

**Maryland  
Transportation  
Authority**

Martin O'Malley  
Governor

Anthony Brown  
Lt. Governor

John D. Porcari  
Chairman

Peter J. Basso  
Rev. Dr. William C. Calhoun, Sr.  
Mary Beyer Halsey  
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Richard C. Mike Lewin  
Isaac H. Marks, Sr., Esq.  
Michael J. Whitson  
Walter E. Woodford, Jr., P.E.

Ronald L. Freeland  
Executive Secretary

Geoffrey V. Kolberg, P.E.  
Chief Engineer

Engineering Division  
300 Authority Drive  
Baltimore MD 21222-2200  
410-537-7800  
410-537-7801 (fax)

Construction Division  
304 Authority Drive  
Baltimore MD 21222-2200  
410-537-7888  
410-537-7802 (fax)

410-355-7024 (TTY)  
1-888-754-0098

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[www.mdtransportationauthority.com](http://www.mdtransportationauthority.com)

February 05, 2009

**TO ALL PURCHASERS OF CONTRACT DOCUMENTS:**

**RE: Contract No. KB 2015-000-002  
Maintenance Building Renovations**

**Francis Scott Key Bridge**

**ADDENDUM NO. 1**

Gentlemen:

It is important that you acknowledge receipt of this Addendum No. 1 on the referenced contract regardless if you will be bidding or not bidding.

Very truly yours,

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

Enclosures

-----  
Contract No. **KB 2015-000-002**

This will acknowledge receipt of the attached Addendum No. 1.

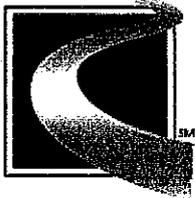
\_\_\_\_\_  
**NAME OF COMPANY**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

THIS SIGNED ADDENDUM ACKNOWLEDGEMENT PAGE SHALL BE RETURNED TO THIS OFFICE VIA **FAX AT 410-537-7801**, ATTENTION: **MAGGIE JOHNSON** PRIOR TO THE BID OPENING DATE.

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



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e-mail: mdtaengineer@  
mdtransportation  
authority.com

www.mdtransportation  
authority.com

February 5, 2009

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS

**ADDENDUM NO. 1**

RE: Contract No. KB 2015-000-002  
Maintenance Building Renovations

Francis Scott Key Bridge

To Whom It May Concern:

- A. The Bid Due Date for the above referenced contract is still scheduled for **February 13, 2009** at 12:00 Noon.
- B. The following changes have been made to the contract proposal:
1. Add 18 pages of Maryland Environmental Services (MES) Asbestos and Lead-base paint test report to the Invitation for Bid Book as Appendix A.
  2. Attached are the Pre-bid Meeting Minutes, responses to contractor's questions and MBE handout information for this contract.

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.



Maryland  
Transportation  
Authority

**Minutes of Meeting  
Pre-Bid Meeting**

**Contract No. KB-2015-000-002  
Maintenance Building Renovation  
304 Authority Drive.  
Baltimore Co., MD 21222**

**10:30 AM Tuesday January 27, 2009**

**Attendance: See the attached Sign-In Sheet.**

**Ben Mondell opened the meeting with a brief project description and the following announcements:**

- 1. The bid due date is February 13, 2009. Time 12:00 Noon.**
- 2. Bid package should be placed in the Bid Box on the 1<sup>st</sup> floor of the Maryland Transportation Authority, Engineering Building, 300 Authority Drive, Baltimore, MD 21222 and should consist of one complete proposal book.**
- 3. The Authority does not encourage overnight delivery service. If that is done however, the bid should be delivered at least a day in advance. It will be the responsibility of the Contractor to make sure that his bid package is placed in the bid box. The outside envelope of the mailed package must clearly identify the Contract Number and mention that it is a bid package.**
- 4. These minutes will be distributed to all purchasers of bid documents and will be considered as official record of this meeting.**
- 5. Following this meeting, all questions should be in writing and be addressed to Mr. Larry Okpolor, Fax NO. (410)-537-7801. The MdTA will accept written questions until 12:00 noon, seven days prior to bid opening. Response to questions provided by the Authority will be distributed to all purchasers of the bid documents.**
- 6. MBE Compliance Officer, Orlando Price stated the MBE participation overall goal for this contract is 30%. The sub goals include 5% Woman owned businesses and 12% for African American owned businesses. Bidders must utilize certified MBE Subcontractors. Contractors should make sure that MBE staff is paid prevailing rate and that they are responsible for their own work. A list of MBE firms can be obtained by calling Ms. Meshelle Howard at (410) 537-5661. It is also available at Authority website at [www.mdt.state.us](http://www.mdt.state.us).**



7. Ms. Alisha Wright of the Authority alerted bidders to the MBE and general instructions on pages 1 through 1-C in the front of bid books for important instructions.

The meeting was opened to questions and comments concerning this project. The following question was discussed and response provided:

**Question:** What will be the start date?

**Response:** Notice to proceed will most likely take place in May 2009.

**Question:** When can we visit the site?

**Response:** There will be a site visit after this pre-bid meeting but contractors have to call Larry Okpular at (410) 537-7818 and schedule a site visit.

