

Maryland
Transportation
Authority

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Beverley K. Swaim-Staley
Chairman

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

Ronald L. Freeland
Executive Secretary

Division of Procurement and
Statutory Program Compliance
2310 Broening Highway
Suite 160
Baltimore MD 21224
410-537-6769
410-537-1044 (fax)
410-355-7024 (TTY)
1-866-713-1596

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authority.com

www.mdtransportation
authority.com

August 12, 2010

TO ALL PURCHASERS OF CONTRACT DOCUMENTS:

RE: Contract No. BB 972-000-006
Route 50 Dynamic Message Signs Replacement

ADDENDUM NO. 1

To Whom It May Concern:

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,

Linda D. McGill, CPPB
Chief Procurement Officer

Enclosures

Contract No. BB 972-000-006

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

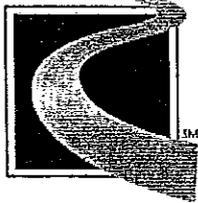
NAME OF COMPANY

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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August 12, 2010

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS

ADDENDUM NO. 1

RE: Contract No. BB972-000-006
Route 50 Dynamic Message Signs Replacement

To Whom It May Concern:

- A. The Bid Due Date for the above referenced contract has changed to **September 2, 2010** at 12:00 Noon.
- B. The following changes have been made to the Invitation for Bids book:
 - 1. Delete pages 018, 086, 113, 155, 160 and 178-188 and replace with pages numbered the same dated August 5, 2010 Addendum # 1.
- C. Attached are responses to questions submitted and MBE Handout information for this contract.

Very truly yours,

Linda McGill, CPPB
Chief Procurement Officer

LM/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.

Pre-bid Meeting Minutes

Contract No. BB 972-000-006
Route 50 Dynamic Message Signs Replacement

August 4, 2010

The following were in attendance:

Alisha Wright	MdTA Procurement and Statutory Program Compliance
David Dabkowski	MdTA Engineering
Dennis Goldberger	Lighting Maintenance
Amy Morris	T3 Design
Carl Uncapher	Steel Specialties, Inc.
Cynthia Bradford	D and S Signs.
Terry Vest	Intelect Corporation
Robert Scheetz	J. Fletcher Creamer
John Stewart	Bruce and Merrilees
Dennis Goldberger	Lighting Maintenance
Reggie Wright	RAM Consulting Corporation
Craig Hoffman	Midasco, LLC.

Ms. Wright opened the meeting with the following notes:

This project is located on US 50 in Queen Anne's County, Maryland. The Maryland Transportation Authority ("Authority") desires to remove one existing dynamic message sign and install two new dynamic message signs ("DMS") at two locations on westbound US Route 50, in advance of the Chesapeake Bay Bridge. First location is at US 50/301 west bound at Cox Creek, west of the Kent Narrows Bridge. The second location is at US 50 west bound between MD 213 (Centreville Road) and MD 404 (Queen Anne Highway).

The two DMS installations located on US 50 include:

- Remove existing DMS and support structure 870 as shown on the plans;
- Refurbish and reuse the existing cabinet for new sign installation;
- Replace removed DMS with a new DMS on a new overhead structure on westbound US 50, about 400 ft. west of the Kent Narrows Bridge; and
- Install new DMS and new overhead structure on westbound US 50, about 0.6 miles west of MD 213.

The contract time is 315 calendar days with liquidated damages of \$500.00 per day.

Ms. Wright drew the bidders' attention to the following points:

1. The bid due date has change to **September 2, 2010 by 12 Noon**. Late bids will not be accepted.
2. Bid packages must be placed in the bid box located on the first floor of the Engineering Building at the Francis Scott Key Bridge, 300 Authority Drive and should consist of one complete bid book.

3. The Authority does not encourage overnight delivery service. However, if a bidder chooses to send a package via overnight delivery, the bid should be delivered at least a day in advance. It will be the responsibility of the bidder to make sure that his/her 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. Remember to complete the bid tabs completely or your bid may be considered non-responsive.
5. It is strongly recommended that potential bidders review page 001, the Notice to Bidders, and pages 003-005, Important Information Regarding MBE Utilization and Bidding Requirements of this invitation for bids prior to submitting their bids on this project.
6. Following this meeting, all questions should be submitted in writing and addressed to the Project Manager Mr. David Dabkowski via fax 410-537-7801. The Authority will accept written questions until **4:00 P.M., August 12, 2010**. Answers to questions will be distributed to all purchasers of bid documents.
7. The MBE participation goal for this contract is **22%** with no sub-goals. All prime Contractors must achieve all MBE goals through certified MBE subcontractors, regardless of the MBE status of the prime Contractor. MBE firms must be certified by the Maryland Department of Transportation (City or County certification is not acceptable). A list of certified MBE firms may be obtained by calling MBE office at (410) 537-7832.

If bidders require assistance, prior to submitting its bid, with the MBE directory, they should contact Ms. Meshelle Howard at 410-537-7832.

The meeting was then opened to questions and comments concerning the project. Questions asked at the meeting include but are not limited to the following:

Question 1: Please clarify the difference between line item 8012 'Miscellaneous Repairs and/or Construction' and 8010 'Other Assemblies Installed within the Field Cabinet'?

Response: Please delete pages 086, 113 and 160 of Invitation for Bids and replace with page numbered the same dated August 5, 2010 Addendum No. 1.

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

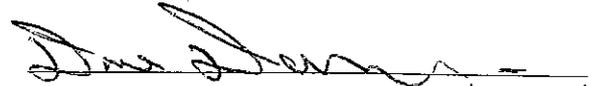
Sent Questions:

Question 1: What is the required length of the walkways for DMS-1 (140' truss) and DMS-2 (60' truss)?

Response: 5 Feet minimum on either side of the DMS Sign.

Question 2: Also, there is a future DMS on DMS-1, will a walkway be required on the left of that DMS or will that be a future installment as well?

Response: Walkway shall be installed at the same time the future DMS will be installed (No need to have walkways at this time).


