MARYLAND TRANSPORTATION AUTHORITY
Baltimore, Maryland

Invitation for Bids

INTERCOUNTY CONNECTOR, EAST OPERATIONS CENTER

Maryland
Transportation
Authority

CONTRACT NO. IC 2341-000-006

TECHNICAL SPECIFICATIONS

VOLUME IV OF IV

MONTGOMERY COUNTY

FEBRUARY, 2010

TABLE OF CONTENTS

VOLUME IV OF IV

	Page No.
Notice to Bidders/Offerors	1-2
Instructions to Bidders / Multi-Step Sealed Bids	3-6
List of Minimum Requirements	7-12
Important Information Regarding MBE Utilization and Bidding Requirements	13-15

	Page No.
Invitation for Bids	16
Wage Rates	17-21
Contractor Affirmative Action Program	22-38
Affirmative Action Requirements Utilization of Minority Business Enterprises for Straight State Contracts	39-45
Proposal Form	46
Schedule of Prices	47-69
Contract Time and Bonding	70
Buy American Steel Act	71-73
MDOT MBE FORMS – State-Funded Contracts (Bids Only) Certified MBE Utilization and Fair Solicitation Affidavit	74-84
Bid/Proposal Affidavit	85-95
Proposal Guaranty	96
Bid Guarantee	97-98
Bid Bond	99-101

NOTICE TO BIDDERS

Please review the checklist prior to submitting your bid on this Contract.

- When submitting your completed bid, do not separate the book. Submit the whole book including all addenda acknowledgment pages.

- Make sure that all addenda letters are attached outside of the front cover of the bid book.

- If the addendum has revised the Schedule of Prices, make sure that you have included the revised pages in your bid. Your price should reflect any and all changes.

- Prices must be written numerically and in words, unless approved substitute forms are used (Refer to GP-2.06). Don't leave any items blank.

- When tabulating your final price, make sure all your calculations are correct.

- Minority Business Enterprise Attachments A and B must be completed and submitted with your bid. If either of these attachments is missing your bid is non-responsive. Attachments C and D **should not** be submitted at time of bid.
  For additional information on how to complete the MBE Attachments, please see the insert named "Important Information regarding MBE Utilization and Bidding Requirements" located in the IFB.

- The Bid/Proposal Affidavit must be completely filled out and signed by all the parties as indicated.

- If Escrow is being offered in a contract, the contractor must indicate whether or not they wish to utilize an Escrow Account for Retained Funds on the provided form.

- A bid bond must accompany all bids of One Hundred Thousand Dollars ($100,000.00) or more. The bid bond document must be completely filled out and have an original Power of Attorney form attached.

- If the document is too large for the envelope that we have provided, you can place the document in another form of packaging that can be sealed and submitted. If the document is too large for the bid box, you should alert the receptionist.

- Make sure that your company's name, address, the contract number and the bid date appears on the front of the packaging.

- When submitting bid packages via US Mail, Federal Express, DHL, UPS or any other delivery service it is your responsibility to make sure that the bid reaches the bid box before the time deadline. It may be in your best interest to send the package 24 hours in advance of the deadline. Also, when sending packages this way, make sure that the labeling specifies that it is a bid submission.

Notice to Bidders/Offerors

EMaryland Marketplace

In order to take advantage of Maryland State and Local government contracting opportunities, vendors/contractors are encouraged to register with eMaryland Marketplace. The free registration provides a means for businesses to receive e-mail notification of upcoming contracting opportunities in their specified areas of interest and expertise.

For registration requirements, visit:
www.eMarylandMarketplace.com

Instructions to Bidders

MULTI-STEP SEALED BIDS
CONTRACT NO. IC-2341-000-006

INTERCOUNTY CONNECTOR, EAST OPERATIONS CENTER

General

A. There will be a two (2) step process for awarding this project, IC-2341-000-006 – Intercounty Connector, East Operations Center located in Prince Georges County for the Maryland Transportation Authority ("MdTA").

The first step will be the evaluation of the technical qualifications of the firms bidding. The second step will be based on cost.

B. This request for bids does not commit the MdTA to award a contract. The MdTA reserves the right to reject any and all bids or to request additional information from any source or sources considered qualified. In addition, notice is given hereby of the possibility that award may be made without discussion of the bid; therefore, bids must be submitted initially on the most favorable terms from both technical and price standpoints.

