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Transportation
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October 10, 2008

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS

ADDENDUM NO. 1

RE: Contract No. HT 2025-000-002
Replace Water Line Frankfurst Avenue to Fairfield Service Building
Baltimore Harbor Tunnel

To Whom It May Concern:

- A. The Bid Due Date for the above referenced contract is still scheduled for **October 17, 2008** at 12:00 Noon.
- B. Delete pages 233 and 234 and add pages 233 and 234 Addendum No. 1 dated October 9, 2008.
- C. Add pages SK-1 through SK-10, Addendum No.1 dated October 9, 2008.
- D. Attached are the minutes and MBE handouts from the Pre-bid Meeting held on September 29, 2008.

Very truly yours,

Douglas M. Hutcheson, P.E.
Deputy Director of Engineering

DMH/mdj

THIS ADDENDUM SIGNED ACKNOWLEDGEMENT PAGE MUST BE ATTACHED TO THE OUTSIDE COVER OF THE BID BOOK. FAILURE TO DO SO MAY RESULT IN REJECTION OF YOUR BID.

SCHEDULE OF PRICES

NOTE: This proposal shall be filled in by the bidder, with the prices written in words and numerals. The extension amounts of unit costs shall also be filled in. For complete information concerning these items, see Specifications, Special Provisions and Contract Form.

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
101	LUMP SUM	MOBILIZATION AT LUMP SUM				
102	LUMP SUM	MOT AT LUMP SUM				
103	LUMP SUM	CONSTRUCTION STAKEOUT AT LUMP SUM				
104	1	CRITICAL PATH METHOD SCHEDULE AT PER EACH				
301	295	LINEAR FEET OF SILT FENCE AT PER LINEAR FOOT				
401	LUMP SUM	REPLACE WATER LINE FRANKFURST AVE TO FAIRFIELD SERVICE BUILDING AT LUMP SUM				
402	ALLOWANCE	MISCELLANEOUS CONTINGENCIES ALLOWANCE AT FORTY THOUSAND ALLOWANCE				\$40,000.00

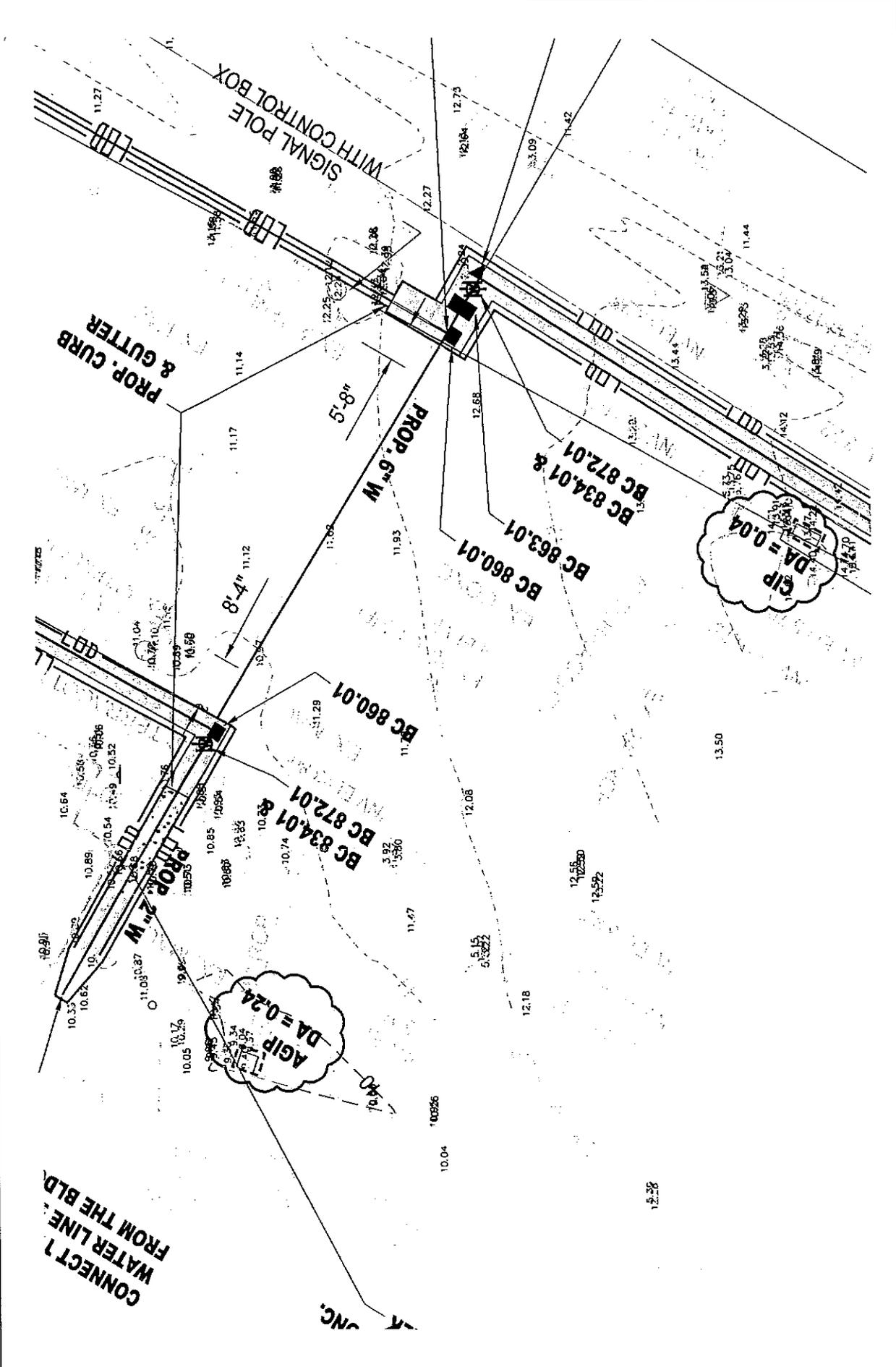
CONTRACT NO. HIT 2025-006-002
Addendum No. 1 - October 9, 2008

SCHEDULE OF PRICES

NOTE: This proposal shall be filled in by the bidder, with the prices written in words and numerals. The extension amounts of unit costs shall also be filled in. For complete information concerning these items, see Specifications, Special Provisions and Contract Form.

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNT'S	
			DOLLARS	CTS.	DOLLARS	CTS.
901	400	LINEAR FEET OF TEMPORARY ORANGE CONSTRUCTION FENCE AT _____ PER LINEAR FOOT				
902	3700	SQUARE YARDS OF SEEDING AT _____ PER SQUARE YARD				
903		PER LINEAR FOOT 5 INCH WHITE NONTOXIC WATERBORNE PAVEMENT MARKING PAINT AT _____ PER LINEAR FOOT				
904	100	PER CUBIC YARD REMOVAL OF UNSATISFACTORY MATERIAL AND BACKFILL WITH ENGINEERED FILL AT _____ PER CUBIC YARD				
905	100	PER CUBIC YARD REMOVAL OF UNSATISFACTORY MATERIAL AND BACKFILL WITH BORROW FILL AT _____ PER CUBIC YARD				
	LUMP SUM	AGGREGATE AMOUNT OF LUMP SUMS AND ALLOWANCES USING ITEMS 101 - 104, 301, 401, 402, 901 - 905. AT _____ LUMP SUM				

