

**WASHINGTON COUNTY, MARYLAND
DIVISION OF ENGINEERING**

BID PACKET

MAY 2024

**HALFWAY BOULEVARD
EXTENDED**

COUNTY CONTRACT NO. RD-HB-273-10

STATE CONTRACT NO. WA067ZM1

FAP NO. APL-3(804)E

BOARD OF COUNTY COMMISSIONERS:

John F. Barr, President

Jeffrey A. Cline, Vice President

Derek Harvey

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Michelle Gordon, County Administrator

Scott Hobbs P.E., Director of Engineering

BID FORMS

HALFWAY BOULEVARD
EXTENDED
COUNTY CONTRACT NO. RD-HB-273-10
SHA CONTRACT NO. WA067ZM1
FAP NO. APL-3(804)E

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Bidders are advised that the following:

ADDENDUM RECEIPT
VERIFICATION FORM

and the

PROPOSAL FORM PACKET

shall be completed,

and submitted in a sealed envelope

clearly marked

“SEALED BID”

and the

CONTRACT NUMBER

on the outside of the envelope

CONTRACT PROVISIONS
ADDENDUM RECEIPT VERIFICATION FORM

COUNTY CONTRACT NO. RD-HB-273-10
SHA CONTRACT NO. WA067ZM1
FAP NO. APL-3(804)E
1 of 1

ADDENDUM RECEIPT VERIFICATION FORM

COMAR 21.05.02.08 requires that all addenda issued be acknowledged, therefore before bids may be considered responsive, the Maryland State Highway Administration must receive verification that all bids considered the contents of all Contract Documents and all Addenda issued, as applicable, for this project.

I do solemnly declare and affirm under the penalties of perjury that this bid was prepared by this firm, including all subcontractors and suppliers, with consideration of all the information contained in the as advertised Contract Documents and all Addenda issued, as applicable.

NO ADDENDA WERE ISSUED

ADDENDUM NO. 1 to _____

(Must be filled in by the bidder – if only one Addendum enter 1 in the blank space provided)

Date: _____

By: _____

(print name of Authorized Representative)

(signature of Authorized Representative)

CONTRACT PROVISIONS
PROPOSAL FORM PACKET — FEDERAL

COUNTY CONTRACT NO. RD-HB-273-10
SHA CONTRACT NO. WA067ZM1
FAP NO. APL-3(804)E
1 of 44

**STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
PROPOSAL FORM PACKET — FEDERAL**

Proposal by _____
Name

Address (Street and/or P.O. Box)

City State Zip
() ()

A.C. Phone No. A.C. Fax No.

to furnish and deliver all materials and to do and perform all work, in conformance with the Standard Specifications, revisions thereto, General Provisions and the Special Provisions in this contract to **HALFWAY BOULEVARD EXTENDED** located in, **Washington County, Maryland**, for which Invitation for Bids will be received until **3:00 o'clock PM (EDT/EST) on June 5, 2024**, this work being situated as follows:

The PROJECT will construct approximately 3200 LF of new roadway from the existing terminus at Newgate Boulevard to the intersection with MD 63 (Greencastle Pike) and Business Parkway. The open section roadway will have 2 lanes in each direction with a curbed, grassed median. There will be 6-foot shoulders draining to bioswales for stormwater management. An existing stream will be crossed using 2-45 FT wide precast bottomless arch culverts. Traffic barrier and chain link safety fence will be used in the crossing area. A portion of MD63 and Business Parkway will be widened to accommodate the new signalized intersection. A 12 inch waterline will be extended to the west side of the culverts, and conduits will be placed for future utility crossings. Asphalt paving, striping and signage will be included.

Send to: Washington County Administrative Annex
Scott Hobbs, P.E., Director
Division of Engineering
747 Northern Avenue
Hagerstown, MD 21742

In response to the advertisement by the Administration, inviting bids for the work in conformance with the Contract Documents, now on file in the office of the Administration. I/We hereby certify that I/we am/are the only person, or persons, interested in this bid proposal as principals, and that an examination has been made of the work site, the Specifications, the Plans, and Invitation for Bids, including the Special Provisions contained herein. I/We propose to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials required to complete the project at the following unit price or lump sum price.

CONTRACT PROVISIONS
PROPOSAL FORM PACKET — FEDERAL

SUMMARY SCHEDULE OF PRICES

The contract will be awarded to the lowest responsive and responsible bidder who has either the lowest total Base Bid plus Add Alternate, or if the Developer chooses to reject the Add Alternate, then the lowest Base Bid will be selected.

Category 100.....\$ _____
Category 200.....\$ _____
Category 300.....\$ _____
Category 400.....\$ _____
Category 500.....\$ _____
Category 600.....\$ _____
Category 700.....\$ _____
Category 800.....\$ _____
TOTAL All Categories.....\$ _____
Add Alternate.....\$ _____

Base Bid: _____ (Written words)

Add Alternate: _____ (Written words)

TOTAL BASE BID AND ADD ALTERNATE \$ _____

Base Bid & Add Alternate: _____ (Written words)

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
1001	110100	LUMP SUM	L.S.	CLEARING AND GRUBBING	_____	___	_____
1002	110350	LUMP SUM	L.S.	TYPE B ENGINEERS OFFICE	_____	___	_____
1003	120500	LUMP SUM	L.S.	MAINTENANCE OF TRAFFIC	_____	___	_____
1004	120625	120	S.F.	TEMPORARY TRAFFIC SIGNS	_____	___	_____
1005	120820	30	EA.	DRUMS FOR MAINTENANCE OF TRAFFIC	_____	___	_____
1006	120743	4	EA.	TYPE III BARRICADE FOR MAINTENANCE OF TRAFFIC	_____	___	_____
1007	120784	400	L.F.	TEMPORARY ORANGE CONSTRUCTION FENCE	_____	___	_____
1008	120552	10	TON	CRUSHER RUN AGGREGATE CR-6 FOR MAINTENANCE OF TRAFFIC	_____	___	_____
Category 1000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____ ___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE		ITEM TOTAL	
1009	120562	20	TON	HOT MIX ASPHALT FOR MAINTENANCE OF TRAFFIC	_____	___	_____	___
1010	130840	LUMP SUM	L.S.	CONSTRUCTION STAKEOUT	_____	___	_____	___
1011	130850	LUMP SUM	L.S.	MOBILIZATION	_____	___	_____	___
1012	131010	LUMP SUM	L.S.	TYPE B CRITICAL PATH METHOD (CPM) SCHEDULE	_____	___	_____	___
1013	-	LUMP SUM	L.S.	AS-BUILT DRAWINGS	_____	___	_____	___
End Category 1000 - Items Contract No. RD-HB-273-10				Total This Sheet			_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL
2001	201030	61,475	C.Y.	CLASS I EXCAVATION	_____	_____
2002	202066	12,500	C.Y.	COMMON BORROW	_____	_____
2003	201031	5,000	C.Y.	CLASS I-A EXCAVATION	_____	_____
2004	203030	50	C.Y.	TEST PIT EXCAVATION	_____	_____
2005	210025	250	C.Y.	EXISTING PAVEMENT REMOVAL	_____	_____
2006	210019	1,100	L.F.	FULL DEPTH SAW CUTS	_____	_____
2007	201040	3,000	C.Y.	GEOSYNTHETIC STABILIZED SUBGRADE USING GAB	_____	_____
End Category 2000 - Items Contract No. RD-HB-273-10				Total This Sheet		_____