**Question:** Is there an area reserved for parking, storage and dumpster?

**Response:** A Dumpster may be located in front of the building. There are parking spaces available in the employee parking lots. See temporary Contractor's staging area on plan # C-4.

**Question:** What is the duration of the contract?

**Response:** Contract duration is 210 calendar days.

**Question:** Will the offices be occupied during construction?

**Response:** The offices will be occupied except for the areas directly undergoing demolition and addition.

**Question:** Are the Contractors responsible for the demolition of gas piping in the demo area?

**Response:** Gas piping in the demo area is not part of this contract; it will be removed before the starting date for this contract.

**Question:** Are there hazardous material on the site? If yes, are Contractors responsible for the removal of the hazardous materials?

**Response:** Maryland Environmental Services (MES) performed Asbestos and Lead Paint Sampling at FSK Maintenance Garage area to be demolished. The 18 pages test report is hereby attached. Few components were found to contain lead-base paint, regulations established in OSHA's "Lead in Construction Standard" (29 CFR 1926.62) with MD Amendments must be adhered to during demolition and renovation of these surfaces.

**Question:** Are the Contractors responsible for the removal of the Magnesium chloride tanks beside the demo area?

**Response:** The removal of the Magnesium chloride tanks beside the demo area is not part of this contract; it will be removed before the starting date for this contract.

**General Note**

Owner-developer's signature for erosion and sediment control "Owners-Developers Certification" on plan # C-9 was missing on the CD copies of the plans. The Mylar copy of the plan has been signed and will be made available to the successful Contractor if need be.

**Questions February 4, 2009**

**Question:** 10522 Fire Extinguishers –two type are listed in the specs. Clarify which type is required?

**Response:** Multipurpose Dry Chemical Type: UL-rated 4-A:60-B:C, 10 lb normal capacity, in enameled steel container.

**Question:** 10200 Louvers and Vents – the architectural and mechanical drawings differ on which units are to have dampers; please clarify?

**Response:** See the elevations on drawing # A201 for types and locations.

**Question:** Drawing A101 Section B note '3' indicate an integral floor sealer for the concrete, please provide specifications?

**Response:** Specifications would be Penetrating Liquid Floor Treatment: Clear, chemically reactive, waterborne solution of inorganic silicate or silicate materials and proprietary components; odorless; that penetrates, hardens, and densifies concrete surfaces.

**Products:** Subject to compliance with requirements, provide one of the following:

- a. ChemMasters; Chemisil Plus.
- b. Dayton Superior Corporation; Day-Chem Sure Hard (J-17).
- c. Euclid Chemical Company (The), an RPM company; Euco Diamond Hard.
- d. Kaufman Products, Inc.; SureHard.
- e. L&M Construction Chemicals, Inc.; Seal Hard.
- f. Meadows, W. R., Inc.; LIQUI-HARD.

**Question:** Drawing S301 Det. 3 – Floor expansion joint detail conflicts with the architectural drawings, please clarify?

**Response:** Structural Detail (S301 Detail # 3) is correct.

**Question:** 07160 Bituminous Damproofing 3.2.F indicates to carry the damproofing over the footing face. Drawing A401 Detail indicate stopping at the top of footer?

**Response:** Detail is correct.

**Question:** Drawing A501 Detail D, please provide further clarification of CMU wall horizontal expansion joint. How is this to be accomplished?

**Response:** The brick veneer is suspended on the horizontal 5"x5" cont. angle.

**Question:** Drawing A401 Detail a top of wall references a detail G121. Where is this Detail? How is the wood blocking to be attached to the wall?

**Response:** See Coping Detail on sheet # 23 of 48 drawing #A-121.

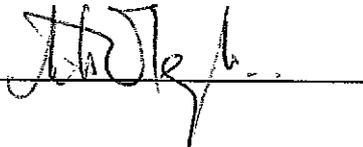
**Question:** 04810 Unit Masonry 2.12 A cavity wall insulation indicates extruded polystyrene. The architectural drawing A501 D note 4.20G indicate polyisocynurate insulation. Please clarify which is correct?

**Response:** Specification Section 04810 2.12A: change polystyrene insulation to Polyisocynurate to agree with the drawings.

**Question:** Please confirm that the only acceptable finish for the overhead Coiling Doors (08331) is stainless steel; several of our suppliers have commented that aluminum anodized or enameled finish may be suitable and would result in considerable savings for this scope of work.