C. To be responsive, bids must state full, accurate, and complete information as required by this Request for Multi-Step Bids.

D. The terms of this contract shall be in accordance with a **450 Calendar Day Base Contract Duration**, after receipt of Notice to Proceed.

Submission of Bid

A. The MdTA assumes no monetary obligations for preparation of bids or for bid expenses hereunder. All bid documents will become the property of the MdTA and will not be returned to Bidders.

B. Bids will be submitted in two (2) separate envelopes. Both envelopes shall be clearly marked with Contractor's name and address. Each envelope contents and labeling shall be as follows:

1. Envelope A:

a.	Label:	"Envelope A – Technical for Contract IC-2341-000-00 – Intercounty Connector, East Operations Center for the Authority"
b.	Contents:	Completed Technical Submittal, and MBE Utilization Affidavit, Bid/ Proposal Affidavit, plus

documentation responding to the "List of Minimum Requirements" for IC-2341-000-006 – Intercounty Connector, West Operations Facility

c. No pricing information shall be included in envelope A. Inclusion of pricing in Envelope A shall be considered a non responsive bid and the Bidder shall be disqualified.

d. Furnish four (4) copies of signed Technical Submittal and required documentation.

2. Envelope B:

a. Label: "Envelope B –Cost Proposal for Contract IC-2341-000-006 – Intercounty Connector, East Operations Center for the Authority."

b. Contents: Submit the entire Volume IV of the specifications completely filled out. This includes the Bid Bond, MBE Participation Schedule and Completed Pay Items for all construction items as contained in the pay item tabulations.

C. Technical Bids must contain the above information and should be submitted in four (4) complete copies. This technical portion of the bid shall become a binding part of the successful Bidder's contract.

D. Addressing Bids

1. It is the responsibility of each Bidder to assure that the Bids are received by the MdTA by the time specified in Notice to Contractors. Any Bid received after the time specified will be considered late and returned to the Bidder unopened.

2. Envelopes if mailed overnight, US Postal Services, or hand delivered, should be addressed to the following address:

Maryland Transportation Authority
Office of Procurement & Statutory Program Compliance
300 Authority Drive
1st Floor
Baltimore, Maryland 21222

E. Bid Evaluation

All bid packages received by the closing deadline will be reviewed, accepted or rejected as indicated here. In the review process, the MdTA may request additional technical assistance from any source.

The bid packages will be reviewed in two sequential steps. In the first step only "Envelope A" of all bid packages will be reviewed, resulting in a bid evaluation classification of either "acceptable" or "non-acceptable". Subsequently and at the announced time and date, "Envelope B" of those bidders determined as "acceptable" will be publicly opened and read aloud. The MdTA review of Envelopes A and B will be as follows:

1. Opening and Review by the MdTA will determine compliance or lack of Compliance with the bid package technical requirements indicated in sub-subparagraph B.1b. above. The results of Envelope A contents review will be the classification of each bidder as "acceptable" or "non-acceptable". To be qualified as "acceptable", the bidder shall:

    a. Provide a response to all items included in the "Technical Submittal". Bidder shall provide all of the requested technical qualifications in sufficient detail to enable the MdTA to confirm bidder's technical qualifications and bid acceptableness for each one of the items of the "List of Minimum Requirements".

    b. Review of Envelope A – Technical Information Package:

        (1) The MdTA will evaluate the Technical Offer Information submitted to determine if it is acceptable or unacceptable. In making such a determination, the MdTA shall consider whether a bidder has met the "Minimum Requirements" set forth in Technical Offer Submittal. The MdTA may meet with or otherwise contact any or all bidders to identify deficiencies, which must be corrected in order to meet the Technical Offer Submittal. After evaluation of the initial and supplemental information, the MdTA shall determine whether the bidder is acceptable or non-acceptable. Envelope A **will not** be publicly opened.

2. Opening of Envelope B

    The Envelope B package of the "acceptable" bidders will be publicly opened, and the MdTA will determine which bidder has the lowest overall cost of the project considering all parts, including miscellaneous allowances. The MdTA will not open the Envelope B packages belonging to those bidders deemed "non-acceptable" by the MdTA; these packages will be returned unopened to their originators.