Approved

LIST OF PURCHASERS OF INVITATION FOR BIDS

Contract No.: BB 972-000-006

Price: \$25.00

Bid Opening Date: August 19, 2010

Class: C

Lighting Maintenance, Inc. 5193 Rayner Ave. Linthicum, MD 21090 P: (877) 297-7373 F:	Rommel Engineering & Construction, Inc. 1177 Patuxent Rd. Odenton, MD 21113 P: (301) 912-5740 F: (301) 912-5541	Midasco 7121 Dorsey Run Rd. Elkridge, MD 21075 P: (410) 579-6711 F: (410) 579-6795
J. Fletcher Creamer & Son, Inc. 1219 Mays Landing Rd. Folsom, NJ 08037 P: (609) 481-3310 F: (609) 561-6507	Bruce & Merrilees Electric Company 930 Cass St. New Castle, PA 16101 P: (724) 652-5566 F: (724) 652-8290	Collinson, Inc. 1773 Pottstown Pike Glenmore, PA 19343 P: (610) 469-0892 F: (610) 469-9470
Traffic Systems, Inc. 7462 Railroad Ave. Harmans, MD 21077 P: (443) 557-0025 F: (443) 557-0029	Belsinger Group 1300 Bayard St. Baltimore, MD 21230 P: (410) 837-2700 F: (410) 837-6550	Intellect Corporation 4000 Dillon St. Baltimore, MD 21224 P: (410) 327-0020 F: (410) 327-7722
Teco, Inc. 1102 Butterworth Ct. P. O. Box 1030 Stevensville, MD 21666 P: (410) 626-7400 F: (410) 643-8802	Truland Systems Corporation 1900 Oracle Way Suite 700 Reston, VA 20190 P: (703) 464-3036 F: (703) 464-0693	Elderlee, Inc. 150 S. Sumner St. York, PA 17404 P: (717) 843-0021 F: (717) 843-1795 (2-Sets)



SP 1-1 PROJECT DESCRIPTION

CONTRACT NO.: **BB 972 - 000 - 006**

TITLE: Route 50 Dynamic Message Signs Replacement

FACILITY: William Preston Lane, Jr. Memorial Bridge

LOCATION: Queen Anne's County

ADVERTISED: **July 20, 2010**

PRE-BID MEETING: **August 4, 2010 at 10:00 a.m.** in the Conference Room at the Maryland Transportation Authority, 300 Authority Drive, 1st Floor, Engineering Building, Baltimore, MD 21222

PROJECT CONTACT: Project Manager: David Dabkowski (410) 537-7852
Contract Administration: Ms. Maggie Johnson (410) 537-7807

BIDS DUE: **12 Noon, September 2, 2010**, in the Bid Box on the 1st floor of the Maryland Transportation Authority, Engineering Building, 300 Authority Drive, Baltimore, MD 21222

CLASSIFICATION: Class - C (\$500,001-\$1,000,000)

CONTRACT TIME: Three Hundred Fifteen (315) Calendar Days

LIQUIDATED DAMAGES: \$500.00 per Calendar Day

MINIMUM MBE GOALS: Overall 22%
No subgoals

BID DOCUMENTS: **\$25.00** - Bid documents can be purchased between 7:30 a.m. and 3:30 p.m., Mondays, Wednesdays, Thursdays and Fridays and between 10:00 a.m. and 4:00 p.m. on Tuesdays at the Ticket Office located at the Francis Scott Key Bridge, Maryland Transportation Authority, Administration Building, 303 Authority Drive, Baltimore, Maryland 21222.



SPECIAL PROVISIONS

CONTRACT NO. BB-972-000-006
Route 50 Dynamic Message Signs
Replacement

Page 4 of 4

Payment will be made for Spare Parts upon successful completion of the Reliability Testing.

8010	SPARE PARTS/ASSEMBLIES INSTALLED WITHIN THE FIELD CABINET	Each
8011	SPARE RELAYS AND LOAD SWITCHES	Each



SPECIAL PROVISIONS INSERT

Page 2 of 2

6004	FURNISH AND INSTALL TYPE C TRAFFIC BARRIER END TREATMENT	PER EACH
6005	FURNISH AND INSTALL TRAFFIC BARRIER W-BEAM	PER LINEAR FOOT
8001	REMOVE EXISTING DYNAMIC MESSAGE SIGN	PER EACH
8002	INSTALL TYPE I DYNAMIC MESSAGE SIGNS WITH INTEGRATED CONTROLLERS AND FURNISH AND INSTALL CATWALKS	PER EACH
8003	REMOVE EXISTING OVERHEAD STRUCTURE 870	PER EACH
8004	INSTALL NEW OVERHEAD STRUCTURE S-1 (8870)	PER EACH
8005	INSTALL NEW OVERHEAD STRUCTURE S-2 (8201)	PER EACH
8006	FURNISH AND INSTALL BASE MOUNTED CABINET	PER EACH
8007	REFURBISH EXISTING FIELD EQUIPMENT CABINET	PER EACH
8008	FURNISH AND INSTALL NEW GRS CONDUIT	PER LINEAR FOOT
8009	FURNISH AND INSTALL MINI POWER CENTER WITH 480VAC TO 240/120VAC TRANSFORMER (IF REQUIRED)	PER EACH
8010	SPARE PARTS/ASSEMBLIES INSTALLED WITHIN THE FIELD CABINET	PER EACH
8011	SPARE RELAYS AND LOAD SWITCHES	PER EACH
8012	MISCELLANEOUS REPAIRS AND/OR CONSTRUCTION	ALLOWANCES
8013	TELEPHONE AND ELECTRICAL SERVICES	ALLOWANCES



PROPOSAL FORM

Contract No. BB 972 - 000 - 006

Proposal Of _____
(Name)

(Address)

(Phone Number)

To furnish and deliver all materials and to perform all work in accordance with the Specifications and the other Contract Documents except as specifically stated otherwise in the Special Provisions relating to Contract No BB 972 - 000 - 006 for the Route 50 Dynamic Message Signs Replacement,

as defined in the Special Provisions on which proposal will be received until twelve (12) Noon on the 2nd of September 2010 in the Bid Box of the Maryland Transportation Authority Engineering Division, Building 300, 1st floor, located at the Francis Scott Key Bridge, Baltimore, MD the work to be performed in Queen Anne's County.

Bids will be opened publicly at 12:00 Noon on the Bid Date in the Engineering Conference Room of the Transportation Authority which is located directly adjacent to the Bid Box.

To the Maryland Transportation Authority, Baltimore, MD:

In accordance with the published "Notice to Contractors" of the Maryland Transportation Authority, inviting proposals for the work; identified above, I/We certify; that I/We am/are the only person or persons interested in this Proposal as principals; that it is made without collusion with any person, firm or corporation; that an examination has been made of the Contract Documents and of the work site; that I/We certify have the equipment, labor, supervision and financial capacity to perform this contract either with my/our organization or with subcontractors; that I/We propose to furnish all necessary machinery, equipment, tools, labor and other means of construction and to furnish all materials specified in the manner and at the time prescribed; that I/We understand that the quantities of work as indicated herein are to be determined by me/us; that I/We further understand that all work required by this contract is to be performed in accordance with the following Schedule of Prices.

