

**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
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Baltimore MD 21224
410-537-6769
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e-mail: mdta@mdtransportationauthority.com

www.mdtransportationauthority.com

March 1, 2010

TO ALL PURCHASERS OF CONTRACT DOCUMENTS:

**RE: Contract No. MA 2264-000-002
Radiating Coaxial Cable Installation
Fort McHenry Tunnel & Baltimore Harbor Tunnel**

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 McGill, CPPB
Chief Procurement Officer

Enclosures

Contract No. MA 2264-000-002

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

NAME OF COMPANY

SIGNATURE

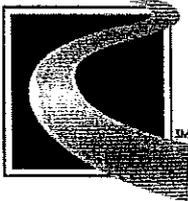
DATE

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

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

March 1, 2010

TO ALL PURCHASER'S OF CONTRACT DOCUMENTS



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ADDENDUM NO. 1

RE: Contract No. MA 2264-000-002
Radiating Coaxial Cable Installation
Fort McHenry Tunnel & Baltimore Harbor Tunnel

To Whom It May Concern:

A. The following changes have been made to the Invitation for Bids book:

- Delete pages 057, 064, 065, 066, 067 and 073 and replace with pages numbered the same dated March 1, 2010, Addendum # 1.

B. The following changes have been made to the Contract Plan Sheets:

- Delete sheets numbered 01, 03 and 06 and replace with sheets numbered the same dated February 18, 2010, Addendum # 1.

C. Attached are the Pre-Bid Meeting Minutes and MBE handout information for this contract.

The Questions Due Date for the above referenced contract has been extended to **March 9, 2010 at 4:00 p.m.** Please fax all questions to Mr. Kataw Say at (410) 537-7801.

The Bid Due Date for the above referenced contract is still scheduled for **March 26, 2010** by 12:00 Noon.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Linda D. McGill'.

Linda D. McGill, CPPB
Chief Procurement Officer

LM/

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.



and offset from the roadway. The Contractor shall show only the work that is part of the final project on as-built drawings.

820.03.20 Boxes and Cabinets. Unless specified otherwise, junction boxes, pull boxes, disconnect switches, cabinets, and other boxes installed outdoors and above ground shall be NEMA4X rated; except cabinets and boxes requiring ventilation which shall be NEMA3X rated.

820.03.21 Rodent stopping. All conduits that connect to exterior mounted cabinets shall be stuffed with copper mesh designed and approved for rodent exclusion, and duct seal at the cabinet end point to deter rodent egress through the conduit. The copper mesh shall be installed after all wires and cables have been installed. The mesh and duct seal shall be removable and the mesh and installation and removal technique shall not damage wires or cables.

820.03.22 Conduit Fill. All conduit, new or existing, shall not exceed conduit fill requirements as specified in ANSI/NECA/BICSI-568-2006. Discrepancies shall be brought to the attention of the engineer prior to incorporation into the work.

820.03.23 Existing Conduits. Where existing empty conduits are used, the conduit shall be cleaned by pulling a mandrel of at least 80% conduit fill and a swab through the empty conduit. Any existing pull strings used (empty or partially used conduits) shall be replaced by pulling a new pull string with the new electrical or communications cables.

820.03.24 Bending Radius and Pulling Tension: Wires, Cables, Coaxial Cable, Fiber Optic Cables, and other communications and electrical cables shall be installed and handled in such a way so as not to exceed the manufacturers specified bending radius and pulling tension limits. Where the manufacturer provides installation and handling guidelines, such guidelines shall be followed.



SECTION 891 – RADIATING COAXIAL CABLE

891.00 Radiating Coaxial and Coaxial Feeder System

This work shall consist of installing new Radiating Coaxial cables and combiners in the designated areas of the Fort McHenry Tunnel (FMT) and the Baltimore Harbor Tunnel (BHT) vent buildings and bores (new feeder coaxial cable in BHT Vent buildings and FMT West Vent building only). The Contractor shall furnish and install the new Radiating Coaxial System as detailed below and as directed by the Maryland Transportation Authority. Once the new system has been installed and tested and placed into service in each bore, the old FM-Rebroadcast System "twin lead" wiring, mounting components and feeder cables (BHT only) in the Fort McHenry Tunnel and the Baltimore Harbor Tunnels shall be removed. Tunnel bore walls shall be repaired per MdTA instructions once the FM Rebroadcast "twin lead" mounting hardware is removed.

891.01 General Requirements

This item consists of furnishing and installing new Radiating Coaxial System with all necessary coaxial feeders (BHT Vent buildings and FMT West Vent building), mounting hardware, crossband couplers, connectors and terminators and radiating coaxial cable in accordance with the Plans and Special Provisions, or as directed by the Engineer. The RCS shall operate with the newly installed FM Rebroadcast equipment installed in the FMT East Vent building. (Note the descriptions below are not the order of construction, see 893.01 below).

The Contractor shall be responsible for providing the following as part of the RCS package:

- Removal of any existing (old) FM Rebroadcast system "Twin-Lead" wiring and mounting components in the FMT and feeder cables in the BHT.
- Disposal of the old FM Rebroadcast system "Twin-Lead" wiring, mounting hardware and feeder cable (BHT Only).
- Interconnection of the RCS to the FMT FM Rebroadcast system electronics with the existing coaxial feeder and coaxial radiating element in the various bores of the FMT and interconnection of the new coaxial feeder and coaxial radiating elements in the BHT bores and FMT West Vent building.
- Furnish and install the coaxial feeder cables from the RCS electronics head end to the various radiating coaxial cable section in each BHT bore, and provide the same for the FMT West Vent building less the coaxial feeder cable in the East



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CONTRACT NO. MA-2264-000-002

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Vent. The LDF5-50A feeder cable in the FMT East Vent building and bores shall be used with the new coaxial radiating cable sections.

- Furnish and install all mounting hardware and materials for the radiating coaxial cables in the FMT and BHT bores,
- Furnish and install all radiating coaxial cable as specified below in each of the FMT and BHT bores as required and shown on the plans.



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SPECIAL PROVISIONS

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891.02 Radiating Coaxial System Requirement

Equipment and components deployed for this project will be subjected to environmental extremes. This includes vehicle exhaust and seasonal temperature extremes. All materials used shall be capable of handling these extremes and shall also have fire retardant jacketing for the cabling utilized.

The radiating coaxial cable shall have two slots cut into the total length of the outer conductor that shall allow radio signals to be coupled from devices like two way portable radio into the cable, and conversely, radio signal which are emitted out of the cable and into a radio. The radiating coaxial cable shall have broadband capability (30MHz to 3GHz) and shall provide coverage across multiple frequency bands simultaneously and shall be capable of being used for both one-way and two-way communications. The radiating coaxial cable shall have an outside diameter of 2.047 inches and present a 50 ohm input impedance and a velocity of propagation of no less than 91%. The radiating coaxial cable shall not exceed 0.23 dB/100 feet attenuation @ 108 MHz and 0.68 dB/100 feet attenuation @ 700MHz. Coupling loss shall not be greater than 61 dB @ 108MHz and 64 dB @ 700MHz.

The radiating coaxial cable shall be constructed in such a manner that the center conductor has dielectric polyethylene discs between the conductor and the outer dielectric. The radiating coaxial cable shall be a hermetically sealed, fully bonded design that does not allow moisture migration. The center conductor shall be a pure solid copper tube, at least 0.7 inches in diameter with an outer conductor that is continuously formed and welded electrical grade aluminum tube. The dual longitudinal slots shall run the entire length of the cable in the outer conductor providing optimum coupling loss and attenuation to ensure excellent communication. The radiating coaxial cable shall make use of prep tools that allow connectorization to be accomplished in less than two minutes. All radiating coaxial cables shall be terminated with the appropriate 1.625 inch connector with the Type "N" female interface. All radiating coaxial cable connections shall be covered with at least six inches of 3" black heat shrink tubing that shall have a 2:1 shrink ratio to keep the connector/cable interface water tight.

The radiating coaxial cable shall have a fire retardant exterior jacket that is very light beige in color. This jacket shall be low-smoke, non-halogenated, fire retardant jacket meeting IEC332-1. The radiating coaxial cable shall be able to operate in a temperature environment of -40 to 77 degree Celsius.