F. Confidentiality

Bidders must specifically identify those portions of their proposals, if any, which they deem to contain confidential, proprietary, commercial, or financial information or trade secrets and must provide justification why such materials, upon request, should not be disclosed by the State under the Maryland Public Information Act, Section 10-611, et seq., of the State Government Article of the Annotated Code of Maryland. Portions of proposals identified as confidential or proprietary shall be readily separable from the proposal in order to facilitate any public inspection of the non-confidential portion of the proposal after award of the contract.

Basis of Selection

The contract will be awarded to responsible bidder with the lowest responsive bid meeting the minimum technical requirements. The Administration will pre-qualify the bids based on technical submittal. Only those bids meeting the Administration's requirements, as set forth in the specifications will be acceptable for further price consideration.

The MdTA will award this Contract to the responsible Bidder with the lowest responsive bid based on the TOTAL BASE BID and any combination of ADD or DEDUCT ALTERNATES, whichever is in the best interest of the State.

LIST OF MINIMUM REQUIREMENTS

_____

Name of Firm

_____

Federal Tax ID or Social Security Number

_____

Address of Firm

Contract Number: IC-2341-000-006

Contract Title: Intercounty Connector, East Operations Center

---

General: To be eligible for award of this Contract, the Bidder must indicate that he/she will provide an acceptable level of construction service .....

Include response to the following as part of the Technical Offer:

Instructions

1. This *Contractor Qualification Statement* (CQS) is required for proposals submitted to the Maryland Transportation Authority (MdTA) for ICC East Operations Center.

2. This document shall be labeled "*Contractor Qualification Statement*" and indicate the name of the Bidder (hereinafter "*Contractor*") and the name of the project and contract reference number for this project.

3. This CQS shall be completed by an officer of the Contractor who has sufficient knowledge to address all referenced subject matters and respond to all inquiries herein.

4. The Contractor submitting this CQS shall be fully responsible for and bound by all information, data, certifications and disclosures included in this statement and any attachments hereto.

5. The Contractor understands that the information and data provided in connection with this CQS shall be reviewed to determine whether it qualifies as a "responsible contractor" for purposes of performing a State contract and whether its proposal is the most advantageous to the State.

6. It is the Contractor's responsibility to carefully review and complete this document. The failure to submit information or documents required by this CQS or the submission of

any false or misleading statements or any misrepresentations or omissions regarding material facts concerning this CQS, may render the Contractor ineligible for the contract.

7. Attachments to this CQS shall be numbered and labeled according to subject and clearly reference the project name and contract number.

8. If additional space is needed to answer a question, provide the required information in a *separate numbered attachment to this CQS.*

9. Contractor Qualification Statement shall include the following statement, *"I have read and understand the requirements of the MBE Program"* and be signed by an officer of the Contractor.

Part I: **General Information**

1. **Name of Contractor**: _____

_____

**Indicate whether the Contractor is a corporation, joint venture, limited liability company, partnership, sole proprietorship or other type of business entity.*

2. **Address/Contact Information**: _____

_____

_____

_____

_____

**Provide mailing address of Contractor, website, e-mail, telephone number and fax number. If address is a branch office, also provide principal home office address.*

Years in Business: _____

Related Firms/Changes in Company Name: _____

_____

_____

**Identify any parent companies, subsidiaries, sister companies or holding companies to which the Contractor is related. If the Contractor has previously operated under another name within the past five years, identify other names used.*

3. **Applicable Licenses/Registrations**: Identify all states in which the Contractor is licensed or registered to do business; provide applicable license/registration numbers:

_____

_____

_____

_____

4. **Recent Construction Volume**: Provide approximate annual construction volume in dollars performed by Contractor in the past three years:

Year _____ _____
Year _____ _____
Year _____ _____

Percentage of Work Self-Performed: Identify approximate percentage of the Contract Work the Contractor will perform on this Project with its own work force: _____

Note: According to the contract specifications, the Bidder is required to self-perform at least 15 percent of the Contract with its own employees

Classifications of Work Self-Performed: Identify the types of work the Contractor will perform with own work force:

_____
_____
_____
_____

5. **Experience Modification Rating:** Provide the Contractor's Workers Compensation Experience Modification Rating for the past three most recent years, beginning with the most recent year available:

Year 1: [e.g. 2008: .1.1]
Year 2: [e.g. 2007: 1.1]
Year 3: _____

Part II: **Project Review**

Section 1: Past/Current Project List

1. Provide in a *separate numbered attachment* to this CQS a list of all projects, public and private, the Contractor has performed in the last five years and all current projects; label this attachment as "*Past/Current Projects*."

