

MARYLAND TRANSPORTATION AUTHORITY
Baltimore, Maryland

Request for Proposals

ALL FACILITIES



Contract No. MA-992-000-006

**Furnish and Install CCTV Cameras and Related
Equipment**

VOLUME II – PRICE PROPOSAL

Baltimore County, Baltimore City, Harford County,
Cecil County, Montgomery County, Prince George's
County, Charles County, Anne Arundel County, Queen
Anne's County

June 2007

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Baltimore, Maryland

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**Furnish and Install CCTV Cameras and Related
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Baltimore County, Baltimore City, Harford County, Cecil County,
Montgomery County, Prince George's County, Charles County, Anne
Arundel County, Queen Anne's County

June 2007

NOTICE TO BIDDERS/OFFERORS

A "Pre-Proposal Session" for the purpose of answering or obtaining answers to questions of parties interested in constructing the work relative to Right-of-Way, Utilities, Design, and Construction Details will be conducted at 1:30 p.m. on July 11, 2007, in the Francis Scott Key Bridge Engineering/Construction Building conference room at 304 Authority Drive in Dundalk, Maryland. While attendance at the Pre-Bid conference is not mandatory, this is the offeror's opportunity to raise questions and/or issues of concern regarding the project.

NOTICE TO BIDDERS

Please review the checklist prior to submitting your bid on this Contract.

- Please read all addenda and respond accordingly.
- If an addendum has revised the Schedule of Prices, make sure that you have included the revised pages in your bid. Your price should reflect any and all changes.
- Prices must be written numerically and in words. Don't leave any items blank.
- When tabulating your final price, make sure all your calculations are correct.
- All forms must be completely filled out and signed by all the parties as indicated.
- Make sure that your company's name, address, the contract number and the bid date appear on the front of the packaging.

When submitting responses via US Mail, Federal Express, DHL, UPS or any other delivery service it is your responsibility to make sure that the package reaches the destination before the time deadline. It may be in your best interest to send the package 24 hours in advance of the deadline. Also, when sending packages this way, make sure that the labeling specifies that it is a proposal submission.



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SPECIAL PROVISIONS

WAGE RATES

Minimum Wage Rates for "Class A" or "Class B" Projects

For contracts with a low bid amount of less than \$500,000, the Contractor shall pay at least the minimum wage to all labor in accordance with Article 100, Section 83 of the Annotated Code of Maryland. The Contractor's attention is also directed to the provision of the Federal Fair Labor Standards Act (29 U.S.C. 201-219) and the Federal Fair Labor Standards Amendments of 1977 (P.L. 93-259).

Prevailing Wage Rates for "Class B" through "Class H" Projects

For contracts with a low bid amount of \$500,000 or more, the contract will be subject to the attached "Wage Rate Schedule," in accordance with Annotated Code of Maryland, State Finance and Procurement Article, Sections 12-301 to 12-315.

A review has been made of the wage conditions in the locality and, based on the information available, the wage rates and fringe payments listed are determined by the Commissioner of the Department of Labor and Industry to be prevailing for the contract for the described classes of labor in accordance with the law. It shall be the responsibility of the Contractor to comply fully with the law and to contact the Office of the Commissioner for interpretation of the provisions of the law.



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STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR AND INDUSTRY
PREVAILING WAGE SECTION
1100 N. Eutaw Street, Room 607
Baltimore, Maryland 21201
(410) 767-2342

The wage rates to be paid laborers and mechanics for the locality described below is announced by order of the Commissioner of Labor and Industry.

It is mandatory upon the successful bidder and any subcontractor under him, to pay not less than the specific rates to all workers employed by them in executing contracts in this locality. Reference: Annotated Code of Maryland State Finance and Procurement, Section 17-201 thru 17-226).

These wage rates were taken from the locality determination dated October 11, 2006 for Baltimore City, issued pursuant to the Commissioner's authority under State Finance and Procurement Article Section 17-209, Annotated Code of Maryland.