891.03 Coaxial Feeder Cable

The radiating coaxial cable shall be terminated with new coaxial feeder cable that connect the radiating coaxial cable in the different BHT tunnel bores with the head end electronics, mid tunnel amplifiers (if required) and the FM Band/Public Safety 700MHz crossband couplers housed in the two BHT vent buildings (as required) and the FMT West Vent building. Each vent building which does not currently have hardware installed for the Public Safety 700MHz system, shall have at least 100 feet of the coaxial feeder cable rolled up and stored for future use, in the designated areas where the 700MHz equipment will be installed. The existing LDF5-50A coaxial feeder cable in the four FMT bores and East Vent building shall be re-used for this project. If the Contractor deems any of the existing coaxial feeder cable to be defective and not suitable for use, the Contractor shall notify the Engineer of the fact. Should MdTA direct the Contractor to replace the any portion of the existing coaxial feeder for the FMT, it will be replaced with the same cable as used for the BHT coaxial feed at the same contract price (per linear foot).

The coaxial feeder cable shall have broadband capability (30MHz to 3GHz) and shall provide coverage across multiple frequency bands simultaneously and shall be capable of being used for both one-way and two-way communications. The coaxial feeder cable shall have an outside diameter of 1.142 inches and present a 50 ohm input impedance and a velocity of propagation of no less than 91%. The coaxial feeder cable shall not exceed 0.33 dB/100 feet attenuation @ 100 MHz and 0.94 dB/100 feet attenuation @ 700MHz. The cable shall be rated for a minimum of 1000 Watts Average Power @ 3 GHz.

The coaxial feeder cable shall be constructed in such a manner that the center conductor has dielectric polyethylene discs between the conductor and the outer dielectric tube, to provide superior durability and hermetically sealed, fully bonded design that does not allow moisture migration. The center conductor shall be a pure solid copper tube, at least 0.383 inches in diameter with an outer conductor that is continuously formed and welded premium grade aluminum tube. The coaxial feeder cable shall virtually eliminate intermodulation interference by the use of the solid inner and outer conductors and sliver-plated connector junctions. The coaxial feeder cable shall make use of prep tools that allow connectorization to be accomplished in less than two minutes. All coaxial feeder cables shall include the appropriate number of connectors and all feeder cable terminations shall be made with the .875 inch Type "N" Male connectors. All feeder coaxial cable connections shall be covered with at least three inches of 1" black heat shrink tubing that shall have a 2:1 shrink ratio to keep the connector/cable interface water tight.

The coaxial cable feeder shall have a UV stabilized, polyethylene (ASTM D-1248) jacket that is black in color. The coaxial feeder cable shall be able to operate in a temperature environment of -40 to 77 degrees Celsius. The coaxial feeder cable shall have a manufacturer's warranty of 15 years for weatherproof stability.



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The coaxial feeder cable shall follow the same path as the existing FM "Twin-Lead" feeder cables, or for those vent building with no FM Feeders, the coaxial feeders shall follow the same path as the cellular coax feeder cabling. The coaxial feeders should make use of existing cable trays and mounting points to the maximum extent possible. Where the coaxial feeder cables must pass through a concrete wall (i.e. between an existing stairwell and an exhaust vent wall) the penetration and installation of the cable shall be as depicted in the plans, with firestop and galvanized steel pipe sleeves used for all such penetrations.

Contractor shall X-Ray (GPR) Concrete walls before drilling any penetrations to ensure that no buried pipe/conduit, etc shall be damaged from the wall penetration.

891.04 Crossband Couplers

The Radiating Coaxial System shall be equipped with crossband couplers which shall provide the interface for both the FM band (88 - 108MHz) and the Public Safety 700MHz band to utilize the same radiating coaxial cable for transmission and reception of the RF signals. The crossband couplers shall provide excellent inter-band isolation, low insertion loss and good intermodulation performance as described below. The crossband couplers shall be passive devices and shall meet the following minimum specifications:

- Low Pass frequency range of 0 - 250MHz
- High Pass frequency range of 380 - 2200 MHz
- Capability to handle up to 100 Watts of RF input for either band.
- Insertion loss shall not exceed 0.325 dB with a VSWR of no more than 1.35:1
- Isolation between band shall be greater than 48 dB
- The unit shall be equipped with Type "N" Female connectors for both input and output.
- Operating temperature ranges of -20 to +55 degrees Celsius.

The unit shall allow two-way communications in the 700MHz Public Safety band and shall not cause a large degradation of the received signal from a mobile or portable radio transmitting from within a tunnel bore.

The unit shall be sealed and shall be capable of meeting the IP65 standard. The unit shall meet a Mean Time between Failure of greater than 175,000 hours.



SECTION 893 – CONSTRUCTION SEQUENCING

893.00 General

All installation, testing, and other activities undertaken by the Contractor, shall be designed to have the least impact on traffic operations at the Fort McHenry Tunnel (FMT) and Baltimore Harbor Tunnel (BHT) and shall be conducted in close coordination with MdTA Police and Authority Operations personnel. Restrictions related to Maintenance of Traffic shall be as stipulated in Section 104 of the Special Provisions as amended in these Specifications.

It is necessary to plan and coordinate the Construction and Maintenance of Traffic (MOT) with MdTA concerning the sequencing schedule of this project.

893.01 Order of Construction

Order of construction and demolition shall be as follows:

1. All initial work involving the installation of the new radiating coaxial system shall commence in the FMT Southbound Bore 1 and 2. The Contractor shall finish all work within a bore before moving to a new bore work zone. Once the new radiating coaxial system is installed, tested and commissioned in a bore, the old FM Rebroadcast "Twin Lead" wiring and mounting hardware shall be removed. The Contractor must coordinate with the Authority prior the cutover from the existing system to the new system.
2. Work will progress after Southbound Bores 1 and 2 to the FMT Northbound Bores 3 and 4.
3. The Authority may shift the order of work with 48 hours of prior notification to the contractor, from the FMT bores to the BHT bores, if so required due to operational constraints. Otherwise, the BHT bore shall be completed after all bores of the FMT are finished and tested.
4. The Contractor can work at both facilities at the same time weather permitting with prior scheduling and permission of the Project Engineer.
5. When the Contractor starts mounting the radiating coaxial cable in a bore, all work must be complete during work hours prior to the bore reopening. Under no circumstances shall any work materials be left in the bore which will impede the flow of traffic through the bore.

Pre-bid Meeting Minutes

Contract No. MA 2264-000-002
Radiating Coaxial Cable Installation
Fort McHenry Tunnel & Baltimore Harbor Tunnel
Baltimore City

February 9, 2010 (10:00 A.M.)

The following were in attendance:

Robert Jordan	MDTA Engineering
Kataw Say	MDTA Engineering
Candace Poag	MDTA Engineering
Ben Mondell	MDTA Procurement
Alisha Wright	MDTA Procurement
Meshelle Howard	MDTA MBE Division
Charlie Allocco	Infrasource
Will Bodnar	Trilogy Communications
Tom Bunk	Mid Atlantic Contracting/ VTS
Charles Coffee	Plexus Com Group
Nick D'Amico	Vision Technologies
Josh Hahn	The Marksmen Company
Andrew Helble	Bruce & Merrilees
Paul J. Kelly	Infrasource Telecommunication
Manuel Ojeda	Morcom International
Ken Rogers	CCI Systems Inc
Earl Wright	Morcom International

Ms. Wright opened the meeting with the following notes:

This is the Pre-bid for MA-2264-000-002: RADIATING COAXIAL CABLE INSTALLATION-BALTIMORE HARBOR TUNNEL & FORT MCHENRY TUNNEL

The work to be performed under this contract is located at the Baltimore Harbor (BHT) tunnel and the Fort McHenry Tunnel (FMT) in Baltimore City.

The scope of work for this project is to include, but may not be limited to, providing labor, materials, equipment, etc., for the removal of the existing FM Rebroadcast System "Twin Lead", and the installation of a new Radiating Coaxial System (RCS) for FM Rebroadcast in the Baltimore Harbor Tunnel (BHT) and the Fort McHenry Tunnel (FMT) Bores.

The contract time for this contract is **One (1) year from Notice to Proceed with liquidated damages of \$800.00** assessed per calendar day for unauthorized extensions beyond the contracted time of completion.

