see Attachment B for this form):

1. A/E Project Manager.
2. A/E Programmer.
3. Project Architect.
4. Project Mechanical Engineer.
5. Project Plumbing Engineer.
6. Project Electrical Engineer.
7. Construction Administration Professionals - Architect.
8. Construction Administration Professionals - M/E/P.
9. Cost Estimator.

L. PROPOSED TEAM EXAMPLE PROJECTS

1. The example project submission shall include the following in SF330, Part I, Section F:
 - a. Project Name and Location.
 - b. Project Owner, Contact Person and Telephone Number.
 - c. Design Start Date, Construction Start and Project Substantial Completion Date.
 - d. Project Construction Cost.
 - e. Contract Method (i.e., D-B-B/GC, CMAR or DB).
 - f. Project Gross Square Footage.
 - g. Similarities of the submitted project to the University's project.
 - h. Brief Description of the project.
 - i. Names of Proposed Key Personnel who were involved in the project, the assigned role for each key people and the duration on which the person was involved in the project.
 - j. Project Setting (i.e., university, suburban campus setting, open or constrained site, etc.).
 - k. Example projects shall have been completed within the last 10 years.
2. The projects submitted by the Mechanical/Electrical Engineering firm and Cost Consultant firm may duplicate the projects submitted by the Prime A/E firm, provided the consultants have provided the required services for those projects.

3. Two Programming Projects for Prime A/E: Submit two projects on which the prime A/E provided programming services inclusive of program verification and the provision of a final project program for the owner.
 - a. One project must be a renovation.
 - b. One project must be sports related project.
 - c. Higher Consideration given based on the extent to which the following applies:
 - The proposed key people were involved in the project, particularly in the proposed role.
 - Higher education setting.
4. Two Design Projects for Prime A/E: Submit two design projects performed in which the proposing/prime A/E firm was the Architect of Record.
 - a. One project must be a renovation project.
 - b. One project must be complete and occupied for at least six months.
 - c. One project must have been delivered using the CM at Risk (with GMP) contract method.
 - d. Higher Consideration given based on the extent to which the following applies:
 - The proposed key people were involved in the project, particularly in the proposed role.
 - Higher education setting.
 - Occupied setting.
 - Projects which are closer to the size to the University's project based on the construction cost and plus identified escalation factor noted above.
5. Design Projects for Associate Architect: If the architectural component of the design team includes an associated architectural firm, one of the two Design Projects required to be submitted for the Prime A/E may be projects for which the associated architectural firm was the Architect of Record. UMBC will allow projects from the associated architect where the associated architect is not the Architect of Record, but performed duties similar to those proposed for RAC Renewal Project.
 - a. Criteria match that shown for Design Projects for Prime A/E.
6. Three Design Projects for Mechanical/Electrical Engineering Firm: Submit two mechanical engineering projects and one electrical engineering projects meeting the following criteria:
 - a. The mechanical and electrical design work on the three projects must have been done by the proposed M/E firm.
 - b. One mechanical engineering project and one electrical engineering project must be renovation project.
 - c. Higher Consideration given for Mechanical/Electrical Projects based on the extent

to which the following applies:

- Proposed key people were involved in the project, particularly in the proposed role.
 - Occupied setting with phased construction.
 - For the mechanical engineering firm, the project includes high temperature hot water system with distribution from a central utility plant.
7. One Project from Cost Estimator: Submit one project meeting the criteria noted below.
- a. Renovation project, substantially completed (available for its intended use).
 - b. CMAR project delivery method.
 - c. Higher Consideration given for the Cost Estimator Project based on the extent to which the following applies:
 - The proposed cost estimator was involved in the project, particularly in the proposed role.
 - Occupied setting with phased construction.

END OF SECTION 6 – INITIAL TECHNICAL PROPOSAL

SECTION 7 - SECOND TECHNICAL PROPOSAL

The second Technical Proposal consists of the following:

1. Transmittal Letter.
2. Proposed Programming Scope of Work.
3. Special/Unique Qualifications.
4. Selected Key Personnel Items.

A. Proposed Programming Scope of Work:

1. Provide firm's proposed scope of work to complete each of the two program efforts, inclusive of the associated verification efforts and time frame, to subsequently design each project.
2. The scope of work should be objective and limited to not more than three (3) single-spaced, typewritten pages using 12-point font.
3. The submitted scope of services will be evaluated as part of the second phase technical evaluation of shortlisted firms.

B. Special/Unique Qualifications:

1. Provide a narrative to elaborate on the special/unique qualifications and experiences of the proposed A/E team (in addition to projects submitted in the initial technical proposal), which make it uniquely capable to provide A/E services on the University's project.
2. Special firm and individual expertise and experience are to be included.
3. The narrative should be objective and limited to not more than two (2) single-spaced, typewritten pages using 12-point font.

C. Key Personnel Workload:

Complete the "Key Personnel Workload" form (found in Attachment B) for the following key people:

1. A/E Project Manager.
2. A/E Project Architect.
3. Project Mechanical Engineer.
4. Project Electrical Engineer
5. Construction Administration Professional - Architect.

END OF SECTION 7 – SECOND PHASE TECHNICAL PROPOSAL

SECTION 8 - FEE PROPOSAL

A. FEE PROPOSAL FORM

1. The candidate firm ranked as technically number one will be provided with the forms and format for the fee proposals:
 - a. A/E Programming Fee Proposal.
 - b. A/E Design Fee Proposal.
2. The candidate firm shall submit the following proposals:
 - a. Programming Services Proposal based on the scope of services approved by the University for the RAC Renewal.
 - b. Preliminary Design Fee Proposal for the RAC Renewal project based on the information in the solicitation documents and the discussions at the interview session.
3. Reimbursable Expenses: The University only accepts the following items as "reimbursable expenses". All other expenses are part of the cost of doing business and, therefore, included in a firm's overhead rate.
 - a. Printing expenses (reproduction of documents for review by other parties such as the University and other State agencies).
 - b. Out-of-state travel (if any) defined as a minimum of seventy-five (75) miles one way from the University. Authorized, reimbursable travel expenses are subject to the schedule of reimbursement rates provided in the University System of Maryland Policy for Travel Reimbursement and Mileage (found in Attachment D).
 - c. Geotechnical investigation and testing.
 - d. Renderings.
 - e. Physical models.
 - f. Fire flow tests.

END OF SECTION 8 – FEE PROPOSALS

SECTION 9 – ADDITIONAL PROPOSAL REQUIREMENTS

A. eMARYLAND MARKETPLACE

The successful proposer under this solicitation must be registered on eMaryland Marketplace prior to receiving a contract award.

B. ARREARAGES

By submitting a response to this solicitation, a firm shall be deemed to represent that it 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.

C. INCURRED EXPENSES

The University will not be responsible for any costs incurred by any firm in preparation and submittal of a proposal.

D. MARYLAND PUBLIC ETHICS LAW

1. The Maryland Public Ethics Law prohibits, among other things: State employees or officials (and in some cases, former employees) and businesses in which such an individual is employed or holds a financial interest from (i) submitting a bid or proposal, (ii) negotiating a contract, and (iii) entering into a contract with the governmental unit with which the individual is affiliated per the Maryland Code, General Provisions Article, Title 5, Subtitle 5.
2. If the proposer has any questions concerning application of the State Ethics Law to the proposer's participation in this procurement, it is incumbent upon the proposer to seek advice from the State Ethics Commission: Executive Director, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401, 410-260-7770, 877-669-6085.
3. The procurement officer may refer any issue raised by a bid or proposal to the State Ethics Commission. The procurement officer may require the proposer to obtain advice from the State Ethics Commission and may reject a bid or proposal that would result in a violation of the Ethics Law.
4. The resulting contract is cancelable in the event of a violation of the Maryland Public Ethics Law by the vendor or any State of Maryland employee in connection with this procurement.

E. USE OF AFFILIATES TO AVOID TAXATION ON INCOME FROM STATE USE CONTRACTS

Contractor may not for any period during the Contract term, seek to reduce the amount of Contractor's income subject to Maryland income tax by payments made to an affiliated entity or an affiliate's agent for the right to use trademarks, trade names, or other intangible property

associated with Contractor. Contractor agrees that during the course of this Contract it shall not make any such royalty or similar payments to any affiliated company; and if any such royalty or similar payments are made, Contractor and the affiliated company shall file separate Maryland income tax returns and pay their respective Maryland income taxes in such a manner that Contractor does not claim a deduction against Maryland income tax for such payments, and the affiliated company receiving the royalty or similar payment files Maryland income tax returns and pays Maryland tax, under a formula that reasonably apportions the income of the affiliated company among the states, including Maryland, in which the Contractor does business. Contractor agrees that it is authorized to bind its affiliated entities to the terms hereof.

F. PROCUREMENT REGULATIONS

This RFP and any resulting contract shall be governed by the USM Procurement Policies and Procedures, the State Finance and Procurement Article of the Annotated Code of Maryland, as amended, and by State Procurement Regulations, Code of Maryland Regulations (COMAR), Title 21, as applicable.