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.
8007	1	EACH OF REFURBISH EXISTING FIELD EQUIPMENT CABINET AT _____ PER EACH				
8008	500	LINEAR FEET OF FURNISH AND INSTALL NEW GRS CONDUIT AT _____ PER LINEAR FOOT				
8009	1	EACH OF FURNISH AND INSTALL MINI POWER CENTER WITH 480VAC to 240/120VAC TRANSFORMER (if required) AT _____ PER EACH				
8010	1	EACH OF SPARE PARTS/ASSEMBLIES INSTALLED WITHIN THE FIELD CABINET AT _____ PER EACH				
8011	1	EACH OF SPARE RELAYS AND LOAD SWITCHES AT _____ PER EACH				
8012	ALLOWANCES	ALLOWANCES OF MISCELLANEOUS REPAIRS AND/OR CONSTRUCTION AT Sixty Thousand Dollars _____ ALLOWANCES	XXXXXX	XXXXXX	\$60,000	00

CONTRACT NO. BB-972-000-006

August 5, 2010 Addendum No. 1



BID/PROPOSAL AFFIDAVIT

CONTRACT NUMBER: _____

A. AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____ and the duly authorized
representative of (business) _____
and that I possess the legal authority to make this Affidavit on behalf of myself and the vendor
for which I am acting.

B. CERTIFICATION REGARDING COMMERCIAL NONDISCRIMINATION

The undersigned bidder hereby certifies and agrees that the following information is correct:

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



B-1. CERTIFICATION REGARDING MINORITY BUSINESS ENTERPRISES

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

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

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

C. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

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



D. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

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

- (1) Been convicted under state or federal statute of:
 - (a) A criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or
 - (b) Fraud, embezzlement, theft, forgery, falsification or destruction of records or receiving stolen property;
- (2) Been convicted of any criminal violation of a state or federal antitrust statute;
- (3) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961 et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts in connection with the submission of bids or proposals for a public or private contract;
- (4) Been convicted of a violation of the State Minority Business Enterprise Law, §14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (5) Been convicted of a violation of §11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (6) Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsections (1)—(5) above;
- (7) Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;
- (8) Been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland with regard to a public or private contract; or



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- (9) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§B and C and subsections D(1)—(8) above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment:

E. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

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

F. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

- (1) The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland; and



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- (2) The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, except as follows (you must indicate the reasons why the affirmations cannot be given without qualification):
-
-
-

G. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

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

H. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

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

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

I. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

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



contracts, leases, or other agreements reaches \$100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

J. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, Election Law Article, §§14-101—14-108, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$100,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.

K. DRUG AND ALCOHOL FREE WORKPLACE

(Applicable to all contracts unless the contract is for a law enforcement agency and the agency head or the agency head's designee has determined that application of COMAR 21.11.08 and this certification would be inappropriate in connection with the law enforcement agency's undercover operations.)

I CERTIFY THAT:

- (1) Terms defined in COMAR 21.11.08 shall have the same meanings when used in this certification.
- (2) By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:
 - (a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;
 - (b) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business' workplace and specifying the actions that will be taken against employees for violation of these prohibitions;
 - (c) Prohibit its employees from working under the influence of drugs or alcohol;
 - (d) Not hire or assign to work on the contract anyone whom the business knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;



- (e) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if the business has observed the violation or otherwise has reliable information that a violation has occurred;
- (f) Establish drug and alcohol abuse awareness programs to inform its employees about:
 - (i) The dangers of drug and alcohol abuse in the workplace;
 - (ii) The business' policy of maintaining a drug and alcohol free workplace;
 - (iii) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
 - (iv) The penalties that may be imposed upon employees who abuse drugs and alcohol in the workplace;
- (g) Provide all employees engaged in the performance of the contract with a copy of the statement required by §K(2)(b), above;
- (h) Notify its employees in the statement required by §K(2)(b), above, that as a condition of continued employment on the contract, the employee shall:
 - (i) Abide by the terms of the statement; and
 - (ii) Notify the employer of any criminal drug or alcohol abuse conviction for an offense occurring in the workplace not later than 5 days after a conviction;
 - (iii) Notify the procurement officer within 10 days after receiving notice under §K(2)(h)(ii), above, or otherwise receiving actual notice of a conviction;
- (j) Within 30 days after receiving notice under §K(2)(h)(ii), above, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:
 - (i) Take appropriate personnel action against an employee, up to and including termination; or
 - (ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program; and
- (k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of §K(2)(a)---(j), above.



- (3) If the business is an individual, the individual shall certify and agree as set forth in §K(4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.
- (4) I acknowledge and agree that:
- (a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;
 - (b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and
 - (c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.03.

L. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

- (1) The business named above is a (domestic ___) (foreign ___) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and address of its resident agent filed with the State Department of Assessments and Taxation is:

Name: _____

Address: _____

(If not applicable, so state).

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

M. CONTINGENT FEES

I FURTHER AFFIRM THAT:



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

N. REPEALED

O. ACKNOWLEDGEMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government.

I FURTHER ACKNOWLEDGE that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland, or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland with respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above business with respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

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

Date: _____

By: _____
(Authorized Representative and Affiant)



IF AN INDIVIDUAL:

NAME: _____

_____ Street and/or P.O. Box

City State Zip Code Fed ID or SSN

Signature (SEAL) Date

WITNESS: _____
Signature

IF A PARTNERSHIP:

NAME: _____

_____ Street and/or P.O. Box

City State Zip Code Fed ID or SSN

BY: _____ (SEAL)
Member Signature Title Date

TITLE: _____ WITNESS: _____



IF A CORPORATION:

NAME: _____

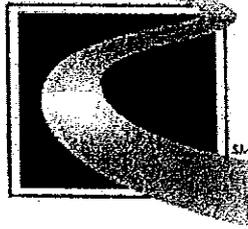
Street and/or P.O. Box

City State Zip Code Fed ID or SSN

STATE OF INCORPORATION: _____

BY: _____ (SEAL)
Signature

TITLE: _____ WITNESS: _____
Date
Secretary's Signature



Maryland
Transportation
Authority

Minority Business Enterprise
(MBE)
Program
Pre- Bid Hand-out

Prepared By: Procurement and Statutory Program Compliance (PSPC)
December 2009

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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.

- 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 MBE/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

**MARYLAND DEPARTMENT OF
TRANSPORTATION
(MDOT)
MINORITY BUSINESS ENTERPRISE
(MBE) FORMS
STATE-FUNDED**

“A” thru “D”
For bids only

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (BIDS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

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

1. MBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the subgoal of _____ percent (_____ %) for Women-Owned MBE firms and the subgoal of _____ percent (_____ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Bids Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the dollar amounts set forth therein.

2. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Bids Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Bids Only);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (BIDS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

3. Information Provided to MBE firms

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

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

PAGE 1 OF 2

*** STOP ***

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email at mbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the dollar amount of the subcontract for purposes of achieving the MBE participation goals:
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee that the MBE firm will receive for the provision of such products/services in Line 4.1.
 - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PAGE 2 OF 2

- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES (i) if the MBE firm is furnishing and installing the materials and is certified to perform these services, please include in Line 4.1 the total value of the subcontract amount (including full value of supplies); or (ii) if the firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the MBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). In Column 4, Section 4.2 of the MBE Participation Schedule, please state the amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.
7. **WARNING:** The percentage of MBE participation, computed using the dollar amounts in Column 4 for all of the MBE firms listed in Part 2, **MUST** at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts (Bids Only) for this solicitation. If a bidder is unable to achieve the MBE participation goal and/or any subgoals (if applicable), then the bidder must request a waiver in Form A or the bid will be deemed not responsive. You may wish to use the Worksheet shown below to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

WORKSHEET

Total African American-Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for African-American Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent African American-Owned Participation	=	<hr/> %
<hr/>		
Total Women-Owned Firm Participation Amount	\$	<hr/>
(Add amounts listed for Women-Owned Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Women-Owned Firm Participation	=	<hr/> %
<hr/>		
Total MBE Firm Participation Amount	\$	<hr/>
(Add amounts listed for all MBE Firms in Column 4 of MBE Participation Schedule)		
Divide by Total Contract Amount	÷	<hr/>
Percent Overall MBE Participation	=	<hr/> %

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 2 – MBE PARTICIPATION SCHEDULE

PART 2 MUST BE INCLUDED WITH THE BID. IF THE BIDDER FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID AS REQUIRED, THE BID SHALL BE DEEMED NOT RESPONSIVE.

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		4.1 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS)</u> \$ 4.2 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</u> Total value of Supplies/Products \$ X 60% (60% Rule) = \$ (Amount for purposes of achieving the MBE Participation Goal and Subgoals).

Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the bidder requested a waiver in MDOT MBE Form A – State Funded Contracts (Bids Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the dollar amount of the products/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier, regular dealer, or broker. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer complete Line 4.2 using the 60% Rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		4.1 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS)</u> \$ 4.2 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 8(E) IN PART 1 - INSTRUCTIONS).</u> Total value of Supplies/Products \$ X 60% (60% Rule) = \$ (Amount for purposes of achieving the MBE Participation Goal and Subgoals).

Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID, AS DIRECTED IN THE INVITATION TO BID.

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

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM C
STATE-FUNDED CONTRACTS (BIDS ONLY)
OUTREACH EFFORTS COMPLIANCE STATEMENT

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

1. Bidder took the following efforts to identify subcontracting opportunities in these specific work categories:

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

3. Bidder made the following attempts to personally contact the solicited MBE firms:

4. Please Check One:

Bidder assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

This project does not involve bonding requirements.

5. Please Check One:

Bidder did attend the pre-bid meeting/conference

No pre-bid meeting/conference was held.

Bidder did not attend the pre-bid meeting/conference

Company Name

Signature of Representative

Address

Printed Name and Title

Date

MDOT MBE FORM D
STATE-FUNDED CONTRACTS (BIDS ONLY)
MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE BIDDER FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.
 SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a contract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least \$ _____ (Total Subcontract Amount) for performing the following products/services for the Contract:

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

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Address: _____	Federal Identification Number: _____	Federal Identification Number: _____
Telephone: _____	Address: _____	Address: _____
Date: _____	Telephone: _____	Telephone: _____
	Date: _____	Date: _____

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

Maryland Transportation Authority (MdTA)
Office of Minority Business Enterprise
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224
(410) 537-6769 (410) 537-7801 -- Fax



Disadvantaged/Minority Contractor
Unavailability Certificate -
B-005 (02-03)

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS:

It is hereby certified that:

(Name of Prime Contractor)

(Number) (Street) (City) (State) (Zip code)

On _____ contacted the Disadvantage/Minority Business Enterprise:
(Date)

(Name of Sub-contractor)

(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number: _____

List the type of work/service requested:

Indicate the form of Bid sought:

Reason given by Sub-contractor for lack of participation:

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

(Name) (Date)

**MARYLAND DEPARTMENT OF
TRANSPORTATION
(MDOT)
MINORITY BUSINESS ENTERPRISE
(MBE) FORMS
STATE-FUNDED**

**“A” thru “D”
For Proposals only**

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT THIS AFFIDAVIT SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

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

1. **MBE Participation (PLEASE CHECK ONLY ONE)**

I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the subgoal of _____ (_____ %) percent for Women-Owned MBE firms and the subgoal of _____ percent (_____ %) for African-American Owned MBE firms. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. I agree that the MBE firms listed in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts – Proposals Only) will be used to accomplish the MBE participation goal and subgoals (if any) for this Contract for at least the percentage amounts set forth therein.

2. **Additional MBE Documentation**

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

- (a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts – Proposals Only);
- (b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts – Proposals Only);
- (c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
- (d) Any other documentation required by the Procurement Officer to ascertain offeror's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award.

MDOT MBE FORM A
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

3. Information Provided to MBE firms

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

I solemnly affirm under the penalties of perjury that the information in this affidavit is true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE PROPOSAL. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE 1 OF 2

*** STOP ***

FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code and the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the firm must be certified for that specific NAICS ("MBE" for State-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in graduated status, such services/products will not be counted for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).
3. Examining the NAICS Code is the first step in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The second step is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are used to achieve the MBE participation goals.
4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to mbe@mdot.state.md.us.
5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority, may approve a third-tier contracting agreement: (a) the bidder must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the proposal in Part 2 of this MBE Participation Schedule.
6. For each MBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the percentage of the Contract (as provided in price/financial proposal or any best and final offer) for purposes of achieving the MBE participation goal and subgoals (if applicable):
 - A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.
 - B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the MBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no MBE participation credit will be given for the supply of these products.
 - C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. In Column 4 of the MBE Participation Schedule, please state the amount of any reasonable fee as a percentage of Contract that the MBE firm will receive for the provision of such products/services in Line 4.1.
 - D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific description of products/services) of the products/supplies to be provided? If the answer is NO, please continue to Item E. If the answer is YES, for purposes of achieving the MBE participation goal, you may count the total amount of the subcontract. In Column 4 of the MBE Participation Schedule, please state the total amount of the subcontract in Line 4.1 as a percentage of Contract.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 2 – MBE PARTICIPATION SCHEDULE

PART 2 MUST BE INCLUDED WITH THE PROPOSAL AS DIRECTED IN THE SOLICITATION. THE FAILURE OF AN OFFEROR TO PROPERLY COMPLETE AND SUBMIT PART 2 OF THE MBE PARTICIPATION SCHEDULE SHALL RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE TO BEING SELECTED FOR AWARD.