1. The bid due date is **Friday, March 26, 2010 by 12p.m.** 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, Baltimore, MD 21222 and must consist of one complete bid book and all the required documents. Late bids will not be accepted.
2. The Authority does not encourage overnight delivery service. However, If you choose to send your package overnight, the bid should be delivered at least a day in advance to the **Maryland Transportation Authority; Office of Procurement & Statutory Program Compliance; 300 Authority Drive; 1st Floor; Baltimore, MD 21222.** It will be the responsibility of the Contractor to make sure that his/her bid package is placed in the bid box. The outside of the mailed package must clearly identify the Contract Number and mention that it is a bid package.
3. The minutes from this meeting will be included in Addendum #1 and distributed to all purchases of the bid documents. The anticipated date for Addendum # 1 is **Wednesday March 3, 2010.**
4. Please make sure you fill out the Schedule of Prices accurately and completely. Not doing so may render your bid as non-responsive.
5. I strongly recommend that you review page ii-iii, The Notice to bidders and pages iv-vii, Important Information Regarding MBE Utilization and Bidding Requirements of this invitation to bids prior to submitting your bid on this project.
6. Following this meeting, all questions should be in writing, addressed to the **Project Manager Mr. Kataw Say** and sent via fax to 410-537-7801. The Authority will accept written questions until **4pm on Tuesday February 23, 2010.** Answers to questions will be distributed to all purchases of bid documents.

(NOTE: SUBSEQUENT TO THE MEETING THE QUESTIONS WILL BE ACCEPTED UNTIL 4PM ON MARCH 9, 2010.)

7. There is an MBE goal for this project. Meshelle Howard will speak on the goal. **(The Overall goal is 30% with no sub-goals.** If you require assistance with the MBE directory please contact Ms. Meshelle Howard at 410-537-7832.)

The meeting was then opened to questions and comments concerning the project. The following questions were discussed and responses provided:

Question 1: Where is the list of MBE codes?

Response: They are located in the back of the MBE packet.

Question 2: Did I hear correctly that questions will be accepted only until February 23, 2010? That is a month before Bids are due. Why the gap in time?

Response: That is correct. It is to allow sufficient time to respond to all of the questions.

Question 3: Is Robert Jordan the project contact?

Response: No. Kataw Say is the contact.

Question 4: Should we try to schedule a group site visit?

Response: Yes, a group visit would be best. Tunnel visits are particularly hard and are usually only done at night. The site visit may need to be scheduled to coincide with a pre planned closure.

Question 5: Should we submit times for the site visit?

Response: Please contact Kataw Say to schedule the site visit. He will designate a time to meet.

Question 6: Are the test fixtures in the tunnel?

Response: Yes.

Question 7: Will the site visit be restricted to just the tunnel?

Response: The site visit can be to wherever you feel you need to visit to make an accurate bid. If you need to see the approach as well as the tunnel please inform Kataw Say.

Question 8: Will there be a designated area for dumpsters? How far away from the tunnel to the dumpsters need to be?

Response: You can check the site to see what will be appropriate.

Question 9: There was a mention of existing As-Built drawings. How do we obtain these?

Response: Kataw Say can provide the As-Built drawings to all purchasers of bid documents.

Question 10: Are we going to be making connections to the new Radiating Coaxial System? Are we only hooking to couplings? What about the installation of equipment?

Response: Yes, only the current FM Rebroadcast system is to be connected at this time. The combiners, feeder coaxial cable and radiating coaxial cable were to be installed under this contract. The 700MHz system will be connected at a later date by others.

Question 11: Will we be installing the new system first and then doing demolition of the old system? Page 70 of the book indicates that demolition should be done first then installation of the new system.

Response: Yes, the system will be installed first, then demolish the old.

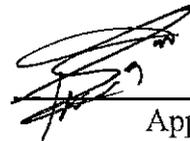
Question 12: Is Kataw's email in the bid documents?

Response: Yes, Kataw's email is in the bid documents, page 036. The only questions that should be emailed are questions about site visit coordination and information on obtaining as build drawings. Any other questions should be faxed to 410-537-7801 to the attention of Kataw Say.

Question 13: Do you have an estimated date for the contract award?

Response: No, we do not have an estimated date for award. We would; however, like to get this awarded prior to the Statewide Infrastructure job.

Ms. Wright noted that if any bidders had questions regarding bid packages they may contact her at 410-537-7812. In the absence of any further questions the meeting was adjourned.

 03/01/2010
Approved

Questions and Answers:

Question: Regarding Traffic Flow; page 12 Identifies Standards for Traffic maintenance Equipment. Are we responsible for providing this equipment? If so, can you provide a recommended list of materials and quantities required?

Answer: Refer to Section 104; MdTA is responsible for the tunnel maintenance of traffic (MOT).

Question: Regarding Material Removal; are any of the materials to be removed, now classified as hazardous? (e.g. Lead, asbestos, or PCB's)

Answer: There should not be any hazardous materials on the existing twin lead cables.

Question: Regarding Material Removal; what caulk or patch material is preferred to fill old mounting holes?

Answer: Clear Silicone chalk shall be used.

Question: Regarding Possible BDA's in the tunnel; can you tell us the output of the head end amplifiers? (e.g. 10dBm)

Answer: Bi-directional amplifiers are not required in this project.

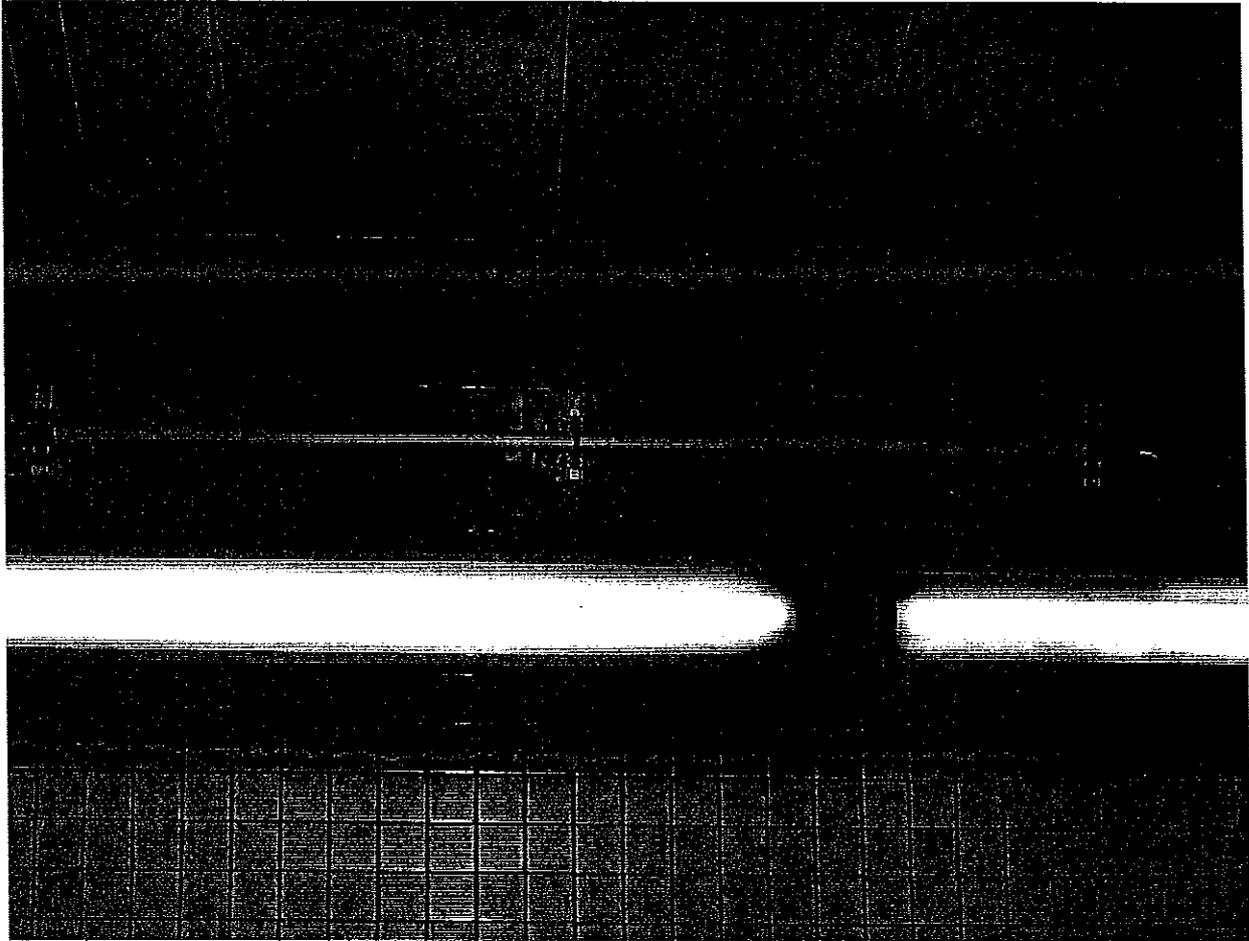
Question: Regarding GPR – X-Ray; is it expected that new borings will be needed?