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE		ITEM TOTAL		
3001	30111	1,500	C.Y.	SELECTED BACKFILL	_____	___	_____	___	
3002	340012	16	L.F.	12 INCH HDPE PIPE	_____	___	_____	___	
3003	340015	12	L.F.	15 INCH HDPE PIPE	_____	___	_____	___	
3004	340018	1,190	L.F.	18 INCH HDPE PIPE	_____	___	_____	___	
3005	340024	1,607	L.F.	24 INCH HDPE PIPE	_____	___	_____	___	
3006	340030	913	L.F.	30 INCH HDPE PIPE	_____	___	_____	___	
3007	370024	2	EA.	24 INCH STANDARD METAL END SECTION	_____	___	_____	___	
3008	-	3	EA.	18 INCH HDPE DRAIN BASIN	_____	___	_____	___	
3009	-	9	EA.	24 INCH HDPE DRAIN BASIN	_____	___	_____	___	
Category 3000 - Items Contract No. RD-HB-273-10				Total This Sheet				_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL		
3010	-	8	EA.	30 INCH HDPE DRAIN BASIN	_____	___	_____	
3011	-	3	EA.	36 INCH HDPE DRAIN BASIN	_____	___	_____	
3012	378164	17	EA.	TYPE K INLET AND GRATE	_____	___	_____	
3013	-	4,600	L.F.	BIOSWALE COMPLETE	_____	___	_____	
3014	-	2,000	S.Y.	30 MIL SYNTHETIC LINER	_____	___	_____	
3015	390665	LUMP SUM	L.S.	STORMWATER MANAGEMENT FACILITY AS-BUILT CERTIFICATION	_____	___	_____	
3016	301008	2	EA.	STABILIZED CONSTRUCTION ENTRANCE	_____	___	_____	
3017	390525	3,700	L.F.	SILT FENCE	_____	___	_____	
Category 3000 - Items Contract No. RD-HB-273-10				Total This Sheet			_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
3018	388066	17	EA.	INLET PROTECTION	_____	_____	
3019	-	LUMP SUM	L.S.	SANDBAG DIVERSION	_____	_____	
3020	-	750	S.Y.	NO. 2 STONE	_____	_____	
3021	390320	500	S.Y.	CLASS 0 RIP RAP	_____	_____	
3022	301115	30	C.Y.	FLOWABLE FILL	_____	_____	
End Category 3000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL
4001	417105	600	C.Y.	STRUCTURE EXCAVATION (CLASS 3)	_____	_____
4002	-	LUMP SUM	L.F.	PRECAST BOTTOMLESS CONCRETE ARCH (2)45 FOOT SPAN WITH HEADWALLS AND WINGWALLS	_____	_____
4003	428105	800	C.Y.	REINFORCED CONCRETE MIX 6 FOR FOOTINGS/FOUNDATIONS/PEDESTAL WALLS	_____	_____
4004	424105	100	C.Y.	SUBFOUNDATION CONCRETE, MIX 1	_____	_____
4005	419105	285	L.F.	SUBFOUNDATION INVESTIGATION, PROBE HOLES	_____	_____
4006	475115	327	L.F.	CHAIN LINK SAFETY FENCE	_____	_____
End Category 4000 - Items Contract No. RD-HB-273-10				Total This Sheet		_____

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE		ITEM TOTAL	
5001	520113	1,150	S.Y.	GRADED AGGREGATE BASE - 6 INCH DEPTH	_____	___	_____	___
5002	-	30,650	S.Y.	GRADED AGGREGATE BASE - 12 INCH DEPTH	_____	___	_____	___
5003	504542	3,800	TON	HOT MIX ASPHALT SUPERPAVE SURFACE 12.5 MM 64E-22	_____	___	_____	___
5004	504564	13,750	TON	HOT MIX ASPHALT SUPERPAVE BASE 19.0 MM 64S-22	_____	___	_____	___
5005	504600	75,000	EA.	PRICE ADJUSTMENT FOR ASPHALT BINDER	<u>1</u>	<u>00</u>	<u>75,000</u>	<u>00</u>
5006	504605	35,000	EA.	PRICE ADJUSTMENT FOR PAVEMENT DENSITY	<u>1</u>	<u>00</u>	<u>35,000</u>	<u>00</u>
5007	504615	35,000	EA.	PRICE ADJUSTMENT FOR ASPHALT MIXTURE	<u>1</u>	<u>00</u>	<u>35,000</u>	<u>00</u>
5008	508012	5,200	S.Y.	MILLING ASPHALT PAVEMENT 0 INCH TO 2 INCH	_____	___	_____	___
Category 5000 - Items Contract No. RD-HB-273-10				Total This Sheet			_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
5009	549401	11,700	L.F.	5 INCH WHITE THERMOPLASTIC PAVEMENT MARKING LINES	_____	___	_____
5010	549403	7,500	L.F.	5 INCH YELLOW THERMOPLASTIC PAVEMENT MARKING LINES	_____	___	_____
5011	549405	482	L.F.	10 INCH WHITE THERMOPLASTIC PAVEMENT MARKING LINES	_____	___	_____
5012	549419	545	L.F.	24 INCH WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING LINES	_____	___	_____
5013	-	387	L.F.	8 INCH CHEVRON WHITE THERMOPLASTIC PAVEMENT MARKING LINES	_____	___	_____
5014	549425	306	S.F.	WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING LEGENDS AND SYMBOLS	_____	___	_____
5015	549805	42	S.F.	REMOVAL OF EXISTING PAVEMENT MARKING LETTERS, SYMBOLS, ARROWS, AND NUMBERS	_____	___	_____
End Category 5000 - Items Contract No. RD-HB-273-10				Total This Sheet		_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
6001	634101	390	L.F.	STANDARD TYPE A CURB	_____	___	_____
6002	-	6,050	L.F.	TYPE B MODIFIED CURB	_____	___	_____
6003	-	865	L.F.	6 INCH HIGH CONCRETE CURB FOR COMMERCIAL ENTRANCES	_____	___	_____
6004	648140	1,130	L.F.	MONOLITHIC CONCRETE MEDIAN 4 FT WIDTH	_____	___	_____
6005	660482	750	L.F.	TRAFFIC BARRIER W BEAM SINGLE FACE	_____	___	_____
6006	606017	4	EA.	TYPE C TRAFFIC BARRIER END TREATMENT	_____	___	_____
6007	606025	2	EA.	TYPE K TRAFFIC BARRIER END TREATMENT	_____	___	_____
6008	606081	1	EA.	TRAFFIC BARRIER TYPE L RADIUS ANCHORAGE	_____	___	_____
6009	655105	626	S.F.	5 INCH CONCRETE SIDEWALK	_____	___	_____
6010	655120	50	S.F.	DETECTABLE WARNING SURFACE	_____	___	_____
End Category 6000 - Items Contract No. RD-HB-273-10				Total This Sheet		_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
7001	701345	20,000	S.Y.	PLACING SALVAGED TOPSOIL, 4 INCH DEPTH	_____	___	_____
7002	704345	1,000	S.Y.	PLACING FURNISHED TOPSOIL, 4 INCH DEPTH	_____	___	_____
7003	705405	8,000	S.Y.	TEMPORARY SEEDING	_____	___	_____
7004	705412	8,000	S.Y.	TEMPORARY MULCH	_____	___	_____
7005	705500	20,000	S.Y.	TURFGRASS ESTABLISHMENT	_____	___	_____
7006	-	5,000	S.Y.	TEMPORARY TURFGRASS ESTABLISHMENT	_____	___	_____
7007	708220	500	S.Y.	TURFGRASS SOD ESTABLISHMENT	_____	___	_____
7008	709100	5,305	S.Y.	TYPE A SOIL STABILIZATION MATTING	_____	___	_____
End Category 7000 - Items Contract No. RD-HB-273-10				Total This Sheet		_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
8001	801004	18	C.Y.	CONCRETE FOR FOUNDATIONS AND CABINET PAD	_____	_____	
8002	-	29	EA.	MAST ARM MOUNTING	_____	_____	
8003	837001	9	EA.	GROUND ROD - 3/4 INCH DIAMETER X 10 FT LENGTH	_____	_____	
8004	802501	1600	L.F.	NO 6 AWG STRANDED BARE COPPER GROUND WIRE	_____	_____	
8005	805140	250	L.F.	4 INCH SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED	_____	_____	
8006	805140	80	L.F.	(2) 4 INCH SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED	_____	_____	
8007	805121	240	L.F.	(2) 4 INCH SCHEDULE 80 RIGID PVC CONDUIT - SLOTTED	_____	_____	
8008	-	390	L.F.	PVC CONDUIT BANK - TRENCHED	_____	_____	
Category 8000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
8009	806025	3	EA.	LED LAMP AND LUMINAIRE	_____	___	_____
8010	807202	1	EA.	100 AMP METERED SERVICE PEDESTAL	_____	___	_____
8011	808060	3	EA.	20 FOOT LIGHTING ARM	_____	___	_____
8012	810022	90	L.F.	ELECTRICAL SERVICE CABLE – 3 WIRE – 1 CONDUCTOR (NO. 8 AWG)	_____	___	_____
8013	810019	550	L.F.	ELECTRICAL CABLE – 3 CONDUCTOR (NO. 12 AWG)	_____	___	_____
8014	861105	600	L.F.	ELECTRICAL CABLE – 2 CONDUCTOR (NO. 14 AWG)	_____	___	_____
8015	861107	600	L.F.	ELECTRICAL CABLE – 5 CONDUCTOR (NO. 14 AWG)	_____	___	_____
8016	861108	2,900	L.F.	ELECTRICAL CABLE – 7 CONDUCTOR (NO. 14 AWG)	_____	___	_____
Category 8000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE		ITEM TOTAL	
8017	811000	1	EA.	TRAFFIC SIGNAL HANDBOX – 20.5 IN x 13.5 IN x 12.75 IN (TS-020)	_____	—	_____	—
8018	811001	5	EA.	ELECTRICAL HANDHOLE	_____	—	_____	—
8019	801104	100	L.F.	WOOD SIGN SUPPORTS	_____	—	_____	—
8020	801605	300	S.F.	SHEET ALUMINUM SIGNS	_____	—	_____	—
8021	-	4	EA.	12 INCH 3-SECTION LED SIGNAL HEAD WITH BACKPLATE	_____	—	_____	—
8022	-	8	EA.	12 INCH 5-SECTION LED SIGNAL HEAD WITH BACKPLATE	_____	—	_____	—
8023	860285	4	EA.	16 INCH LED COUNTDOWN PEDESTRIAN SIGNAL HEAD	_____	—	_____	—
8024	-	1	EA.	TRAFFIC SIGNAL CONTROL CABINET	_____	—	_____	—
Category 8000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____	—