Keith Duerling, Director of Engineering
(Name and Title of Requesting Officer)
Maryland Transportation Authority, 300 Authority Drive, Baltimore, MD 21222
(Department, Agency or Bureau)

February 16, 2007
(Date of Issue)

(Address)

Baltimore City: Furnish and Install CCTV Cameras and Related Equipment at
(Location and Description of work) Various MTA Facilities

Project No.: MA-992-000-006

BASIC CLASSIFICATION	FRINGE	HOURLY RATE	BENEFIT PAYMENTS
ELECTRICIAN		\$28.75	\$12.95
LABORER:			
COMMON OR UNSKILLED		\$13.64	\$3.35
AIR TOOL OPERATOR		\$16.57	\$1.68
CLEANER		\$11.31	NO FRINGE
PAINTER:		\$22.06	\$7.36
SPACKLING, TAPING & FINISHING		\$22.06	\$7.36
SHEETMETAL WORKER		\$25.88	\$11.66
TRUCK DRIVER:			
DUMP TRUCK		\$14.70	\$4.78 +a+b
TRAILER		\$14.70	\$4.78 +a+b



SPECIAL PROVISIONS

Baltimore City: Furnish and Install CCTV Cameras and Related Equipment at Various MTA Facilities-Project No.: MA-992-000-006

Table with 3 columns: CLASSIFICATION, BASIC HOURLY RATE, FRINGE BENEFIT PAYMENTS. Rows include POWER EQUIPMENT OPERATORS: BACKHOE, BOBCAT, BULLDOZER, CONCRETE PUMP, CRANE, EXCAVATOR, FORKLIFT, LOADER, PAVER, ROLLER, SCREED.

- a. PAID HOLIDAYS: New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving day, & Christmas Day.
b. PAID VACATIONS: Employees with 1 year service-1 week paid vacation; 2 years service-2 weeks paid vacation; 10 years service-3 weeks paid vacation

WELDER, RIGGER, CAULKER - Receive rate prescribed for craft performing operation to which welding, rigging, or caulking is incidental.

*COMMUNICATION INSTALLER TECHNICIAN | \$20.11 | \$7.97 +b+c |

*The above listed classification will be utilized for the installation, maintenance, and removal of teledata facilities (voice, data and video) including outside plant, telephone and data inside wire, interconnect, terminal equipment, central offices, PABX, fiber optic cable and equipment, railroad communications, micro waves, V-SAT, bypass, CATV, WAN (Wide Area Networks), LAN (Local Area Networks), and ISDN (Integrated Systems Digital Network).

Fire alarm work and security alarm work shall be installed by an Electrician. All HVAC control work will be installed by an Electrician or a Steamfitter/Pipefitter.

- b. PAID VACATIONS: Employees with 1 year service-1 week paid vacation; 2 years service-2 weeks paid vacation; 10 years service-3 weeks paid vacation
c. PAID HOLIDAYS: New Years Day, Memorial Day, July 4th, Labor Day, Veteran's Day, Thanksgiving Day, & Christmas Day.



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PREVAILING WAGE
Commissioner of Labor & Industry
1100 N. Eutaw Street, Room 607, 6th Floor
Baltimore, Maryland 21201

INSTRUCTIONS FOR THE CONTRACTOR

The contractor shall submit two complete copies of his payroll records and the payroll records of each of his subcontractors-one copy to the Contracting Officer and one to the **Commissioner of Labor & Industry, 1100 N. Eutaw Street, Room 607, 6th Floor, Baltimore, Maryland 21201**, where they will be available for inspection during business hours. These payroll records **MUST BE SUBMITTED WITHIN 14 CALENDAR DAYS AFTER THE END OF EACH PAYROLL PERIOD** and shall contain the following information: Name, address & **TELEPHONE NUMBER**; location and project number of the job; Employees name, address, social security number, exact and specific work classification, hours-straight time and overtime-worked each day, total hours-straight time and overtime-worked rate of pay and gross wages earned. Employee's address may be dropped after it has been reported one time. Payrolls shall be submitted on U.S. Department of Labor Wage and Hour Public Contracts Division Payroll Form WH-347 (copies of the form may be obtained through the U.S. Government Printing Office at (202) 512-1800 or said website www.fedworld.gov) or its equivalent and contain only information relevant to the job and be serially numbered starting with payroll number one.