**Response:** Please follow the Specifications.

**Prepared By:** \_\_\_\_\_  
Larry Okpolor



**Distribution:** All Attendees  
Purchasers of Contract Documents

**Attachment:** Sign In Sheet  
List of purchasers of Contract Documents



PRE-BID SIGN-IN SHEET

CONTRACT: KB-2015-000-002  
 MAINTENANCE BUILDING RENOVATIONS  
 January 27, 2009

NAME (PRINT)	COMPANY NAME	PHONE NUMBER
John Sfakianoudis	GAK Const Co Inc	410 563 4888
Gus Sfakianoudis	GAK	410 563 4888
Joe Campbell	Robb & Co, LLC (MID)	410 628 4315
William Link	System 42	301 937 4242
Lamond Brown	META	410 587 7813
	FEC, INC	301-341-1000

**LIST OF PURCHASERS OF INVITATION FOR BIDS**

Contract No.: KB 2015-000-002  
 Bid Opening Date: February 13, 2009

Price: \$50.00  
 Class: D

Hawkeye Construction 1124 S. Paca Street Baltimore, MD. 21230 P: (410) 752-9266 F: (410) 752-9267	Tech Contracting Co., Inc. 4000 Hudson Street Baltimore, MD. 21224 P: (410) 522-7117 F: (410) 276-0217	Heffner & Weber 856 Elkridge Landing Road Linthicum, MD. 21090 P: (410) 691-5151 F: (410) 691-5172
Maryland Construction, Inc. 13711 Annapolis Road Bowie, MD. 20720 P: (301) 262-6106 F: (301) 352-6779	Jeffrey Brown Contracting, LLC 400 East Joppa Road Suite 400 Towson, MD. 21286 P: (410) 339-5733 F: (410) 339-5735	Glenelg Construction 650 Long Corner Road Mt. Airy, MD. 21771 P: (301) 703-4397 F: (301) 829-3698
Kimball Construction Co., Inc. 9615 Philadelphia Road Baltimore, MD. 21237 P: (410) 574-0800 F: (410) 574-7850	P. J. Dick, Inc. 6994 Columbia Gateway Dr. Suite 100 Columbia, MD. 21046 P: (410) 312-0701 F: (410) 312-0702	OMF Contractors, Inc. 10237 Southard Drive Beltsville, MD. 20705 P: (301) 937-5227 F: (301) 937-5237
Southway Builders, Inc. 1318 E. Fort Avenue Baltimore, MD. 21230 P: (410) 332-4134 F: (410) 332-4136	H & H Contractors, Inc. 1421 Sulphur Spring Rd. Baltimore, MD. 21227 P: (410) 737-8222 F: (410) 737-0303	Orfanos Contractors, Inc. 505 S. Bonsal St. Baltimore, MD. 21224 P: (410) 633-2585 F: (410) 633-0252
J.A.K. Construction Co., Inc. 500-10 S. Bond St. Baltimore, MD. 21231 P: (410) 563-4888 F: (410) 563-0296	Mirabile Construction Company 3224 Belair Rd. Baltimore, MD. 21213 P: (410) 276-4307 F: (410) 522-3831	Horton Mechanical Contractors 7909 Philadelphia Rd. Baltimore, MD. 21237 P: (410) 866-4900 F: (410) 866-4906
Nastos Construction, Inc. 1421 Kenilworth Ave., N.E. Washington, D.C. 20019 P: (202) 398-5500 F: (202) 398-5501	Alpha Construction Company Inc. 7940 Penn Randall Place Upper Marlboro, MD. 20772 P: (301) 420-8420 F: (301) 420-8424	Warwick Supply & Equipment Co., Inc. 913 Ridgebrook Rd., Ste. 104 Sparks, MD. 21152 P: (443) 662-9000 F: (443) 662-9010
C & N Associates, LLC 5513 Axton Ct. Lanham, MD. 20706 P: (301) 459-6170 F: (301) 464-5974	North Point Builders, Inc. 4210 North Point Blvd. Baltimore, MD. 21222 P: (410) 477-8541 F: (410) 477-8541	System 42 Inc. 11210 Old Baltimore Pike Beltsville, MD. 20705 P: (301) 937-4242 F: (301) 937-1939

**(2 Sets)**

Simon Development & Construction 7600 Georgia Ave., N.W. Suite 409 Washington, D.C. 20012 P: (202) 829-3316 F: (202) 829-0146	Tuckman - Barbee Construction Co. 16000 Trade Zone Avenue Suite 102 Upper Marlboro, MD. 20774 P: (301) 390-1700 F: (301) 390-1705	Denver - Elek Inc. 8860 Kelso Drive Baltimore, MD. 21221 P: (410) 574-8400 F: (410) 574-6700
Trison Construction Inc. 5111 Berwyn Road, Suite 200 College Park, MD 20740 P: (301) 441-8844 F: (301) 441-8856	Mota Construction Licensed & Ins. 510 South Washington Street Baltimore, MD 21231 P: (410) 419-5458 F: (410) 567-0809	American Custom Contractors Inc. 15728 Crabbs Brank Way Rockville, MD 20855 P: (301) 417-1000 F: (301) 417-6911
EEC Incorporated 3303 Hubbard Road Landover, MD 20785 P: (301) 341-1000 F: (301) 341-1009	Bob Porter Company, Inc. 7774 Woodbine Road Woodbine, MD 21797 P: (410) 552-6210 F: (410) 552-6218	A/C Power, Inc. 6908 Eastern Ave., Ste. C Baltimore, MD. 21224 P: (410) 288-1940 F: (410) 288-1941
Skyline Contracting 1953 Snyder Avenue Baltimore, MD. 21222 P: (410) 282-2344 F: (410) 282-2345		