G. PAYMENTS TO CONTRACTORS BY ELECTRONIC FUNDS TRANSFER (EFT)

1. If the annual dollar value of this contract will exceed \$200,000.00, the Proposer is hereby advised that electronic funds transfer (EFT) will be used by the State to pay the Contractor for this Contract and any other State payments due Contractor unless the State Comptroller's Office grants the Contractor an exemption.
2. By submitting a response to this solicitation, the Proposer agrees to accept payments by EFT. The selected Proposer shall register using form COT/GAD X-10 Vendor Electronic Funds (EFT) Registration Request Form. Any request for exemption must be submitted to the State Comptroller's Office for approval at the address specified on the COT/GAD X-10 form and must include the business identification information as stated on the form and include the reason for the exemption.
3. The form is available as a pdf file on the web site of the General Accounting Division of the Comptroller of Maryland. That web address is:
 - a. http://comptroller.marylandtaxes.gov/Vendor_Services/Accounting_Information/Static_Files/GADX10Form20150615.pdf.

H. DEBRIEFING OF UNSUCCESSFUL PROPOSERS

A debriefing of an unsuccessful proposer shall be conducted upon written request submitted to the procurement officer within 10 days after the proposer knew or should have known its proposal was unsuccessful. The debriefing shall be limited to discussion of the unsuccessful proposer's proposal only and shall not include a discussion of a competing proposer's proposal. Debriefings shall be conducted at the earliest feasible time. A summarization of the procurement officer's rationale for the selection may be given.

I. MINORITY BUSINESS ENTERPRISE REQUIREMENTS

1. Refer to Instructions for Proposers for MBE Goals and Subgoal.
2. Attachments C-1 to C-5 – The following Minority Business Enterprise participation instructions, and forms are provided to assist Proposers:
 - a. Attachment C-1A MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule (must submit with Technical Proposal)
 - b. Attachment C-1B Waiver Guidance
 - c. Attachment C-1C Good Faith Efforts Documentation to Support Waiver Request
 - d. Attachment C-2 Outreach Efforts Compliance Statement
 - e. Attachment C-3A MBE Subcontractor Project Participation Certification
 - f. Attachment C-3B MBE Prime Project Participation Certification
 - g. Attachment C-4A Prime Contractor Paid/Unpaid MBE Invoice Report
 - h. Attachment C-4B MBE Prime Contractor Report
 - i. Attachment C-5 Subcontractor/Contractor Unpaid MBE Invoice Report
3. A Proposer shall include with its Bid/Proposal a completed MBE Utilization and Fair Solicitation Affidavit (Attachment C-1A) whereby:
 - a. The Proposer acknowledges the certified MBE participation goal and commits to make a good faith effort to achieve the goal and any applicable subgoals, or requests a waiver, and affirms that MBE subcontractors were treated fairly in the solicitation process; and
 - b. The Proposer responds to the expected degree of MBE participation, as stated in the solicitation, by identifying the specific commitment of certified MBEs at the time of Bid/Proposal submission. The Proposer shall specify the percentage of total contract value associated with each MBE subcontractor identified on the MBE participation schedule, including any work performed by the MBE prime (including a prime participating as a joint venture) to be counted towards meeting the MBE participation goals.
 - c. A Proposer requesting a waiver should review Attachment C-1B (Waiver Guidance) and C-1C (Good Faith Efforts Documentation to Support Waiver Request) prior to submitting its request.

If a Proposer fails to submit a completed Attachment C-1A with the Proposal as required, the Procurement Officer shall determine that the Proposal is not

reasonably susceptible of being selected for award.

4. Proposers are responsible for verifying that each of the MBEs (including any MBE primes or MBE primes participating in a joint venture), selected to meet the goal and any subgoals and subsequently identified in Attachment C-1A is appropriately certified and has the correct NAICS codes allowing it to perform the committed work.
5. Within ten (10) Working Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, the Proposer must provide the following documentation to the Procurement Officer.
 - a. Outreach Efforts Compliance Statement (Attachment C-2).
 - b. MBE Prime/Subcontractor Project Participation Certification (Attachment C-3A/3B).
 - c. If the recommended awardee believes a waiver (in whole or in part) of the overall MBE goal or of any applicable subgoal is necessary, the recommended awardee must submit a fully-documented waiver request that complies with COMAR 21.11.03.11.
 - d. Any other documentation required by the Procurement Officer to ascertain Proposer responsibility in connection with the certified MBE subcontractor participation goal or any applicable subgoals.

If the recommended awardee fails to return each completed document within the required time, the Procurement Officer may determine that the recommended awardee is not responsible and, therefore, not eligible for Contract award. If the Contract has already been awarded, the award is voidable.

6. A current directory of certified MBEs is available through the Maryland State Department of Transportation (MDOT), Office of Minority Business Enterprise, 7201 Corporate Center Drive, Hanover, Maryland 21076. The phone numbers are (410) 865-1269, 1-800-544-6056, or TTY (410) 865-1342. The directory is also available on the MDOT website at <http://mbe.mdot.state.md.us/directory/>. The most current and up-to-date information on MBEs is available via this website. Only MDOT-certified MBEs may be used to meet the MBE subcontracting goals.
7. The Contractor, once awarded a Contract, will be responsible for submitting or requiring its subcontractors to submit the following forms to provide the State with ongoing monitoring of MBE Participation:
 - a. Attachment C-4A (Prime Contractor Paid/Unpaid MBE Invoice Report).
 - b. Attachment C- 4B (MBE Prime Contractor Report)
 - c. Attachment C-5 (MBE Subcontractor/Contractor Unpaid MBE Invoice Report).

8. A Proposer that requested a waiver of the goal or any of the applicable subgoals will be responsible for submitting the Good Faith Efforts Documentation to Support Waiver Request (Attachment C-1C) and all documentation within ten (10) Working Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, as required in COMAR 21.11.03.11.
9. All documents, including the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule (Attachment 1-1A), completed and submitted by the Bidder/Offeror in connection with its certified MBE participation commitment shall be considered a part of the resulting Contract and are hereby expressly incorporated into the Contract by reference thereto. All of the referenced documents will be considered a part of the Bid/Proposal for order of precedence purposes.
10. The Proposer is advised that liquidated damages will apply in the event the Contractor fails to comply in good faith with the requirements of the MBE program and pertinent Contract provisions.
11. As set forth in COMAR 21.11.03.12-1(D) when a certified MBE firm participates on a contract as a prime contractor (including a joint-venture where the MBE firm is a partner), 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 work force towards fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation sub-goals, if any, established for the contract.

In order to receive credit for self-performance, an MBE prime must list its firm in Section 4A of the MBE Participation Schedule (Attachment C-1A) and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the sub-goals, the MBE prime must also identify other certified MBE subcontractors (see Section 4B of the MBE Participation Schedule (Attachment C-1A)) used to meet those goals. If dually-certified, the MBE prime can be designated as only one of the MBE classifications but can self-perform up to 100% of the stated sub-goal.

As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal if the MBE firm is performing a commercially useful function on the Contract.

12. With respect to Contract administration, the Contractor shall:
 - a. Submit by the 10th of each month to the Agency's designated representative:
 - A Prime Contractor Paid/Unpaid MBE Invoice Report (Attachment C-4A) listing any unpaid invoices, over 45 days old, received from any certified MBE subcontractor, the amount of each invoice and the reason payment has not been made; and

- (If Applicable) An MBE Prime Contractor Report (Attachment C-4B) identifying an MBE prime's self-performing work to be counted towards the MBE participation goals.
 - b. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit by the 10th of each month to the Department's designated representative an MBE Subcontractor Paid/Unpaid Invoice Report (Attachment C-5) that identifies the Contract and lists all payments to the MBE subcontractor received from the Contractor in the preceding 30 days, as well as any outstanding invoices, and the amounts of those invoices.
 - c. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority 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 MBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
 - d. 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 MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the Contract.
 - e. 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 MBE subcontractors.
13. The contract awarded as a result of this procurement requires the awarded A/E firm to make good faith efforts to comply with the Minority Business Enterprise Program and contract provisions. The University and the A/E Firm acknowledge and agree that the University will incur damages, including but not limited to, loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the A/E 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 University might reasonably be anticipated to accrue as a result of such lack of compliance are difficult to ascertain with precision.

Therefore, upon a determination by the University that the A/E failed to make good faith efforts to comply with one or more of the specified MBE Program requirements or contract provisions, the A/E agrees to pay liquidated damages to the University at the rates set forth below. The A/E expressly agrees that the University may withhold payment on any invoices as a set-off against liquidated damages owed. The A/E 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): \$30.59 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): \$107.07 per MBE subcontractor.
- c. Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and/or amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the contract.
- d. Failure to meet the A/E'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 University reserves the right to terminate the contract and exercise all other rights and remedies provided in the contract or by law.

END OF SECTION 9 – ADDITIONAL PROPOSAL REQUIREMENTS

SECTION 10 – EVALUATION AND NEGOTIATION PROCESSES

A. INITIAL TECHNICAL EVALUATION

1. An evaluation of the Initial Technical Proposals will be conducted by the University's Qualification Committee. Firms will be ranked and shortlisted based on the evaluation.
2. Only shortlisted A/E firms will advance in the procurement process.
3. The Procurement Officer will review these rankings and, upon approval, notify all proposing firms of the names of all proposers and indicating those who have been short-listed.