The contractor shall be responsible for submission of all subcontractors' payroll records covering work performed directly at the work site. Each copy of the payroll records shall be accompanied by a statement signed by the contractor or the subcontractor, indicating that the wage rates contained therein are not less than those established by the Commissioner as set forth in the contract, that the classification set forth for each worker or apprentice conforms with the work performed, and that the contractor or subcontractor, as the case may be, has complied with the provisions of the law.

A contractor or subcontractor may make **deductions** that are (1) required by law; (2) required by a collective bargaining agreement between a bona fide labor organization and the contractor or subcontractor; or (3) contained in **WRITTEN AGREEMENT** between an employee and an employer undertaken at the beginning of employment, if the agreement is submitted by the employer to the **PUBLIC BODY** awarding the public work and is approved by the public body as fair and reasonable.

If the contractor is delinquent in submitting payroll records, processing of partial payment estimates may be held in abeyance pending receipt of the records. In addition, if the contractor is delinquent in submitting the payroll records, the contractor shall be liable to the Contracting Public Body for liquidated damages. The liquidated damages shall constitute the sum of \$10.00 for each calendar day that the records are late.



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Instructions for the Contractor-Page 2

Only apprentices registered with the Maryland State Apprenticeship and Training Council shall be employed on Prevailing Wage projects. Any Apprentices **REGISTERED IN ANOTHER STATE MUST** be approved by the Maryland State Apprenticeship and Training Council (MSATC may be reached at (410) 767-2233), **BEFORE** working on a Prevailing Wage project. Apprentices shall be paid a percentage of the determined journeyperson's wage rate for the specific craft.

OVERTIME rates shall be paid by the general contractors and subcontractors under its contracts and agreements with their employees which in no event shall be less than time and one-half the prevailing hourly rate of wages for all hours worked **IN EXCESS OF TEN (10) HOURS IN ANY ONE CALENDAR DAY**; in excess of forty (40) hours per workweek and work performed on Sundays and legal holidays.

ALL contractors and subcontractors shall employ only competent workers and apprentices and may NOT employ any individual classified as a HELPER or TRAINEE on a Prevailing Wage Project. Laborers may NOT assist mechanics in the performance of the mechanic's work, NOR USE TOOLS peculiar to established trades.

The Fringe Benefit Package of the contractor, and all subcontractors working under him, must be submitted indicating the hourly dollar amount paid, along with proof of payment, on behalf of each employee working on the project. Apprenticeship papers shall be submitted for each apprentice employed on the project. A current valid copy of the Construction License for the contractor and subcontractors, permitting them to perform construction work in the State of Maryland must be submitted. Forward the SUBCONTRACTORS LIST, FRINGE BENEFIT PACKAGES, APPRENTICESHIP PAPERS and CONSTRUCTION LICENSES to the above address.

Contractors and subcontractors employing a classification of worker for which a wage rate was not issued, shall notify the Commissioner of Labor & Industry, (IN WRITING) to the above listed address or via email attention: Ms. Tammy Ricci at www.twolford@dllr.state.md.us) for the purpose of obtaining the wage rate for said classification **PRIOR TO BEING EMPLOYED** on this project. When requesting additional wage rates, please reference the project and project number, and classification needed for the purpose of obtaining a more quicker and accurate response.

Updated: 11-9-06



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MARYLAND TRANSPORTATION AUTHORITY

Contractor Affirmative Action Program



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CONTRACTOR AFFIRMATIVE ACTION PROGRAM

I. GENERAL

- A. The Contractor shall cooperate with the Maryland Department of Transportation in carrying out its equal opportunity obligations and in the Department's review of the Contractor's activities performed under this contractual agreement.
- B. All Contractors shall comply with the Governor's Code of Fair Practices, Promulgated July, 1976. The Contractor shall include these requirements in every subcontract with such modifications of language as is necessary to make these provisions binding on the subcontractor.
- C. All Contractors shall comply with Maryland Department of Transportation Minority Business Enterprise Program requirements.