CONTRACT NO. IIT 2025-000-002
Addendum No. 1 - October 9, 2008

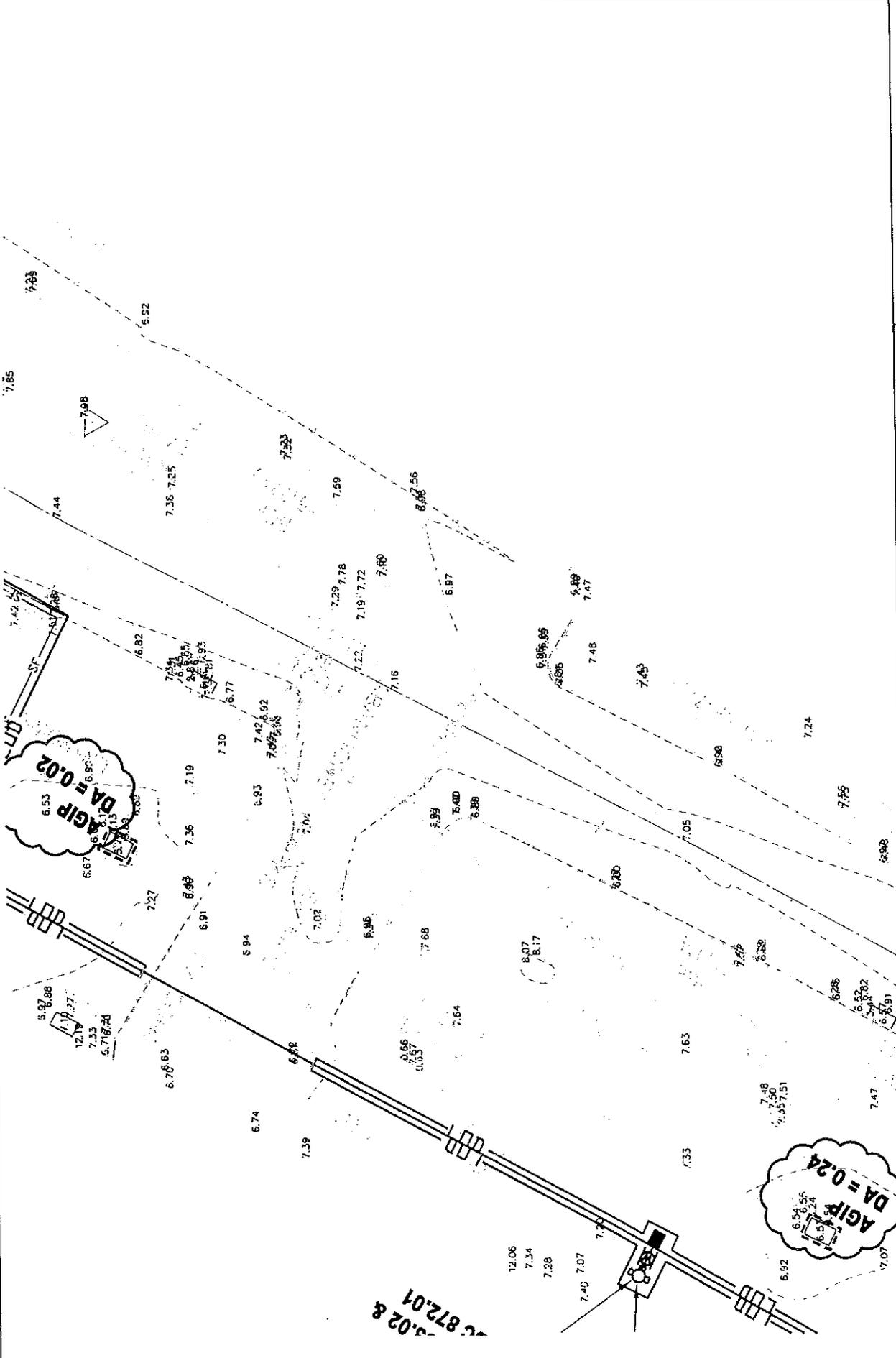


CONTRACT NO.: HT-2025-000-002
 REPLACE WATER LINE
 FRANKFURST AVENUE TO
 FAIRFIELD SERVICE BUILDING

MARYLAND TRANSPORTATION AUTHORITY
 REFERENCE SHEET: C-2.1
 BID ADDENDUM #1

DESIGNED BY: DWB
 DRAWN BY: MKP
 SCALE: 1" = 20'

10-09-08 SHEET 1 OF 10



872.01
872.01

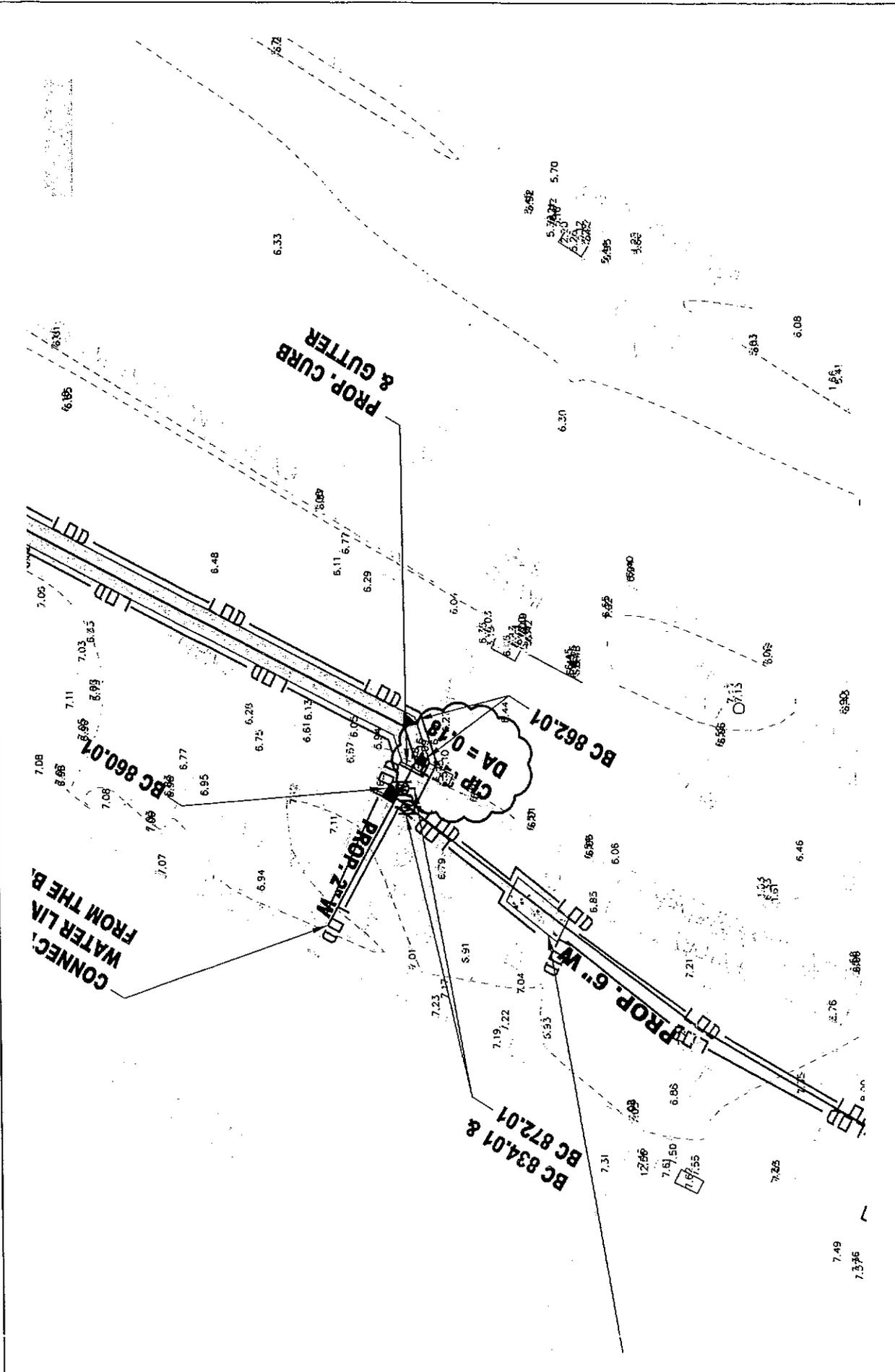
CONTRACT NO.: HT-2025-000-002
 REPLACE WATER LINE
 FRANKFURST AVENUE TO
 FAIRFIELD SERVICE BUILDING

MARYLAND TRANSPORTATION AUTHORITY
 REFERENCE SHEET: C-2.1
 BID ADDENDUM #1

DESIGNED BY: DWB
 DRAWN BY: MKP
 SCALE: 1" = 20'

10-09-08
 SHEET 3 OF 10

SK-3



CONTRACT NO.: HT-2025-000-002
 REPLACE WATER LINE
 FRANKFURST AVENUE TO
 FAIRFIELD SERVICE BUILDING

MARYLAND TRANSPORTATION AUTHORITY
 REFERENCE SHEET: C-2.1
 BID ADDENDUM #1

DESIGNED BY: DWB
 DRAWN BY: MKP
 SCALE: 1" = 20'

10-09-08
 SHEET 4 OF 10

SK-4

SECTION I - VEGETATIVE STABILIZATION METHODS AND MATERIALS

A. SITE PREPARATION

- I. INSTALL EROSION AND SEDIMENT CONTROL STRUCTURES (EITHER TEMPORARY OR PERMANENT) SUCH AS DIVERSIONS, GRADE STABILIZATION STRUCTURES, BERMS, WATERWAYS, OR SEDIMENT CONTROL BASINS.