B. SECOND TECHNICAL EVALUATION

1. A Second Phase Technical evaluation will be conducted by the University Qualification Committee after review of the Second Phase Technical Proposals, reference checking, and the Interview Sessions conducted with the shortlisted A/E firms.
2. The evaluation from the Initial Technical Proposal evaluation will be brought forward with the exception of the category for Key Personnel, which will be re-evaluated, based on the interview session. This evaluation will be combined with the Second Phase Technical Evaluation for a final ranking of firms.
3. The Qualification Committee will submit to the Procurement Officer the final ranking of the shortlisted A/E firms.
4. The Procurement Officer will review these rankings accordingly.
5. Upon approval of the Qualification Committee's ranking report, the Procurement Officer shall designate a Negotiation Committee.
6. All shortlisted firms will be notified and only the candidate firm ranked number one will be asked to provide a fee proposal.

C. FEE NEGOTIATIONS

1. Fee negotiations will be conducted between the selected (candidate) firm and the University Negotiation Committee.
2. The University will negotiate the fees for programming services with the associated time frame and the preliminary design fee.
3. Upon successful completion of negotiations, UMBC will proceed with the contract award for the programming services.
4. Upon completion of the Project Program document and the approval by the USM Board of Regents for the project, the University will conduct final fee negotiations with the selected firm for the complete design of the project based on the final program document.
5. Upon successful completion of these fee negotiations, UMBC will proceed with the contract award for the design services inclusive of the Board of Public Works approval.

6. If the Procurement Officer determines that a satisfactory contract cannot be negotiated with the candidate firm, the negotiations shall be terminated. In such instances, UMBC shall either commence negotiations with the candidate firm ranked number two or re-advertise the procurement, as it deems appropriate.

D. AWARD

1. After notification of contract award for programming services, the successful A/E firm will be required to sign the University's Standard Consulting Agreement (Attachment D).
2. After notification of contract award for complete design services, the successful A/E firm will be required to sign the University's Standard Form of Agreement with Architects and Engineers for the design of the project (Attachment D).
3. Upon approval by the Board of Public Works of the contract for complete design services, the University will fully execute the contract with the successful A/E firm.
4. UMBC anticipates having a contract in place with the successful A/E firm for programming services in June 2018. The award of the contract for design services will be based on the time frame for completion of the program and final design fee negotiations.
5. UMBC is interested in commencing design no later than September 2018.

END OF SECTION 10 – EVALUATION AND NEGOTIATION PROCESSES

SECTION 11 – AVAILABLE PROJECT INFORMATION

The following Documents are accessed separately from this solicitation document as indicated:

- a. University of Maryland Baltimore's Procedure Manual for A/E Services, 2015 update, available at [UMB - Facilities and Operations - Design and Construction](#).
- b. UMBC Supplement to UMB Procedure Manual.
- c. UMBC Design and Facility Criteria Manual.
- d. UMB - Facilities and Operations - Design and Construction.

The requirements contained in these documents are expressly incorporated by this reference into the Contract with the University awarded as a result of this solicitation. Additionally, all terms of this Solicitation document, including the attachments, shall be incorporated into the terms of the Contract. The Proposer by submitting its proposal agrees that if awarded the Contract that it, as A/E, will be bound under the Contract to all the terms and conditions thereof inclusive of the University's Standard Form of Agreement included in this solicitation document.

END OF SECTION 11 – AVAILABLE PROJECT INFORMATION

ATTACHMENTS

AE Solicitation #BC-21094-C

for

UMBC RAC Renewal Project

**ATTACHMENT A
PROGRAM DOCUMENT**

<https://umbc.box.com/v/RAC-Renewal-Project>

**ATTACHMENT B
PROPOSAL FORMS**

BID/PROPOSAL AFFIDAVIT

A. Authority

I HEREBY AFFIRM THAT:

I (print name) _____ possess the legal authority to make this Affidavit.

B. CERTIFICATION REGARDING COMMERCIAL NONDISCRIMINATION

The undersigned bidder hereby certifies and agrees that the following information is correct: In preparing its bid on this project, the bidder has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in “discrimination” as defined in §19-103 of the State Finance and Procurement Article of the Annotated Code of Maryland. “Discrimination” means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or commercial treatment of a vendor, subcontractor, or commercial customer on the basis of race, color, religion, ancestry, or national origin, sex, age, marital status, sexual orientation, sexual identity, genetic information or an individual’s refusal to submit to a genetic test or make available the results of a genetic test, disability, or any otherwise unlawful use of characteristics regarding the vendor’s, supplier’s, or commercial customer’s employees or owners. “Discrimination” also includes retaliating against any person or other entity for reporting any incident of “discrimination”. Without limiting any other provision of the solicitation on this project, it is understood that, if the certification is false, such false certification constitutes grounds for the State to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid. As part of its bid or proposal, the bidder herewith submits a list of all instances within the past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Maryland that the bidder discriminated against subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that determination, including any remedial action taken. Bidder agrees to comply in all respects with the State’s Commercial Nondiscrimination Policy as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland.

B-1. Certification Regarding Minority Business Enterprises.

The undersigned bidder hereby certifies and agrees that it has fully complied with the State Minority Business Enterprise Law, State Finance and Procurement Article, §14-308(a)(2), Annotated Code of Maryland, which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

- (1) Fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority proposal;
- (2) Fail to notify the certified minority business enterprise before execution of the contract of its inclusion in the bid or proposal;
- (3) Fail to use the certified minority business enterprise in the performance of the contract; or
- (4) Pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

Without limiting any other provision of the solicitation on this project, it is understood that if the certification is false, such false certification constitutes grounds for the State to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid.

B-2. Certification Regarding Veteran-Owned Small Business Enterprises.

The undersigned bidder hereby certifies and agrees that it has fully complied with the State veteran-owned small business enterprise law, State Finance and Procurement Article, §14-605, Annotated Code of Maryland, which provides that a person may not:

- (1) Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public money, procurement contracts, or funds expended under a procurement contract to which the person is not entitled under this title;
- (2) Knowingly and with intent to defraud, fraudulently represent participation of a veteran-owned small business enterprise in order to obtain or retain a bid preference or a procurement contract;
- (3) Willfully and knowingly make or subscribe to any statement, declaration, or other document that is fraudulent or false as to any material matter, whether or not that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;
- (4) Willfully and knowingly aid, assist in, procure, counsel, or advise the preparation or presentation of a declaration, statement, or other document that is fraudulent or false as to any material matter, regardless of whether that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;
- (5) Willfully and knowingly fail to file any declaration or notice with the unit that is required by COMAR 21.11.12; or
- (6) Establish, knowingly aid in the establishment of, or exercise control over a business found to have violated a provision of §B-2(1)–(5) of this regulation.

C. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business’s contracting activities including obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed pursuant to Criminal Procedure Article, §6-220, Annotated Code of Maryland, or has pleaded nolo contendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, except as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the names of persons involved, and their current positions and responsibilities with the business):

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D. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies, has:

- (1) Been convicted under state or federal statute of:
 - (a) A criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or
 - (b) Fraud, embezzlement, theft, forgery, falsification or destruction of records or receiving stolen property;
- (2) Been convicted of any criminal violation of a state or federal antitrust statute;
- (3) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961 et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts in connection with the submission of bids or proposals for a public or private contract;
- (4) Been convicted of a violation of the State Minority Business Enterprise Law, §14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (5) Been convicted of a violation of §11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (6) Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsections (1)—(5) above;
- (7) Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;
- (8) Been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland with regard to a public or private contract;
- (9) Been convicted of a violation of one or more of the following provisions of the Internal Revenue Code:
 - (a) §7201, Attempt to Evade or Defeat Tax;
 - (b) §7203, Willful Failure to File Return, Supply Information, or Pay Tax,
 - (c) §7205, Fraudulent Withholding Exemption Certificate or Failure to Supply Information,
 - (d) §7206, Fraud and False Statements, or
 - (e) §7207 Fraudulent Returns, Statements, or Other Documents;
- (10) Been convicted of a violation of 18 U.S.C. §286 Conspiracy to Defraud the Government with Respect to Claims, 18 U.S.C. §287, False, Fictitious, or Fraudulent Claims, or 18 U.S.C. §371, Conspiracy to Defraud the United States;
- (11) Been convicted of a violation of the Tax-General Article, Title 13, Subtitle 7 or Subtitle 10, Annotated Code of Maryland;
- (12) Been found to have willfully or knowingly violated State Prevailing Wage Laws as provided in the State Finance and Procurement Article, Title 17, Subtitle 2, Annotated Code of Maryland, if:
 - (a) A court:
 - (i) Made the finding; and
 - (ii) Decision became final; or
 - (b) The finding was:
 - (i) Made in a contested case under the Maryland Administrative Procedure Act; and
 - (ii) Not overturned on judicial review;
- (13) Been found to have willfully or knowingly violated State Living Wage Laws as provided in the State Finance and Procurement Article, Title 18, Annotated Code of Maryland, if:
 - (a) A court:
 - (i) Made the finding; and
 - (ii) Decision became final; or
 - (b) The finding was:
 - (i) Made in a contested case under the Maryland Administrative Procedure Act; and
 - (ii) Not overturned on judicial review;
- (14) Been found to have willfully or knowingly violated the Labor and Employment Article, Title 3, Subtitles 3, 4, or 5, or Title 5, Annotated Code of Maryland, if:
 - (a) A court:
 - (i) Made the finding; and
 - (ii) Decision became final; or
 - (b) The finding was:
 - (i) Made in a contested case under the Maryland Administrative Procedure Act; and
 - (ii) Not overturned on judicial review; or
- (15) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§B and C and subsections D(1)—(14) of this regulation, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

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E. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status of the proceedings, the names of the persons involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension).

F. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

- (1) The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland; and
- (2) The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, except as follows (you must indicate the reasons why the affirmations cannot be given without qualification):

G. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, has knowingly entered into a contract with a public body under which a person debarred or suspended under Title 16 of the State Finance and Procurement Article of the Annotated Code of Maryland will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

H. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business has:

- (1) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;
- (2) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

I. CERTIFICATION OF TAX PAYMENT

I FURTHER AFFIRM THAT: Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Department of Labor, Licensing, and Regulation, as applicable, and will have paid all withholding taxes due the State of Maryland prior to final settlement.

J. CONTINGENT FEES

I FURTHER AFFIRM THAT:

The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency, any fee or any other consideration contingent on the making of the Contract.

K. CERTIFICATION REGARDING INVESTMENTS IN IRAN

- (1) The undersigned certifies that, in accordance with State Finance and Procurement Article, §17-705, Annotated Code of Maryland:
 - (a) It is not identified on the list created by the Board of Public Works as a person engaging in investment activities in Iran as described in State

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Finance and Procurement Article, §17-702, Annotated Code of Maryland; and
(b) It is not engaging in investment activities in Iran as described in State Finance and Procurement Article, §17-702, Annotated Code of Maryland.

2. The undersigned is unable to make the above certification regarding its investment activities in Iran due to the following activities:

L. CONFLICT MINERALS ORIGINATED IN THE DEMOCRATIC REPUBLIC OF CONGO (FOR SUPPLIES AND SERVICES CONTRACTS)

I FURTHER AFFIRM THAT:

The business has complied with the provisions of State Finance and Procurement Article, §14-413, Annotated Code of Maryland governing proper disclosure of certain information regarding conflict minerals originating in the Democratic Republic of Congo or its neighboring countries as required by federal law.

M. I FURTHER AFFIRM THAT:

Any claims of environmental attributes made relating to a product or service included in the bid or proposal are consistent with the Federal Trade Commission's Guides for the Use of Environmental Marketing Claims as provided in 16 CFR §260, that apply to claims about the environmental attributes of a product, package, or service in connection with the marketing, offering for sale, or sale of such item or service.

N. ACKNOWLEDGEMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland, or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland with respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above business with respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____ (print name of Authorized Representative and Affiant)

_____ (signature of Authorized Representative and Affiant)

PROFESSIONAL LIABILITY INSURANCE FORM

AE FIRM: _____

Firm's statement of professional liability insurance coverage including current and/or proposed additional coverage to be guaranteed if awarded the project must be inserted below. The firm recommended for appointment will be required to submit evidence of \$5M professional liability insurance coverage prior to execution of the contract. Failure to complete the insurance information may result in your firm being disqualified from further consideration for this project.

Dollar Value: \$ _____

Expiration Date: _____

Insurance Company: _____

Comments (if any):

Note: Please include information on current and proposed additional coverage to be guaranteed if awarded the contract. Should an A/E firm not provide confirmation of the required professional liability insurance coverage during the technical phase of this procurement, it will be disqualified from further consideration.

LICENSE DOCUMENTATION – KEY PERSONNEL

PROPOSER (A/E FIRM): _____

Subject to exemptions within Maryland State regulations, individuals practicing occupations requiring licensure by Maryland Board of Architects or Board of Engineers must be licensed by the Maryland Department of Labor, Licensing and Regulations (DLLR).

Positions required for this project are listed below; for each, insert the name of the proposed individual, license number and state of licensure. Every individual named on this attachment should be represented in the U.S. Standard Form 330 under the heading of "Brief Resume of Key Persons." For individuals not currently licensed in Maryland, submit supplemental information that details one of the following:

- How and when Maryland Licensing will be obtained.
- Why Maryland Licensing is not proposed to be obtained.

Position	Name of Individual	License #	State of Licensure
Principal			
Project Architect			
Mechanical Engineer			
Electrical Engineer			
Plumbing Engineer			

Notes and Supplemental Information: _____

Note: Failure to complete the requested information on this form may result in being disqualified from further consideration for this project.

The foregoing is a statement of facts.

Signature: _____

Typed Name & Title: _____

Date: _____

LICENSE DOCUMENTATION FOR FIRM

PROPOSER (AE FIRM): _____

For this project, individuals who serve in the role of responsible person in charge for the applicable professional design firm must be licensed in the State of Maryland. Such individuals will be stamping and sealing the drawings for their respective firm. These individuals may or may not be one of the proposed key personnel on the proposing AE team. It is, therefore, important that the proposing Architect/Engineer provide information to confirm these licensures.

Disciplines required for this project are listed below. For each discipline, insert name of the firm, the name of the individual who will be stamping the design drawings, the date of their Maryland license and the license number. Provide supplemental information below, if required, to clarify data provided.

Discipline	Name of Firm	Name of Individual	Expiration Date of Maryland License	License #
Prime Architect				
Mechanical Engineer				
Plumbing Engineer				
Electrical Engineer				

Notes and Supplemental Information: _____

Note: Failure to complete the requested information on this form may result in being disqualified from further consideration for this project.

The foregoing is a statement of facts.

Signature: _____

Typed Name & Title: _____

Date: _____

RFP NO.: #BC-21094-C

RFP FOR: AE Services for the UMBC RAC Renewal Project

INITIAL TECHNICAL

PROPOSAL DUE DATE: April 19, 2018 on or before 12:00 pm

NAME OF PROPOSER: _____

ACKNOWLEDGEMENT OF RECEIPT OF ADDENDA

The undersigned, hereby acknowledges the receipt of the following addenda:

Addendum No. _____ dated _____

Addendum No. _____ dated _____

Addendum No. _____ dated _____

Addendum No. _____ dated _____

Signature _____

Printed Name _____

Title _____

Date _____

KEY PERSONNEL REFERENCES FORM

PROPOSING FIRM: _____

KEY PERSON:

KEY PERSON EMPLOYED BY (NAME OF FIRM):

APPLICABLE POSITION:

Check Box	RAC Renewal Role	Check Box	RAC Renewal Role
	AE Project Manager		Project Electrical Engineer
	AE Programmer		CA Professional – Architectural
	Project Architect		CA Professional – M/E/P
	Project Mechanical Engineer		Cost Estimator
	Project Plumbing Engineer		

Note: This form is to be completed for each of the proposed AE team members noted above only.

Three (3) project references are requested. Such references are to be **project references not employment references**; that is, the University is interested in speaking to a Project Owner regarding the person's performance on a particular project. These references are to be from either (i) the projects submitted by the applicable firm in the initial technical proposal, if applicable, or (ii) from the similar jobs listed with the person's resume. Such references are to be from different projects; that is, only one reference per project is allowed. Such references will be held in strictest confidence by the University. Please insure that the information is accurate and that the reference named can speak to the **person's performance in the role to be assigned on this project**.

1. CONTACT PERSON: _____ TITLE: _____

TELEPHONE #: _____ EMAIL: _____

COMPANY NAME: _____

DESCRIPTION OF PROJECT (INCLUSIVE OF CONSTRUCTION COSTS, NAME OF PROJECT, PERSON'S ROLE, AND PROJECT COMPLETION DATE) DONE:

2. CONTACT PERSON: _____ TITLE: _____

TELEPHONE #: _____ EMAIL: _____

COMPANY NAME: _____

DESCRIPTION OF PROJECT (INCLUSIVE OF CONSTRUCTION COSTS, NAME OF PROJECT, PERSON'S ROLE, AND PROJECT COMPLETION DATE) DONE:

KEY PERSON:

3. CONTACT PERSON: _____ TITLE: _____

TELEPHONE #: _____ EMAIL: _____

COMPANY NAME: _____

DESCRIPTION OF PROJECT (INCLUSIVE OF CONSTRUCTION COSTS, NAME OF PROJECT, PERSON'S ROLE, AND PROJECT COMPLETION DATE) DONE:

FIRM REFERENCES

PROPOSING FIRM: _____

Name of Prime AE Firm: _____

Provide three (3) firm references based on the three (3) submitted projects (one additional reference per JV partner or associate architecture firm, if applicable). Such references are to be **project references**; that is, the University is interested in speaking to a Project Owner regarding the firm's performance on a particular project. Such references are to be from different projects; that is, only one reference per project is allowed. Such references will be held in strictest confidence by the University. Please insure that the information is accurate and that the reference named can speak to the **firm's performance on the project**.

1. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

2. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

3. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

4. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

FIRM REFERENCES

PROPOSING FIRM: _____

Name of M/E/P Engineering Firm:

Provide three (3) firm references based on the three (3) submitted projects. Such references are to be **project references**; that is, the University is interested in speaking to a Project Owner regarding the firm's performance on a particular project. Such references are to be from different projects; that is, only one reference per project is allowed. Such references will be held in strictest confidence by the University. Please insure that the information is accurate and that the reference named can speak to the **firm's performance on the project**.

1. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

2. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

3. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

FIRM REFERENCES

PROPOSING FIRM: _____

Name of Cost Estimator: _____

Provide two (2) firm references based on the one (1) submitted project as well as one additional project as requested. Such references are to be **project references**; that is, the University is interested in speaking to a Project Owner regarding the firm's performance on a particular project. Such references are to be from different projects; that is, only one reference per project is allowed. Such references will be held in strictest confidence by the University. Please insure that the information is accurate and that the reference named can speak to the **firm's performance on the project**.

1. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

2. CONTACT PERSON: _____ EMAIL: _____

TITLE: _____ TELEPHONE # _____

COMPANY NAME: _____

SUBMITTED PROJECT NAME: _____

ATTACHMENT C
MBE FORMS

**MBE ATTACHMENT C-1A:
MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
& MBE PARTICIPATION SCHEDULE**

PART 1 - INSTRUCTIONS

PLEASE READ BEFORE COMPLETING THIS DOCUMENT

This form includes Instructions and the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule which must be submitted with the bid/proposal. If the bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or proposal, the Procurement Officer shall deem the bid non-responsive or shall determine that the proposal is not reasonably susceptible of being selected for award.

1. Contractor shall structure its procedures for the performance of the work required in this Contract to attempt to achieve the minority business enterprise (MBE) subcontractor participation goal stated in the Invitation for Bids or Request for Proposals. Contractor agrees to exercise good faith efforts to carry out the requirements set forth in these Instructions, as authorized by the Code of Maryland Regulations (COMAR) 21.11.03.
2. MBE Goals and Subgoals: Please review the solicitation for information regarding the Contract's MBE overall participation goals and subgoals. After satisfying the requirements for any established subgoals, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from the various MBE classifications to meet the remainder of the overall MBE participation goal.
3. MBE means a minority business enterprise that is certified by the Maryland Department of Transportation ("MDOT"). Only MBEs certified by MDOT may be counted for purposes of achieving the MBE participation goals. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm, including a MBE prime, must be MDOT-certified for the services, materials or supplies that it is committed to perform on the MBE Participation Schedule. A firm whose MBE certification application is pending may not be counted.
4. Please refer to the MDOT MBE Directory at <https://mbe.mdot.maryland.gov/directory/> to determine if a firm is certified with the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS codes, please visit <https://www.census.gov/eos/www/naics/>. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals. **CAUTION:** If the firm's NAICS Code is in graduated status, such services/products may not be counted for purposes of achieving the MBE participation goals. A NAICS Code is in the graduated status if the term "Graduated" follows the Code in the MDOT MBE Directory.
5. **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 workforce toward fulfilling up to, but no more than, fifty-percent (50%) of the overall MBE participation goal, including up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the Contract.
 - ✓ In order to receive credit for self-performance, an MBE prime must be certified in the appropriate NAICS code to do the work and must list its firm in the MBE Participation Schedule, including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform.

- ✓ For the remaining portion of the overall goal and the remaining subgoals, the MBE prime must also identify on the MBE Participation Schedule the other certified MBE subcontractors used to meet those goals or request a waiver.
- ✓ These guidelines apply to the work performed by the MBE Prime that can be counted for purposes of meeting the MBE participation goals. These requirements do not affect the MBE Prime's ability to self-perform a greater portion of the work in excess of what is counted for purposes of meeting the MBE participation goals.
- ✓ Please note that the requirements to meet the MBE participation overall goal and subgoals are distinct and separate. If the contract has subgoals, regardless of MBE Prime's ability to self-perform up to 50% of the overall goal (including up to 100% of any subgoal), the MBE Prime must either commit to use other MBEs for each of any remaining subgoals or request a waiver. As set forth in Attachment 1-B Waiver Guidance, the MBE Prime's ability to self-perform certain portions of the work of the Contract will not be deemed a substitute for the good faith efforts to meet any remaining subgoal or the balance of the overall goal.
- ✓ In certain instances where the percentages allocated to MBE participation subgoals add up to more than 50% of the overall goal, the portion of self-performed work that an MBE Prime may count toward the overall goal may be limited to less than 50%. Please refer to the Governor's Office of Small Minority & Women Business Affairs' website for the MBE Prime Regulations Q&A for illustrative examples.

http://www.goMDsmallbiz.maryland.gov/Documents/MBE_Toolkit/MBEPrimeRegulation_QA.pdf

6. Subject to items 1 through 5 above, when a certified MBE performs as a participant in a joint venture, a procurement agency may count a portion of the total dollar value of the Contract equal to the distinct, clearly-defined portion of the work of the Contract that the certified MBE performs with its own forces toward fulfilling the Contract goal, and not more than one of the Contract subgoals, if any.
7. The work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract. Please refer to COMAR 21.11.03.12-1 for more information regarding these requirements.

8. **Materials and Supplies: New Guidelines Regarding MBE Participation.**

- ✓ **Regular Dealers:** Up to 60% of the costs of materials and supplies provided by a certified MBE may be counted towards the MBE participation goal(s) if such MBE is a Regular Dealer of such materials and supplies. Regular Dealer is defined as a firm that owns, operates, or maintains a store, a warehouse, or any other establishment in which the materials, supplies, articles, or equipment are of the general character described by the specifications required under the contract and are bought, kept in stock, or regularly sold or leased to the public in the usual course of business; and does not include a packager, a broker, a manufacturer's representative, or any other person that arranges or expedites transactions. Generally, a Regular Dealer will be identified as a wholesaler or supplier in the MDOT Directory.
- ✓ **Manufacturers:** A certified MBE firm's participation may be counted in full if the MBE is certified in the appropriate NAICS code(s) to provide products and services as a manufacturer.
- ✓ **Brokers:** With respect to materials or supplies purchased from a certified MBE that is neither a manufacturer nor a regular dealer, a unit may apply the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, fees, or transportation charges for the delivery of materials and supplies required on a procurement toward the MBE contract goals, provided a unit determines the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. A unit may not apply any portion of the costs of the materials and supplies toward MBE goals.

- ✓ **Furnish and Install:** The participation of a certified MBE supplier, wholesaler, and/or regular dealer certified in the proper NAICS Code(s) to furnish and install materials necessary for successful contract completion may be counted in full.

- 9. **Dually certified firms.** An MBE that is certified in more than one subgroup category may only be counted toward goal fulfillment of ONE of those categories with regard to a particular contract.

Example: A woman-owned Hispanic American (dually certified) firm may be used to fulfill the women-owned OR Hispanic American subgoal, but not both on the same contract.

- 10. **CAUTION:** The percentage of MBE participation, computed using the percentage amounts determined for all of the MBE firms listed in PART 3, MUST meet or exceed the MBE participation goal and subgoals (if applicable) as set forth in PART 2- for this solicitation. If a bidder/offeror is unable to meet the MBE participation goal or any subgoals (if applicable), then the bidder/offeror must request a waiver in PART 2 or the bid will be deemed not responsive, or the proposal not reasonably susceptible of being selected for award. You may wish to use the attached Goal/Subgoal Worksheet to assist in calculating the percentages and confirming that your commitment meets or exceeds the applicable MBE participation goal and subgoals (if any).

- 11. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email to mbe@mdot.state.md.us sufficiently prior to the submission due date.

Subgoals (if applicable)

Total African American MBE Participation:	_____	%
Total Asian American MBE Participation:	_____	%
Total Hispanic American MBE Participation:	_____	%
Total Women-Owned MBE Participation:	_____	%

Overall Goal

Total MBE Participation (include all categories):	_____	%
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PART 2 - MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT &

MBE PARTICIPATION SCHEDULE

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule must be completed in its entirety and included with the bid/proposal. If the bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or proposal as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the proposal is not reasonably susceptible of being selected for award.

In connection with the bid/proposal submitted in response to Solicitation No. _____, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I acknowledge and intend to meet IN FULL both the overall certified Minority Business Enterprise (MBE) participation goal of 13% percent.

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11. I acknowledge that by checking the above box and agreeing to meet the stated goal and subgoal(s), if any, I **must** complete PART 3 - MBE Participation Schedule in order to be considered for award.

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals I acknowledge that by checking this box and requesting a partial waiver of the stated goal and/or one or more of the stated subgoal(s) if any, I **must** complete PART 3, the MBE Participation Schedule for the portion of the goal and/or subgoal(s) if any, for which I am not seeking a waiver, in order to be considered for award.

Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 working days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier:

- (a) Good Faith Efforts Documentation to Support Waiver Request (Attachment C-1C)
- (b) Outreach Efforts Compliance Statement (Attachment C-2);
- (c) MBE Subcontractor/MBE Prime Project Participation Statement (Attachments C-3A and 3B);
- (d) Any other documentation, including additional waiver documentation if applicable, required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal and subgoals, if any.

I understand that if I fail to return each completed document within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

Information Provided to MBE firms

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

PART 3 - MBE PARTICIPATION SCHEDULE

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract value allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below (including any self-performing MBE prime firms) are performing work activities for which they are MDOT-certified.