II. Applicability

- A. The Maryland Department of Transportation Contractor Affirmative Action/Equal Employment Opportunity Program requirements are applicable to all Contractors doing business with the Maryland Transportation Authority.



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**CONTRACTOR AFFIRMATIVE ACTION/EQUAL
EMPLOYMENT OPPORTUNITY PROGRAM**



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CONTRACTOR AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

DEFINITIONS

Affirmative Actions - The efforts exerted toward achieving equal employment opportunity through positive, aggressive and continuous result - oriented measures to correct past and present discriminating practices and their effects on the conditions and privileges of employment.

Contractor/Subcontractor - The individual, partnership, firm or corporation undertaking the execution of work under the terms of a contract and acting directly or through his agents or employees.

Corrective Action - A Contractor's written and signed commitment outlining specific actions to be taken with time limits, goals, etc., to correct a violation of applicable EEO regulations.

Discrimination - A distinction in treatment, whether intentional or unintentional, based on: political or religious opinion or affiliation; race; color; creed; national origin; sex; physical or mental handicap; age, except where sex, handicap or age involves a bona fide job requirement.

Equal Employment Opportunity Officer - A designated employee of the Contractor whose responsibility it shall be to implement and maintain the Affirmative Action Plan.

Good Faith Effort - A results-oriented positive action designed to achieve Affirmative Action objectives or goals.

Personnel Actions - All decisions respecting employment including, but not limited to hiring, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training to include apprenticeship, pre-apprenticeship or on-the-job training.



SPECIAL PROVISIONS

LEGAL MANDATES

- A. Title VI, Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in all programs and activities which receive Federal Financial Aid. Employment discrimination is prohibited if a primary purpose of Federal assistance is a provision of employment, e.g., apprenticeship, training, work study, or similar programs. Revised guidelines in 1973 prohibit discriminatory employment practices in all programs if such practices cause discrimination in services provided to beneficiaries of the program.
- B. Title VII, Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972). Title VII prohibits discrimination because of race, color, religion, privilege of employment.
- C. Executive Order 11246 (as amended). This order, issued by the President in 1965, requires Equal Employment Opportunity/Affirmative Action Program by all Federal Contractors and subcontractors. It also requires that firms with contracts over \$50,000.00 and 50 or more employees develop and implement written programs, which are to be monitored by the Federal Office of Contract Compliance. Specific requirements for such result-oriented programs are identified in the Revised Order #4 issued by the Federal Office of Contract Compliance, U.S. Department of Labor. These requirements include identifying areas of minority and female under-utilization, numerical promotional and hiring goals, and other actions to increase minority employment in classifications where they are currently under-utilized.
- D. The Age Discrimination Act of 1967 prohibits employers of 25 or more persons from discriminating against persons 40-65 years of age in any area of employment due to their age.
- E. National Labor Relations Act of 1935. Discrimination on basis of race, religion, sex, or national origin constitutes an unfair labor practice under this Act. It shall be unlawful for employers to participate with unions in the commission of any discriminatory practices under this Act, or to practice discrimination in a manner which gives rise to racial or other division amongst employees to the detriment of organized union activity. It shall be unlawful for unions to exclude individuals discriminatorily from union memberships, thereby causing them to lose job opportunities, to discriminate in the representation of union members or non-members in collective bargaining, in the processing or grievance, or in any other respect which may cause or attempt to cause employers to enter into discriminatory agreements, or otherwise discriminate against members and non-members.