February 6, 2008

Mr. Doug Novocin  
Maryland Transportation Authority  
300 Authority Drive  
Baltimore, MD 21222

**RECEIVED**

FEB 07 2008

**ENGINEERING DIVISION  
MDTA**

**Re: Key Bridge Maintenance Facility  
Asbestos and Lead Paint Sampling**

Dear Mr. Novocin:

Maryland Environmental Services (MES) was contracted by the Maryland Transportation Authority (MdTA) to perform asbestos and lead paint sampling at the Francis Scott Key Bridge Maintenance Facility, Garage Bay 3, located at Authority Drive, Baltimore, MD. Maintenance bay 4 and 5 have been converted to office and storage space and were, therefore, excluded from this investigation. Please find enclosed the detailed report and laboratory results for the asbestos samples and lead paint sampling results collected and performed on December 20, 2007.

Asbestos sampling was performed by accredited asbestos inspectors in accordance with the sampling protocol described in the EPA's Asbestos Hazard Emergency Response Act (AHERA), 40 CFR 763 Subpart E. During the asbestos investigation, one (1) bulk sample of suspect mudded insulation was collected and submitted for laboratory analysis. The EPA defines an asbestos-containing material as any material containing greater than one percent (>1%) asbestos by polarized light microscopy (PLM). The sample submitted for analysis was identified as having <1% asbestos by PLM. Therefore, this material can be considered and treated as a non-asbestos containing material. Please refer to Attachment A for the asbestos lab results.

The lead paint sampling was performed using a Scitec MAP4 X-Ray Fluorescence (XRF) spectrum analyzer (serial #1279). Forty-six (46) surfaces finished with suspect lead-based paint were tested during the investigation. Of these readings, seven (7) were positive and three (3) were inconclusive. An inconclusive reading is one in which the XRF testing equipment is unable to conclusively classify the reading as positive or negative. Unless paint chip sampling is performed, all inconclusive readings should be classified as positive. Therefore, ten (10) of the forty-six (46) readings were positive. The components that resulted in a positive readings, and are therefore considered to contain lead-based paint, are the Loading Bay interior and exterior pedestrian steel door lintels and the Loading Bay exterior bollards (yellow) and all maintenance bay overhead door steel guards (See Attachment C for photos). Because these components were found to contain lead-based paint, regulations established in OSHA's "Lead in Construction Standard" (29 CFR 1926.62) with MD Amendments must be adhered to during demolition and renovation of these surfaces. Please refer to Attachment B for the detailed lead report and data sheet.

KB 2015-000-002  
Appendix A, Addendum # 1

1 - 18

We are looking forward to continuing to our relationship with you and the Maryland Transportation Authority. Should you have any questions or require any additional information please contact me at (410) 729-8391 or rspro@menv.com.

Sincerely,



Rebecca Sprouse  
Environmental Specialist III  
Technical and Environmental Services Group

Attachments  
Cc: William Kirk

Attachment A  
Asbestos Laboratory Analytical Results



**ATLANTIC COAST**  
Laboratories, Incorporated

630 Churchmans Road  
Newark, Delaware 19702  
302-266-9121 • 454-8720 (FAX)  
WWW.ATLANTICCOASTLABS.COM

REPORT OF ANALYSIS

Maryland Environmental Svc  
259 Najoles Road  
Millersville, MD 21108

Attn: Ms. Cheryl Griffin

Purchase Order: 03-04-70  
Invoice Number:

Order #: 07-12-125  
Date: 01/03/08 14:28  
Work ID: Francis Scott Key Bridge  
Date Received: 12/20/07  
Date Completed: 01/03/08

Client Code: MES\_B

SAMPLE IDENTIFICATION

<u>Sample</u> <u>Number</u>	<u>Sample</u> <u>Description</u>	<u>Sample</u> <u>Number</u>	<u>Sample</u> <u>Description</u>
01	FSK-12202007-01		

This cover page is an integral part of the analytical report.

Laboratory Certifications: DE DE00011 PA 68-335  
MD 138 NJ DE568

*Warren Van Arsdall*

Certified By  
Warren Van Arsdall, QA Manager

JAN 01 2008

Order # 07-12-125  
01/03/08 14:26

Page 1

TEST RESULTS BY SAMPLE

Sample: 01A FSK-12202007-01  
Collected: 12/20/07 10:00

Category: SOLID

<u>Test Description</u>	<u>Result</u>	<u>Det Limit</u>	<u>Units By</u>	<u>Analyzed Dt/Tm</u>
Asbestos, solid	ND		Fibers BL	01/02/08

TEST METHODOLOGIES

Asbestos (Bulk Analysis) Polarized Light Microscopy EPA Method 600/M4-82-020  
Test performed by: EMSL Analytical  
108 Hadden Avenue  
Westmont, NJ 08108



Attachment B  
Lead Based-Paint Report and Data Sheets

# Lead-based Paint Testing Report

OF:

MDTA Francis Scott Key Bridge Building  
(Loading Bay only)  
300 Authority Drive  
Dundalk, MD 21222