Prime Contractor	Project Description	Project/Contract Number

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

<p>MBE Prime Firm Name: _____</p> <p>MBE Certification Number: _____</p> <p>(If dually certified, check only one box.)</p> <p><input type="checkbox"/> African American-Owned</p> <p><input type="checkbox"/> Hispanic American- Owned</p> <p><input type="checkbox"/> Asian American-Owned</p> <p><input type="checkbox"/> Women-Owned</p> <p><input type="checkbox"/> Other MBE Classification</p>	<p>Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): _____% Please refer to Item #8 in PART 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.</p> <p><input type="checkbox"/> Supplier</p> <p><input type="checkbox"/> Manufacturer</p> <p><input type="checkbox"/> Broker</p> <p><input type="checkbox"/> Furnish and Install</p> <p><input type="checkbox"/> Services</p> <p><input type="checkbox"/> Other</p> <p>Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): _____%</p> <p>Description of the Work to be performed with MBE prime's own forces:</p> <p>_____</p> <p>_____</p>
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SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

<p>MBE Firm Name: _____</p> <p>MBE Certification Number: _____</p> <p>(If dually certified, check only one box.)</p> <p><input type="checkbox"/> African American-Owned</p> <p><input type="checkbox"/> Hispanic American- Owned</p> <p><input type="checkbox"/> Asian American-Owned</p> <p><input type="checkbox"/> Women-Owned</p> <p><input type="checkbox"/> Other MBE Classification</p>	<p>Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): _____% Please refer to Item #8 in PART 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.</p> <p><input type="checkbox"/> Supplier</p> <p><input type="checkbox"/> Manufacturer</p> <p><input type="checkbox"/> Broker</p> <p><input type="checkbox"/> Furnish and Install</p> <p><input type="checkbox"/> Services</p> <p><input type="checkbox"/> Other</p> <p>Description of the Work to be Performed:</p> <p>_____</p> <p>_____</p> <p>_____</p>
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MBE Firm
Name: _____

MBE Certification Number: _____

(If dually certified, check only one box.)

African American-Owned

Hispanic American- Owned

Asian American-Owned

Women-Owned

Other MBE Classification

Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal):
_____ % **Please refer to Item #8 in PART 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.**

Supplier

Manufacturer

Broker

Furnish and Install

Services

Other

Description of the Work to be Performed:

MBE Firm
Name: _____

MBE Certification Number: _____

(If dually certified, check only one box.)

African American-Owned

Hispanic American- Owned

Asian American-Owned

Women-Owned

Other MBE Classification

Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal):
_____ % **Please refer to Item #8 in PART 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.**

Supplier

Manufacturer

Broker

Furnish and Install

Services

Other

Description of the Work to be Performed:

MBE Firm
Name: _____

MBE Certification Number: _____

(If dually certified, check only one box.)

African American-Owned

Hispanic American- Owned

Asian American-Owned

Women-Owned

Other MBE Classification

Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal):
_____ % **Please refer to Item #8 in PART 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.**

Supplier

Manufacturer

Broker

Furnish and Install

Services

Other

Description of the Work to be Performed:

Continue on separate page if needed

I solemnly affirm under the penalties of perjury that: (i) I have reviewed the instructions for the MBE Utilization & Fair Solicitation Affidavit and MBE Schedule, and (ii) the information contained in the MBE Utilization & Fair Solicitation Affidavit and MBE Schedule is true to the best of my knowledge, information and belief.

Bidder/Offeror Name
(PLEASE PRINT OR TYPE)

Signature of Authorized Representative

Address

Printed Name and Title

City, State and Zip Code

Date

SUBMIT THIS AFFIDAVIT WITH BID/PROPOSAL

MBE Attachment C-1B WAIVER GUIDANCE

GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE) participation goal (including any MBE subgoals) on a contract, the bidder/offeror must either (1) meet the MBE Goal(s) and document its commitments for participation of MBE Firms, or (2) when it does not meet the MBE Goal(s), document its Good Faith Efforts to meet the goal(s).

I. Definitions

MBE Goal(s) – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

Good Faith Efforts – The “Good Faith Efforts” requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror were actively and aggressively trying to obtain MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE contract requirements. The determination concerning the sufficiency of the bidder's/offeror's good faith efforts is a judgment call; meeting quantitative formulas is not required.

Identified Firms – “Identified Firms” means a list of the MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-funded) the bidder/offeror identified as available to perform the Identified Items of Work and should include all appropriately certified firms that are reasonably identifiable.

Identified Items of Work – “Identified Items of Work” means the bid items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved. If the procurement does not include a list of Identified Items of Work, this term refers to all of the items of work the bidder/offeror identified as possible items of work for performance by MBE Firms and should include all reasonably identifiable work opportunities.

MBE Firms – “MBE Firms” refers to a firm certified by the Maryland Department of Transportation (“MDOT”) under COMAR 21.11.03. Only MDOT-certified MBE Firms can participate in the State's MBE Program.

II. Types of Actions Agency will Consider

The bidder/offeror is responsible for making relevant portions of the work available to MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE subcontractors and suppliers, so as to facilitate MBE participation. The following is a list of types of actions the procuring agency will consider as part of the bidder's/offeror's Good Faith Efforts when the bidder/offeror fails to meet the MBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Identify Bid Items as Work for MBE Firms

1. Identified Items of Work in Procurements

(a) Certain procurements will include a list of bid items identified during the goal setting process as possible work for performance by MBE Firms. If the procurement provides a list of Identified Items of Work, the bidder/offeror shall make all reasonable efforts to solicit quotes from MBE Firms to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved.

2. Identified Items of Work by Bidders/Offerors

(a) When the procurement does not include a list of Identified Items of Work or for additional Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make Good Faith Efforts.

B. Identify MBE Firms to Solicit

1. MBE Firms Identified in Procurements

(a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those MBE firms.

(b) Bidders/offerors may, and are encouraged to, search the MBE Directory to identify additional MBEs who may be available to perform the items of work, such as MBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE Firms Identified by Bidders/Offerors

(a) When the procurement does not include a list of Identified MBE Firms, bidders/offerors should reasonably identify the MBE Firms that are available to perform the Identified Items of Work.

(b) Any MBE Firms identified as available by the bidder/offeror should be certified to perform the Identified Items of Work.

C. Solicit MBEs

1. Solicit all Identified Firms for all Identified Items of Work by providing written notice. The bidder/offeror should:

(a) provide the written solicitation at least 10 days prior to bid opening to allow sufficient time for the MBE Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; and

(c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE, and other requirements of the contract to assist MBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. "All" Identified Firms includes the MBEs listed in the procurement and any MBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE Firms who are no longer certified to perform the work as of the date the bidder/offeror provides written solicitations.

3. "Electronic Means" includes, for example, information provided *via* a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible to the interested MBE.

4. Follow up on initial written solicitations by contacting MBEs to determine if they are interested. The follow up contact may be made:

(a) by telephone using the contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; or

(b) in writing *via* a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, use all other reasonable and available means to solicit the interest of MBE Firms certified to perform the work of the contract. Examples of other means include:

(a) attending any pre-bid meetings at which MBE Firms could be informed of contracting and subcontracting opportunities; and

(b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/women community organizations, minority/women contractors' groups, and local, state, and federal minority/women business assistance offices listed on the MDOT Office of Minority Business Enterprise website.

D. Negotiate With Interested MBE Firms

Bidders/Offerors must negotiate in good faith with interested MBE Firms.

1. Evidence of negotiation includes, without limitation, the following:

(a) the names, addresses, and telephone numbers of MBE Firms that were considered;

(b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

(c) evidence as to why additional agreements could not be reached for MBE Firms to perform the work.

2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.

3. The fact that there may be some additional costs involved in finding and using MBE Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract MBE goal(s), as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE Firm's quote is excessive or unreasonable include, without limitation, the following:

(a) the dollar difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

(b) the percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

(c) the percentage that the MBE subcontractor's quote represents of the overall contract amount;

(d) the number of MBE firms that the bidder/offeror solicited for that portion of the work;

(e) whether the work described in the MBE and Non-MBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and

(f) the number of quotes received by the bidder/offeror for that portion of the work.

4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.

5. The bidder/offeror may not use its price for self-performing work as a basis for rejecting a MBE Firm's quote as excessive or unreasonable.

6. The "average of the other subcontractors' quotes received" by the bidder/offeror refers to the average of the quotes received from all subcontractors. Bidder/offeror should attempt to receive quotes from at least three subcontractors, including one quote from a MBE and one quote from a Non-MBE.

7. A bidder/offeror shall not reject a MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE that is rejected as unqualified or that placed a subcontract quotation or offer that the bidder/offeror concludes is not acceptable, the bidder/offeror must provide a written detailed statement listing the reasons for this conclusion. The bidder/offeror also must document the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.

(a) The factors to take into consideration when assessing the capabilities of a MBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.

(b) The MBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the efforts to meet the project goal.

E. Assisting Interested MBE Firms

When appropriate under the circumstances, the decision-maker will consider whether the bidder/offeror:

1. made reasonable efforts to assist interested MBE Firms in obtaining the bonding, lines of credit, or insurance required by the procuring agency or the bidder/offeror; and
2. made reasonable efforts to assist interested MBE Firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

III. Other Considerations

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between certified MBE and Non-MBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether a bidder/offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. The decision-maker also may take into account the performance of other bidders/offerors in meeting the contract. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful bidder/offeror could have met the goal. If the apparent successful bidder/offeror fails to meet the goal, but meets or exceeds the average MBE participation obtained by other bidders/offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful bidder/offeror having made Good Faith Efforts.