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE		ITEM TOTAL	
8025	-	1	EA.	TRAFFIC SIGNAL CONTROLLER	_____	___	_____	___
8026	816002	4	EA.	IP-BASED VIDEO DETECTION CAMERA (VISION)	_____	___	_____	___
8027	-	1	EA.	VIDEO DETECTION INTERFACE EQUIPMENT	_____	___	_____	___
8028	816002	925	L.F.	VIDEO DETECTION LEAD-IN CABLE	_____	___	_____	___
8029	865300	1	EA.	2-WIRE APS CENTRAL CONTROL UNIT	_____	___	_____	___
8030	865210	4	EA.	AUDIBLE / TACTILE PEDESTRIAN PUSHBUTTON STATION AND SIGN	_____	___	_____	___
8031	818062	2	EA.	27 FOOT STEEL POLE WITH 70 FOOT MAST ARM	_____	___	_____	___
8032	818070	1	EA.	27 FOOT STEEL POLE WITH TWIN 60 FOOT AND 70 FOOT MAST ARMS	_____	___	_____	___
Category 8000 - Items Contract No. RD-HB-273-10				Total This Sheet			_____	___

BID FORMS - HALFWAY BOULEVARD EXTENDED COUNTY CONTRACT RD-HB-273-10 STATE CONTRACT WA067ZM1 FAP NO. APL-3(804)E

ITEM	CODE	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT PRICE	ITEM TOTAL	
8033	818004	4	EA.	10 FOOT STEEL PEDESTAL POLE WITH BREAKAWAY COUPLING BASE	_____	___	_____
8034	-	100	L.F.	24 INCH STEEL SLEEVE FOR FUTURE WATER CROSSINGS	_____	___	_____
8035	-	300	L.F.	16 INCH STEEL SLEEVE FOR FUTURE SEWER CROSSINGS	_____	___	_____
8036	-	2	EA.	12 INCH X 12 INCH TAPPING SLEEVE AND GATE VALVES	_____	___	_____
8037	-	585	L.F.	12 INCH DUCTILE IRON WATERLINE COMPLETE	_____	___	_____
8038A	-	600	L.F.	ADD ALTERNATE: 12 INCH DUCTILE IRON WATERLINE COMPLETE	_____	___	_____
8039A	-	1	EA.	ADD ALTERNATE: 6 INCH FIRE HYDRANT ASSEMBLY	_____	___	_____
End Category 8000 - Items Contract No. RD-HB-273-10					Total This Sheet		_____

CONTRACT PROVISIONS
PROPOSAL FORM PACKET - FEDERAL

COUNTY CONTRACT NO. RD-HB-273-10
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GENERAL MATERIAL REQUIREMENTS

CONVICT PRODUCED MATERIALS

Section 1019 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) clarifies that materials produced by convict labor after July 1, 1991 may not be used for Federal-aid highway construction projects unless produced at a prison facility producing convict made materials for Federal-aid construction projects prior to July 1, 1987.

CONTRACT PROVISION BUY AMERICA

This section only applies to projects partially or totally financed with Federal funds.

The prime contractor or its subcontractors shall comply with Section 313 of title 23, U.S.C., and 23 CFR Part 635.410 for iron and steel products, and manufactured products, and 2 CFR part 184 for construction materials.

Materials used on this contract and permanently incorporated into the project, including all materials/items supplied, shall comply with the Buy America preference requirements including:

- (A)** All iron and steel used in the project are produced in the United States.

This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

- (B)** All manufactured products used in the project are produced in the United States.

This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

In accordance with 23 CFR Part 635.410, FHWA currently has a general applicability waiver on manufactured products that do not contain steel and iron components. Therefore, this 55 percent standard for manufactured products that do not contain steel and iron components, does not apply on projects funded under Title 23 U.S.C.

Per 2 CFR part 184, items that have been processed into a specific form and shape; or combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies, should be considered as manufactured products, rather than as construction materials.

CONTRACT PROVISIONS
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(C) All construction materials are manufactured in the United States.

This means that all manufacturing processes for the construction material occurred in the United States. Common construction materials used in public works infrastructure projects are or consist primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), fiber optic cable (including drop cable), optical fiber, lumber, engineered wood, and drywall.

The term 'construction materials' shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents (including asphalt cement) or additives; or any material composed of or derived from these items, per Section 70917(c) of the Bipartisan Infrastructure Law (BIL).