December 28, 2007

*PREPARED FOR:*

Ms. Becky Sprouse  
MD Environmental Service  
259 Najoles Road  
Millersville, MD 21108



## Inspection Summary

Inspection Site:	MDTA Francis Scott Key Bridge Building <b>(Loading Bay only)</b> 300 Authority Drive Dundalk, MD 21222
Inspection Date:	December 20, 2007
Inspector:	Chris Cortina

The following Loading Bay components were determined to contain lead-based paint:

<u>Area/Location</u>	<u>Components</u>
Loading Bay – Interior	Steel Door Lintels
Loading Bay – Exterior	Steel Door Guards (angles); Bollards

Report Prepared By:

  
Chris Cortina, Project Manager



**Overview**

Arc Environmental was retained by the Maryland Environmental Service to perform testing of the Loading Bay portion of the MDTA Francis Scott Key Bridge Building, located at 300 Authority Drive, Dundalk, MD. The objective of this testing was to identify lead-based paint that might cause concern when demolition of the buildings occurred in the future.

The testing was performed by Chris Cortina, a certified lead-based paint inspector, on December 20, 2007, in accordance with current and applicable Federal, State, and/or local guidelines.

**Methods**

A Scitec MAP4 x-ray fluorescence (XRF) spectrum analyzer (serial #1279) was utilized to perform the testing. This equipment has a Performance Characteristics (PC) sheet developed by HUD and EPA, which defines the parameters for its use in the field.

A calibration check test was conducted before and after the inspection to insure that the instrument was operating correctly throughout the inspection process. The calibration data is provided at the bottom of the first XRF "Lead-Based Paint Testing Data Sheet" contained in the attachment section of this report.

*First Calibration Check* (completed before the inspection day begins)

Three readings are taken on a wood block covered with the red NIST SRM #2579 (1.02 mg/cm<sup>2</sup>). The average of the three readings must fall between 0.6 and 1.2.

*Middle and/or Final Calibration Check* (completed within 4 hours of *First Calibration Check* or at the end of the inspection day; whichever occurs first)

Repeat the process explained in part 1.

Each XRF reading taken with the equipment is recorded on the data sheets and classified as positive, negative, or inconclusive based on the following ranges according to the PC sheet for a Scitec MAP4 analyzer using the "unlimited" mode:

<b>Negative</b>	<b>Inconclusive</b>	<b>Positive</b>
< 0.62 mg/cm <sup>2</sup>	0.62 to 0.9 mg/cm <sup>2</sup>	> 0.9 mg/cm <sup>2</sup>



## Results

There were a total of 46 readings collected, of which seven (7) were positive and three (3) were inconclusive. An inconclusive reading is one in which the XRF testing equipment is unable to conclusively classify the reading as positive or negative. Unless paint chip sampling is performed, all inconclusive readings should be classified as positive. Therefore, 10 of 46 readings were positive, which represents 21.7% of the total.

## Discussion & Recommendations

It is good practice to consider taking a Toxicity Characteristic Leaching Procedure (TCLP) sample when lead-based painted components are detected in an area proposed for renovation and/or demolition. The TCLP analysis determines the degree to which lead-based painted components in the demolition waste will leach when disposed of in a landfill. The lab results from a TCLP are considered to fail if it exceeds 5 parts per million (ppm). A TCLP sample can be collected before the demolition activities have begun, or immediately prior to the disposal of the waste material after demolition has started. However, having the TCLP data well in advance of the demolition activities usually allows more time for managing the demolition waste if the TCLP fails.

Contractors impacting lead-based painted surfaces during demolition and/or renovation activities should comply with appropriate worker safety measures which are described in OSHA's Lead in Construction standard (29 CFR 1926.62). Contractor's should also refer to the Maryland Department of the Environment's "Performance Standards for Commercial and Public Buildings" (COMAR 26.16.01.12) regarding lead compliance during demolition and renovation. In addition, because demolition/renovation activities may involve aggressive paint and building component removal techniques, certain work practices should be reviewed and considered that are not specified as part of COMAR 26.16.01.12, including work area containment, worker respiratory protection, personal air monitoring, post renovation cleaning, and clearance testing, per COMAR 26.02.07 ("Procedures for Abating Lead Containing Substances from Buildings").

Please call Arc Environmental, Inc. should you have any questions about this report or have further concerns about the lead-based paint issues related to this property.