II. PERFORM ALL GRADING OPERATIONS AT RIGHT ANGLES TO THE SLOPE. FINAL GRADING AND SHAPING IS NOT USUALLY NECESSARY FOR TEMPORARY SEEDING.

- III. ~~SCHEDULE REQUIRED SOIL TESTS TO DETERMINE SOIL AMENDMENT COMPOSITION AND~~

APPLICATION RATES FOR SITES HAVING DISTURBED AREA OVER 5 ACRES.

B. SOIL AMENDMENTS (FERTILIZER AND LIME SPECIFICATIONS)

- I. SOIL TESTS MUST BE PERFORMED TO DETERMINE THE EXACT RATIOS AND APPLICATION RATES FOR BOTH LIME AND FERTILIZER ON SITES HAVING DISTURBED AREAS OVER 5 ACRES. SOIL ANALYSIS MAY BE PERFORMED BY THE UNIVERSITY OF MARYLAND OR A RECOGNIZED COMMERCIAL LABORATORY. SOIL SAMPLES TAKEN FOR ENGINEERING PURPOSES MAY ALSO BE USED FOR CHEMICAL ANALYSIS.
- II. FERTILIZERS SHALL BE UNIFORM IN COMPOSITION, FREE FLOWING AND SUITABLE FOR ACCURATE APPLICATION BY APPROVED EQUIPMENT. MANURE MAY BE SUBSTITUTED FOR FERTILIZER WITH PRIOR APPROVAL FROM THE APPROPRIATE APPROVAL AUTHORITY. FERTILIZERS SHALL BE DELIVERED TO THE SITE FULLY LABELED ACCORDING TO THE APPLICABLE STATE FERTILIZER LAWS AND SHALL BEAR THE NAME, TRADE NAME OR TRADEMARK AND WARRANTEE OF THE PRODUCER.
- III. LIME MATERIALS SHALL BE GROUND LIMESTONE (HYDRATED OR BURNT LIME MAY BE SUBSTITUTED) WHICH CONTAINS AT LEAST 50% TOTAL OXIDES (CALCIUM OXIDE PLUS MAGNESIUM OXIDE). LIMESTONE SHALL BE GROUND TO SUCH FINENESS THAT AT LEAST 50% WILL PASS THROUGH A #100 MESH SIEVE AND 98-100% WILL PASS THROUGH A #20 MESH SIEVE.
- IV. INCORPORATE LIME AND FERTILIZER INTO THE TOP 3 - 5" OF SOIL BY DISKING OR OTHER SUITABLE MEANS.

DESIGNED BY: DWB	MARYLAND TRANSPORTATION AUTHORITY REFERENCE SHEET: C-6.0 BID ADDENDUM #1	CONTRACT NO.: HT-2025-000-002
DRAWN BY: MKP		EROSION AND SEDIMENT CONTROL NOTES
SCALE: N.T.S.		10-09-08
		SHEET 5 OF 10

II. WOOD CELLULOSE FIBER MAY BE USED FOR ANCHORING STRAW. THE FIBER BINDER SHALL BE APPLIED AT A NET DRY WEIGHT OF 750 POUNDS/ACRE. THE WOOD CELLULOSE FIBER SHALL BE MIXED WITH WATER AND THE MIXTURE SHALL CONTAIN A MAXIMUM OF 50 POUNDS OF WOOD CELLULOSE FIBER PER 100 GALLONS OF WATER.

IV. LIGHTWEIGHT PLASTIC NETTING MAY BE STAPLED OVER THE MULCH ACCORDING TO MANUFACTURER'S RECOMMENDATIONS. NETTING IS USUALLY AVAILABLE IN ROLLS 4' TO 15' FEET WIDE AND 300 TO 3,000 FEET LONG

I. INCREMENTAL STABILIZATION - CUT SLOPES

I. ALL CUT SLOPES SHALL BE DRESSED PREPARED, SEEDED AND MULCHED AS THE WORK PROGRESSES. SLOPES SHALL BE EXCAVATED AND STABILIZED IN EQUAL INCREMENTS NOT TO EXCEED 15'.

II. CONSTRUCTION SEQUENCE (REFER TO FIGURE BELOW):

A. EXCAVATE AND STABILIZE ALL TEMPORARY SWALES, SIDE DITCHES, OR BERMS THAT WILL BE USED TO CONVEY RUNOFF FROM THE EXCAVATION.

B. PERFORM PHASE 1 EXCAVATION, DRESS, AND STABILIZE.

C. PERFORM PHASE 2 EXCAVATION, DRESS, AND STABILIZE. OVERSEED PHASE 1 AREAS AS NECESSARY.

D. PERFORM FINAL PHASE EXCAVATION, DRESS, AND STABILIZE. OVERSEED PREVIOUSLY SEEDED AREAS AS NECESSARY.

NOTE: ONCE EXCAVATION HAS BEGUN THE OPERATION SHOULD BE CONTINUOUS FROM GRUBBING THROUGH THE COMPLETION OF RADIUS AND PLACEMENT OF TOPSOIL (IF REQUIRED) AND PERMANENT SEED AND MULCH. ANY INTERRUPTIONS IN THE OPERATION OR COMPLETING THE OPERATION OUT OF THE SEEDING SEASON WILL NECESSITATE THE APPLICATION OF TEMPORARY STABILIZATION.

DESIGNED BY: DWB

DRAWN BY: MKP

SCALE: N.T.S.

MARYLAND TRANSPORTATION AUTHORITY

REFERENCE SHEET: C-6.0
BID ADDENDUM #1

CONTRACT NO.: HT-2025-000-002

EROSION AND SEDIMENT
CONTROL NOTES

10-09-08

SHEET 6 OF 10

SECTIONS IV SOD AND V TURFGRASS.

- II. FOR SITES HAVING DISTURBED AREA OVER 5 ACRES, THE RATES SHOWN ON THIS TABLE SHALL BE DELETED AND THE RATES RECOMMENDED BY THE SOIL TESTING AGENCY SHALL BE WRITTEN IN.
- III. FOR AREAS RECEIVING LOW MAINTENANCE, APPLY UREAFORM FERTILIZER (46-0-0) AT 3 1/2 LBS/1000 SQ. FT. (150 LBS/AC), IN ADDITION TO THE ABOVE SOIL AMENDMENTS SHOWN IN THE TABLE BELOW, TO BE PERFORMED AT THE TIME OF SEEDING.

SECTIONS IV SOD AND V TURFGRASS OF THE MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

TO PROVIDE QUICK COVER ON DISTURBED AREAS (2:1 GRADE OR FLATTER).

A. GENERAL SPECIFICATIONS

- I. CLASS OF TURFGRASS SOD SHALL BE MARYLAND OR VIRGINIA STATE CERTIFIED OR APPROVED. SOD LABELS SHALL BE MADE AVAILABLE TO THE JOB FOREMAN AND INSPECTOR.
- II. SOD SHALL BE MACHINE CUT AT A UNIFORM SOIL THICKNESS OF 3/4", PLUS OR MINUS 1/4" AT THE TIME OF CUTTING. MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND HATCH. INDIVIDUAL PIECES OF SOD SHALL BE CUT TO THE SUPPLIERS WIDTH AND LENGTH. MAXIMUM ALLOWABLE DEVIATION FROM STANDARD WIDTHS AND LENGTHS SHALL BE 5 PERCENT. BROKEN PADS AND TORN OR UNEVEN ENDS WILL NOT BE ACCEPTABLE.
- III. STANDARD SIZE SECTIONS OF SOD SHALL BE STRONG ENOUGH TO SUPPORT THEIR OWN WEIGHT AND RETAIN THEIR SIZE AND SHAPE WHEN SUSPENDED VERTICALLY WITH A FIRM GRASP ON THE UPPER 10 PERCENT OF THE SECTION.
- IV. SOD SHALL NOT BE HARVESTED OR TRANSPLANTED WHEN MOISTURE CONTENT (EXCESSIVELY DRY OR WET) MAY ADVERSELY AFFECT ITS SURVIVAL.
- V. SOD SHALL BE HARVESTED, DELIVERED, AND INSTALLED WITHIN A PERIOD OF 36 HOURS. SOD NOT TRANSPLANTED WITHIN THIS PERIOD SHALL BE APPROVED BY AN AGRONOMIST OR SOIL SCIENTIST PRIOR TO ITS INSTALLATION.