Answer: It is possible that new borings will be required. X-ray is required if there is a new boring inside the tunnel. It is also in the specifications, Page 067.

Question: Regarding Order of Procedure; we discussed that there would be clarification on order. Install first then remove? Please provide.

Answer: The old FM-Rebroadcast system shall remain in place and be utilized until such time as the new radiax installation is complete, tested and cutover. Once the new system is placed in service, the Contractor shall remove the old FM-Rebroadcast twin-lead cabling, stand-offs mounted to the tunnel bore wall and the feeder cables from the equipment rooms. The Contractor is to use caution when working in the area of the FM-Rebroadcast twin-lead during installation of the new radiax system to prevent any damage to the working FM system.

See Attached Photo of the Test Radiax and old FM Rebroadcast Twin-Lead above the tunnel lighting.

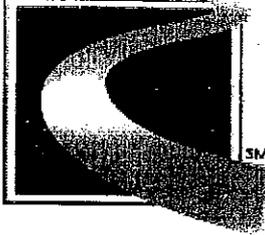


LIST OF PURCHASERS OF INVITATION FOR BIDS

Contract No.: MA 2264-000-002
 Bid Opening Date: March 26, 2010

Price: \$50.00
 Class: D

<p>Ava Electric Co., Inc. 1410 Marblewood Ave. Capital Hts., MD. 20743 P: (240) 417-6668 F: (301) 386-8823</p>	<p>Morcom International, Inc. 3656 Centerview Dr. Unit 1 Chantilly, VA 20151 P: (703) 263-9305 ext. 131 F: (703) 263-9308</p>	<p>Vertical Technology Services 20140 Scholar Dr. Suite 214 Hagerstown, MD 21742 P: (301) 790-3381 F: (301) 790-0086</p>
<p>CDC/Bidtool One Oakbrook Terrace Suite 510 Oak Brook Terr., IL 60181 P: (800) 872-7878 ext.2457 F: (866) 714-9554</p>	<p>IES Commercial 220 - 8th Avenue, N.W. Glen Burnie, MD. 21061 P: (410) 412-2000 F: (410) 760-3373</p>	<p>Midasco, LLC 7121 Dorsey Run Rd. Elkridge, MD. 21075 P: (410) 579-6710 F: (410) 579-6795</p>
<p>Vision Technologies International Trade Center 530 McCormick Dr., Ste. J Glen Burnie, Md. 21061 P: (410) 691-3104 F: (410) 424-2208</p>	<p>Infra Source 219 Ruth Road Harleysville, PA. 19438 P: (215) 513-9500 F: (215) 513-9800</p>	<p>CCI Systems, Inc. 2108 Emmorton Park Rd. Suite 204 Edgewood, MD. 21040 P: (410) 538-6992 F: (410) 538-6435</p>
<p>Bruce & Merrilees Electric Co. 930 Cass St. New Castle, PA. 16101 P: (724) 652-5566 F: (724) 652-8290</p>	<p>CTI Telecom 1110 Herndon Pkwy. Suite 200 Herndon, VA. 20170 P: (301) 526-1456 F: (703) 318-7883</p>	<p>Fiber Plus, Inc. 8260 Preston Ct., Suite C Jessup, MD. 20794 P: (301) 317-3300 F: (301) 317-8585</p>



**Maryland
Transportation
Authority**

**Minority Business Enterprise
(MBE)
Program Hand-out**

Prepared By: Procurement and Statutory Program Compliance (PSPC)
September 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 subcontractor 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

MA-2264-000-002

NAICS Codes	Descriptions
238210	Electrical Contractors
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers
332996	Fabricated Pipe and Pipe Fitting Manufacturing

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 <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: <hr/> <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: <hr/> <input type="checkbox"/> Women-Owned <input type="checkbox"/> African American-Owned <input type="checkbox"/> Other MBE Classification		4.1 TOTAL AMOUNT TO BE PAID TO THE SUBCONTRACTOR (EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS, REGULAR DEALERS AND BROKERS) \$ 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). 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

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 -
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)

**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 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 Line, 4.2 of the MBE Participation Schedule, please state amount of the subcontract for these supplies/products only (not installation) and sixty percent (60%) of such value.
7. **WARNING:** Please note that the cumulative MBE participation 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 (Proposals Only) for this solicitation. If an offeror is unable to achieve the MBE participation goals and/or any subgoals (if applicable), then the offeror must request a waiver in Form A or it may result in a determination that the proposal is not susceptible of being selected for award.

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

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 <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 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 – SEE 4.2 BELOW)</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
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.

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

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

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

**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.

The MDOT makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this web site and expressly disclaims liability for errors and omissions in the contents of this web site. No warranty of any kind is given with respect to the contents of this web site or any links to other web sites it may contain. Reference in this web site to any specific commercial product, process, or service, or the use of any trade or business name is for the information of the public and does not constitute an endorsement or recommendation by the MDOT.

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) 865-1269 or (800) 544-6056.

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

[Next -->](#)

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
- Firm Name
- County (Maryland firms only)
- Certification Number
- Product or Service
- NAICS Code
- City
- State
- Street Address
- Zip Code
- Phone Number
- Contact Name

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"/>
	- *	
	- *	
	- *	
	- *	

EXAMPLE

EXAMPLE



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)

AFRAM, INC.
5450 REISTERSTOWN ROAD,
SUITE 101
BALTIMORE, MD 21215
AFRICAN AMERICAN
92-090

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.

AGGREGATE PLACEMENT
CORP.
4420 HAWTHORNE ROAD
INDIAN HEAD, MD 20640
FEMALE
05-429

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.

AJO CONCRETE
CONSTRUCTION, INC.
8820 HILDER AVENUE
ANNAPOLIS
JUNCTION, MD 20701
HISPANIC AMERICAN
01-148

237310-MBE/DBE - HIGHWAY, STREET, AND BRIDGE CONSTRUCTION
(SPECIFICALLY: HIGHWAY AND ROAD MILLING GRINDING SERVICES)

238110-MBE/DBE - POURED CONCRETE FOUNDATION AND STRUCTURE CONTRACTORS
(SPECIFICALLY: SIDEWALKS, CURB, SLAB & PAD, WALLS, DRIVEWAYS, ASPHALT PATCHING &
DRIVEWAYS)

327320-MBE/DBE - READY-MIX CONCRETE MANUFACTURING

**423320-MBE/DBE - BRICK, STONE, AND RELATED CONSTRUCTION MATERIAL MERCHANT
WHOLESALERS**
(SPECIFICALLY: READY-MIX CONCRETE MANUFACTURING THE DISTRIBUTION, BRICK, STONE AND
RELATED CONSTRUCTION MATERIAL MERCHANT WHOLESALERS (CONCRETE MIX))

488490-MBE/DBE - OTHER SUPPORT ACTIVITIES FOR ROAD TRANSPORTATION
(SPECIFICALLY: SNOW CLEARING, HIGHWAYS AND BRIDGES)

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.

ADDITIONAL INFORMATION FOR CONTRACTORS

Maryland Transportation Authority
Minority Business Program
ADDITIONAL INFORMATION FOR PRIME CONTRACTORS

UTILIZATION REPORTS

Monthly reports of Payments and invoices to MBEs should be sent to the MBE office by the 10th of the month. Double payee checks are prohibited except for purchase of supplies and materials.

USE OF MBE BANKS

It is the policy of MDOT to encourage its contractors to utilize certified DBE/MBE banks. The prime shall consider utilizing the services of minority owned banks. Most minority banks are full service corporations that can provide an array of financial services.