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS. State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		<p>4.1 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR - PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE. (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS – SEE 4.2 BELOW)</u></p> <p>_____ %</p> <p>4.2 <u>TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER) (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS)</u></p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE ___ OF ___

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR USED TO ACHIEVE THE MBE PARTICIPATION GOAL

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
			Unless the offeror requested a waiver in MDOT MBE Form A – State Funded Contracts (Proposals Only) for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals set forth in Form A.
NAME OF MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	NAICS CODE/S NAICS Code/s of the specific products to be supplied or services to be performed by the MBE firm	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, State the subcontract amount as a percentage of the total contract of the product/services in Line 4.1 except for those services or products where the MBE Firm is being used as a wholesaler, supplier or regular dealer. For those items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 4.2 using the 60% rule.
<input type="checkbox"/> Please check if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	Certification Number: _____ <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		<p>4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (PLEASE STATE THIS AMOUNT AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE - EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, AND REGULAR DEALERS)</p> <p>_____ %</p> <p>4.2 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (PLEASE REFER TO SECTION 6(E) IN PART 1 - INSTRUCTIONS).</p> <p>Total value of Supplies/Products _____ %</p> <p>X 60% (60% Rule) = _____ %</p> <p>(amount for purposes of achieving the MBE Participation Goal and Subgoals).</p>

Please check if Continuation Sheets are attached.

MDOT MBE FORM B
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

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

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

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT MBE Form B are true to the best of my knowledge, information and belief.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

MDOT MBE FORM C

STATE-FUNDED CONTRACTS (PROPOSALS ONLY) OUTREACH EFFORTS COMPLIANCE STATEMENT

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

1. Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:
2. Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Offeror made the following attempts to personally contact the solicited MBE firms:
4. Please Check One:

 Offeror assisted MBE firms to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

 This project does not involve bonding requirements.
5. Please Check One:

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

Company Name

Signature of Representative

Address

Printed Name and Title

Date

MDOT MBE FORM D
STATE-FUNDED CONTRACTS (PROPOSALS ONLY)
MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a contract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) will receive for at least _____% (Total Subcontract Amount – as a percentage of total Contract value) for performing the following products/services for the Contract:

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

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Address: _____	Federal Identification Number: _____	Federal Identification Number: _____
Telephone: _____	Address: _____	Address: _____
Date: _____	Telephone: _____	Telephone: _____
	Date: _____	Date: _____

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

Maryland Transportation Authority (MdTA)
Office of Minority Business Enterprise
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224
(410) 537-6769 (410) 537-7801 - Fax



**Disadvantaged/Minority Contractor
Unavailability Certificate -
D-005 (02-03)**

PLEASE COMPLETE AND RETURN TO THE ABOVE ADDRESS;

It is hereby certified that:

(Name of Prime Contractor)

(Number) (Street) (City) (State) (Zip code)

On _____ contacted the Disadvantage/Minority Business Enterprise:
(Date)

(Name of Sub-contractor)

(Number) (Street) (City) (State) (Zip code)

Seeking to obtain a Bid for work/service in relation to project/contract number: _____

List the type of work/service requested:

Indicate the form of Bid sought:

Reason given by Sub-contractor for lack of participation:

Certification:

To the best of my knowledge and belief, said subcontractor is unavailable or unable to participate due to the above reason. Signature of Prime Contractor:

(Name) (Date)

The above statement is a true and accurate account of why my Firm is unable to participate. Signature of Sub-contractor:

(Name) (Date)

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 MBEs;
- ✓ 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 MBEs 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.

**MDOT
MINORITY/DISADVANTAGE
BUSINESS ENTERPRISE
GOOD FAITH EFFORTS POLICY
STATEMENT**

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.

**MDOT
STRUCTURAL STEEL
POLICY STATEMENT**

MARYLAND DEPARTMENT OF TRANSPORTATION

POLICY STATEMENT -- STRUCTURAL STEEL/LARGE SUPPLY ITEMS
(Revised May 13, 2003)

MINORITY/DISADVANTAGED BUSINESS ENTERPRISES

The policy supercedes the Maryland Department of Transportation (MDOT) Structural Steel/Large Supply Items policy dated September 22, 1994.

MDOT and the Maryland Transportation Authority (MdTA) are committed to providing the maximum amount of contracting opportunities to certified Disadvantaged Business Enterprises (DBEs) and Minority Business Enterprises (MBEs). This policy statement affirms MDOT's efforts to maximize DBE/MBE participation on contracts to the greatest extent possible and applies to all contracts that contain a DBE/MBE goal.

The previous policy excluded Structural Steel as a sub-contractible item available for DBE/MBE participation since there were no structural steel manufacturers certified by MDOT. This exemption is no longer applicable since firms have now been certified under this category.

Structural steel as an item of supply may be included as a sub-contractible item for the setting of DBE/MBE goals on contracts.

In addition, structural steel as an item of supply may be used to obtain or count minority business participation credit under the DBE/MBE Program. The installation or erection of structural steel can be included as a sub-contractible item for goal setting, and as an item available for DBE/MBE participation.

The definition to be used for this policy is as follows:

The term structural steel refers to the steel elements of the structural steel frame that are essential to the support of the design loads for buildings and bridges, as well as the steel elements in tunnel linings.

Beyond this policy on structural steel, it is vitally important for each MDOT agency and MdTA to apply the provisions of the DBE/MBE program for furnishings and installing large supply items. This policy emphasizes that it is necessary for the DBE/MBE to have a necessary and useful role in the complete business transaction, and a role that is visible outside of the context of the DBE/MBE Program. The role of the firm cannot be a superfluous step to obtain credit for a DBE/MBE goal.

In order for a prime contractor to receive full credit for a large supply item being furnished by a DBE/MBE subcontractor as a "furnish and install" item of work, the DBE/MBE regulations require that the DBE/MBE firm must:

1. Initiate and negotiate the purchase of the steel and/or any large supply item;
2. Be invoiced directly for the cost; and
3. Assume complete responsibility and liability for the item.