B. SOD INSTALLATION

- I. DURING PERIODS OF EXCESSIVELY HIGH TEMPERATURE OR IN AREAS HAVING DRY SUBSOIL, THE SUBSOIL SHALL BE LIGHTLY IRRIGATED IMMEDIATELY PRIOR TO LAYING THE SOD.
- II. THE FIRST ROW OF SOD SHALL BE LAID IN A STRAIGHT LINE WITH SUBSEQUENT ROWS PLACED PARALLEL TO AND TIGHTLY WEDGED AGAINST EACH OTHER. LATERAL JOINTS SHALL BE STAGGERED TO PROMOTE MORE UNIFORM GROWTH AND STRENGTH. ENSURE THAT SOD IS NOT STRETCHED OR OVERLAPPED AND THAT ALL JOINTS ARE BUTTED TIGHT IN ORDER TO PREVENT VOIDS WHICH WOULD CAUSE AIR DRYING OF THE ROOTS.
- III. WHEREVER POSSIBLE, SOD SHALL BE LAID WITH THE LONG EDGES PARALLEL TO THE CONTOUR AND WITH STAGGERING JOINTS. SOD SHALL BE ROLLED AND TAMPED, PEGGED OR OTHERWISE SECURED TO PREVENT SLIPPAGE ON SLOPES AND TO ENSURE SOLID CONTACT BETWEEN SOD ROOTS AND THE UNDERLYING SOIL SURFACE.

DESIGNED BY: DWB

DRAWN BY: MKP

SCALE: N.T.S.

MARYLAND TRANSPORTATION AUTHORITY

REFERENCE SHEET: C-6.0

BID ADDENDUM #1

CONTRACT NO.: HT-2025-000-002

EROSION AND SEDIMENT CONTROL NOTES

10-09-08

SHEET 7 OF 10

IF SOIL MOISTURE IS DEFICIENT, SUPPLY NEW SEEDINGS WITH ADEQUATE WATER FOR PLANT GROWTH (1/2" - 1" EVERY 3 TO 4 DAYS DEPENDING ON SOIL TEXTURE) UNTIL THEY ARE FIRMLY ESTABLISHED. THIS IS ESPECIALLY TRUE WHEN SEEDINGS ARE MADE LATE IN THE PLANTING SEASON, IN ABNORMALLY DRY OR HOT SEASONS, OR ON ADVERSE SITES.

D. REPAIRS AND MAINTENANCE

INSPECT ALL SEEDED AREAS FOR FAILURES AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON.

- I. ONCE THE VEGETATION IS ESTABLISHED, THE SITE SHALL HAVE 95% GROUND COVER TO BE CONSIDERED ADEQUATELY STABILIZED.
- II. IF THE STAND PROVIDES LESS THAN 40 % GROUND COVERAGE, REESTABLISH FOLLOWING ORIGINAL LIME, FERTILIZER, SEEDBED PREPARATION AND SEEDING RECOMMENDATIONS.
- III. IF THE STAND PROVIDES BETWEEN 40 % AND 94% GROUND COVERAGE, OVERSEEDING AND FERTILIZING USING HALF OF THE RATES ORIGINALLY APPLIED MAY BE NECESSARY.

IV. MAINTENANCE FERTILIZER RATES FOR PERMANENT SEEDINGS ARE SHOWN IN TABLE 24 OF THE MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL FOR LAWNS AND OTHER MEDIUM TO HIGH MAINTENANCE TURF GRASS AREAS. REFER TO THE UNIVERSITY OF MARYLAND PUBLICATION "LAWN CARE IN MARYLAND" BULLETIN NO. 171.

DESIGNED BY: DWB	MARYLAND TRANSPORTATION AUTHORITY REFERENCE SHEET: C-6.1 BID ADDENDUM #1	CONTRACT NO.: HT-2025-000-002
DRAWN BY: MKP		EROSION AND SEDIMENT CONTROL NOTES
SCALE: N.T.S.		10-09-08
		SHEET 8 OF 10

PERMANENT SEEDING FOR LOW MAINTENANCE AREAS

NO.	SPECIES	APPLICATION RATE (LB/AC)	SEEDING DATES	SEEDING DEPTHS	SEED MIXTURE (HARDINESS ZONE 7a) FROM TABLE 25			FERTILIZER RATE (10-20-20)			LIME RATE	NOTES
					N	P205	K20	N	P205	K20		
1	TALL FESCUE (75%) CANADA B.GRASS (10%) KENTUCKY B.GRASS (10%) REDTOP (5%)	150	3/1-5/15 8/15-11/15	1/4" - 1/2"	90 LB/AC (2.0 LB/1000SF)	175 LB/AC (4 LB/1000SF)	175 LB/AC (4 LB/1000SF)	2 TONS/AC (100 LB/1000SF)	A			
3	TALL FESCUE (85%) PEREN. RYEGRASS (10%) KENTUCKY B.GRASS (5%)	125 15 10	3/1-5/15 8/15-11/15	1/4" - 1/2"					C			
7	TALL FESCUE (83%) WEEPING LOVEGRASS (2%) PLUS SERECIA LESPEDEZA (15%)	110 3 20	3/1-5/15 5/16-8/14 8/15-11/15	1/4" - 1/2"					G			

NOTES:

- A/ USED BY SHA ON SLOPED AREAS. ADD A LEGUME FOR SLOPES > THAN 3:1.
- C/ POPULAR MIX - PRODUCES PERMANENT GROUND COVER QUICKLY, BLUEGRASS THICKNESS STAND.
- G/ WEEPING LOVEGRASS MAY BE SEEDING WITH TALL FESCUE IN MID-SUMMER. SERICEA LESPEDEZA IS BEST SUITED FOR ZONES 7A AND 7B.

DESIGNED BY: DWB
DRAWN BY: MKP
SCALE: N.T.S.

MARYLAND TRANSPORTATION AUTHORITY
REFERENCE SHEET: C-6.1
BID ADDENDUM #1

CONTRACT NO.: HT-2025-000-002
EROSION AND SEDIMENT CONTROL NOTES
10-09-08
SHEET 9 OF 10

TEMPORARY SEEDING SUMMARY

SEED MIXTURE (HARDINESS ZONE 7a) FROM TABLE 26						FERTILIZER RATE (10-10-10)	LIME RATE
NO.	SPECIES	APPLICATION RATE (LB/AC)	SEEDING DATES	SEEDING DEPTHS			
-	RYE	140	2/1-4/30 8/15-11/30	1"-2"			
-	BARLEY OR RYE PLUS FOXTAIL MILLET	150	2/1-10/15 8/15-10/15	1"		600 LB/AC (15 LB/1000SF)	2 TONS/AC (100 LB/1000SF)
-	MILLET	50	5/1-8/14	1/2"			

* For the time period of 5/16-8/14, add Weeping Lovegrass (2 LBS/AC) as a nurse crop to the permanent seeding mixture.

DESIGNED BY: DWB	MARYLAND TRANSPORTATION AUTHORITY REFERENCE SHEET: C-6.1 BID ADDENDUM #1	CONTRACT NO.: HT-2025-000-002
DRAWN BY: MKP		EROSION AND SEDIMENT CONTROL NOTES
SCALE: N.T.S.		10-09-08
		SHEET 10 OF 10

Pre-Bid Meeting Minutes

Contract No. HT-2025-000-002
Replace Water Line Frankfurst Avenue to Fairfield Service Building
Baltimore Harbor Tunnel
Baltimore City

29 September 2008, 11:00 AM

The following were in attendance:

Larry Thomas	MdTA Engineering
Maggie Johnson	MdTA Contract Management
Linda McGill	MdTA Procurement
Ben Mondell	MdTA Procurement
Rodger Janssen	MdTA Facilities
Dennis Barnes	Carroll Engineering, Inc.
Ed Tribull	AFPS
Richard Chapolini	Tech Contracting Co.
Tony Giorsilli	Skyline Contracting
Gerry Grafton	The Matricciani Company
Wes King	Gradient Construction
Doug Piper	American Infrastructure
Mark Knetzer	Kinsley Construction

Mr. Thomas opened the meeting with the following announcements:

1. Bids for Contract No. HT-2025-000-002 are due at Noon, October 17, 2008. Each bid should be placed in the Bid Box located on the first floor of the Engineering Building (300 Authority Drive) and should consist of one completed proposal book. There will be an addendum issued containing Pre-Bid attendees list, meeting minutes and answers to questions posed at the meeting. The Bidder must acknowledge receipt of Addenda and attach the acknowledgement page to the outside cover of the bid book. Failure to do so may result in rejection of your bid.
2. Written questions will be accepted by the MdTA until 12:00 Noon, 7 days prior to the bid, October 10, 2008. These questions should be addressed to Larry Thomas via email at: lthomas@mdta.state.md.us . Alternatively, questions may be faxed to 410-537-7801. Responses to questions received by MdTA will be distributed to all purchasers of bid documents.
3. The meeting was turned over to Maggie Johnson:

Ms. Johnson read the "Notice to Bidders" describing the procedures and guidelines required for submitting bids. She also provided a brief description of the Minority Business Enterprise (MBE) participation program submittal procedures. Ms. Johnson stated that a completed Attachment A (Certified MBE Utilization and Fair Solicitation Affidavit) and Attachment B (MBE Participation Schedule) must be submitted with each bid. **Third tier**

subcontractor participation will not count towards the MBE goal. Compliance with the MBE goal will be monitored.