Furnish iron and steel products, manufactured products, or construction materials, including coating, for permanently incorporated work according to 23 CFR part 635.410 and 2 CFR part 184 as follows:

(a) All manufacturing processes of steel and iron materials in a product, including coating; and any subsequent process that alters the steel or iron material's physical form or shape, changes its chemical composition, or the final finish; are to occur within the United States (One of the 50 States, the District of Columbia, Puerto Rico, or in territories and possessions of the U.S.). Manufacturing begins with the initial melting and mixing, and continues through the coating stage. The processes include rolling, extruding, machining, bending, grinding, drilling, welding, and coating. The action of applying a coating to steel or iron is deemed a manufacturing process. Coating includes epoxy coating, galvanizing, aluminizing, painting, and any other coating that protects or enhances the value of steel or iron. Any process from the original reduction from ore to the finished product constitutes a manufacturing process for iron.

(b) The following are considered to be steel manufacturing processes:

(1) Production of steel by any of the following processes:

(a) Open hearth furnace.

(b) Basic oxygen.

(c) Electric furnace.

(d) Direct reduction.

(2) Rolling, heat treating, and any other similar processing.

(3) Fabrication of the products:

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- (a) Spinning wire into cable or strand.
- (b) Corrugating and rolling into culverts.
- (c) Shop fabrication.
- (c) The manufacturing process for a steel/iron product is considered complete when the product is ready for use as an item (e.g., fencing, posts, girders, pipe, manhole cover, etc.) or could be incorporated as a component of a more complex product through a further manufacturing process (e.g., prestressed concrete girders, reinforced concrete pipe, traffic control devices, bearing pads, etc.). A product containing both steel and/or iron components, may be assembled outside the United States and meet Buy America requirements if the constituent steel and iron components (in excess of the minimal amounts permitted) were manufactured domestically and are not modified at the assembly location prior to final assembly.
- (d) If domestically produced steel billets or iron ingots are exported outside of the U.S., as defined above, for any manufacturing process then the resulting product does not conform to the Buy America requirements. Additionally, products manufactured domestically from foreign source steel billets or iron ingots do not conform to the Buy America requirements because the initial melting and mixing of alloys to create the material occurred in a foreign country.
- (e) Due to a nationwide waiver, Buy America does not apply to raw materials (iron ore and alloys), scrap (recycled steel or iron), and pig iron or processed, pelletized, and reduced iron ore.
- (f) For the Buy America provisions to apply, the steel and iron products, manufactured products, and construction materials must be permanently incorporated into the project. If an item is rendered as a “donated material” in accordance with 23 U.S.C. 323 – Donations and Credits, it will have to comply with Buy America requirements. While States and local governments may receive a credit for donated material, this material must generally comply with Buy America requirements. Buy America does not apply to temporary items, e.g., temporary sheet piling, temporary bridges, steel scaffolding and falsework. Further, Buy America does not apply to materials which remain in place at the contractor convenience only with previous approval from the Engineer
- (g) Certifications which document that steel and iron have been manufactured and that coatings for iron or steel have been applied in the United States, as well as certificates documenting that manufactured products and construction materials are Made in America, shall be provided to the Contractor by the manufacturer. The manufacturer’s certificate must identify where the material was produced and include a statement that specifically attests that the material complies with 23 CFR 635.410 for iron and steel products, and manufactured

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products, or 2 CFR part 184 for construction materials. The Contractor shall provide the required certifications to the Engineer prior to such items being incorporated into the permanent work.

- (h)** Products manufactured of foreign steel or iron materials may be used, provided the cost of such products as they are delivered to the project does not exceed 0.1% of the total contract amount, or \$2,500, whichever is greater. Foreign manufactured products and construction materials may be used, provided the cost of such products as they are delivered to the project is no more than the lesser of \$1,000,000, or 5% of the total contract amount. If a supplier or fabricator wishes to use a partial fabrication process where domestic and foreign source components are assembled at a domestic location, the “as delivered cost” of the foreign components should include any transportation, assembly and testing costs required to install them in the final product. When foreign products or materials are permanently incorporated into the project, the contractor must provide documentation detailing the foreign material costs and justification.
- (i)** A public interest waiver from USDOT has waived Buy America requirements for projects with iron, steel, manufactured products, and construction materials, that are under a single Federal financial assistance award or subaward for which the total project amount is below \$500,000.

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**ALTERNATE BID
USING FOREIGN PRODUCTS**

Are you using Foreign Products? **Yes** **No**

When a bidder elects to utilize Foreign Products on one or more items, the following summation indicating the Total Bid using Foreign Products must be completed in addition to the individual item bid tabulations.

The following instructions are given to the bidder in completing the Total Bid summation using Foreign Products:

- 1 - The "Bid Total" for the initial bid using Domestic Products shall be shown on line (1).
- 2 - The subtotal for Item Amounts using Domestic Products shall be shown on line (2), for those items which the Contractor elects to use Foreign Products.
- 3 - The subtotal for Item Amounts using Foreign Products shall be shown on line (3).
- 4 - The total Bid, utilizing Foreign Products shall be shown on line (4). The value is obtained by subtracting subtotal (2) from the Total Bid (1) and then adding subtotal (3).

Bid Total for Bid 1 using Domestic items	Line (1)_____
Total of Domestic Items	Line (2)-_____
Total of Foreign Items	Line (3)+_____
Bid Total using Foreign Items	Line (4)_____

ALTERNATE BID - USING FOREIGN PRODUCTS
 BIDDER'S INSTRUCTIONS

When the bidder elects to submit a bid for one or more items using Foreign Products, the following form must be used. For each item that Foreign Products are contemplated, the appropriate "Item Numbers", "Approximate Quantities", "Description of Items", "Unit Price or Lump Sum Price", "Item Amount Domestic" and "Item Amount Foreign" shall be tabulated below as specified in the initial bid. The bidder shall indicate the unit price in dollars and cents and show the total cost of the item for each item that utilizes Foreign Products. When all items utilizing Foreign Products have been listed, the bidder shall indicate on Page 6 of 45 the subtotals of the Item Amounts for Domestic Products in Line (2) and for Foreign Products in Line (3).

Item Nos.	Approximate Quantities	Description of Items	Unit Price or Lump Sum Dollars.Cts.	Items Amount Domestic Dollars.Cts.	Items Amount Foreign Dollars.Cts.

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NOTICE

All bidders shall complete and submit with their bid the Bid/Proposal Affidavit below.

BID/PROPOSAL AFFIDAVIT

A. AUTHORIZED REPRESENTATIVE AND AFFIANT

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.

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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 name(s) of person(s) involved, and their current positions and responsibilities with the business):

If required, please attach the required document for affirmation regarding bribery convictions:

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;

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- (4) Been convicted of a violation of the State Minority Business Enterprise Law, Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (5) Been convicted of a violation of the Section 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) through (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;

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(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) above, 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):

If required, please attach the required document for affirmation regarding other convictions:

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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 name(s) of the person(s) 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):

If required, please attach the required document for affirmation regarding debarment:

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):

If required, please attach the required document for affirmation regarding debarment of related entities:

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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.

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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 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: _____.

If required, please attach the required document for affirmation regarding Certification regarding investment in Iran:

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.

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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)

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COMPREHENSIVE SIGNATURE PAGE 1 OF 2

THE BIDDER IS HEREBY NOTIFIED THAT THIS DOCUMENT SHALL BE SIGNED IN INK IN ORDER FOR THE BID TO BE ACCEPTED. BY SIGNING, THE BIDDER CERTIFIES THAT HE/SHE WILL COMPLY IN EVERY ASPECT WITH THESE SPECIFICATIONS.