RECORDS RETENTION

In accordance with COMAR 21.06.05.03, "The contractor or subcontractor shall maintain books and records that relate to the cost or pricing data for 3 years from the date of final payment under the contract, unless a longer period is otherwise specified in the contract." MBE records must be retained for a period of three years following completion of the contract work.

SUBSTITUTION OF MBE SUBCONTRACTORS

Any proposed changes to the approved MBE Plan must be submitted in writing to the Authority for approval prior to commencement of the work. Substitution or modification of it can only be accomplished with the approval of the Authority.

ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT

Whenever the Authority believes the prime or any subcontractor may not be operating in compliance with the terms of the program provision, an investigation will be conducted and if it is determined that there is non-compliance, notification will be made of the steps, which will, in the judgment of the Authority, bring the contractor into compliance. If the contractor fails or refuses to take corrective action, a final report of non-compliance will be made and sanctions from suspension of work up to referral to the Attorney General's Office for review may be made.

PROFESSIONAL ASSISTANCE

This is a referral service provided by MDOT for certified minority businesses that may need business assistance. Any of the MBEs on the project can call 1-800-544-6056 to talk to a representative.

FRAUD PROVISIONS

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

PROMPT PAYMENT TO SUBCONTRACTORS

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

Maryland Transportation Authority
Minority Business Enterprise Program
ADDITIONAL INFORMATION FOR MBE SUBCONTRACTORS

MBE REPORT OF PAYMENTS RECEIVED

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

PROMPT PAYMENT TO SUBCONTRACTORS

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

RECORDS RETENTION

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

FRAUD PROVISIONS

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

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

GOMA is the state's principal advocates for minority businesses. They provide assistance to minority business owners who are seeking state certification and state procurement opportunities. They also help minority business owners who believe they have been treated unfairly by a state agency or other entity.

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

ENTERPRENEUIAL DEVELOPMENT INSTITUTE (EDI)

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

MSBDFA BONDING AND CONTRACT FINANCING PROGRAM

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

PROFESSIONAL ASSISTANCE

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

THE STATE OF MARYLAND SMALL BUSINESS RESERVE PROGRAM

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

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

**PROMPT PAYMENT
TO
SUBCONTRACTORS**

A. **MARYLAND DEPARTMENT OF TRANSPORTATION**
POLICY STATEMENT
PROMPT PAYMENT OF SUBCONTRACTORS
DISADVANTAGED/MINORITY BUSINESS ENTERPRISES

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

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

If a contractor withholds payment, the contractor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



GUIDE TO PROMPT PAYMENT FOR NON-CONSTRUCTION SUBCONTRACTORS

August 2008

Prompt payment requirements already exist on State-funded construction contracts. Recently, prompt payment requirements became effective on all State-funded non-construction contracts in excess of \$25,000 by agencies that are members of the Governor's Cabinet.

What are my rights as a subcontractor?

Subcontractors on contracts greater than \$25,000 can expect to receive payment for any undisputed amounts after the prime contractor has received a progress payment. Otherwise, a subcontractor can expect to receive written notice from the contractor as to why payment is being withheld.

What are my rights as a Minority Business Enterprise (MBE) or Small Business Reserve (SBR) subcontractor?

MBE and SBR subcontractors have the same rights as those described above. In addition, agencies must notify the Governor's Office of Minority Affairs (GOMA) of any complaint of non-payment of subcontractors with MBE or SBR status.

What are the responsibilities of the prime contractor?

The prime contractor has the responsibility to:

- Pay a subcontractor an undisputed amount to which the subcontractor is entitled; OR
- Notify the subcontractor in writing and state the reason why payment is being withheld.
- If payment is withheld, the prime contractor must provide a copy of the notice to the procurement officer.

What should I do if I am not being paid by the prime contractor?

The subcontractor must notify the procurement officer. GOMA recommends that notice be given in writing. The notice will include:

- The name of the prime contractor from which payment has not been received;
- The project under which the dispute exists;
- The amount in dispute;
- An itemized description on which the amount is based; and
- If known, an explanation for any dispute concerning the payment not received.

Who should I contact at the agency?

Subcontractors who have not received payment of any undisputed amount should contact the agency's chief procurement officer. Contact information for the Cabinet agencies' chief procurement officers can be found at the end of this document.

I've sent my written notice of non-payment to the procurement officer. What happens now?

The procurement officer, or another agency representative, must contact the prime contractor to ascertain whether the amount withheld is an undisputed amount. If it is determined that part or the entire amount withheld is undisputed, the agency representative will instruct the prime contractor to pay the subcontractor the undisputed amount. The agency representative is to communicate to the subcontractor the results of the discussions with the prime contractor.

Are there any penalties to the prime contractor for failure to pay subcontractors undisputed amounts?

Yes. The State agency that issued the contract may;

- Withhold further payments to the prime contractor until payment to the subcontractor is verified;
- Suspend all or some of the contract work;
- Pay or otherwise cause payment of the undisputed amount to the subcontractor;
- Place a payment for an undisputed amount in an interest-bearing escrow account; or
- Take other or further actions as appropriate to resolve the withheld payment.

What is an “undisputed amount”?

An “undisputed amount” means an amount owed by a contractor to a subcontractor for which there is no good faith dispute. This includes any retainage withheld, and any amount withheld because of issues arising out of an agreement or occurrence unrelated to the agreement under which the amount is withheld.

What agencies are members of the Governor’s Cabinet? The 22 member agencies of the Governor’s Cabinet and their chief procurement officers are:

Agency	Procurement Officer	Email
Aging	Ivey Gilliam	ilg@ooa.state.md.us
Agriculture	Joe Harrington	harrinjm@mda.state.md.us
Budget and Management	Joel Lieberknight	jleberkn@dbm.state.md.us
Business and Economic Development	Debi Chronister	dchronister@dbed.state.md.us
Disabilities	John Brennan	jbrennan@mdod.state.md.us
Education	Albert Annan	aannan@mdse.state.md.us
Environment	Mike Gallagher	mgallagher@mde.state.md.us
Executive Department	Jeremy Rosendale	jrosendale@gov.state.md.us
General Services	Michael Haifley	michael.haifley@dgs.state.md.us
Health and Mental Hygiene	Gary Goldberg	ggoldberg@dnhm.state.md.us
Housing and Community Development	Eleanor Kennedy	kennedy@mdhousing.org
Human Resources	Jane Bailey	jbailey@dhr.state.md.us
Information Technology	Sue Howells	Sue.Howells@doit.state.md.us
Juvenile Services	Marcus Filson	filsonm@djs.state.md.us
Labor, Licensing, and Regulation	Latesa Thomas	lthomas@dllr.state.md.us
Military	Nancy Fabula Hevey	hevey@mdmildep.org
Natural Resources	Diane Russell	drussell@dnr.state.md.us
Planning	Samer Atiya	satiya@mdp.state.md.us
Public Safety and Correctional Services	Behira J. Said-Pompey	BSaid-Pompey@dpscs.state.md.us
State Police	Jonathan Beam	jbeam@mdsp.org
Transportation	Carmina Perez-Fowler	Cperez-fowler@mdot.state.md.us
Veterans Affairs	John Kearns	jkearns@mdva.state.md.us

MBE COMPLIANCE CONTRACTOR NOTIFICATION

**Maryland Transportation Authority
Procurement and Statutory Program Compliance
Minority Business Enterprise Program
Contractor Notification**

Prime/General contractors participating on Maryland Transportation Authority (MdTA) contracts must notify the MBE office of any changes to the approved MBE plan that was submitted. This includes all EWAs that increase or decrease the MBE goal approved for the contract. The notification must be in writing and include an updated MBE Plan to be submitted for review and the approval/denial process. The following is the minimum information that must be included:

A. Increase of the MBE over-all goal and/or sub-goal

1. MdTA Contract name and number
2. Name of Prime/General contractor
3. Reason for increase
4. MBE contractors name, address and contact information
5. Contract work items effected
6. Dollar value of the work items
7. New contract value
8. New MBE over-all goal and sub-goals

B. Decrease of the MBE over-all goal and/or sub-goal

1. MdTA Contract name and number
2. Name of Prime/General contractor
3. Reason for decrease
4. MBE contractors name, address and contact information
5. Contract work items effected
6. Dollar value of the work items
7. New contract value
8. New MBE over-all goal and sub-goals
9. Good Faith Effort (GFE) packet

Correspondence concerning the above will be sent directly to the Procurement Officer, who will ensure that the MBE Office receives the information for processing.