The Office of Minority Business Enterprises is located at the Authority's Point Breeze offices at the following address:

Maryland Transportation Authority
Minority Business Enterprise Office
2310 Broening Hwy, Suite 150
Baltimore, MD 21222

Mr. Thomas introduced Dennis Barnes of Carroll Engineering, the design consultant for this project. The project was described by Mr. Thomas and Mr. Barnes. Mr. Thomas stated that the existing waterline is a 50-year old ductile iron system which services the fire protection system in the Baltimore Harbor Tunnel and domestic water to the Service/Vent Building. The aging pipe has become problematic, requiring numerous repairs. The replacement of this system is detrimental to restoring a full duplicate fire water service to the Tunnel.

Mr. Barnes described the location of the project required obtaining several permits from MDE and Chesapeake Bay Critical Area. He further stated that the function of this waterline requires minimal Utility interruption and proper phasing implementation. The replacement system consists of 8" and 6" PVC, 2" copper servicing the Garage and 5 fire hydrants. Service interruption to the Garage has little or no impact and may be phased accordingly.

MOT for this project is minimal as the service road is utilized for a small group of employees occupying the Service Building.

Mr. Thomas then opened the meeting to specific questions about the project.

Question: Must SHA approved topsoil be used?

Response: Yes, as stated in the bid documents.

Question: What is bid item 401 Miscellaneous Contingencies Allowance allocated for?

Response: This is allocated for unknown and unforeseen conditions; MDE additional requirements during construction; and excavation discoveries. These monies may or may not be used.

Question: Was test pitting or soil borings completed for this project?

Response: No. The Contractor will be given access to original soils report for construction of the Services/Vent Building and Garage.

- Question: Is every pipe joint restrained?
- Response: It is the intent of this project to install PVC C900 underground pipe with mechanical joints at bends, tees and caps. In-line mechanical joints or thrust blocks are not required.
- Final Response: Several PVC mechanical joint manufacturers have been researched:
Star Pipe Products – www.starpipeproducts.com
Ferguson Fire & Fabrication – www.fergusonfire.com
PVC Ring Lock – www.ejprescott.com
- Question: Must we use critical path scheduling?
- Response: Yes, tracking is required on all MdTA projects.
- Question: Can you verify that additional excavation at the I-895 crossing pipe sleeve location is required?
- Response: We agree with the fact that in order to install 20-foot sections of PVC pipe will require additional excavation. A majority of the additional excavation shall occur on the North (garage) side due to space limitations on the South side. Contractor will be able to open all along the garage's west sidewalk area.
- Question: Are there additional requirements for the pipe sleeve? Vents required? Sleeve may be filled with grout, since there is no evidence of existing vents. Is an end wall needed? Are spiders/spacers required?
- Response: Yes, existing documents show that the 1991 upgrade allowed the Contractor to keep existing pipe inside the sleeve. This appears to support the sleeve may be indeed filled with grout.
- Final Response: It is the intent of this contract to replace the entire pipe system, including the sleeved section. The contractor shall install the pipe complying with applicable standard requirements. Spiders/spacers shall be installed of type and size pertaining to product materials and manufacturers recommendations. Provide compression seals for sleeve after installation of new pipe.
- Question: What size of water line are we tapping into?
- Response: Note that profile on Sheet C 5.0 shows incorrect 6" size. We are tapping into an existing 8" water line.
- Question: What pipe bed material is specified?

Response: SHA #67 stone. Please add geotextile fabric material between top of #67 stone and backfill.

Question: Will there be any additional site visits allowed?

Response: Contact the Chief Facility Maintenance Officer (John Monk) at 410 537-1315 to schedule additional site visits.

The meeting was turned over to Linda McGill:

Ms. McGill announced that questions must be submitted before close of session on October 10, 2008, 12 noon. The questions may be faxed to 410 537-7801 to the attention of Larry Thomas, or via email at lthomas@mdta.state.md.us . Bid due date is October 17, 2008 at 12 noon.

Ms. McGill urged bidders to contact Ms. Meshelle Howard at the MBE office at 410 537-1051 for guidance on meeting goals. A list of MBE certified firms is available from the MBE office or at the Authority's website at www.mdta.state.md.us .

As there were no further questions, the meeting was adjourned.

Additional submitted questions were addressed:

Question: The trench details on Sheet C 3.0 indicate that salvaged trench soil is suitable for backfill. Page 173 of the Specifications indicate that all material excavated from the trenches is to be hauled off-site and replaced with select borrow. Which is correct?

Response: Plan C 3.0 is correct. Delete page 173 Section 02300/2.1/A and add new 02300/2.1/A to read "General – Provide borrow soil materials when sufficient satisfactory soil materials are not available from excavations." Note geotechnical engineer shall classify all trench backfill as satisfactory soil.

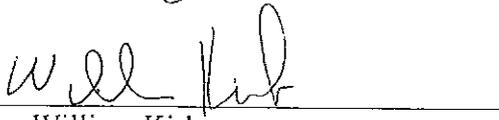
Attached handouts:

- Title 21 State Procurement Regulations – Subtitle 06 Contract Formation and Award.
- MDOT Policy Statement – Prompt Payment of Subcontractors.
- MdTA Minority Business Enterprise Program Highlights.
- MDOT Policy Statement – Good Faith Efforts – April 22, 2004.
- Good Faith Efforts / Waiver Checklist.
- Additional Information for MBE Subcontractors.
- MBE Compliance Contractor Notification.

The handout titled "MdTA Minority Business Enterprise Program Highlights" has a section which references Contract Goal Credits for Materials and Supplies.

A bidder may count toward its MBE goal expenditures for materials and supplies obtained from certified business suppliers, provided that the certified businesses assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a certified business supplier that manufactures or produces goods from raw material or that substantially alters goods before resale. The bidder may count 60 percent of the expenditures to certified suppliers who are not manufactures toward its MBE goals. The MBE credited supplies may not exceed 60 percent of the credit given toward meeting the contract goal.

Prepared by: 
Larry Thomas

Approved: 
William Kirk

Distribution: All Attendees
Purchasers of Contract Documents

**CONTRACT
ADMINISTRATION
REQUIREMENTS**

CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

1. Submit monthly to the Department a report listing any unpaid invoices, over 30 days old, received from any certified MBE subcontractor, the amount of each invoice and the reason payment has not been made.
2. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the Department a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed by all MBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

ATTACHMENTS

- A. Certified MBE Utilization and Fair Solicitation Affidavit (must be submitted with bid or offer)
- B. MBE Participation Schedule (must be submitted with bid or offer)
- C. Outreach Efforts Compliance Statement (must be submitted within 10 working days of notification of apparent award or actual award, whichever is earlier)
- D. Subcontractor Project Participation Statement (must be submitted with 10 working days of notification of apparent award or actual award, whichever is earlier)

**RECORD
RETENTION**

Title 21 STATE PROCUREMENT REGULATIONS

Subtitle 06 CONTRACT FORMATION AND AWARD

Chapter 05 Plant Inspection, Audit and Retention of Records

**Authority: State Finance and Procurement Article, §§12-101, 15-108, and 15-109,
Annotated Code of Maryland**

.01 Right to Inspect.

Designees of the procurement agency, the Department of Legislative Services, or any other State unit authorized by law, may inspect at reasonable times the plant, place of business, or jobsite of any bidder or offeror, contractor, prospective subcontractor or assignee, or subcontractor or assignee.

.02 Audits.

A. **Audit of Cost or Pricing Data.** Designees of the procurement agency, the Department of Legislative Services, or any other State unit authorized by law may audit during the record retention period the books and records of any person who has submitted cost or pricing data to the extent that the books and records relate to the cost or pricing data.