To further assist the MDOT agencies in making determinations in this area, the following guidelines are put forth:

1. Count expenditures with DBE/MBEs for materials or supplies toward the goals as provided in the following:
 - a. If the materials or supplies are obtained from a DBE/MBE manufacturer, count 100 percent of the cost of the materials or supplies toward MBE goals.
 - b. For purposes of this policy, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
 - c. If the materials or supplies are purchased from a DBE/MBE regular dealer, count 60 percent of the cost of the materials or supplies toward MBE goals.
2. For purposes of this policy and in accordance with 49CFR25.55(e) and the Program Manual, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are brought, kept in stock, and regularly sold or leased to the public in the usual course of business.
3. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

A person may be a regular dealer in bulk items such as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided above if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

The Department's Contract Compliance Monitoring Procedures provide the necessary guidance on determining DBE/MBE credit on large supply items. There are several compliance questions, which need to be answered prior to a prime contractor receiving full credit for a DBE/MBE furnish and install item. These questions should include:

1. Who was responsible for setting the dollar amount allotted for supplies on the forms detailing the subcontracted work?
2. How was the cost of supplies derived? Who negotiated the price?
3. Who is responsible for taking delivery of the materials?
4. Who issues the check to pay for the materials?
5. Who assumes contractual and legal responsibility for the materials?
6. Are the materials properly accounted for in the financial records of the subcontractor and not in the records of the prime contractor?

It should be made clear at the beginning of a contract that obtaining participation through the counting of large supply items must comply with the Department's regulations. This also extends to the amount of credit given for the supply items on each contract.

The burden rests on each administration to assess each individual contract prior to the approval of the DBE/MBE package and to monitor the contract closely for compliance. We must continually work to make sure this program brings real benefits to the minority business community.

**USING THE MDOT
MBE/DBE
DIRECTORY
(EXAMPLE)**



Terms of Use

The Minority Business Enterprise Directory is intended to be used as a guide for selecting certified Minority Business Enterprises to utilize on State and/or USDOT assisted contracts. Information in the directory should be verified with the Maryland Department of Transportation's Office of Minority Business Enterprise.

This web site and the information it contains are provided as a public service by the Maryland Department of Transportation (MDOT). The MDOT maintains this Minority Business Enterprise/Disadvantaged Business Enterprise (MBE/DBE) Directory for the purpose of providing a reference source of the firms certified by the MDOT as MBE/DBEs.

The MBE/DBE Directory lists certified firms in alphabetical order and also contains information on the specific products and/or services the firm is certified to provide. The MDOT makes no claims, promises, or guarantees regarding a certified MBE/DBE's competence or capability to perform. It is the responsibility of the user of the information provided here to make his/her own determination regarding the capability, competence, and/or limitations of a certified MBE/DBE firm.

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Information presented on this web site is considered public information and may be copied and/or distributed. If there is a question concerning the validity of the information provided in this directory, contact the Maryland Department of Transportation's Office of Minority Business Enterprise. You may contact the office at (410) 865-1289 or (800) 544-6056.

Check this box to bypass this page on future visits and go straight to the directory.

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EXAMPLE



Using the Directory

Firms are certified per industry using the North American Industry Classification System (NAICS). Each assigned code is accompanied by a certification status designation.

Please be advised of the following definitions:

The "**MBE/DBE**" designation indicates the firm is qualified for ANY State of Maryland Contract including USDOT assisted contracts of the MDOT; these include contracts let by the Maryland State Highway Administration, the Maryland Aviation Administration, and the Maryland Transit Administration.

The "**MBE ONLY**" designation indicates the firm is qualified for State-only Funded Contracts and not USDOT assisted contracts of the MDOT.

The "**DBE ONLY**" designation indicates the firm is qualified to participate only on USDOT assisted contracts of the MDOT.

The "**GRADUATED**" designation indicates the firm has graduated in that particular NAICS Code for which it has been certified per Federal and State Regulations. The MBE remains certified but may not participate as a certified MBE/DBE on State and USDOT assisted contracts.

PLEASE NOTE: Effective October 1, 2000, the Small Business Administration established the use of the North American Industry Classification System (NAICS) Codes which replaced the Standard Industrial Classification (SIC) Codes. The Maryland Department of Transportation Office of Minority Business Enterprise has converted the SIC Codes to the NAICS Codes. Please contact the Office of Minority Business Enterprise if you have questions regarding any information on any firm listed in this Directory.

[Click here for information regarding small business size standards.](#)

Next -->

EXAMPLE



Searching the Database

The MBE/DBE directory is updated daily. There are currently 4,555 certified firms participating in the program. All search results display in a fixed format and are downloadable as an XLS file on the result page.

****PRINTING TIP**** - Web browser print margins (left and right) must be set no greater than .25" to prevent data from being cut off when printing in portrait mode. Print margins are typically changed in the FILE - PAGE SETUP menu.

Immediate Downloads (XLS files)

Download firms certified during the past calendar year or download the entire directory.

Custom Search

Select single, multiple, or select all fields from the list below. To restart a search begin by clearing all fields. Custom searches require the selection of at least one searchable data field.

Minority Status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Firm Name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County (Maryland firms only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certification Number	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Product or Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAICS Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Street Address	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zip Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phone Number	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Next -->

EXAMPLE



Custom Search

The system will search all 4,555 certified firms in the database. Separate keywords with single spaces.
Fields left empty will not be searched and will have no effect on the result.

Field Name	Search Terms [clear all fields]	Search Context
NAICS code(s): about NAICS codes	237310	*
		*
		*
		*
		*
		<input type="text" value="Find ALL of these codes"/>
<input type="button" value="Search"/>		

EXAMPLE

EXAMPLE



MDOT Directory of Certified MBE and/or DBE firms

[BACK](#) | [EXIT](#)

Custom Search

NAICS CODES like "237310"

170 certified firms were found using the above criteria. Download this result set as an [XLS file](#).
Select a firm name to view the individual firm profile or [view all profiles](#) at once.

You can [make a custom list](#) of firms based on this result set.

Firm Details

NAICS - Product and Service Description

A & M CONCRETE CORPORATION

43760 TRADE CENTER PLACE,
#160
DULLES, VA 20166
FEMALE
96-083

237310-MBE-ONLY - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: CURB AND GUTTER, SIDEWALK, PAVERS, SLABS)

238110-MBE-ONLY - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
(SPECIFICALLY: CONCRETE WORK)

238140-MBE-ONLY - MASONRY CONTRACTORS

A & S ASSOCIATES, INC.