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- F. Governor's Code of Fair Practices For The State Of Maryland (amended). The Governor of Maryland issued a revised Code of Fair Practices which was promulgated March 3, 1988, in recognition of the State's responsibility to root out the evils of discrimination on the basis of color, race, creed, national origin, sex and age. This code was amended so as to be in compliance with Federal mandates regulating laws pertinent to Equal Employment Opportunity/Affirmative Action.
- G. Rehabilitation Act of 1973 (Public Law 93-112). This law provides a statutory basis for the Rehabilitation Services Administration and to authorize programs to promote and expand employment opportunities in the public and private sectors for handicapped individuals.
- H. Article 78A, Section 7A, Annotated Code of Maryland. This law provides for non-discrimination in State construction contracts and sub-contracts. This provision obligates the Contractor not to discriminate in any manner against any employee or applicant for employment because of race, creed, color, or national origin and obligates sub-contractors to the same.
- I. Other Laws. Employment discrimination has also been ruled by courts to be prohibited by the Civil Rights Acts of 1866 and 1870, the equal protection clause of the Fourteenth Amendment of the Constitution of the United States, and the Equal Pay Act of 1963. Action under these laws on behalf of individuals or groups may be taken by individuals, private organizations, trade unions or other groups.



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ASSIGNMENT OF RESPONSIBILITIES

The Contractor will designate an Equal Employment Opportunity Officer. He/she will have responsibility of implementing the Contractors Affirmative Action Plan. He/she will coordinate, advise and assist management and other key officials. He/she will render periodic reports to the responsible executives relative to the state of progress and make appropriate recommendations along these lines to the executives of this project.

The name of the EEO Officer, telephone number and address where he/she can be reached concerning any acts or alleged acts of discrimination, will be posted on the bulletin board at the home office as well as on the bulletin boards on all job-sites.



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DISSEMINATION OF POLICY

The Contractor will take appropriate steps to ensure that all employees are advised of its policy of non-discrimination and of its interest in actively and affirmatively providing equal employment opportunity for all citizens. The steps include:

1. Meetings of supervisory and personnel office employees are to be conducted at least every six months so that the Contractor's EEO policy and plan may be revised and explained.
2. All new supervisory and personnel office employees are to be made aware of the Contractor's EEO policy and plan as soon as practicable, but certainly within thirty (30) days following the date of first reporting for duty.
3. The Contractor will make its EEO policy known to all employees, prospective employees, and potential sources of employees, through schools, employment agencies, labor unions, college placement officers, etc., by taking the following actions:
 - a. Notice and posters setting forth the Contractor's EEO policy will be placed in areas readily accessible to employees and applicants for employment.
 - b. The Contractor's EEO policy and the procedures for implementing the EEO policy will be brought to the attention of employees through meetings, employee handbooks, or other appropriate means.



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RECRUITMENT

- A. The Contractor will include in all advertising the following notation: "An Equal Opportunity Employer". The Contractor will insert such advertisement in newspapers or other publications having large circulation among minorities and females in the area from which the project work is derived.
- B. The Contractor will, unless precluded by a valid collective bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority and female applicants, including, but not limited to, State Employment agencies, school, college and minority/female organizations, i.e., The Urban League, NAACP, etc. To meet this requirement, the Contractor shall identify sources of potential minority/female employees and establish with such sources procedures whereby minority/female applicants may be referred to us for employment consideration.
- C. The Contractor will develop procedures for promoting the employment of minority/female youth on an after-school, summer and vacation basis.
- D. The Contractor will encourage it's employees to refer minority/female applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority/female applicants will be discussed with employees.



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PERSONNEL ACTIONS

To avoid discrimination in any of the Contractors personnel actions, the following will be done:

- A. Periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory practices.
- B. Periodic evaluations of the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.
- C. Periodic reviews of personnel actions in depth to determine whether there is any evidence of discrimination. Where evidence is found, the Contractor will promptly take corrective action.
- D. Investigations of all complaints of alleged discrimination attempts to resolve such complaints. Additionally, if the investigation indicates that the discrimination may affect persons other than the complainant, appropriate corrective actions will include other persons. Upon completion of each investigation, the Contractor will inform every complainant of all avenues of appeal.