B. **Contract Audit.** Designees of the procurement agency, the Department of Legislative Services, or any other State unit authorized by law shall be entitled to audit the books and records of a contractor or any subcontractor under any negotiated contract or subcontract other than a firm fixed-price contract to the extent that the books and records relate to the performance of the contract or subcontract, or if the agency has reason to believe, from an audit of a cost type contract, that costs have been inappropriately assigned to a cost type contract from a fixed price contract.

.03 Record Retention.

The contractor or subcontractor shall maintain books and records that relate to the cost or pricing data for 3 years from the date of final payment under the contract, unless a longer period is otherwise specified in the contract.

**PROMPT PAYMENT
TO
SUBCONTRACTORS**

A. MARYLAND DEPARTMENT OF TRANSPORTATION POLICY
STATEMENT
PROMPT PAYMENT OF SUBCONTRACTORS

DISADVANTAGED MINORITY BUSINESS ENTERPRISES

This policy is in accordance with Maryland State Law, codified at Md. Code Ann., State Finance and Procurement Article, §15-226, and 49 CFR, Part 26, 26.29(b)1-3.

It is the policy of the State that a contractor shall promptly pay a subcontractor any undisputed amount that a subcontractor is entitled to under a State procurement contract for construction. This payment shall be made within ten (10) days of receiving a progress payment or final payment from the State. "Undisputed amount" includes the retainage on a contract.

If a contractor withholds payment, the contractor shall:

1. Notify the subcontractor, in writing within the same ten (10) day time period, stating the reasons for payment being withheld,
2. Provide a copy of the notice to the procurement officer.

If a subcontractor does not receive payment within the required time period, the subcontractor may give written notice of non-payment to the procurement officer. The notice shall include:

1. The name of the contractor, the project under which the dispute exists and the amount in dispute,
2. Provide an itemized description on which the amount is based and
3. If known, provide an explanation for any payment dispute.

Within two (2) business days of receipt of written notice from a subcontractor, a MDOT Agency Representative shall verbally contact the contractor to determine if the amount is undisputed.

If the MOOT Agency Representative determines that all or some of the amount is undisputed, the representative shall instruct the contractor to pay the subcontractor the undisputed amount within three (3) business days. The MDOT Agency Representative shall verbally inform the subcontractor the results of discussions with the contractor. If the payment is not made, the subcontractor may report the non-payment to the procurement officer. As a result, the MDOT Agency Representative shall schedule a meeting of the agency project manager, the subcontractor and the contractor, as follows:

1. The time and location shall be selected by the agency representative,
2. The meeting shall be no later than ten (10) days after receiving notice from the subcontractor,
3. The meeting purpose is to establish the reasons for non-payment,
4. The agency representative shall require the parties to provide information necessary to evaluate the dispute,
5. If the agency representative determines the contractor is delinquent, further progress payments to the contractor may be withheld until the subcontractor is paid.

If the payment to the subcontractor is not made within seven (7) days after the agency representative determines that the contractor is delinquent, the agency representative shall schedule a second meeting on the dispute as follows:

1. The time and location shall be selected by the agency representative,
2. The meeting shall be no later than five (5) days after the close of the seven (7) day period.

After this second meeting, if the agency representative determines the contractor continues to be delinquent in subcontractor payments, he/she:

1. Shall order further payments to the contractor not be processed until payment is made to and verified with the subcontractor,
2. May order work under the contract be suspended based on the contractor's failure to meet contractual obligations under the contract,

3. May require the contractor to pay a penalty to the subcontractor, not to exceed \$ 100 per day, from the date that the payment was required, not to include any period that the agency representative determines that the subcontractor was not diligent in reporting non-payment to the procurement officer. The contractor or subcontractor may appeal the decision after the second meeting, noted above to the procurement officer. The contractor shall comply with the procurement officer's decision.

An act, failure to act or decision of the procurement officer or agency representative may not:

1. Affect the rights of the contracting parties under other provision of law, be used as evidence on the merits of a dispute between the agency and the contractor or the contractor and the subcontractor in any other proceeding or
2. Result in liability against or prejudice the rights of the agencies of the Maryland Department of Transportation.

A decision of a procurement officer or an agency representative designated by the procurement officer under this law is not subject to judicial review or the provision for bid protests and contract claims before the Board of Contract Appeals. This law shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any State procurement contract awarded before the effective date of this law, October 1, 1999.

**MINORITY
BUSINESS
ENTERPRISE
PROGRAM
HIGHLIGHTS**

Maryland Transportation Authority

Minority Business Enterprise Program Highlights

For purposes of MBE contract goal attainment and MBE Contract Compliance, the following information highlights the Maryland Department of Transportation (MDOT) Program Requirements:

1. Any participating MBE must be certified by MDOT to perform the item(s) of work /service selected for contract goal attainment.
2. Any participating MBE must serve a commercially useful function and may not act like a broker, unless it is certified as a broker (insurance or real estate). A firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carries out its responsibilities by actually performing, managing and supervising the work involved and /or negotiates the cost of, arranges and accepts delivery of and pays for the materials or supplies required for the work of its contract. If, at any time before execution of the contract, the contractor determines that the designated MBE subcontractor has or will become unavailable, it immediately shall notify the Administration.
3. Any change in the approved MBE Plan must be approved in advance by the Administration and shall indicate the contractor's efforts to substitute another certified MBE subcontractor to perform the work.

4. Contract Goal Credits for Materials and Supplies.
 - a. A bidder may count toward its MBE goal expenditures for materials and supplies obtained from certified business suppliers, provided that the certified businesses assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a certified business supplier that manufactures or produces goods from raw material or that substantially alters goods before resale. The bidder may count 60 percent of the expenditures to certified suppliers who are not manufactures towards its MBE goals. The MBE credited supplies may not exceed 60 percent of the credit given toward meeting the contract goal.
 - b. Double Payee (Joint) checks to MBEs and suppliers for materials used by an MBE sub-contractor for its contracted work are allowable providing such a payment arrangement is offered to all subcontractor relationships and not restricted to just MBEs, and the MBE participates in scheduling the delivery of the materials and is fully responsible for ensuring that the materials meet specifications. However, when the contractor makes such payments, it is recommended that the payments be made by jointly endorsable checks signed by the contractor and MBE.
 - c. For MBE firms that are not MBE regular dealers or manufacturers, a contractor may only count toward its MBE goal the fees charged for delivery of materials and supplies required on the job site (but not the cost of the materials and supplies themselves) when the trucking enterprise or delivery

service is not also the manufacturer of or regular dealer in the materials and supplies, provided that the fee is determined by the administration to be reasonable and not excessive as compared with fees customarily allowed for similar services.

5. Third Tier Subcontracting. Third Tier Contracting is not the usual way for a prime contractor to achieve a MBE goal. However, there may be rare occasions when third tier contracting would be acceptable. Two conditions must be met before approval of a third tier contracting arrangement, which may be entered into to meet a MBE goal:
 - a. The Authority must be satisfied that there is no way except by third tier contracting that a DBE goal can be achieved;
 - b. The prime contractor must request of the Authority, in writing, prior to the awarding of a contract, that approval be granted for each third tier contract arrangement. The request must contain the specifics as to why a third tier contracting arrangement is being requested to meet the MBE goal.

6. Waivers:

The Administration will strictly adhere to the requirement for documentation of any waiver requests as provided in COMAR. Accordingly, if, for any reason, a contractor is unable to achieve the contract goal or sub-goal MBE participation, it may request, in writing, an exception (waiver) to the goal with justification to include the following:

- a. A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE (s);

- b. A detailed statement of the efforts made to contract and negotiate with certified MBEs including:
- (i) The names, addresses, dates and telephone numbers of MBEs contacted; and
 - (ii) A description of the information provided to MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed:
 - (iii) As to each certified MBE that placed a subcontract quotation or offer that your company considers not to be acceptable, a detailed statement of the reasons for this conclusion; and
 - (iv) A list of certified MBEs found to be unavailable. This list should be accompanied by a MBE Unavailability Certification (Form D-EEO-005) signed by the MBE, or a detailed statement from the contractor concerning the MBE's refusal to give the certification.

A waiver of a contract goal may be granted only upon a reasonable demonstration by the bidder or offeror that certified MBE participation was unable to be obtained or was unable to be obtained at a reasonable price and if the Administration determines that a waiver serves the public interest.