## Attachments

- Lead Based Paint Testing Data Sheet

# Lead-Based Paint Testing Data Sheet

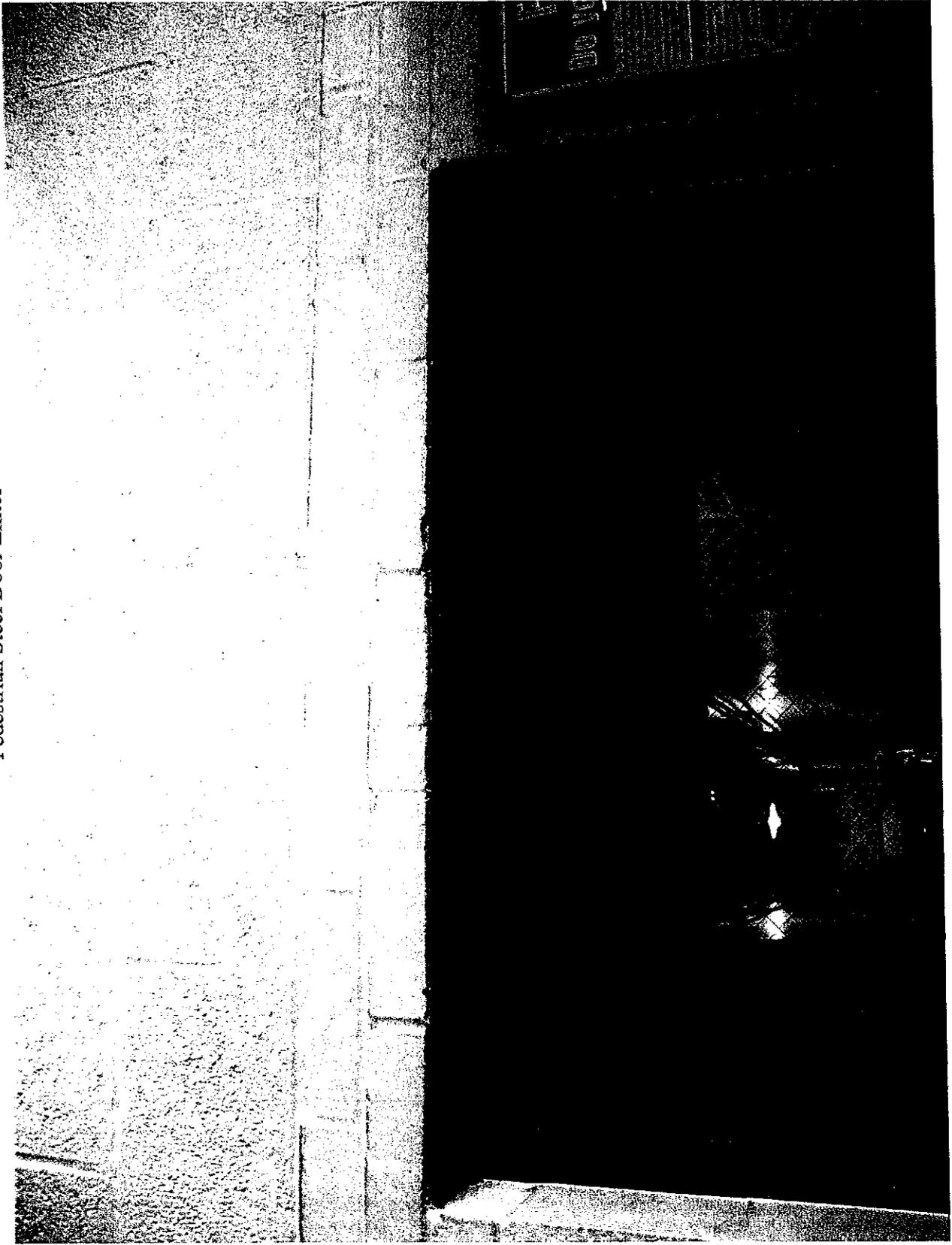
Inspection Address: MDTA Key Bridge Bldg., 300 Authority Dr., Dundalk, MD 21222				
Inspection Site: Loading Bay				
Technician: C. Cortina		Date: December 20, 2007		XRF Serial #: 1279
Initial Calibration Check: 1) 1.04 2) 1.13 3) 1.07			Average = 1.08 <u>PASS</u> or Fail	
Final Calibration Check: 1) 1.1 2) 1.05 3) 1.09			Average = 1.08 <u>PASS</u> or Fail	
Room	Wall	Component	Results	P,N,I
Interior	A	wall (white), right side	0.6	N
Interior	A	wall (white), left side	0.4	N
Interior	B	wall (white), right side	0.5	N
Interior	B	wall (white), left side	0.6	N
Interior	C	wall (white), right side	0.5	N
Interior	C	wall (white), left side	-0.2	N
Interior	D	wall (white), right side	0.5	N
Interior	D	wall (white), left side	-0.2	N
Interior	A	wall (green), right side	0.6	N
Interior	A	wall (green), left side	0.1	N
Interior	B	wall (green), right side	0.2	N
Interior	B	wall (green), left side	0.5	N
Interior	C	wall (green), right side	0.1	N
Interior	C	wall (green), left side	0.0	N
Interior	D	wall (green), right side	0.0	N
Interior	D	wall (green), left side	0.0	N
Interior	B	door	0.0	N
Interior	B	door casing, left side	0.1	N
Interior	B	door casing, right side	0.1	N
Interior	B	door lintel, left side	17.8	P
Interior	B	door lintel, right side	14.8	P
Interior	A	steel joists	0.0	N
Interior	B	steel joists	0.0	N
Interior	C	steel joists	0.0	N
Interior		Parking/traffic paint lines on floor	0.0	N
Interior		Parking/traffic paint lines on floor	0.0	N
Interior	A/D	Vertical steel pipe (white)	0.4	N
Interior	B/C	Vertical steel pipe (green)	0.5	N
<i>Calibration Checks: Three 15 second tests of a wood block covered with the red NIST SRM #2579.</i>				
<u>Wall:</u> A = a component located on the closest wall to front entrance from parking lot. B,C, and D would be assigned in a counter-clockwise fashion.				
<u>Result:</u> P= Positive; N= Negative; and I= Inconclusive				