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TRAINING AND PROMOTION

To eliminate any discrimination in training and promotion, the following actions will be taken:

- A. Contractor will assist in locating, qualifying, and increasing the skills of minority/female employees and applicants for employment.
- B. Consistent with Contractor's employment requirements and as permissible under State regulations, will make full use of training programs, i.e., pre-apprenticeship, apprenticeship, and on-the-job training programs for the geographical area of contract performance.
- C. Contractor will advise employees and applicants for employment of available training programs and entrance requirements for the program.
- D. Contractor will periodically review the training and promotional potential of minority/female employees and shall encourage eligible employees to apply for such training and promotions.



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UTILIZATION OF UNIONS

In carrying out its Affirmative Action Plan, the Contractor will use good faith efforts to obtain the cooperation from unions it relies on, in whole or part, as a source of employees, to increase opportunities for minority/female groups. The Contractor, either directly or through a Contractor's association acting as its agent, will;

- A. Use good faith efforts to develop, in cooperation with the unions, joint training programs aimed at qualifying more minorities/females for membership in the unions and increasing their skills so they may qualify for higher paying employment; and
- B. Incorporate an Equal Employment Opportunity clause into all union agreements so that unions shall be contractually obligated not to discriminate in the referral of job applicants.



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UTILIZATION OF SUBCONTRACTORS

- A. The Contractor will use good faith efforts to employ subcontractors whose employees reflect minority/female groups approximately equal to the number available in the current labor pool populations, or owned by minority/female.

- B. The Contractor will use good faith efforts to assure that all subcontractors comply with equal employment obligations as defined in the amended Code of Fair Practices.



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RECORDS AND REPORTS

In accordance with the Governor's Code, Article III, Section A and C (2), the Contractor will keep such records as are necessary to determine compliance with its equal opportunity obligations. The records kept shall be designed to indicate:

1. The number of minority/female and other persons employed in each work classification of the project.
2. The progress and efforts being made in cooperation with unions, if any, to increase minority/female employment opportunities.
3. The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority/female employees.
4. The progress and efforts being made in securing the services of minority/female subcontractors.

All such records will be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the Maryland Transportation Authority.

The Contractor will submit to the Authority a monthly report for the first three months after construction begins and, and thereafter, upon request for the duration of the project. This report shall indicate the number of minority/female employees currently engaged in each work classification.



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MONITORING

The Contractor will periodically evaluate it's Affirmative Action Plan and the results achieved to ensure that the plan is in compliance with it's commitments.



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**SUGGESTED GOALS AND TIMETABLES
FOR
MINORITY WORKHOUR UTILIZATION**

For all trades, the following goals and timetables, as appropriate, for minority work hour utilization shall be applicable:

Baltimore Metropolitan SMSA (OFCCP Approved) - This area (Region I) includes Anne Arundel, Baltimore, Carroll, Harford, Howard Counties and Baltimore City. The total distribution of work hours (actual work hours performed on the job) for minorities and females shall be consistent with the following utilization goals for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980 23.0%

Females

After August 16, 1980 6.9%

Eastern Shore Maryland SMSA (Documentation Attached) - This area (Region II) includes Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties. The total distribution of work hours (actual work hours performed on the job) for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980 23.8%

Females

From August 16, 1980 6.9%(3)



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Southern Maryland SMSA (Documentation Attached) - This area (Region III) includes Calvert, Charles, and St. Mary's Counties. The total distribution of work hours (actual work hours performed on the job) for minorities and females shall be consistent with the following utilization goals for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980

25.2%

Females

After August 16, 1980

6.9%

Washington, D.C. Metropolitan SMSA (Washington Plan) - This area (Region IV) includes Montgomery and Prince Georges County. The total distribution of work hours (actual work hours performed on the job) for minorities and females shall be consistent with the following utilization goals for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980

28.0%

Females

After August 16, 1980

6.9%



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Western Maryland SMSA (Documentation Attached) - This area (Region V) includes Allegany, Frederick, Garrett, and Washington Counties. The total distribution of work hours (actual work hours performed on the job) for minorities and females shall be consistent with the following utilization goals for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980

4.8%

Females

After August 16, 1980

6.9%

Wilmington, Delaware SMSA (Wilmington Plan) - This area (Region VI) includes Cecil County only. The total distribution of work hours (actual work hours performed on the job) for minorities and females shall be consistent with the following utilization goals for minorities and females, respectively, and shall apply to all trades.