FURTHER, I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT (PARAGRAPHS A-N) ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

This bid form shall be filled out legibly in ink or typed. The bid, if submitted by an individual, shall be signed by an individual; if submitted by a partnership, shall be signed by such member or members of the partnership as have authority to bind the partnership; if submitted by a corporation the same shall be signed by the President and attested by the Secretary or an Assistant Secretary. If not signed by the President as aforesaid, there must be attached a copy of that portion of the By-Laws, or a copy of a Board resolution, duly certified by the Secretary, showing the authority of the person so signing on behalf of the corporation. In lieu thereof, the corporation may file such evidence with the Administration, duly certified by the Secretary, together with a list of the names of those officers having authority to execute documents on behalf of the corporation, duly certified by the Secretary, which listing shall remain in full force and effect until such time as the Administration is advised in writing to the contrary. In any case where a bid is signed by an Attorney in Fact the same must be accompanied by a copy of the appointing document, duly certified.

IF AN INDIVIDUAL:

NAME: _____

Street and/or P.O. Box

City

State

Zip Code

Fed ID or SSN

(SEAL)

Signature

Date

Print Signature

WITNESS: _____

Signature

Print Signature

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COMPREHENSIVE SIGNATURE PAGE 2 OF 2

IF A PARTNERSHIP:

NAME OF PARTNERSHIP: _____

Street and/or P.O. Box

City State Zip Code Fed ID or SSN

BY: _____ (SEAL) _____

Signature Date

Print Signature

TITLE: _____ WITNESS: _____

Signature

Print Signature

IF A CORPORATION:

NAME OF CORPORATION: _____

Street and/or P.O. Box

City State Zip Code Fed ID or SSN

STATE OF INCORPORATION: _____

BY: _____ (SEAL) _____

Signature

Date

Print Signature

TITLE: _____ WITNESS: _____

Secretary's Signature

Print Signature

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MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

This affidavit must be included with the bid/ proposal. If the bidder/offeror fails to accurately complete and submit this affidavit as required, the bid shall be deemed not responsive or the proposal shall be deemed not susceptible of being selected for award.

In connection with the bid/proposal submitted in response to Solicitation No. RD-HB-273-10, WA067ZM1, FAP-3(804)E I affirm the following:

1. DBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Disadvantaged Business Enterprise (DBE) participation goal of **Twenty Two percent (22%)**. I agree that this percentage of the total dollar amount of the Contract for the DBE goal will be performed by certified DBE firms as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

OR

I conclude that I am unable to achieve the DBE participation goal. I hereby request a waiver, in whole or in part, of the goal. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. For a partial waiver request, I agree that certified DBE firms will be used to accomplish the percentages of the total dollar amount of the Contract as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

2. Additional DBE 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 business days of receiving such notice: (a) Outreach Efforts Compliance Statement (MDOT DBE Form C - Federally-Funded Contracts); (b) Subcontractor Project Participation Statement (MDOT DBE Form D - Federally-Funded Contracts); (c) DBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility/ offeror's susceptibility of being selected for award in connection with the certified DBE participation goal.

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MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
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I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award or not susceptible of being selected for award.

3. Information Provided to DBE firms

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

4. Products and Services Provided by DBE firms

I hereby affirm that the DBEs are only providing those products and services for which they are MDOT certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is 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

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**MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE**

PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

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*** STOP ***

**FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM**

1. Please refer to the Maryland Department of Transportation (MDOT) DBE Directory at <https://www.mdot.maryland.gov> to determine if a firm is certified for 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, please visit www.naics.com. 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 DBE participation goal.
2. In order to be counted for purposes of achieving the DBE participation goal, the firm must be certified for that specific NAICS (“DBE” for Federally-funded projects designation after NAICS Code). **WARNING:** If the firm’s NAICS Code is in **graduated status**, such services/products **will not be counted** for purposes of achieving the DBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the **first step** in determining whether a DBE firm is certified and eligible to receive DBE participation credit for the specific products/services to be supplied or performed under the contract. The **second step** is to determine whether a firm’s Products/Services Description in the DBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the DBE participation goal.
4. If you have any questions as to whether a firm is MDOT DBE certified, or if it is certified to perform specific services or provide specific products, please call MDOT’s Office of Minority Business Enterprise at 1-800-544-6056 or send an email to mbe@mdot.maryland.gov.

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5. The Contractor’s subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet a DBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority may approve a third-tier contracting agreement: (a) the bidder/offeror must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid/proposal in Part 2 of this DBE Participation Schedule.
6. For each DBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the **amount of the subcontract for purposes of achieving the DBE participation goal:**
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C **only** if the DBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then **no** DBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the DBE participation goal, you may count **only** the amount of any reasonable fee that the DBE firm will receive for the provision of such products/supplies - **not** the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the DBE Participation Schedule, please divide the amount of any reasonable fee that the DBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.
 - D. Is the firm certified as a manufacturer (refer to the firm’s NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO please continue to Item E. If the answer is YES, for purposes of achieving the DBE participation goal, you may count the total amount of the subcontract. For Column 3 of the DBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.

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- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the DBE firm is furnishing and installing the materials **and** is certified to perform these services, please divide the total subcontract amount (including full value of supplies) by the total Contract value and insert the percentage in Line 3.1. If the answer is YES and the DBE firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the DBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). To apply the 60% Rule, first divide the amount of the subcontract for these supplies/products only (not installation) by the total Contract value. Then, multiply the result by sixty percent (60%) and insert the percentage in Line 3.2.
7. For each DBE firm that **is not** being used as a supplier/wholesaler/regular dealer/broker/manufacturer, to calculate the **amount of the subcontract for purposes of achieving the DBE participation goal**, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- Example:** \$ 2,500 (Total Subcontract Amount) ÷ \$10,000 (Total Contract Value) x 100 = 25%.
8. Please note that for USDOT-funded projects, a DBE prime may count towards its DBE participation goal work performed by its own forces. Include information about the DBE prime in Part 2.
9. **WARNING:** The percentage of DBE participation, computed using the dollar amounts in Column 3 for all of the DBE firms listed in Part 2, **MUST** at least equal the DBE participation goal as set forth in MDOT DBE Form A – Federally-Funded Contracts for this solicitation. If the bidder/offeror is unable to achieve the DBE participation goals, then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award. You may wish to use the Goal Worksheet shown below to assist you in calculating the percentage and confirming that you have met the applicable DBE participation goal.

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GOAL WORKSHEET	
Total DBE Firm Participation (Add percentages in Column 3 for all DBE firms listed in DBE Participation Schedule)	(A) _____%
The percentage amount in Box A above should be equal to the percentage amount in Box E below.	
Add <i>Countable</i> Subcontract Amounts (see 6 through 8 of Instructions) for all DBE firms listed in DBE Participation Schedule, and insert in Box B	(B) \$ _____
Insert the Total Contract Amount in Box C	(C) \$ _____
Divide Box B by Box C and Insert in Box D	(D) = _____
Multiply Box D by 100 and insert in Box E	(E) = _____%

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PART 2 – DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

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Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/offeror requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	CERTIFICATION NO.	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 8 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
<input type="checkbox"/> Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: <hr/>	3.1. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE- EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS). _____ % (Percentage for purposes of calculating achievement of DBE Participation goal) 3.2. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 60% RULE PER SECTION 6(E) IN PART 1 - INSTRUCTIONS). _____ % Total percentage of Supplies/Products x _____ 60% (60% Rule) _____ % (Percentage for purposes of calculating achievement of DBE Participation goal)

Please check if Continuation Sheets are attached.

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CONTINUATION SHEET**

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Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	COLUMN 2	COLUMN 3
		Unless the bidder/offeror requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	CERTIFICATION NO.	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 8 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
<input type="checkbox"/> Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: <hr/>	<p>3.1. <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE- EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS).</u></p> <p>_____ % (Percentage for purposes of calculating achievement of DBE Participation goal)</p> <p>3.2 <u>TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 60% RULE PER SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u></p> <p>_____ % Total percentage of Supplies/Products</p> <p>x _____ 60% (60% Rule)</p> <p>_____ % (Percentage for purposes of calculating achievement of DBE Participation goal)</p>

Please check if Continuation Sheets are attached.