2. List projects in reverse chronological order, beginning with most recent. If the Contractor has more than ten (10) past and current projects, it may limit this list to the most recent ten (10) projects. ***Designate any projects similar in size, scope, type and complexity to the Contract Work by highlighting the name of the project in bold and italics print.***

3. For each project listed on the *Past/Current Project List*, the Contractor shall provide the following information.

a. The name and location of the project; the name of the project owner; and a brief description of the project.

b. The names, addresses and current phone numbers of at least oneone owner representatives familiar with the Contractor's performance on the project (may include owners, construction managers, architects, engineers).

c. Provide copies of any performance final evaluation reports of any kind prepared regarding the Contractor work.

4. For the three (3) most recent projects identified in this section, provide the following information:

a. The original bid or proposal price and final contract price or the estimated final price, if project is on-going.

b. The duration of the project, the original schedule completion date and the actual completion date or the estimated completion date, if project is on-going.

c. A narrative may be submitted regarding these projects to the extent needed to explain budget growth and/or schedule growth on the affected projects (e.g., change of scope, unforeseen conditions, etc.).

Section 3: Required Disclosures

The following questions apply to the past five (5) years. If any of these questions is answered in the affirmative, the Contractor shall submit a statement regarding the matter, providing relevant details, including applicable dates, locations, names of projects and project owners and relevant circumstances. Provide this information in a ***separate numbered attachment to this CQS***, labeled "*CQS Disclosure Statement*."

1. Has the Contractor been debarred, suspended or otherwise prohibited from doing business with any government agency or private enterprise?

Yes ___ No ___

2. Has the Contractor been denied prequalification, declared non-responsible, or otherwise declared ineligible to submit bids or proposals for work by any federal, state or local government agency or private enterprise?

Yes ___ No ___

3. Has the Contractor defaulted, been terminated for cause, or otherwise failed to complete any project that it was awarded?

Yes ___ No ___

4. Has the Contractor been assessed or required to pay liquidated damages in connection with work performed on any project?

Yes ___ No ___

5. Has the Contractor had any business or professional license, registration, certificate or certification suspended or revoked?

Yes ___ No ___

6. Have any liens been filed against the Contractor as a result of its failure to pay subcontractors, suppliers or workers?

Yes ___ No ___

7. Has the Contractor ever been denied insurance coverage or had insurance terminated by an insurance carrier?

Yes ___ No ___

8. Has the Contractor ever been denied bonding or been discontinued by a surety company?

Yes ___ No ___

9. Has the Contractor been found in violation of any laws relating to its contracting business by a final court or government agency decision? Such violations include, but are not limited to, those relating to contracting or antitrust laws, tax or licensing laws, wage or employment laws, environmental, health or safety laws.

Yes ___ No ___

**With respect to workplace safety laws, this statement is limited willful federal or state safety law violations.*

10. Has the Contractor, its owners, officers, directors or managers been the subject of any criminal conviction, indictment or investigation concerning its contracting business?

Yes ___ No ___

11. Has the Contractor been the subject to any bankruptcy proceeding?

Yes ___ No ___

12. Has the Contractor been required to pay any legal claim, judgment, unpaid tax liability or damages for $50,000 or more by any court or government agency

Yes ___ No ___

The undersigned hereby represents that all statements, representations, information and documents provided in or with this Contractor Qualification Statement and attachments hereto are complete, accurate and truthful.

_____	_____
Signature of Authorized Representative	Date
_____	
Print Name	
_____	_____
Position/Title	Notary Public
_____	
Firm Name	

IMPORTANT INFORMATION REGARDING MBE UTILIZATION AND BIDDING REQUIREMENTS

The Maryland Transportation Authority ("MdTA") has been forced to reject many recent bids/proposals due to bid submissions that were not in strict compliance with the stipulated MBE rules and regulations. The following checklist has been developed to highlight certain critical components of the MBE program requirements. This listing is not all-inclusive and the bidder **must** comply with all MBE rules and regulations listed throughout this entire proposal book.