Utilization

Minorities

After October 3, 1980

12.3%

Females

After August 16, 1980

6.9%



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SPECIAL PROVISIONS

AFFIRMATIVE ACTION REQUIREMENTS UTILIZATION OF MINORITY BUSINESS ENTERPRISES FOR STRAIGHT STATE CONTRACTS (Where the Contractor's bid exceeds \$50,000)

A. General

For the purpose of these requirements, the following terms as defined below shall apply:

Administration Representative – A Minority Business Enterprise (MBE) Officer of the Authority who enforces the laws and regulations pertaining to minority business enterprise and Contract compliance.

Affirmative Actions – Specific steps taken to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve minority businesses fully in contracts and programs.

Business Enterprises – A legal entity which is organized in any form other than as a joint venture (e.g., sole proprietorship, partnership, corporation, etc.) to engage in lawful commercial transactions.

Contractor/Subcontractor – The business enterprise undertaking the execution of work under the terms of a contract, acting directly or through agents or employees.

Certified Business – A business which by order of the Chair/MBE Advisory Council or his/her designee, has been certified as a bona fide MBE.

Director, Office of Fair Practices – The individual designated for the Authority's overall MBE compliance.

Executive Secretary – Chief Executive of the Authority Staff.

Joint Venture – An association of a MBE firm and one or more other firms to carry out a single, for profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the MBE is responsible for a distinct, clearly defined portion of the work of the Contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Minority Business Enterprise (MBE) – Any legal entity, other than a joint venture, organized to engage in commercial transactions which is at least 51 percent owned and controlled by one or more minority persons, or a nonprofit entity organized to promote interests of the physically or mentally disabled.

MBE Directory – A compilation of businesses certified by MDOT as minority or socially and economically disadvantaged businesses. The directory will be published annually with quarterly supplements. It will also be provided in automated format and on the Internet to be updated as changes are made.



SPECIAL PROVISIONS

MBE Program – A program developed by MDOT to implement the requirements of Title 14, Subtitle 3 of the State Finance Procurement Article, Annotated Code of Maryland and Title 10, Subtitle 3 of the State Finance Procurement Article of the Annotated Code of Maryland for Leases of State-Owned Property.

MBE Participation Packet – The documents submitted by the bidder or proposer pursuant to the appropriate special bid provisions. The MBE Participation Packet shall consist of the MDOT Scheduled of Participation of Minority Business Enterprise (Form OOC44, 04-01-97), the MDOT Minority Contractor Project Disclosure and Participation Statement (Form OOC45, 04-01-97), the MDOT Joint Venture Disclosure Affidavit (Form D-EEO-006) and the Minority Contractor Unavailability Certificate (Form OOC46, 04-01-97).

Minority or Minority Person for Straight State Contracts—Member of one of the following socially and economically disadvantaged groups:

1. African American – An individual having origins in any of the Black racial groups of Africa;
2. American Indian/Native American – An individual having origins in any of the original peoples of North America and who is a documented member of a North American tribe, band, or otherwise organized group of native people who are indigenous to the continental United States or who otherwise have a special relationship with the United States or a state through treaty, agreement, or some other form of recognition. This includes an individual who claims to be an American Indian/Native American and who is regarded as such by the American Indian/Native American community of which he/she claims to be a part, but does not include an individual of Eskimo or Aleutian origin;
3. Asian – An individual having origins in the far East, Southeast Asia, or the Indian Subcontinent and who is regarded as such by the community of which the person claims to be a part;
4. Hispanic – An individual of Mexican, Puerto Rican, Cuban, Central or South American, Portuguese or other Spanish culture or origin regardless of race, and who is regarded as such by the community or which the person claims to be a part;
5. Women – This category shall include all women, regardless of race or ethnicity, although a woman who is also a member of an ethnic or racial minority group may elect that category in lieu of the gender category; or
6. Physically or Mentally Disabled – An individual who has an impairment that substantially limits one or more major life activity, who is regarded generally by the community as having such a disability, and whose disability has substantially limited his or her ability to engage in competitive business.