8855 WALKER MILL ROAD
CAPITOL HEIGHTS, MD 20743
ASIAN AMERICAN
03-469

236210-MBE/DBE - INDUSTRIAL BUILDING CONSTRUCTION

236220-MBE/DBE - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: HIGHWAY AND STREET CONSTRUCTION, EXCEPT ELEVATED HIGHWAYS)

238140-MBE/DBE - MASONRY CONTRACTORS
(SPECIFICALLY: MASONRY, STONE SETTING, AND OTHER STONE WORK)

238220-MBE/DBE - PLUMBING, HEATING, AND AIR-CONDITIONING CONTRACTORS

A2Z ENVIRONMENTAL GROUP, LLC

311 S. HAVEN STREET
BALTIMORE, MD 21224
FEMALE
01-080

237110-MBE/DBE - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION
(SPECIFICALLY: PLACEMENT OF UNDERDRAINS AND OUTLETS)

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: PAVEMENT LINE STRIPING REMOVAL)

237990-MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION
(SPECIFICALLY: INSTALLATION/MAINTENANCE OF EROSION CONTROL DEVICES, SILT/SUPER SILT

FENCE, ORANGE CONSTRUCTION FENCE, SEDIMENT EXCAVATION/CLEANOUT/EARTH DIKES, DIVERSION/SUPER DIVERSION FENCE, TYPE B & C MATTING)

238910-MBE/DBE - SITE PREPARATION CONTRACTORS
(SPECIFICALLY: EXCAVATION CONTRACTOR, GRUBBING/CLEARING; BRIDGE DEMOLITION/REMOVAL OF BRIDGE DECK, REMOVAL OF MANHOLES, TRAFFIC BARRIERS AND PIPES, INTERIOR AND EXTERIOR DEMOLITION, AND PLACEMENT OF TOPSOIL)

423320-MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALERS
(SPECIFICALLY: CONCRETE CRUSHING AND/OR TIRE SHREDDING FOR RESALE)

484220-MBE/DBE - SPECIALIZED FREIGHT (EXCEPT USED GOODS) TRUCKING, LOCAL (STONE, MILLING DEBRIS, TOP SOIL, SPECIALTY HAULING)

561730-MBE/DBE - LANDSCAPING SERVICES
(SPECIFICALLY: SEEDING/MULCHING REFERTILIZATION, LIMESTONE APPLICATION, RESEEDING/SOD, WATERING, TOPSOIL PLACEMENT)

562111-MBE/DBE - SOLID WASTE COLLECTION

562112-MBE/DBE - HAZARDOUS WASTE COLLECTION

562910-MBE/DBE - REMEDIATION SERVICES
(ENVIRONMENTAL CLEANUP, UNDERGROUND TANK TESTING AND REMOVAL)

562998-MBE/DBE - ALL OTHER MISCELLANEOUS WASTE MANAGEMENT SERVICES
(CLEANING OF EXISTING PIPES AND INLETS AND SCOPING OF DRAINS, AND SEPTIC TANK CLEANING)

AB CONSTRUCTION, INC.
9450 ANNAPOLIS ROAD
LANHAM, MD 20706
ASIAN AMERICAN
04-313

236115-MBE-ONLY - NEW SINGLE-FAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

236116-MBE-ONLY - NEW MULTIFAMILY HOUSING CONSTRUCTION (EXCEPT OPERATIVE BUILDERS)

236210-MBE-ONLY - INDUSTRIAL BUILDING CONSTRUCTION

236220-MBE-ONLY - COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION

237110-MBE-ONLY - WATER AND SEWER LINE AND RELATED STRUCTURES CONSTRUCTION

237210-MBE/DBE - LAND SUBDIVISION

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION

237990-MBE/DBE - OTHER HEAVY AND CIVIL ENGINEERING CONSTRUCTION
(SPECIFICALLY: HIGHWAY, STREET, AND BRIDGE CONSTRUCTION MANAGEMENT)

238110-MBE-ONLY - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS

238120-MBE-ONLY - STRUCTURAL STEEL AND PRECAST CONCRETE CONTRACTORS

238140-MBE-ONLY - MASONRY CONTRACTORS

238910-MBE-ONLY - SITE PREPARATION CONTRACTORS
(SPECIFICALLY: SOIL REMEDIATION SERVICES, DEMOLITION, CLEARING, GRADING, DRAINAGE, AND DEMOLITION)

541380-MBE-ONLY - TESTING LABORATORIES

AB CONSULTANTS, INC.
9450 ANNAPOLIS ROAD
LANHAM, MD 20706
ASIAN AMERICAN
94-165

236115-MBE/DBE, 236116-MBE/DBE, 236210-MBE/DBE, 236220-MBE/DBE,
237110-MBE/DBE, 237310-MBE/DBE, 238110-MBE/DBE, 238120-MBE/DBE,
238140-MBE/DBE, 541330-MBE-ONLY, 541370-MBE-ONLY, 541380-MBE/DBE,
561210-MBE/DBE

ENGINEERING SERVICES: CIVIL, GEO-TECHNICAL, STRUCTURAL, AND DESIGN - ENGINEERING SERVICE PROFESSIONAL; ENVIRONMENTAL ENGINEERING/REMEDATION (PHASE I-III), SURVEYING SERVICES, MULTIFAMILY HOUSING CONSTRUCTION, MANUFACTURING AND INDUSTRIAL BUILDING CONSTRUCTION, SINGLE FAMILY HOUSING CONSTRUCTION, COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION, HIGHWAY AND STREET CONSTRUCTION, BRIDGE, WATER, SEWER, AND PIPELINE CONSTRUCTION, CONCRETE WORK, MASONRY WORK, STRUCTURAL STEEL, CONSTRUCTION MANAGEMENT, TESTING LABORATORIES

ABSOLUTELY STRAIGHT LLC
10015 OLD COLUMBIA ROAD,
SUITE B-215
COLUMBIA, MD 21046
FEMALE
07-231

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: PARKING LOT STRIPING)

238390-MBE/DBE - OTHER BUILDING FINISHING CONTRACTORS
(SPECIFICALLY: PARKING LOT SEAL COATING AND OTHER PARKING LOT MAINTENANCE)

ACORN BUILDING SERVICES
CORP.
P.O. BOX 97
SPENCERVILLE, MD 20867-
0097
AFRICAN AMERICAN
05-404

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: CONCRETE PAVING, PUBLIC SIDEWALKS, CURBS AND STREET CUTTERS,
SIDEWALK, PUBLIC CONSTRUCTION)

238320-MBE/DBE - PAINTING AND WALL COVERING CONTRACTORS
(SPECIFICALLY: INTERIOR PAINTING)