7. MBE Contract Compliance Monitoring MBE contract compliance monitoring commences upon official award of the contract has been made and continues throughout the life of the contract. An assigned contract compliance officer will advise the contractor and all approved participating MBE subcontractors, in writing, of compliance requirements, monitoring activities and will request necessary records

to establish MBE contractor compliance. If a contractor or any participating MBE subcontractor is found to be in non-compliance with the terms of MDOT's MBE Program or with the State's MBE Law, and fails or refuses to take the corrective action required, administrative sanctions may be imposed in order to promote the purpose of MDOT's MBE Program. These may be, suspension of work, withholding payment, referral of the matter to the Office of the Attorney General for action, or any other action that is authorized under the contract or by State or federal laws.

8. Fraud Provisions

Bidders are advised that Section 14-308 of the MBE Law provides that a person may be prosecuted for a felony for the following acts:

- a. Fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- b. Aiding another person in fraudulently obtaining, holding or attempting to obtain or hold MBE certification;
- c. Willfully obstructing, impeding, or attempting to obstruct or impede a State official or employee or employee investigating the qualifications of a business entity that has requested certification;
- d. Fraudulently obtaining, attempting to obtain, or aiding another person in fraudulently obtaining or attempting to obtain, public monies to which the person is not entitled; or
- e. In any minority business enterprise matter administered under subtitle 14:
 - (i) Willfully falsify, conceal, or cover up a material fact by any scheme or device;

- (ii) Make a false or fraudulent statement or representation; or
- (iii) Use a false writing or document that the person knows to contain a false statement or entry

Persons found guilty of violating these provisions are guilty of a felony and on conviction are subject to a fine not exceeding \$ 20,000 or imprisonment not exceeding five years, or both. Persons convicted under Section 14-308 may also be debarred from performing on State contracts by the Board of Public Works ("Board") for a period of time determined to be appropriate by the Board under the circumstances.

9. MBE Contract Support

Personnel of the Maryland Department of Transportation, its Administrations and the Authority offer contractor practicable support for MBE contract goal attainment. This assistance is available from Monday through Friday during normal business hours by calling 410-865-1269. Examples of MDOT Program assistance include:

To Majority Contractors

- Identifying subcontract items for goal attainment
- Answering questions related to MBE Program requirements

To Minority Contractors

- Answering questions related to MBE Program requirements
- Providing information on required contract records
- Referral to designated consultants for assistance for business related problems

**MINORITY
DISADVANTAGE
BUSINESS
ENTERPRISES**

MARYLAND DEPARTMENT OF TRANSPORTATION
POLICY STATEMENT – GOOD FAITH EFFORTS
April 22, 2004

MINORITY DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the Maryland Department of Transportation (MDOT) that businesses owned by socially and economically disadvantaged person(s) shall have the maximum feasible opportunity to participate in the performance of contracts awarded by MDOT. The MDOT requires its contractors and subcontractors not to discriminate on the basis of race, color, religion, national origin, sex or disability in the award or performance of contracts. In support of this commitment, the MDOT has adopted the following Good Faith Efforts (GFE) Policy, which shall be applicable to all contracts awarded by the MDOT or its modal administrations.

In accordance with 49 CFR, Part 26, 53 and Md. Code Ann., State Fin. & Proc. Art., 14-302, the MDOT shall award a contract only to a bidder/offeror that makes GFE to meet the Minority Business Enterprise (MBE) or Disadvantaged Business Enterprise (DBE) contract goal. A determination that a bidder/offeror has made GFE shall only be made upon a determination by the MDOT that the bidder/offeror has shown that it:

- Has obtained enough MBE or DBE participation to meet the contract goal; or
- Has taken all necessary and reasonable steps to achieve the goal, which by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE participation, even if they were ultimately unsuccessful.

The MDOT will make a fair and reasonable judgment whether a bidder/offeror who did not meet the goal made adequate GFEs. This policy expands the definition of GFE to allow greater flexibility to ensure DBE/MBE participation is obtained.

At a minimum, a statement of GFE submitted by the bidder/offeror shall include:

1. The name, address, and telephone number of all DBE/MBEs contacted, as well as the date of contact;
2. A description of the information provided to the contacted DBE/MBEs regarding the plans, specifications and anticipated time schedule for portions of the work to be performed;
3. As appropriate, a detailed statement of the reasons why a DBE/MBE quotation was considered unacceptable; and
4. As appropriate, a list of DBE/MBE contractors found to be unavailable. For DBE/MBE contractors that are unavailable, the bidder/offeror shall provide a Minority Contractor Unavailability Certificate Form (Form D-005) signed by an

owner or officer of the DBE/MBE. If a DBE/MBE refuses to sign the unavailability certificate, the bidder/offeror shall submit a statement indicating as such.

To aid in the determination of whether the bidder/offeror has shown GFE, the MDOT may also look at the percentage of DBE/MBE participation obtained by other bidders/offerors on the procurement.

In addition to the requirements above, the following is a list of outreach efforts that MDOT will consider as part of the bidder/offeror's GFE to obtain DBE/MBE participation. Bidders/offerors shall be encouraged to offer innovative GFE initiatives to demonstrate GFE. MDOT administrations have the flexibility to approve such innovative initiatives. The following list is illustrative only and not intended to be exhaustive.

In a GFE determination, MDOT administrations may consider any information provided by a bidder/offeror concerning the following outreach efforts:

1. The bidder/offeror's efforts to solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and/or written notices) the interest of certified DBEs/MBEs that may have the capability to perform the work of the contract. The bidder/offeror should present evidence that it solicited this interest within adequate time to allow the DBEs/MBEs to respond to the solicitation. The bidder/offeror should also provide evidence that it took appropriate steps to follow up initial solicitations.
2. The bidder/offeror's selection of the work to be performed by DBEs/MBEs in order to increase the likelihood that the DBE/MBE contract goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE/MBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. The bidder/offeror's actions to provide interested DBEs/MBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
4. The bidder/offeror's negotiations with DBE/MBEs
 - a. Negotiating in good faith with interested DBEs/MBEs. It is the bidder/offeror's responsibility to make a portion of the work available to DBE/MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE/MBE subcontractors and suppliers. Evidence of such negotiation shall include the names, addresses, and telephone numbers of DBEs/MBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and information as to why additional agreements could not be reached for DBEs/MBEs to perform the work.

- b. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE/MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs/MBEs is not in itself sufficient reason for a bidder/offeror's failure to meet the contract DBE/MBE goal, as long as such costs are reasonable. Also, the ability or desire of a bidder/offeror to perform the work of a contract with its own organization does not relieve that bidder/offeror of the responsibility to make GFE to meet the contract goal. This policy does not require a prime contractor to accept a higher quote from a DBE/MBE if the price is excessive or unreasonable.
5. The bidder/offeror must provide sound reasons for rejecting a DBE/MBE as unqualified. Any rejection of a DBE/MBE as unqualified shall be based on a thorough investigation of its capabilities. The DBE/MBE's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example, union vs. non-union employees status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. The bidder/offeror's efforts to assist interested DBEs/MBEs in obtaining bonding, lines of credit, or insurance as required by the owner or contract.
7. The bidder/offeror's efforts, with prior written approval of the MDOT agency, to assist interested DBEs/MBEs to obtain necessary equipment, supplies, materials, or related assistance or services.
8. The bidder/offeror's effective use of the services of available minority/women community organizations; minority/women contractors' groups; local, state and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE/MBE.
9. The bidder/offeror's efforts to identify and assist firms that are not certified but could possibly service on a contract and satisfy DBE/MBE goals if the firm were to be certified by the MDOT.
10. Evidence of the bidder/offeror's record of meeting or exceeding DBE/MBE participation goals on prior projects.

This policy applies to all MDOT contracts that contain a DBE/MBE participation goal. All MDOT personnel are responsible for implementing and adhering to this policy.

**GOOD FAITH
EFFORTS WAIVER
CHECKLIST**

PRIME CONTRACTORS' **GOOD FAITH EFFORTS/WAIVER CHECKLIST**

Prime Contractors who put Good Faith into action will:

- ✓ Use direct solicitation, minority women community organizations, contractors' groups, and local, state, and federal minority women-owned business assistance offices to reach MBE's;
- ✓ Identify and assist firms that may need bonding, lines of credits, insurance, equipment, and other related issues; or assist firms that are not certified but could possibly serve on a contract and satisfy DBE/MBE goals by becoming certified;
- ✓ Identify clear sub-contractible work that will enable MBE's to compete;
- ✓ Provide the MBEs with proper information regarding the job; to include plans, specifications, and anticipated time schedule for portions of the work to be performed;
- ✓ Coordinate pre-bid meetings to inform MBEs of contracting and subcontracting opportunities;
- ✓ Advertise in general circulation, trade associations, and minority focused media concerning the subcontracting opportunities;
- ✓ Provide written notice to all certified MBEs who are certified in the work areas and have capabilities of the contract for which their participation is solicited (Contractor must allow a minimum of 10 days for the MBEs to respond to the written solicitation.); and
- ✓ Follow up on initial solicitations of interest by contacting MBEs to determine if the MBEs are interested (Contractor must detail the efforts showing names, addresses, dates, and telephone numbers of the certified MBEs contacted along with a description of information provided.)