IV. Documenting Good Faith Efforts

At a minimum, a bidder/offeror seeking a waiver of the MBE Goal(s) or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 business days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

A. Items of Work (Complete Good Faith Efforts Documentation Attachment 1-C, Part 1)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE Goal(s).

B. Outreach/Solicitation/Negotiation

1. The record of the bidder's/offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a). **(Complete Outreach Efforts Compliance Statement – Attachment 2).**

2. A detailed statement of the efforts made to contact and negotiate with MBE Firms including:

(a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) **(Complete Good Faith Efforts Attachment 1-C- Part 2, and submit letters, fax cover sheets, emails, etc. documenting solicitations);** and

(b) a description of the information provided to MBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE Firms (Complete Good Faith Efforts Attachment 1-C, Part 3)

1. For each MBE Firm that the bidder/offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.

2. For each certified MBE Firm that the bidder/offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the quotes received from all MBE and Non-MBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**

3. A list of MBE Firms contacted but found to be unavailable. This list should be accompanied by a MBE Unavailability Certificate (see Exhibit A to this Part 1) signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the MBE Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the bidder's/offeror's Good Faith Efforts.

2. Submit any other documentation the bidder/offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

Exhibit A

MBE Subcontractor Unavailability Certificate

1. It is hereby certified that the firm of _____
located at _____
_____ (Name of Minority firm)
_____ (Number) _____ (Street)
_____ (City) _____ (State) _____ (Zip)

was offered an opportunity to bid on Solicitation No. _____
in _____ County by _____
_____ (Name of Prime Contractor's Firm)

2. _____ (Minority Firm), is either unavailable for the
work/service or unable to prepare a bid for this project for the following reason(s):

Signature of Minority Firm's MBE Representative
Date

Title

MDOT Certification #

Telephone #

3. To be completed by the prime contractor if Section 2 of this form is not completed by the minority firm.

To the best of my knowledge and belief, said Certified Minority Business Enterprise is either unavailable for the work/service for this project, is unable to prepare a bid, or did not respond to a request for a price proposal and has not completed the above portion of this submittal.

Signature of Prime Contractor

Title

Date

MBE attachment C-1c

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Page __ of __

Prime Contractor	Project Description	Solicitation Number

Parts 1, 2, and 3 must be included with this certificate along with all documents supporting your waiver request.

I affirm that I have reviewed Attachment C-1B, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this Attachment C-1C Good Faith Efforts Documentation Form are true to the best of my knowledge, information, and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

**GOOD FAITH EFFORTS DOCUMENTATION
TO SUPPORT WAIVER REQUEST**

**Part 1 – identified items of work bidder/offeror made available to
mbe firms**

Page __ of __

Prime Contractor	Project Description	Solicitation Number

Identify those items of work that the bidder/offeror made available to MBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the bidder's/offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE goal set for the procurement. Note: If the procurement includes a list of bid items identified during the goal setting process as possible items of work for performance by MBE Firms, the bidder/offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement?	Does bidder/offeror normally self-perform this work?	Was this work made available to MBE Firms? If no, explain why?
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION
TO SUPPORT WAIVER REQUEST**

Part 2 – identified MBE firms and record of solicitations

Page __ of __

Prime Contractor	Project Description	Solicitation Number

Identify the MBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE participation. Include the name of the MBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE provided a quote, and whether the MBE is being used to meet the MBE participation goal. MBE Firms used to meet the participation goal must be included on the MBE Participation Schedule. Note: If the procurement includes a list of the MBE Firms identified during the goal setting process as potentially available to perform the items of work, the bidder/offeror should solicit all of those MBE Firms or explain why a specific MBE was not solicited. If the bidder/offeror identifies additional MBE Firms who may be available to perform Identified Items of Work, those additional MBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE Firms must be attached to this form. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the Minority Contractor Unavailability Certificate (see Exhibit A to MBE Attachment 1-B). If the bidder/offeror used a Non-MBE or is self-performing the identified items of work, Part 3 must be completed.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: <hr/> MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification <hr/>		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE <input type="checkbox"/> Self-performing
Firm Name: <hr/> MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification <hr/>		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION
TO SUPPORT WAIVER REQUEST**

Part 3 – additional information regarding rejected MBE quotes

Page __ of __

Prime Contractor	Project Description	Solicitation Number

This form must be completed if Part 2 indicates that a MBE quote was rejected because the bidder/offeror is using a Non-MBE or is self-performing the Identified Items of Work. Provide the Identified Items Work, indicate whether the work will be self-performed or performed by a Non-MBE, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE (Include spec/section number from bid)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non- MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non- MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non- MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non- MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non- MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non- MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non- MBE _____	\$ _____ -	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non- MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Please check if Additional Sheets are attached.

MBE Attachment C - 2
OUTREACH EFFORTS COMPLIANCE STATEMENT

Complete and submit this form within 10 working days of notification of apparent award or actual award, whichever is earlier.

In conjunction with the bid/proposal submitted in response to Solicitation No. _____, I state the following:

1. Bidder/Offeror identified subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to personally contact the solicited MDOT-certified MBE firms: _____

4. **Please Check One:**

- This project does not involve bonding requirements.
- Bidder/Offeror assisted MDOT-certified MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS): _____

5. **Please Check One:**

- Bidder/Offeror did attend the pre-bid/pre-proposal conference.
- No pre-bid/pre-proposal meeting/conference was held.
- Bidder/Offeror did not attend the pre-bid/pre-proposal conference.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

**MBE Attachment C-3A
MBE SUBCONTRACTOR PROJECT PARTICIPATION CERTIFICATION**

PLEASE COMPLETE AND SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT C-1A) WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor intends to enter into a subcontract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ which will receive at least \$ _____ which equals to ___% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

Each of the Contractor and Subcontractor acknowledges that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes. Each of the Contractor and Subcontractor solemnly affirms under the penalties of perjury that: (i) the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of its knowledge, information and belief, and (ii) has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a Bid/Proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified Minority Business Enterprise in its Bid/Proposal;
- (2) fail to notify the certified Minority Business Enterprise before execution of the Contract of its inclusion of the Bid/Proposal;
- (3) fail to use the certified Minority Business Enterprise in the performance of the Contract; or
- (4) pay the certified Minority Business Enterprise solely for the use of its name in the Bid/Proposal.

PRIME CONTRACTOR	SUBCONTRACTOR
Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____ _____	Printed Name and Title: _____ _____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Date: _____	Date: _____

**MBE Attachment C-3B
MBE PRIME - PROJECT PARTICIPATION CERTIFICATION**

PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE FIRM HAS LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT C-1A) FOR PURPOSES OF MEETING THE MBE PARTICIPATION GOALS. THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.

Provided that _____ (Prime Contractor's Name) with Certification Number _____ is awarded the State contract in conjunction with Solicitation No. _____, such MBE Prime Contractor intends to perform with its own forces at least \$ _____ which equals to ___% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE). FOR CONSTRUCTION PROJECTS, GENERAL CONDITIONS MUST BE LISTED SEPARATELY.	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

<p>MBE PRIME CONTRACTOR</p> <p>Signature of Representative: _____</p> <p>Printed Name and Title: _____ _____</p> <p>Firm's Name: _____</p> <p>Federal Identification Number: _____</p> <p>Address: _____ _____</p> <p>Telephone: _____</p> <p>Date: _____</p>
--

MBE Attachment C-4A
University of Maryland, Baltimore County
Minority Business Enterprise Participation
Prime Contractor Paid/Unpaid MBE Invoice Report

Report #: _____ Reporting Period (Month/Year): _____ Prime Contractor: Report is due to the MBE Liaison by the 10th of the month following the month the services were provided. Note: Please number reports in sequence.	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ MBE Subcontract Amt: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
---	--

Prime Contractor:		Contact Person:																																					
Address:																																							
City:		State:	ZIP:																																				
Phone:	Fax:	E-mail:																																					
MBE Subcontractor Name:		Contact Person:																																					
Phone:	Fax:																																						
Subcontractor Services Provided:																																							
List all payments made to MBE subcontractor named above during this reporting period: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%; text-align: center;"><u>Invoice#</u></th> <th style="width: 30%; text-align: center;"><u>Amount</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr> <td colspan="2">Total Dollars Paid: \$</td> <td>_____</td> </tr> </tbody> </table>			<u>Invoice#</u>	<u>Amount</u>	1.			2.			3.			4.			Total Dollars Paid: \$		_____	List dates and amounts of any outstanding invoices: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%; text-align: center;"><u>Invoice #</u></th> <th style="width: 30%; text-align: center;"><u>Amount</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr> <td colspan="2">Total Dollars Unpaid: \$</td> <td>_____</td> </tr> </tbody> </table>			<u>Invoice #</u>	<u>Amount</u>	1.			2.			3.			4.			Total Dollars Unpaid: \$		_____
	<u>Invoice#</u>	<u>Amount</u>																																					
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Total Dollars Paid: \$		_____																																					
	<u>Invoice #</u>	<u>Amount</u>																																					
1.																																							
2.																																							
3.																																							
4.																																							
Total Dollars Unpaid: \$		_____																																					