238350-MBE/DBE - FINISH CARPENTRY CONTRACTORS
(SPECIFICALLY: ALUMINUM DOOR AND WINDOW RESIDENTIAL TYPE INSTALLATION, DECK CONSTRUCTION RESIDENTIAL-TYPE, DOOR, FOLDING INSTALLATION, PREFABRICATED SASH AND DOOR INSTALLATION, WINDOW AND DOOR (RESIDENTIAL TYPE) OF ANY MATERIAL PREFABRICATED, INSTALLATION, WINDOW INSTALLATION, WINDOW, METAL-FRAME RESIDENTIAL-TYPE INSTALLATION, WINDOW, WOOD, INSTALLATION)

238990-MBE/DBE - ALL OTHER SPECIALTY TRADE CONTRACTORS
(SPECIFICALLY: CLEANING BUILDING INTERIORS DURING AND IMMEDIATELY AFTER CONSTRUCTION, CLEANING NEW BUILDING INTERIORS IMMEDIATELY AFTER CONSTRUCTION; CONCRETE PATIO CONSTRUCTION, SLAB, CONCRETE PAVING RESIDENTIAL, DRIVEWAY, CURB & GUTTER RESIDENTIAL AND COMMERCIAL DRIVEWAY AND PARKING AREA, CONCRETE, CONCRETE SAWING AND DRILLING, PATIO CONSTRUCTION, PAVERS, BRICK, PATIO INSTALLATION, SIDEWALK CONSTRUCTION RESIDENTIAL AND COMMERCIAL)

561720-MBE/DBE - JANITORIAL SERVICES
(SPECIFICALLY: CARPENTRY WORK, CONSTRUCTION CLEAN UP)

<p>┌ <u>AFRAM, INC.</u> 5450 REISTERSTOWN ROAD, SUITE 101 BALTIMORE, MD 21215 AFRICAN AMERICAN 92-090</p>	<p>237310-MBE/DBE, 238110-MBE/DBE, 238310-MBE/DBE, 238320-MBE/DBE CONCRETE WORK, PAVING, HIGHWAY AND STREET CONSTRUCTION, PAINTING, PLASTERING, DRYWALL, ACOUSTICAL, AND INSULATION WORK.</p>
<p>┌ <u>AGGREGATE PLACEMENT CORP.</u> 4420 HAWTHORNE ROAD INDIAN HEAD, MD 20640 FEMALE 05-429</p>	<p>237310-MBE/DBE, 238110-MBE/DBE, 238990-MBE/DBE CONCRETE WORK-SIDEWALKS; PAVING TO INCLUDE: PARKING LOTS, SLAB, CURB AND GUTTERS; CONCRETE CONSTRUCTION TO INCLUDE: WALLS, DECKS, STORM WATER MANAGEMENT, AND WASTE WATER TREATMENT PLANTS.</p>
<p>┌ <u>AJO CONCRETE CONSTRUCTION, INC.</u> 8820 HILDER AVENUE ANNAPOLIS JUNCTION, MD 20701 HISPANIC AMERICAN 01-148</p>	<p>237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION (SPECIFICALLY: HIGHWAY AND ROAD MILLING GRINDING SERVICES)</p> <hr/> <p>238110-MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS (SPECIFICALLY: SIDEWALKS, CURB, SLAB & PAD, WALLS, DRIVEWAYS, ASPHALT PATCHING & DRIVEWAYS)</p> <hr/> <p>327320-MBE/DBE - READY-MIX CONCRETE MANUFACTURING</p> <hr/> <p>423320-MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALEERS (SPECIFICALLY: READY-MIX CONCRETE MANUFACTURING THE DISTRIBUTION, BRICK, STONE AND RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALEERS (CONCRETE MIX))</p> <hr/> <p>488490-MBE/DBE - OTHER SUPPORT ACTIVITIES FOR ROAD TRANSPORTATION (SPECIFICALLY: SNOW CLEARING, HIGHWAYS AND BRIDGES)</p>

EXAMPLE

**FREQUENTLY ASKED COMMON
TERMS AS DEFINED IN THE MDOT
MBE MANUAL**

Common Terms as defined in the MDOT MBE Manual

Third Tier Contracting – The process in which a prime contractor subcontracts a portion of an original contract to a subcontractor who in turn subcontracts a portion of a subcontract to a third party. This latter action is termed entering into a third tier contract.

Supplier – a regular dealer, who owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of a contract are placed, kept in stock, and regularly sold to the public in the usual course of business.

The supplier must perform a commercially useful function consistent with normal industry practices. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and the sale of the products in question.

A supplier of bulk goods (Cement, gravel, stone, and petroleum products) may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (A fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in which the firm simply provides drivers for trucks owned or leased by another party, (such as a prime contractor) or leases such a party’s trucks on an ad-hoc basis for a specific job.

Regular Dealer – A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as cement, gravel, stone and petroleum need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

A regular dealer must be engaged in selling the product in question to the public. This is important in distinguishing a Regular Dealer, which has a regular trade with a variety of customers, from a firm which performs supply-like functions on an ad-hoc basis or for only one or two contractors with whom it has a special relationship.

A business that simply transfer title of a product from manufacturer to ultimate purchaser (e.g. broker or sales representative who re-invoices a product from the producing company to the recipient or contractor) or a firm that puts a product in a container for deliver would not be considered a Regular Dealer.

A supplier of bulk goods may qualify as a regular dealer if it either maintains an inventory or owns or operates distribution equipment. With respect to the distribution equipment (e.g. a fleet of trucks), the term “operates” is intended to cover a situation in which the supplier leases the equipment on a regular basis for its entire business. It is not intended to cover a situation in the firm simply provides drivers for trucks owned or leased by another party, (e.g., a prime contractor) or leases such as party’s trucks on an ad-hoc basis for a specific job.

Manufacturer – A firm that produces a product from raw materials or substantially alters a previously manufactured product by operating or maintaining a factory or establishment that produces or alters on the premises.

Manufacturer Representative – A business that transfers title of a product from a manufacturer to an ultimate purchaser (e.g., a sales representative who invoices a product from the producing company to the contractors).

Broker – An agent of a buyer who sells stocks, bonds, commodities, or services, usually on a commission basis.

Commercially Useful Function – Work performed by a DBE/MBE in a particular transaction can be counted towards goals only if the Administration determines that it involves a commercially useful function. A certified business is considered to perform a commercially useful function when it is responsible for the execution of a distinct element of the work of a contract and carries out its responsibility by actually performing, managing and supervising the work involved. That is, in light of industry practices and other relevant considerations, the DBE/MBE must have a necessary and useful role in the transaction of a kind for which there is a superfluous step added in an attempt to obtain credit goals.