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

Maryland Transportation Authority Points of Contact

Dave Ferrara
Director of Construction
Maryland Transportation Authority
304 Authority Drive
Baltimore, Maryland 21222
dferrara@mdta.state.md.us

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

Beverly Hill, Director
Procurement and Statutory Program Compliance
2310 Broening Highway, Suit 150
Baltimore, Maryland 21224
bhill@mdta.state.md.us

Phone: (410) 537-1086
Fax: (410) 537-1044

All other questions concerning MBE Compliance
can be directed to the following compliance
team.

Orlando Price
MBE Field Compliance Officer
410-537-1052
oprice@mdta.state.md.us

Shirley Stivers
Contract Close-out Officer
410-1055
[sstivers@mdta.state.md.us](mailto:ssstivers@mdta.state.md.us)

**MONTHLY MINORITY BUSINESS
UTILIZATION REPORT FORMS FOR
PRIMES AND SUBCONTRACTORS**



PLEASE COMPLETE AND RETURN BY 15TH OF THE MONTH FOLLOWING THE REPORTING PERIOD, SUBMIT COPIES OF INVOICES WITH THIS DOCUMENT.

FOR THE PERIOD ENDING _____ (MONTH/YEAR)

SUBCONTRACTOR: _____

MDOT CERTIFICATION #: _____ **FEDERAL ID #:** _____

PRIME CONTRACTOR: _____

PROJECT NUMBER/TITLE: _____

PROJECT LOCATION: _____

SERVICES/SUPPLIES PROVIDED: _____

TOTAL SUBCONTRACT AMOUNT: _____

STATUS OF PAYMENTS:

INVOICE DATE	INVOICE NUMBER	AMOUNT OF INVOICE	AMOUNT PAID	AMOUNT DUE

DISCUSS ANY PROBLEMS YOU ARE EXPERIENCING WITH THE PRIME CONTRACTOR AND/OR THE PROJECT. _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

PRINT NAME OF COMPANY OFFICIAL _____ TITLE _____

SIGNATURE _____ DATE _____

TELEPHONE # _____ EMAIL ADDRESS _____

1/11/2008

Maryland Transportation Authority



BALTIMORE HARBOR & FORT McHENRY TUNNELS RADIATING COAXIAL CABLE INSTALLATION CONSTRUCTION DRAWINGS

LIMITS: BALTIMORE CITY

CONTRACT NO.: MA 2264-000-002

ADDENDUM 1 - FEB 18, 2010
MA 2264-000-002

INDEX OF SHEETS

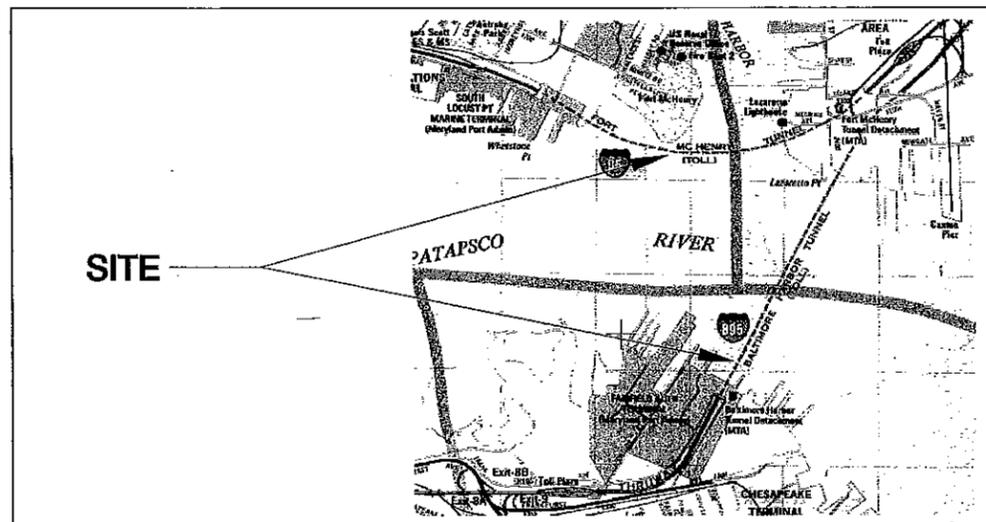
SHEET NO.	DWG. NO.	DESCRIPTION
1	T01	TITLE SHEET
2	C01	BHT SITE PLAN
3	C02	BHT BORE SECTION
4	C03	BHT HANGER DETAIL
5	C04	FMT SITE PLAN
6	C05	FMT BORE SECTION
7	C06	FMT HANGER DETAIL
8	C07	SECTION DETAIL
9		
10		
11		
12		
13		
14		
15		

REFERENCE DRAWINGS:

The following reference drawings do not represent work to be performed under this contract. These are provided only for the convenience, assistance and information of prospective bidders. The Authority assumes no responsibility for the accuracy of these drawings:

- COAXIAL ANTENNA CABLE PLAN AND DETAILS - FMT & BHT (ROADWAY TUNNELS)

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 19653, EXPIRATION DATE: 05-31-2010.



LOCATION MAP
SCALE: N.T.S.

STANDARDS AND SPECIFICATIONS

THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE MARYLAND STATE HIGHWAY ADMINISTRATION'S "STANDARDS FOR HIGHWAY AND INCIDENTAL CONSTRUCTION", THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION'S "STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS, JULY 2008" AND ALL REVISIONS THEREOF, THE LATEST MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND AS SPECIFIED IN THE CONTRACT DOCUMENTS.

COMPLETENESS OF DOCUMENTS

THE MARYLAND TRANSPORTATION AUTHORITY SHALL ONLY BE RESPONSIBLE FOR THE COMPLETENESS OF DOCUMENTS OBTAINED DIRECTLY FROM THE MARYLAND TRANSPORTATION AUTHORITY'S CASHIER'S OFFICE. FAILURE TO ATTACH ADDENDA MAY CAUSE THE BID TO BE IRREGULAR.

ADA COMPLIANCE

THE DESIGN OF THIS PROJECT HAS INCORPORATED FACILITIES IN COMPLIANCE WITH THE STATE AND FEDERAL LEGISLATION.

RIGHT OF WAY

RIGHT OF WAY AND EASEMENT LINES SHOWN ON THESE PLANS ARE FOR ASSISTANCE IN INTERPRETING THE PLANS. THEY ARE NOT OFFICIAL. FOR OFFICIAL RIGHT OF WAY AND EASEMENT INFORMATION, SEE APPROPRIATE RIGHT OF WAY PLANS.

UTILITIES

THE LOCATION OF UTILITIES SHOWN ON THE PLANS ARE FOR INFORMATION AND GUIDANCE ONLY. NO GUARANTEE IS MADE OF THE ACCURACY OF SAID LOCATIONS.