Please read all of the instruction provided on Attachment A, B, C & D in its entirety before completing the forms.

Attachment A (Certified MBE Utilization and Fair Solicitation Affidavit) & Attachment B (MBE Participation Schedule) must be included with the submittal of the bid or offer. If the bidder or offeror fails to submit these forms with the bid/offer as required, the Procurement Officer **shall deem the bid non-responsive** or shall determine that the **offer is not reasonably susceptible** of being selected for award. MBE Prime Contractors must achieve the established MBE goal with other certified MBE contractors. A Prime MBE Contractor **can not** count itself as an MBE to obtain the goal.

ATTACHMENT A

When filling out Attachment A, make sure you complete the following:

- If the Prime Contractor can achieve the established overall goal and sub goals, you must check the appropriate box.
- If after making good faith efforts, you determine you can not achieve the established overall goal or subgoals, you must request a waiver by checking the appropriate box.
- If you do not request the waiver at time of bid and you **are not** meeting the established goal(s), your bid/offer will be considered **non-responsive or not reasonably susceptible of being selected for award.**
- Attachment A must be signed and dated.

ATTACHMENT B Part 2

When filling out Attachment B, make sure you have included the following:

- Prime Contractor's name, address and phone number.
- Project description.
- Project number/Solicitation Number.
- List the minority firm name(Column 1), certification number and MBE Classification (Column 2), Total sub contract dollar amount (Column 3) and NAICS Codes of the services to be performed or products to be supplied (Column 4)
- Clarify for each sub-contractor if it will provide services, is a supplier or will supply and install (Column 5)
- It is the Contractor's responsibility to ensure that the proposed subcontractors are certified to perform the proposed work. All Contractors are to submit an approvable MBE plan at time of bid. Approvable means, the subcontractors are certified in the applicable NAICS Codes through MDOT and can perform the proposed services for the required participation goal. Contractors pending MBE certification at time of bid are **not** eligible for participation. If you submit a firm that is not certified to perform the proposed services and your contract falls short of the established MBE goal, your firm will be considered **non-responsive or not reasonably susceptible of being selected for award.**
- Prime Contractors are strongly encouraged to check the MDOT database at www.mbe.mdot.state.md.us to see if the subcontractor is certified to perform the services and to make sure the subcontractor has not graduated from the listed NAICS codes. If you have questions after checking the data base, you may contact the Authority MBE Office at 410-537-1048 for further assistance.

  If you are using a supplier, the 60% rule applies. Please refer to the MBE Manual for the description of the 60% rule.

  Please provide details on how you arrived at the 60% on Attachment B (Column 5) (i.e. – $150,000.00 X 60% = $90,000.00).

- If you are requesting a third tier relationship, you must state that request on the Attachment B form (Column 1). Please note: Third Tier MBE/DBE subcontracting will be approved by the Authority only when the Authority is satisfied that there is no way except by Third Tier contracting that an MBE/DBE goal can be achieved. Specifics as to why a Third Tier contracting agreement must be included.

Updated
2/23/2009

- Attachment B must be signed and dated.

- If you are the apparent low bidder, you will receive a letter from the Authority requesting your MBE Attachment C (Outreach Efforts Compliance Statement) and Attachment D (Subcontractor Project Participation Affidavit). You will have ten (10) working days to submit the attachments to the Authority. If you requested a waiver at time of bid, all of the back up documentation that complies with COMAR 21.11.03.11, must be submitted within the ten working days with Attachments C & D.

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

MARYLAND TRANSPORTATION AUTHORITY
Baltimore, Maryland

Invitation for Bids

INTERCOUNTY CONNECTOR, EAST OPERATIONS CENTER

Maryland Transportation Authority

Contract No. IC 2341-000-006

Prince Georges County

February, 2010

NOTICE TO BIDDERS

A "Pre-Bid Session" for the purpose of answering or obtaining answers to questions of parties interested in constructing the work relative to Right-of-Way, Utilities, Design, and Construction Details will be conducted at **10:00 a.m..** on **February 16, 2010** , in the ICC Project Management Offices second floor conference room, located at 11710 Beltsville Drive, Beltsville, MD 20705.