Prime Contractors who have done the above and are submitting a waiver will:

- ✓ Document everything listed above;
- ✓ As required by regulations provide a written request for a waiver;
- ✓ Provide detailed statements of efforts to achieve the goal; to include the name, address and telephone number of all DBE/MBEs contacted, as well as the date of contact;
- ✓ Provide a list of unavailable MBEs, including a Minority Contractor Unavailability Certification Form (Form D-005) signed by an owner or officer of each unavailable DBE/MBE (If the DBE/MBE refused to sign D-005, the contractor will should submit a statement regarding this refusal.);
- ✓ If the contractor deems a DBE/MBE to be unqualified and rejects the DBE/MBE, the contractor will provide written explanation of this decision (Contractor's reasoning must be based on a thorough investigation of MBE capabilities.);
- ✓ Provide evidence that the contractor tried to negotiate in good faith with interested MBEs;
- ✓ Demonstrate that certified MBE participation was unable to be obtained at a reasonable price or that public interest is best served by a waiver;
- ✓ Demonstrate a reasonable effort to meet the overall MBE goal with other MBE classifications if the request for a waiver is for a certain MBE classification within an overall MBE goal; and
- ✓ Provide evidence from prior projects showing that the contractor has previously successfully met or exceeded assigned MBE goals.

**ADDITIONAL
INFORMATION FOR
MBE
CONTRACTORS**

ADDITIONAL INFORMATION FOR MBE SUBCONTRACTORS

MBE REPORT OF PAYMENTS RECEIVED

By the 15th of each month the MBE should submit this document to the Authority's MBE Office. It should be submitted even if there are no payments for the month.

PROMPT PAYMENT TO SUBCONTRACTORS

It is the policy of the State that a contractor shall promptly pay a subcontractor any undisputed amount that a subcontractor is entitled to under the contract for construction. This payment shall be made within ten (10) days of receiving a progress payment or final payment from the State. Undisputed amounts include the retainage on a contract.

RECORDS RETENTION

Title 21 of the State Procurement Regulations, Subtitle 06 Contract Formation and Award, Chapter 5 Plant Inspection, Audit and Retention of Records, .03 Records Retention contains the following regulation: The contractor or subcontractor shall maintain books and records that relate to the cost or pricing data for 3 years from the date of final payment under the contract, unless a longer period is otherwise specified in the contract.

FRAUD PROVISIONS

Contractors are advised that State Finance and Procurement Article 14-308 covers prohibited acts and penalties for felony and misdemeanor offenses.

STATE OF MARYLAND GOVERNOR'S OFFICE OF MINORITY AFFAIRS (GOMA)

The state's principal advocates for minority businesses, we help minority business owners who are seeking state certification and state procurement opportunities. We also help minority business owners who believe they have been treated unfairly by a state agency or other entity.

We provide referrals to agencies and other entities that have programs to assist minority business owners in getting the services they need to start, develop and grow. For more information regarding GOMA log on to www.mdminoritybusiness.com, or by calling 410-767-8232.

ENTREPRENEURIAL DEVELOPMENT INSTITUTE (EDI)

EDI helps meet the education needs of small and minority businesses in construction and related business fields. The Maryland State Highway Administration's Equal Opportunity Office provides the services of the EDI. Centered at the University of Maryland Eastern Shore (UMES), EDI classes are held on weekends. A nominal fee of \$50.00 is charged for the classes and hotel accommodations. For schedule and registration information, contact the EDI Coordinator at (410) 651-6476.

MSBDFA BONDING AND CONTRACT FINANCING PROGRAM

The Maryland Small Business Development Financing Authority (MSBDFA) offers program through four programs: Contract Financing, Long Term Guaranty Program, Surety Bond Guaranty Program and Equity Participation Investment Program. They provide contract financing and surety bonding assistance to eligible firms to begin, continue and complete work on MDOT contracts. Firms bidding on MDOT contracts needing a bid, performance or payment bond or working capital can contact the office at (410) 333-4270.

PROFESSIONAL ASSISTANCE

An MBE firm certified by MDOT may request referral assistance in any area of business by calling the MBE Information Line, 1-800-544-6056 in the Office of Minority Business Enterprise.

THE STATE OF MARYLAND SMALL BUSINESS RESERVE PROGRAM

The State of Maryland Small Business Reserve Program is committed to the growth and success of small businesses. For the first time, small businesses will be able to bid for State contracts without competing with larger, more established companies.

Beginning October 1, 2004, designated agencies will be required to award a minimum of 10 percent of their units' total dollar value of goods, supplies, services, maintenance, construction, construction related, architectural service and engineering service contracts to small businesses. For more information regarding the Small Business Reserve Program log on to www.smallbusinessreserve.maryland.gov, or by calling 410-767-4270.

**MBE COMPLIANCE
CONTRACTOR
NOTIFICATION**

**MBE COMPLIANCE
CONTRACTOR NOTIFICATION**

On MdTA Contracts, the prime/general contractor must notify the MBE compliance office of any changes to the approved MBE submittal package. This includes increasing the target MBE goal as well as decreasing the target goal. The notification must be in writing and include at a minimum the following information:

- A. Decrease of the target goal
 - a. MdTA contract number
 - b. Prime/General Contractor
 - c. MBE Contractor/Contractors affected
 - d. Contract Item Numbers
 - e. Actual dollar value of items
 - f. Percentage of decrease to target goal
 - g. Reason for decrease
 - h. List of other certified MBE Contractors who are contacted as replacements to attain target goal. This should include copies of correspondence from the prime/general contractor requesting quotes for the work and response from the MBE contacted.

- B. Increase of the target goal
 - a. MdTA contract number
 - b. Prime/General Contractor
 - c. MBE Contractor Name & Address
 - d. Contract Item Number
 - e. Actual dollar of value items
 - f. Percentage of increase above target goal

Correspondence concerning the above will be sent directly to:

Mrs. Meshelle M.V. Howard
Maryland Transportation Authority
Chief, MBE Program
2310 Broening Highway
Suite 150
Baltimore, MD 21224

The Office of Construction will receive a copy of the correspondence at the following address:

Mr. David Ferrara
Maryland Transportation Authority
Director of Construction
304 Authority Drive
Baltimore, MD 21222

ALL OTHER QUESTIONS CONCERNING MBE COMPLIANCE CAN BE DIRECTED TO THE FOLLOWING COMPLIANCE TEAM:

Valencia Hainesworth
Compliance Supervisor
410-537-5661

Karen Karris
Compliance Officer
410-537-5660

Orlando Price
Compliance Officer
410-537-1052

POINTS OF CONTACT
Maryland Transportation Authority

All Shop Drawings:

Mr. Abey Tamrat
Maryland Transportation Authority
300 Authority Drive
Baltimore, MD 21222
atamrat@mdta.state.md.us

Phone: (410) 537-7822
Fax: (410) 537-7801

All Other Correspondence:

Mr. David Ferrara
Director of Construction
Maryland Transportation Authority
Engineering Division
304 Authority Drive
Baltimore, Maryland 21222
dferrara@mdta.state.md.us

Phone: (410) 537-7882
Fax: (410) 537-7802

Certified Payrolls:

Two (2) complete copies of certified payrolls are to be delivered to the MdTA Project Inspector at the field office for all contractors employed on the project. One (1) complete copy is to be sent to the Commissioner of Labor & Industry. **No certified payrolls are to be mailed or delivered to the FSK Bridge.**

Documents Required Before Commencing Work

- Three (3) emergency phone numbers.
- All subcontractors must be approved by the Engineering Division. Contractor must provide name of subcontractor, address, dollar value of subcontract, item number and description of work.
- MBE subcontractors must be approved by the Chief, Equal Opportunity, and by the Engineering Division.
- All certificates of insurance for the minimum amounts as required by the Special Provisions.
- Submit payment breakdown for all lump sum items.
- Progress Schedule.
- MOT Plans.
- Catalog Cuts for all M.O.T. devices both permanent and temporary.