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PART 3 – CERTIFICATION FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL AS DIRECTED IN THE SOLICITATION.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT DBE Directory **for each of the DBE firms listed in Part 2 of this DBE Form B for purposes of achieving the DBE participation goal that was identified in the DBE Form A that I submitted with this solicitation,** and that the DBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this DBE Form B.

The undersigned Prime Contractor 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 business enterprise in its bid or proposal;
- (2) fail to notify the certified minority business enterprise before execution of the contract of its inclusion of 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.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT DBE Form B 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

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MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 1 – GUIDANCE FOR DEMONSTRATING GOOD FAITH EFFORTS
TO MEET MBE/DBE PARTICIPATION GOALS

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

I. Definitions

MBE/DBE Goal(s) – “MBE/DBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s) on a State-funded procurement and the DBE participation goal on a federally-funded procurement.

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/DBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE 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 DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE 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 DBEs identified by the procuring agency during the goal setting process and listed in the federally-funded procurement as available to perform the Identified Items of Work. It also may include additional DBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as DBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms or is a State-funded procurement, this term refers to all of the MBE Firms (if State-funded) or DBE Firms (if federally-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.

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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/DBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE/DBE Firms to increase the likelihood that the MBE/DBE 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/DBE Firms and should include all reasonably identifiable work opportunities.

MBE/DBE Firms – For State-funded contracts, “MBE/DBE Firms” refers to certified **MBE** Firms. Certified MBE Firms can participate in the State’s MBE Program. For federally-funded contracts, “MBE/DBE Firms” refers to certified **DBE** Firms. Certified DBE Firms can participate in the federal DBE Program.

II. Types of Actions MDOT will Consider

The bidder/offeror is responsible for making relevant portions of the work available to MBE/DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/DBE subcontractors and suppliers, so as to facilitate MBE/DBE participation. The following is a list of types of actions MDOT will consider as part of the bidder's/offeror’s Good Faith Efforts when the bidder/offeror fails to meet the MBE/DBE 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/DBE 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/DBE 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 or DBE Firms, whichever is appropriate, to perform that work.
- (b)** Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE/DBE Firms to increase the likelihood that the MBE/DBE 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, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE/DBE Firms.

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- (b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE/DBE 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 or DBE Firms to Solicit

1. DBE Firms Identified in Procurements

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

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

2. MBE/DBE Firms Identified by Bidders/Offerors

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

- (b) Any MBE/DBE Firms identified as available by the bidder/offeror should be certified in the appropriate program (MBE for State-funded procurements or DBE for federally-funded procurements)

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

C. Solicit MBE/DBEs

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/DBE Firms to respond;

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

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- (c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE/DBE, and other requirements of the contract to assist MBE/DBE 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 DBEs listed in the procurement and any MBE/DBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE/DBE 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/DBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible by the interested MBE/DBE.
4. Follow up on initial written solicitations by contacting DBEs to determine if they are interested. The follow up contact may be made:
- (a) by telephone using the contact information in the MBE/DBE 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/DBE Firms certified to perform the work of the contract. Examples of other means include:
- (a) attending any pre-bid meetings at which MBE/DBE Firms could be informed of contracting and subcontracting opportunities;
- (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; and
- (c) effectively using the services of other organizations, as allowed on a case-by-case basis and authorized in the procurement, to provide assistance in the recruitment and placement of MBE/DBE Firms.

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D. Negotiate With Interested MBE/DBE Firms

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

1. Evidence of negotiation includes, without limitation, the following:
 - (a) the names, addresses, and telephone numbers of MBE/DBE 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/DBE Firms to perform the work.
2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE 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/DBE Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract DBE goal, as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE/DBE Firm's quote is excessive or unreasonable include, without limitation, the following:
 - (a) the dollar difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
 - (b) the percentage difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
 - (c) the percentage that the DBE subcontractor's quote represents of the overall contract amount;
 - (d) the number of MBE/DBE firms that the bidder/offeror solicited for that portion of the work;
 - (e) whether the work described in the MBE/DBE and Non-MBE/DBE 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.

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5. The bidder/offeror may not use its price for self-performing work as a basis for rejecting a MBE/DBE 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, except that there should be quotes from at least three subcontractors, and there must be at least one quote from a MBE/DBE and one quote from a Non-MBE/DBE.
7. A bidder/offeror shall not reject a MBE/DBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE/DBE 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/DBE and Non-MBE/DBE Firms quoting similar work.
 - (a) The factors to take into consideration when assessing the capabilities of a MBE/DBE 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/DBE 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/DBE Firms

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

1. made reasonable efforts to assist interested MBE/DBE Firms in obtaining the bonding, lines of credit, or insurance required by MDOT or the bidder/offeror; and
2. made reasonable efforts to assist interested MBE/DBE 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/DBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids

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or offers substantiating significant variances between certified MBE/DBE and Non-MBE/DBE 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/DBE 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/DBE 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 Form E, Part 2)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE/DBE Firms in order to increase the likelihood of achieving the stated MBE/DBE 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) through (e) and 49 C.F.R. Part 26, Appendix A. **(Complete Outreach Efforts Compliance Statement)**
2. A detailed statement of the efforts made to contact and negotiate with MBE/DBE Firms including:
 - (a) the names, addresses, and telephone numbers of the MBE/DBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) **(Complete Good Faith Efforts Form E, Part 3, and submit letters, fax cover sheets, emails, etc. documenting solicitations);** and

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(b) a description of the information provided to MBE/DBE 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/DBE Firms (Complete Good Faith Efforts Form E, Part 4)

1. For each MBE/DBE 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/DBE and Non-MBE/DBE Firms quoting similar work.
2. For each certified MBE/DBE 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/DBE and Non-MBE/DBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**
3. A list of MBE/DBE Firms contacted but found to be unavailable. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE/DBE contractor or a statement from the bidder/offeror that the MBE/DBE contractor refused to sign the Minority Contractor 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.

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MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 2 – CERTIFICATION REGARDING GOOD FAITH EFFORTS DOCUMENTATION

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Prime Contractor	Project Description	Solicitation Number

PARTS 3, 4, AND 5 MUST BE INCLUDED WITH THIS CERTIFICATE ALONG WITH ALL DOCUMENTS SUPPORTING YOUR WAIVER REQUEST.

I hereby request a waiver of (1) the Minority Business Enterprise (MBE) participation goal and/or subgoal(s), (2) the Disadvantaged Business Enterprise (DBE) participation goal, or (3) a portion of the pertinent MBE/DBE participation goal and/or MBE subgoal(s) for this procurement.¹ I affirm that I have reviewed the Good Faith Efforts Guidance MBE/DBE Form E. I further affirm under penalties of perjury that the contents of Parts 3, 4, and 5 of MDOT MBE/DBE Form E 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

¹ MBE participation goals and subgoals apply to State-funded procurements. DBE participation goals apply to federally-funded procurements. Federally-funded contracts do not have subgoals.

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MDOT MBE/DBE FORM E
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**PART 3 – IDENTIFIED ITEMS OF WORK BIDDER/OFFEROR MADE AVAILABLE TO
MBE/DBE FIRMS**

PAGE __ OF __

Prime Contractor	Project Description	Solicitation Number

Identify those items of work that the bidder/offeror made available to MBE/DBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE/DBE 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/DBE Firms, and the total percentage of the items of work identified for MBE/DBE participation equals or exceeds the percentage MBE/DBE 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/DBE Firms, the bidder/offeror should make all of those items of work available to MBE/DBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE/DBE 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/DBE 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

Please check if Additional Sheets are attached.