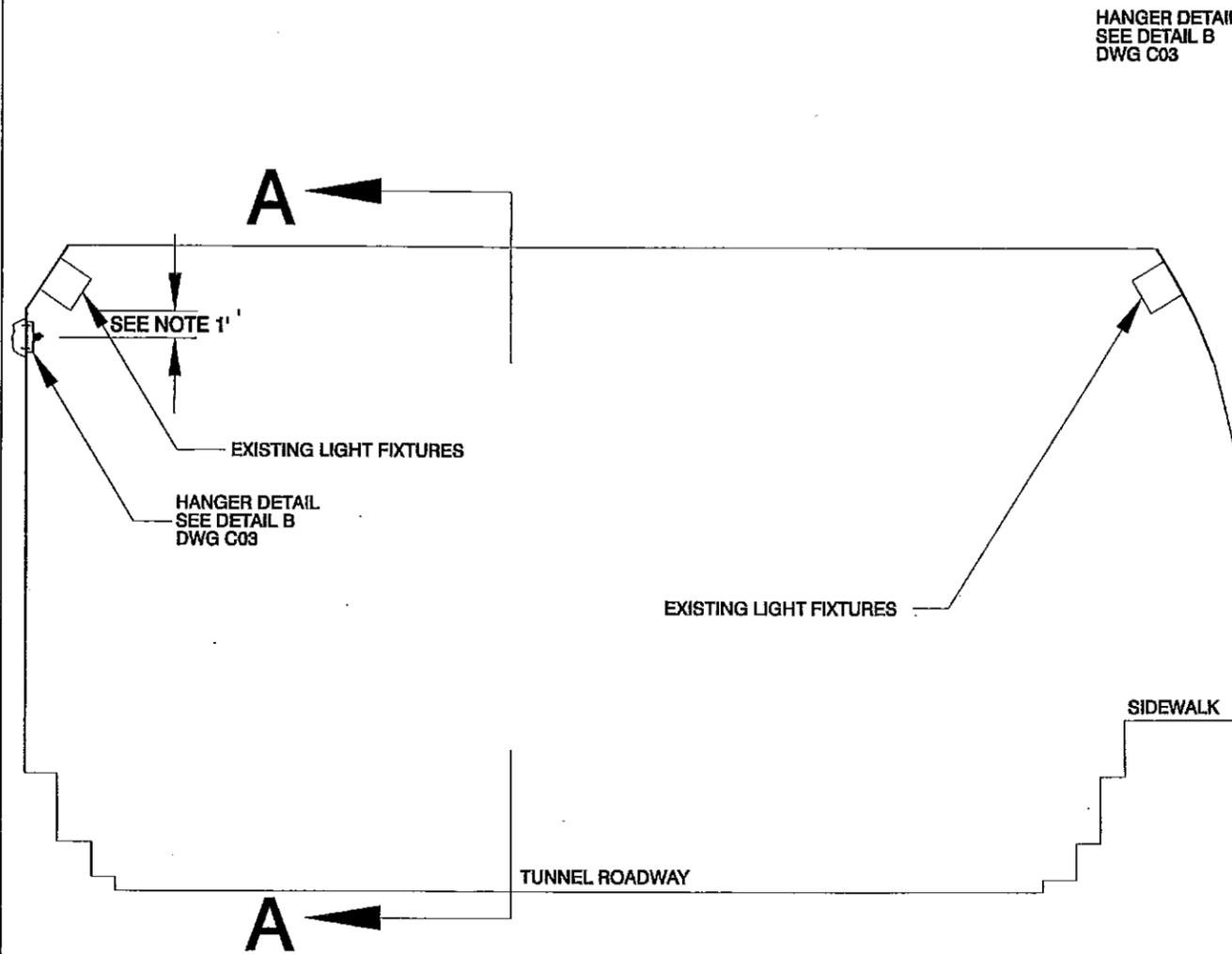
NOTIFICATION TO "MISS UTILITY", 1.800.257.7777, SHALL BE GIVEN 48 HOURS (TWO FULL WORKING DAYS) IN ADVANCE OF WORKING IN THE AREA OF THE SPECIFIC AFFECTED UTILITY. THE NOTIFICATION TO "MISS UTILITY" IS REQUIRED WHENEVER ANY EXCAVATING OR SIMILAR WORK IS TO BE PERFORMED.

META NOTIFICATION TO MR. JEFF ROBSON (MOTA SPECIAL TRADES SUPERVISOR AT 410-537-1274) SHALL BE GIVEN 72 HOURS IN ADVANCE OF WORKING IN THE AREA OF THE SPECIFIC UTILITY.

MARYLAND TRANSPORTATION AUTHORITY		
RECOMMENDED FOR APPROVAL	<i>Richard M. Zwick</i>	8/3/09
DIRECTOR OF ENGINEERING AND CONSTRUCTION		DATE
APPROVED	<i>Geoffrey V. Kolben</i>	12/7/09
CHIEF ENGINEER		DATE
APPROVED	<i>Donald J. Freedland</i>	12/8/09
EXECUTIVE SECRETARY		DATE

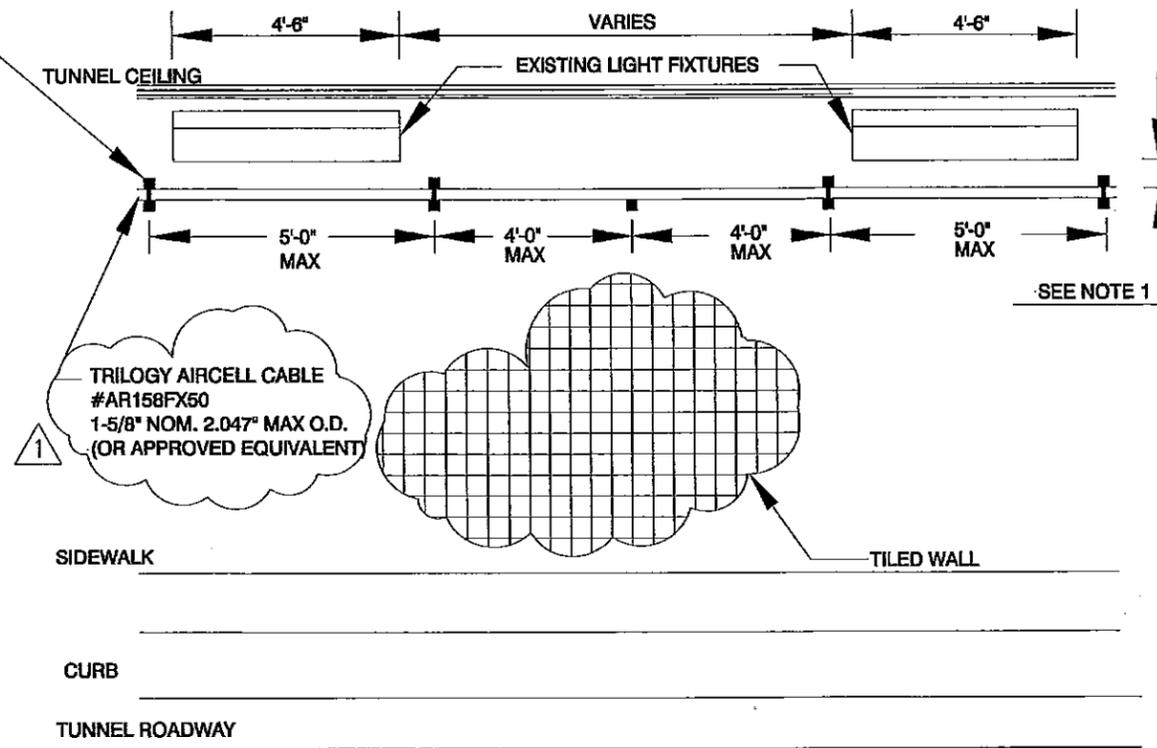
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FILE NAME: 2006 PROJECTS\060081\100\PROJECTS\MARYLAND TRANSPORTATION AUTHORITY MDTA\CAD\MDTA BHT & FMT REV 0 6-12-08



BHT TYPICAL TUNNEL BORE SECTION

HANGER DETAIL
SEE DETAIL B
DWG C03



VIEW - A

NOTE:

1. MOUNT UNISTRUT ASSEMBLY TO POSITION ANTENNA CABLE CENTER 7 INCHES (VERTICAL) TO LOWEST POINT OF LIGHT FIXTURE HOUSING. ENSURE COAX INSTALLATION DOES NOT CONFLICT WITH THE OPENING OF THE LIGHT FIXTURES
2. FIBERGLASS UNISTRUT CABLE MOUNTS SHALL BE MOUNTED IN A MANNER WHERE EACH LIGHT FIXTURE IS CENTERED BETWEEN THE TWO HANGERS (5'-0" MAX SPACING). ADDITIONAL HANGERS SHALL BE SPACED AT 4'-0" MAX BETWEEN LIGHT FIXTURES. ALL FIBERGLASS UNISTRUT MOUNTS SHALL BE PLACED OVER THE CLOSEST GROUT LINES BETWEEN TILES.