## Lead-Based Paint Testing Data Sheet (cont.)

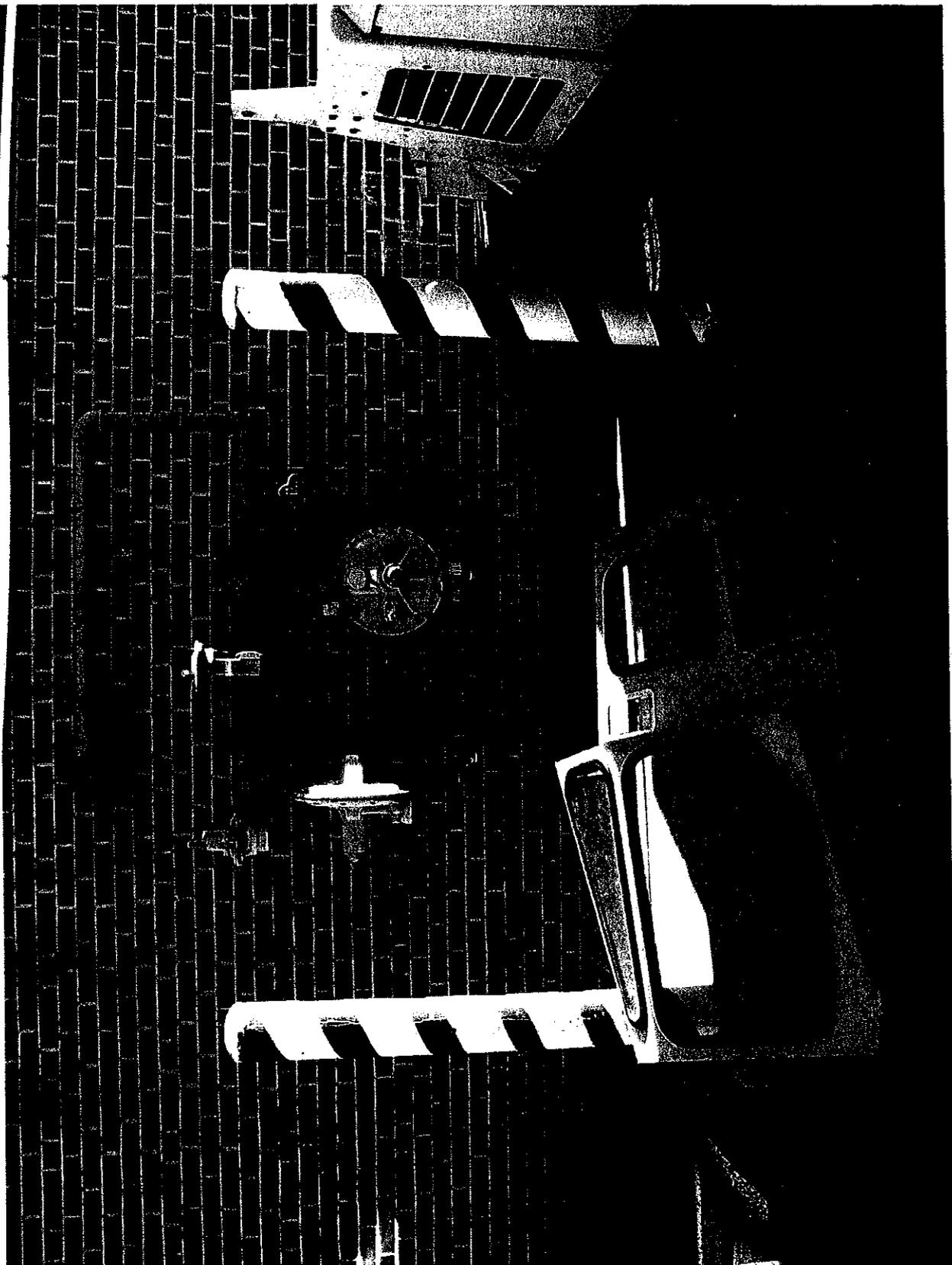
<i>Room</i>	<i>Wall</i>	<i>Component</i>	<i>Results</i>	<i>P,N,I</i>
Exterior	D	door (green)	0.1	N
Exterior	D	door casing (left)	0.1	N
Exterior	D	door casing (right)	0.2	N
Interior	D	door lintel, left side	0.7	I
Interior	D	door lintel, right side	0.7	I
Exterior	D	door (red)	0.0	N
Exterior	D	door casing	0.0	N
Exterior	D	bollard (black)	0.6	N
Exterior	D	bollard (yellow)	0.7	I
Exterior	C	steel door guard (red), left	8.9	P
Exterior	C	steel door guard (red), center	10.5	P
Exterior	C	steel door guard (red), right	8.6	P
Exterior	A	steel door guard (red), left	5.3	P
Exterior	A	steel door guard (red), right	8.8	P
Exterior	A	overhead door, left	0.1	N
Exterior	A	overhead door, right	0.0	N
Exterior	C	overhead door, left	0.1	N
Exterior	C	overhead door, right	0.0	N