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MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 4 – IDENTIFIED MBE/DBE FIRMS AND RECORD OF SOLICITATIONS

PAGE __ OF __

Prime Contractor	Project Description	Solicitation Number

Identify the MBE/DBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE/DBE participation. Include the name of the MBE/DBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE/DBE provided a quote, and whether the MBE/DBE is being used to meet the MBE/DBE participation goal. MBE/DBE Firms used to meet the participation goal must be included on the MBE/DBE Participation Schedule, Form B. Note: If the procurement includes a list of the MBE/DBE 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/DBE Firms or explain why a specific MBE/DBE was not solicited. If the bidder/offeror identifies additional MBE/DBE Firms who may be available to perform Identified Items of Work, those additional MBE/DBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE/DBE Firms must be attached to this form. If the bidder/offeror used a Non-MBE/DBE or is self-performing the identified items of work, Part 4 must be completed.

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Name of Identified MBE/DBE 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: _____ 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 _____ —		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/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing
Firm Name: _____ 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 _____ —		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/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

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MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 5 – ADDITIONAL INFORMATION REGARDING REJECTED MBE/DBE QUOTES

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Prime Contractor	Project Description	Solicitation Number

This form must be completed if Part 3 indicates that a MBE/DBE quote was rejected because the bidder/offeror is using a Non-MBE/DBE 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/DBE, and if applicable, state the name of the Non-MBE/DBE. Also include the names of all MBE/DBE and Non-MBE/DBE Firms that provided a quote and the amount of each quote.

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

Please check if Additional Sheets are attached.

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INFORMATION REQUIRED TO BE SUBMITTED FOR FEDERALLY ASSISTED CONTRACTS:

(a) Each bidder shall provide the following information:

NAME OF FIRM: _____

Street and/or P.O. Box

City

State

Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years

Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000

____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000

____ >\$10,000,000

(b) Each bidder shall provide the following information for each firm quoting or considered as subcontractors and/or suppliers:

NAME OF FIRM: _____

Street and/or P.O. Box

City

State

Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years

Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000

____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000

____ > \$10,000,000

NAME OF FIRM: _____

Street and/or P.O. Box

City

State

Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years

Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000

____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000

____ > \$10,000,000

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NAME OF FIRM: _____

Street and/or P.O. Box

City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000
____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000
____ > \$10,000,000

NAME OF FIRM: _____

Street and/or P.O. Box

City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000
____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000
____ > \$10,000,000

NAME OF FIRM: _____

Street and/or P.O. Box

City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year ____ <\$500,000 ____ \$500,000-1,000,000
____ \$1,000,000-3,000,000 ____ \$3,000,000-5,000,000 ____ \$5,000,000-10,000,000
____ > \$10,000,000

Submit additional copies of this page as page 41A of 44, 41B of 44, etc. as necessary, and place them as the last pages in the Invitation for Bids. Place an "X" for "NO" on the last copy. Any additional Copies: _____ NO _____ YES

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**EXTRA WORK, CONTRACT TIME, BONDING, LIQUIDATED DAMAGES, AND
PROPOSAL GUARANTY**

EXTRA WORK. It is further proposed to do all "Extra Work" which may be required to complete the work contemplated at unit prices or lump sum prices to be agreed upon in writing prior to starting such extra work, or if such prices or sums cannot be agreed upon, to perform such work on a Force Account basis as specified in TC-7.03.

CONTRACT TIME. To commence work as specified in the "Notice to Proceed" and to prosecute the work to complete the contract within/or before **400 Calendar Days**.

Any delay in awarding or the execution of this contract will not be considered as a basis for any monetary claim, however, an extension of time may be considered by the Administration, if warranted.

BONDING. When the Contractor's bid is \$100,000 or more, the Contractor shall furnish a Payment Bond and a Performance Bond in the full amount of the Contract Award as security for the construction and completion of the contract in conformance with the Plans, Standard Specifications, revisions thereto, General Provisions and Special Provisions.

To guarantee all of the work performed under this contract to be done in conformance with the Standard Specifications, revisions thereto, General Provisions and Special Provisions in a good workmanlike manner and to renew or repair any work which may be rejected due to defective materials or workmanship, prior to final completion and acceptance of the work, also we have the equipment, labor, supervision and financial capacity to perform this contract either with our organization or with Subcontractors.

LIQUIDATED DAMAGES. The Contractor is hereby advised that liquidated damages in the amount of **\$500 per calendar day** will be assessed for unauthorized extensions beyond the contracted time of completion.

PROPOSAL GUARANTY. A bid security is not required on Contract Proposals under \$100,000.

A bid security totaling at least five percent (5%) of the bid amount will be required on contracts of \$100,000 or over.

Acceptable forms of security for bid guaranty shall be per GP-2.07.

Enclosed herewith, find bid security based on at least five percent (5%) of the aggregate amount of the bid submitted, and made payable to the "Board of County Commissioners of Washington County, Maryland". The bid security shall be delivered per GP-2.08. This bid security is a Proposal Guaranty (which is understood will be forfeited in the event the contract is not executed, if awarded to the signer of this affidavit).

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Commercial Nondiscrimination

- A. As a condition of entering into this Agreement, Contractor represents and warrants that it will comply 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. As part of such compliance, Contractor may not discriminate on the basis of race, color, religion, ancestry, 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 or on the basis of disability, or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall Contractor retaliate against any person for reporting instances of such discrimination. Contractor shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that this clause does not prohibit or limit lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the marketplace. Contractor understands that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of Contractor from participating in State contracts, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.
- B. The Contractor agrees to include the clause contained in subsection (A.), above, in all subcontracts, regardless of the tier.
- C. As a condition of entering into this Agreement, upon the request of the Commission on Civil Rights, and only after the filing of a complaint against Contractor under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended from time to time, Contractor agrees to provide within 60 days after the request a complete list of the names of all subcontractors, vendors, and suppliers that Contractor has used in the past 4 years on any of its contracts that were undertaken within the State of Maryland, including the total dollar amount paid by Contractor on each subcontract or supply contract. Contractor further agrees to cooperate in any investigation conducted by the State pursuant to the State’s Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, and to provide any documents relevant to any investigation that are requested by the State. Contractor understands that violation of this clause is a material breach of this Agreement and may result in contract termination, disqualification by the State from participating in State contracts, and other sanctions.

BID AFFIDAVIT

1. Authorized Representative:

I HEREBY DECLARE AND AFFIRM that I am _____
(Title)

and duly authorized representative of firm of _____ whose

address is _____ and that I am

duly authorized on behalf of said firm to make this Affidavit.

2. Bribery:

I FURTHER DECLARE AND AFFIRM that neither I, nor, to the best of my knowledge, information and belief, the above firm, nor any officer, director or partner of the above firm, nor any employee of the above firm directly involved in obtaining contracts with the State of Maryland, or any county or other subdivision of the State of Maryland, has been convicted* of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the Federal Government; except as herein expressly stated (if any):

_____.

* As used herein, the word "convicted" includes an accepted plea of nolo contendere.

3. Non Collusion:

In connection with the firm's price proposal for the above-captioned Contract, as submitted to Washington County, I HEREBY DECLARE AND AFFIRM, to the best of my knowledge, information and belief, that:

- a. Said proposal has been independently prepared without collusion by any officer, director, partner, employee or other representative of this firm, with any other proposer, or with any competitor; that
- b. No attempt has been or, hereafter, will be made by any officer, director, partner, employee or other representative of this firm to induce any other person, firm or entity to submit or not submit a proposal; that

- c. Any unit or total price in this proposal has not been knowingly disclosed and will not be knowingly disclosed prior to its official opening, directly or indirectly, to any other bidder or to any competitor; and, that
- d. I have fully informed myself regarding the accuracy of the statements contained herein.