100 S. CHARLES ST
TOWER 2 SUITE 100
BALTIMORE, MD 21201
PHONE 410.837.5840 FAX 410.837.3277



MARYLAND TRANSPORTATION AUTHORITY
Engineering Division

ADDENDUMS & REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	ISSUED FOR REVIEW	CC	6/12/08
1	ISSUED FOR CLIENT REVIEW	CC	11/26/08

**RADIATING COAXIAL
CABLE INSTALLATION**

MARYLAND TRANSPORTATION AUTHORITY - BALTIMORE HARBOR & FORT MC HENRY TUNNELS
BALTIMORE, MARYLAND

DESIGNED BY	CC	DRAWN BY	CP	CHECKED BY	BH
CONST. REVIEW BY		DATE	AS NOTED	SCALE	NOT TO SCALE

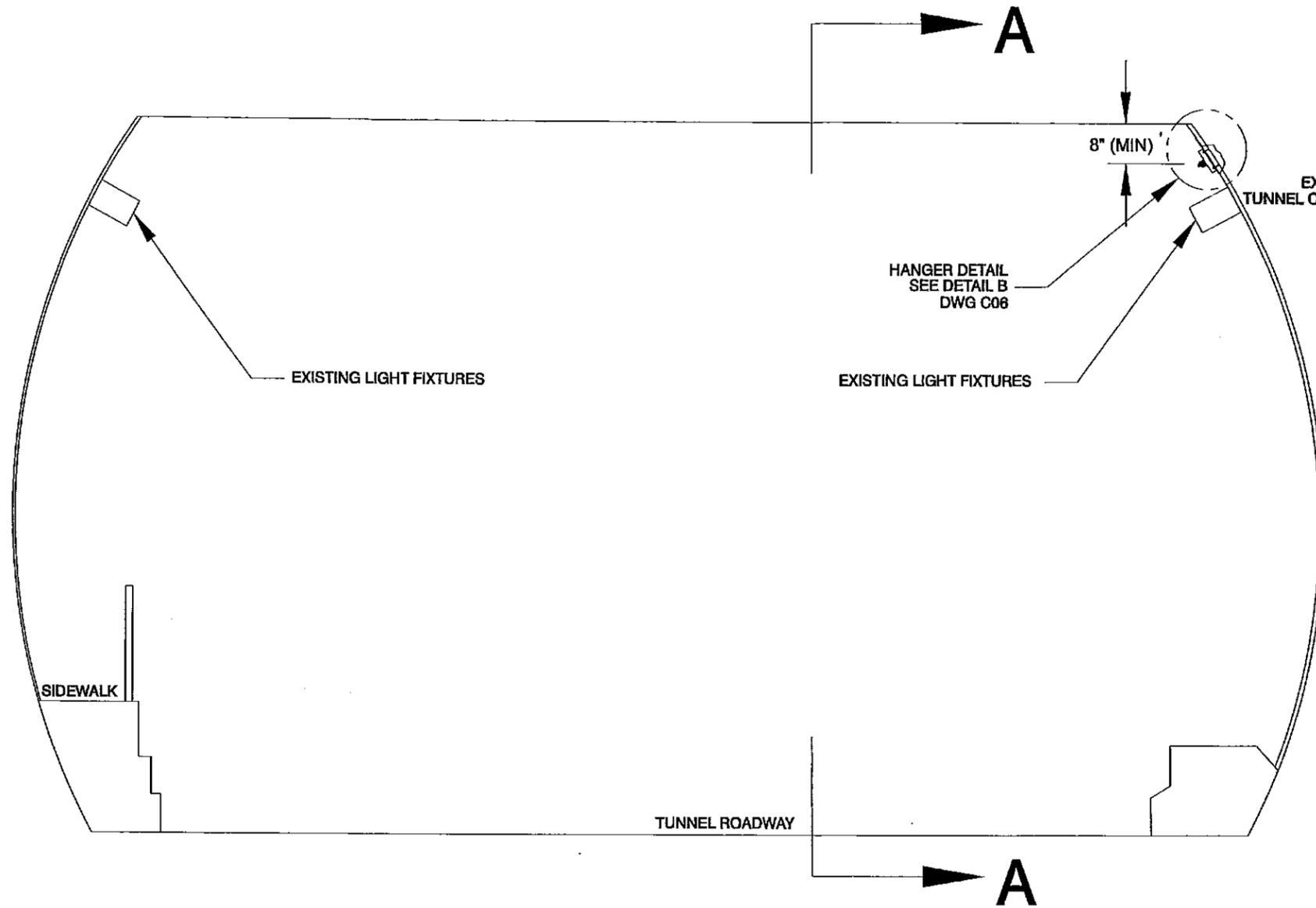
CONTRACT NO.
MA2264-000-002

DRAWING NO.

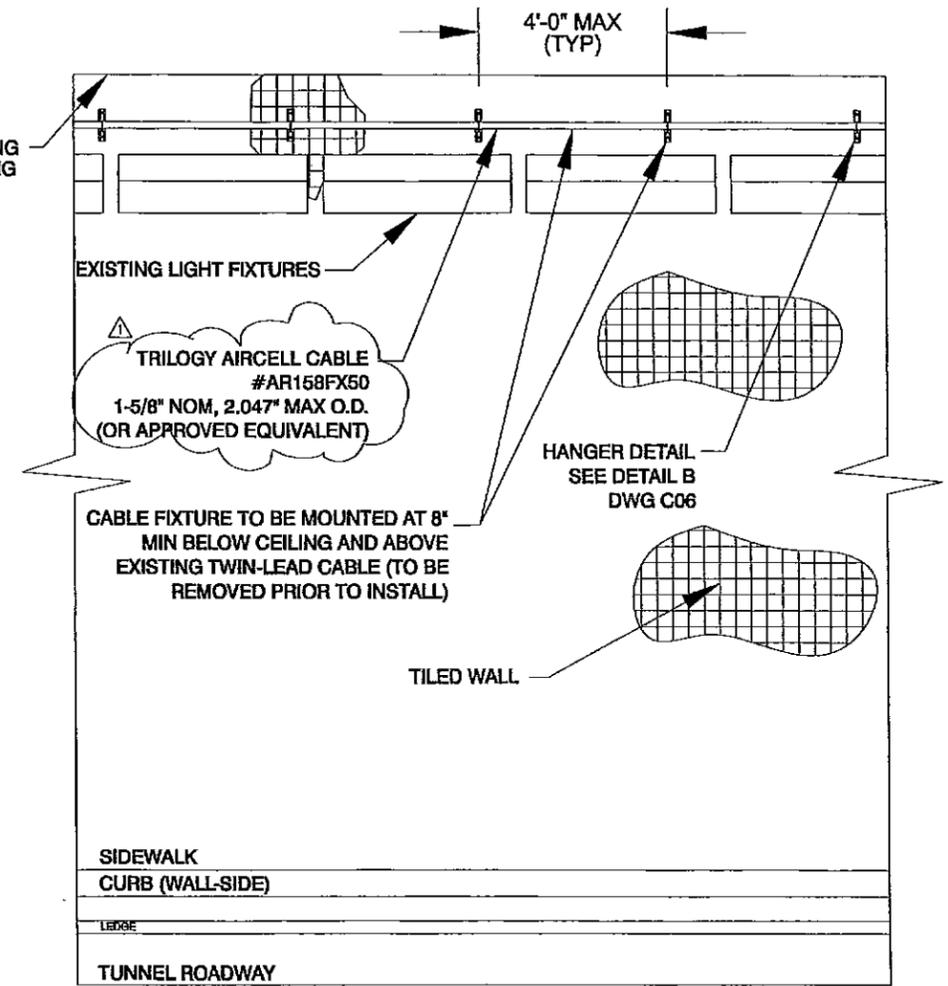
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SHEET NO.
03 OF 08

FILE NAME: 2008 PROJECTS\060081100\PROJECTS\MARYLAND TRANSPORTATION AUTHORITY MDTA\CAD\MDTA BHT & FMT REV 0 6-12-08



FMT TYPICAL TUNNEL BORE SECTION



VIEW A



100 S. CHARLES ST
TOWER 2 SUITE 100
BALTIMORE, MD 21201
PHONE 410.837.5840 FAX 410.837.3277



MARYLAND TRANSPORTATION AUTHORITY
Engineering Division

ADDENDUMS & REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	ISSUED FOR REVIEW	GP	6/12/08
1	ISSUED FOR CLIENT REVIEW	CC	11/26/08

RADIATING COAXIAL CABLE INSTALLATION

MARYLAND TRANSPORTATION AUTHORITY - BALTIMORE HARBOR & FORT MC HENRY TUNNELS
BALTIMORE, MARYLAND

DESIGNED BY	CC	DRAWN BY	CP	CHECKED BY	BH
CONST. REVIEW BY		DATE	AS NOTED	SCALE	NOT TO SCALE

CONTRACT NO.
MA2264-000-002
DRAWING NO.
C05
SHEET NO.
06 OF 06