Attachment C  
Photos of Materials That Tested Positive for Lead-Based Paint

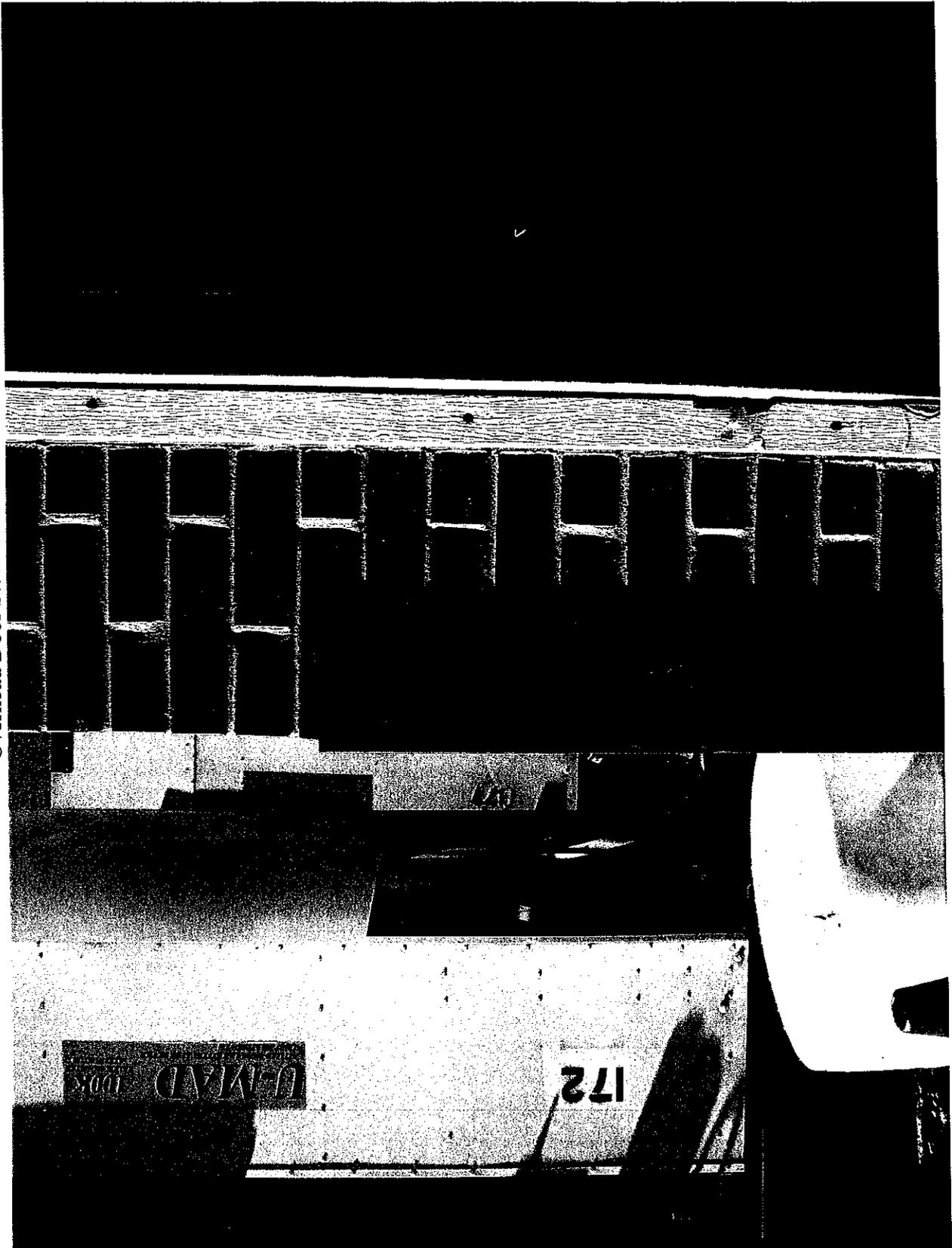
Francis Scott Key Briuge Maintenance Facility  
Lead Paint Investigation  
Pedestrian Steel Door Lintel



Francis Scott Key Bridge Maintenance Facility  
Lead Paint Investigation  
Bollards



Francis Scott Key Bridge Maintenance Facility  
Lead Paint Investigation  
Overhead Door Steel Guard



**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)-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 15<sup>th</sup> 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](http://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](http://www.smallbusinessreserve.maryland.gov), or by calling 410-767-4270.

**MBE COMPLIANCE  
CONTRACTOR  
NOTIFICATION**

## 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

**All Shop Drawings:**

Mr. Abey Tamrat  
Maryland Transportation Authority  
300 Authority Drive  
Baltimore, MD 21222  
[atamrat@mdta.state.md.us](mailto: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](mailto: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.**

- 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.