I acknowledge that this Affidavit is to be furnished to the Secretary of the Maryland Department of Transportation and may be distributed to boards, commissions, administrations, departments and agencies of the State of Maryland, counties or other subdivisions of the State of Maryland, other States and Federal Government. I further acknowledge that this Affidavit is subject to applicable laws of the State of Maryland, both criminal and civil, and that this Affidavit is to be attached to and become a part of the Contract when and if awarded and executed.

I FURTHER HEREBY DECLARE AND AFFIRM that I and the firm I herein represent, acknowledge and agree that if any misrepresentation is herein made, the Board of County Commissioners of Washington County, Maryland in their discretion, shall have the right to reject this proposal or terminate the Contract, without liability, as the case may be.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

By: _____ Date _____

Signed Name of Affiant

Typed Name

Title

For: _____

Firm

State of _____ :

County (City) of _____ :

On this _____ day of _____, 20____,

before me, _____, the undersigned officer, personally

appeared _____

known to me to be the person described in the foregoing Affidavit and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

SEAL

My Commission Expires _____

CERTIFICATION OF WORK CAPACITY

I do solemnly declare and affirm that the firm stated below has the equipment, labor, supervision and financial capacity to perform this Contract either with our organization or with Subcontractors, as provided in GP-Section 8 of the MDOT SHA Specifications.

We shall supply such additional information as may be required in accordance with GP-Section 3 of the MDOT SHA Specifications.

By: _____
Signed Name of Affiant

Date _____

Typed Name

Title

For: _____
Firm

Sworn to before me this _____ day of _____, 20__

Notary Public

SEAL

My Commission Expires _____

SUB-CONTRACTOR LISTING

The Contractor will name below the Item or Items he proposes to sublet, their dollar value, the name of the subcontractor or subcontractors and check the "Minority Business Enterprise" column if the named subcontractor so considers itself as per the definition contained elsewhere herein these specifications. **The Prime Contractor may not do less than 50.1% of the work with their own organization.**

ITEM NO.	DOLLAR VALUE	SUBCONTRACTOR	MINORITY BUSINESS ENTERPRISE

PROPOSAL GUARANTY

The amount and type of the proposal guarantee which shall be attached to and submitted with the bid depends upon the amount of the bid as stated below:

A Bid Security of \$500.00 will be required on Contract Proposals under \$20,000.

A Bid Security totaling 5% of the bid amount will be required on Contract Proposals of \$20,000 or over.

Acceptable security for bids shall be as follows:

1. A bond in a form satisfactory to the County underwritten by a company licensed to issue bonds in this State;
2. A bank certified check, bank cashier's check, bank treasurer's check, or cash

I/We understand that the quantities of work as shown herein are approximate only and are subject to increase or decrease, and further understand that all costs in connection with the complete performance of the work as described in the Plans, Specifications, General Conditions Special Provisions, Bid Documents and Contract Documents shall be included in the Contract price bid for the entire work to be performed under this Contract.

IT IS FURTHER PROPOSED:

To do all "Extra Work" which may be required to complete the work contemplated at unit prices or lump sums to be agreed upon in writing prior to starting such extra work, or, if such prices or sums cannot be agreed upon, to perform such work on a "Force Account" basis, as provided for in Section 9, GP-9.02, of the MSHA Specifications.

To begin work as specified in the "Notice to Proceed" and to prosecute said work so as to complete the Contract within **400** consecutive calendar days.

To furnish a Payment Bond, and a Labor and Material Payment Bond, in the full amount of Contract award, as security for the construction and completion of the Contract in accordance with the Plans, Specifications, General Conditions, Special Provisions, Bid Documents and Contract Documents.

To guarantee all of the work performed under this Contract to be done in accordance with the Plans, Specifications, General Conditions, Special Provisions, Bid Documents and Contract Documents in a good workmanlike manner and to renew or repair any work which may be rejected due to defective materials or workmanship, prior to final completion and acceptance of the work.

Enclosed herewith find certified cashier's or treasurer's check or bid bond in the amount of _____ Dollars (\$ _____) made payable to the "Board of County Commissioners of Washington County, Maryland". This certified cashier's or treasurer's check or bid bond in a Proposal Guarantee (which is understood will be forfeited in the event the Form or Contract is not executed, if awarded to the undersigned), is based on the aggregate amount of the bid submitted.

(For execution by Individuals and Partnerships or Corporations)

FOR INDIVIDUALS AND PARTNERSHIPS:

Name: _____

By: _____
(Member) (Seal)

By: _____
(Member) (Seal)

Witness: _____

FOR CORPORATIONS:

Name: _____

By: _____
(President) (Seal)

Attest: _____
(Secretary)

The Proposal Form shall be filled out in ink. The Proposal, if submitted by an individual, shall be signed by an individual; if submitted by a partnership, shall be signed by such member or members of the partnership as have authority to bind the partnership; if submitted by a corporation the same shall be signed by an officer and attested by the Secretary or an Assistant Secretary. If not signed by an officer, as aforesaid, there must be attached a copy of that portion of the by-laws, or a copy of a Board Resolution, duly certified by the Secretary, showing the authority of the person so signing on behalf of the corporation. In lieu thereof, the corporation may file such evidence with the Board of County Commissioners of Washington County, Maryland duly certified by the Secretary, together with a list of the names of those officers having authority to execute documents on behalf of the corporation, duly certified by the Secretary, which listing shall remain in full force and effect until such time as the Board of County Commissioners of Washington County, Maryland is advised in writing to the contrary. In any case where a Proposal is signed by an Attorney-in-Fact a copy of the appointing document, duly certified must accompany the same.

BID LETTER

In order for a Proposal to be considered, it is necessary that the following guaranty from Surety be executed.

The _____ agrees to act as surety for _____
(Name of Bonding Company) (Name of Bidder)

and to furnish the full amount of Proposal Guaranty as required by GP-Section 2 of the MDOT SHA Specifications.

The aforementioned Bonding Company will also furnish the full amount of the Performance Bond and Labor and Material Payment Bond as required by GP-Section 3 of the MDOT SHA Specifications.

The guaranty is effective for the 90 days following the bid opening date, as specified in GP-Section 3 of the MDOT SHA Specifications, unless this time period is modified by the Special Provisions or extended by mutual agreement between the County, the Bonding Company, and the Contractor.

WITNESS:

(Date)

(Typed Name of Surety)

(Signed Name of Surety)

(Typed Name and Title of Witness)

(Signed Name of Witness)

(Seal)

(Typed Name and Telephone Number of local agent)

NOTE 1: Signatories other than Principals must attach "Power of Attorney". Failure to execute the Contract and file acceptable Performance and Payment Bonds shall preclude awarding the Contract and require forfeiture of the Proposal Guaranty, all as detailed in GP-Section 3 of the MSHA Specifications.

NOTE 2: Failure of the Bidder to execute the Contract and file acceptable security shall be just cause for annulment of the award and the forfeiture of the proposal guaranty, which shall become property of the County as sustained liquidated damages. Award may then be made to the next lowest responsive, responsible Bidder or the work may be re-advertised. Failure to have this Bid Letter executed by Surety and submitted with Proposal will result in rejection of Bid.

BID BOND

A Bid Bond shall be submitted on American Institute of Architects Document A310,
2010 Edition; to be furnished by the bidder.