- If more than one MBE subcontractor is used for this contract, you must use separate 1-4A forms for each subcontractor.
- Information regarding payments that the MBE prime will use for purposes of meeting the MBE participation goals must be reported separately in Attachment 1-4B

Signature: _____ Date: _____
 (Required)

Print Name: _____ Title: _____

• **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**
 Ann Fusselbaugh
 University of Maryland Baltimore County
 Office of Procurement Services
 1000 Hilltop Circle, Administration Building #301
 Baltimore, MD 21250 Phone: 410.455.2273 Email: fusselba@umbc.edu

MBE Attachment C-4B
University of Maryland, Baltimore County
Minority Business Enterprise Participation
MBE Prime Contractor Report

MBE Prime Contractor: Certification Number: Report #: _____ Reporting Period (Month/Year): _____ MBE Prime Contractor: Report is due to the MBE Liaison by the ___ of the month following the month the services were provided. Note: Please number reports in sequence.	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ Total Value of the Work to the Self-Performed for purposes of Meeting the MBE participation goal/subgoals: _____ Project Begin Date: _____ Project End Date: _____
---	--

Contact Person: _____		
Address: _____		
City: _____	State: _____	ZIP: _____
Phone: _____	Fax: _____	E-mail: _____

Invoice Number	Value of the Work	NAICS Code	Description of the Work

Signature: _____ Date: _____
 (Required)
 Print Name: _____ Title: _____

• **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**
 Ann Fusselbaugh
 University of Maryland Baltimore County
 Office of Procurement Services
 1000 Hilltop Circle, Administration Building #301
 Baltimore, MD 21250 Phone: 410.455.2273 Email: fusselba@umbc.edu

MBE ATTACHMENT C-5
Minority Business Enterprise Participation
Subcontractor Paid/Unpaid MBE Invoice Report

Report#: _____ Reporting Period (Month/Year): _____ Report is due by the ___ of the month following the month the services were performed.	Contract # _____ Contracting Unit: _____ MBE Subcontract Amount: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
---	--

MBE Subcontractor Name: _____																																
MDOT Certification #: _____																																
Contact Person: _____		E-mail: _____																														
Address: _____																																
City: _____	State: _____	ZIP: _____																														
Phone: _____	Fax: _____																															
Subcontractor Services Provided:																																
List all payments received from Prime Contractor during reporting period indicated above. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 40%; text-align: center;"><u>Invoice Amt</u></th> <th style="width: 15%; text-align: center;"><u>Date</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr> <td colspan="2">Total Dollars Paid: \$ _____</td> <td></td> </tr> </tbody> </table>			<u>Invoice Amt</u>	<u>Date</u>	1.			2.			3.			Total Dollars Paid: \$ _____			List dates and amounts of any unpaid invoices over 30 days old. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 40%; text-align: center;"><u>Invoice Amt</u></th> <th style="width: 15%; text-align: center;"><u>Date</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr> <td colspan="2">Total Dollars Unpaid: \$ _____</td> <td></td> </tr> </tbody> </table>		<u>Invoice Amt</u>	<u>Date</u>	1.			2.			3.			Total Dollars Unpaid: \$ _____		
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	<u>Invoice Amt</u>	<u>Date</u>																														
1.																																
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3.																																
Total Dollars Unpaid: \$ _____																																
Prime Contractor: _____		Contact Person: _____																														

Signature: _____ Date: _____
 (Required)

Print Name: _____ Title: _____

• **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**
 Ann Fusselbaugh
 University of Maryland Baltimore County
 Office of Procurement Services
 1000 Hilltop Circle, Administration Building #301
 Baltimore, MD 21250 Phone: 410.455.2273 Email: fusselba@umbc.edu

ATTACHMENT D
ADDITIONAL FORMS

CONTRACT AFFIDAVIT

A. AUTHORITY

I HEREBY AFFIRM THAT:

I, (print name) _____ possess the legal authority to make this Affidavit.

B. CERTIFICATION OF REGISTRATION OR QUALIFICATION WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION

I FURTHER AFFIRM THAT:

The business named above is a (check applicable items):

- (1) Corporation — ___ domestic or ___ foreign;
- (2) Limited Liability Company — ___ domestic or ___ foreign;
- (3) Partnership — ___ domestic or ___ foreign;
- (4) Statutory Trust — ___ domestic or ___ foreign;
- (5) ___ Sole Proprietorship

and is registered or qualified as required under Maryland Law.

I further affirm that the above business is in good standing both in Maryland and (IF APPLICABLE) in the jurisdiction where it is presently organized, and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation. The name and address of its resident agent (IF APPLICABLE) filed with the State Department of Assessments and Taxation is:

Name and Department ID

Number: _____ Address: _____

and that if it does business under a trade name, it has filed a certificate with the State Department of Assessments and Taxation that correctly identifies that true name and address of the principal or owner as:

Name and Department ID Number: _____

Address: _____.

C. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, the provisions of State Finance and Procurement Article, §13-221, Annotated Code of Maryland, which require that every business that enters into contracts, leases, or other agreements with the State of Maryland or its agencies during a calendar year under which the business is to receive in the aggregate \$100,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases, or other agreements reaches \$100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

D. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, Election Law Article, Title 14, Annotated Code of Maryland, which requires that every person that enters into a procurement contract with the State, a county, a municipal corporation, or other political subdivision of the State, during a calendar year in which the person receives a contract with a governmental entity in the amount of \$200,000 or more shall file with the State Board of Elections statements disclosing: (a) any contributions made during the reporting period to a candidate for elective office in any primary or general election; and (b) the name of each candidate to whom one or more contributions in a cumulative amount of \$500 or more were made during the reporting period. The statement shall be filed with the State Board of Elections: (a) before execution of a contract by the State, a county, a municipal corporation, or other political subdivision of the State, and shall cover the 24 months prior to when a contract was awarded; and (b) if the contribution is made after the execution of a contract, then twice a year, throughout the contract term, on: (i) May 31, to cover the six (6) month period ending April 30; and (ii) November 30, to cover the six (6) month period ending October 31.

E. DRUG AND ALCOHOL FREE WORKPLACE

I CERTIFY THAT:

(1) Terms defined in COMAR 21.11.08 shall have the same meanings when used in this certification.

(2) By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:

(a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;

(b) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business' workplace and specifying the actions that will be taken against employees for violation of these prohibitions;

(c) Prohibit its employees from working under the influence of drugs or alcohol;

(d) Not hire or assign to work on the contract anyone who the business knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;

(e) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if the business has observed the violation or otherwise has reliable information that a violation has occurred;

(f) Establish drug and alcohol abuse awareness programs to inform its employees about:

(i) The dangers of drug and alcohol abuse in the workplace;

(ii) The business's policy of maintaining a drug and alcohol free workplace;

(iii) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees who abuse drugs and alcohol in the workplace;

(g) Provide all employees engaged in the performance of the contract with a copy of the statement required by §E(2)(b), of this regulation;

(h) Notify its employees in the statement required by §E(2)(b), of this regulation, that as a condition of continued employment on the contract, the employee shall:

(i) Abide by the terms of the statement; and

(ii) Notify the employer of any criminal drug or alcohol abuse conviction for an offense occurring in the workplace not later than 5 days after a conviction;

(i) Notify the procurement officer within 10 days after receiving notice under §E(2)(h)(ii), of this regulation, or otherwise receiving actual notice of a conviction;

(j) Within 30 days after receiving notice under §E(2)(h)(ii), of this regulation, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:

(i) Take appropriate personnel action against an employee, up to and including termination; or

(ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program; and

(k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of §E(2)(a)—(j), of this regulation.

(3) If the business is an individual, the individual shall certify and agree as set forth in §E(4), of this regulation, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.

(4) I acknowledge and agree that:

(a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;

(b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

(c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.03.

F. CERTAIN AFFIRMATIONS VALID

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgements contained in that certain Bid/Proposal Affidavit dated _____, 20____, and executed by me for the purpose of obtaining the contract to which this Exhibit is attached remains true and correct in all respects as if made as of the date of this Contract Affidavit and as if fully set forth herein.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____ (printed name of Authorized Representative and affiant)

_____ (signature of Authorized Representative and affiant)

UMBC STANDARD CONSULTING AGREEMENT

<https://umbc.box.com/v/RAC-Renewal-Project>

**UMBC STANDARD FORM OF AGREEMENT WITH
ARCHITECTS AND ENGINEERS**

<https://umbc.box.com/v/RAC-Renewal-Project>

USM POLICY FOR TRAVEL REIMBURSEMENT AND MILEAGE

RATES FOR HOTELS: Cost of hotel accommodations is reimbursed on the basis of receipts for single-room rates, in accordance with institutional policy to establish that the room rate is appropriate.

PER DIEM RATES FOR MEALS/MILEAGE EFFECTIVE JANUARY 2, 2018:

BREAKFAST	\$ 10.00
LUNCH	\$12.00
DINNER	\$25.00
TOTAL	\$47.00/DAY
MILEAGE RATE FOR PERSONAL VEHICLE	\$.54.5/PER MILE

See USM Policy VIII – 11.10 at <http://www.usmd.edu/regents/bylaws/SectionVIII/> for any updates.

RFP #BC-21094-C

END OF AE SOLICITATION DOCUMENT