SPECIAL PROVISIONS

B. Bidder's Action

1. The bidder shall seek commitments from minority business enterprises by subcontracting and/or procurement of materials and/or services, the combined value of which equals or exceeds the established Contract goal of 10% percent of the total value of the prime Contract. The Authority has further established that, within this Contract goal, there shall be a sub-goal of a minimum of 0% percent participation by firms classified as African American-owned firms and a sub-goal of 0% percent participation by firms classified as Women-owned firms. A bidder may count toward its MBE goals expenditures for materials and supplies obtained from MBE regular dealers and/or manufactures provided that the MBE assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a MBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale). The bidder may count sixty (60) percent of its expenditures to a MBE regular dealer, that is not a manufacturer, provided that the MBE supplier performs a commercially useful function in the supply process. The apparent low bidder shall submit to the Authority, within ten (10) working days after notification that it is the apparent low bidder, an acceptable Affirmative Action Plan for the utilization of Minority Business Enterprises in this Contract. The Contract will not be awarded without the bidder's Affirmative Action Plan being approved by the Authority.

The Affirmative Action Plan shall include as a minimum:

- a. The name of an employee designated as the bidder's Minority Business Liaison Officer.
- b. A complete Schedule for Participation (OOC44), of minority business enterprises, from among those whose names appear in the MDOT MBE Directory or who are otherwise certified by MDOT as being minority business enterprises.
- c. A Minority Contractor Project Disclosure and Participation (OOC45), completed and signed by the bidder and MBE for each business listed in the Schedule for Participation.
- d. When a bidder intends to attain the appropriate goal for minority business enterprise participation by use of a joint venture, the bidder shall submit a Joint Venture Disclosure Affidavit (MDOT D-EEO-006-A) showing the extent of the MBE participation. If a bidder intends to use a joint venture as a subcontractor to meet its goal, the affidavit shall be submitted through the bidder by the proposed subcontractor and signed by all parties.
- e. When the proposed MBE participation does not meet the MBE Contract goals, information sufficient to demonstrate that the bidder has made good faith efforts to meet these goals shall be required.



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2. Bidder's Request for Exception to the MBE Goal

If the bidder is unable to secure from MBEs by subcontracting and/or by procurement of materials and/or services, commitments which at least equal the appropriate percent of the value of the prime Contract, the bidder shall request, in writing, waiver of the unmet portion of the goal.

The waiver may be granted by the Executive Secretary. To obtain approval of a waiver, the bidder shall submit the following:

- a. A detailed statement of efforts made to contact and negotiate with MBEs including the dates, names, addresses, and telephone numbers of MBEs who were contacted; a description of the information provided to the MBEs regarding the work to be performed, anticipated schedule for portions of the work to be performed; and a detailed statement of the reasons why additional prospective agreements with MBEs were not reached;
- b. A detailed statement of the efforts made to select portions of the work proposed to be performed by MBEs in order to increase the likelihood of achieving the stated goals;
- c. For each MBE that the Contractor considers not qualified, but from which a bid has been received, a detailed statement of the reasons for the bidder's conclusion; and
- d. For each MBE contacted but unavailable, a Minority Contractor Unavailability Certificate, (OOC46), signed by the minority business enterprise, or a statement from the bidder stating that the MBE refused to sign the Certificate.

3. Bidder Use of MBE Special Services

The bidder shall consider, whenever possible, utilizing the services of minority-owned banks. Most minority banks are full-service corporations that can provide an array of financial services such as Treasury and Tax Loan fund accounts, time and demand deposit accounts, payroll services and if needed, organization investment counseling. It is the policy of MDOT to encourage its Contractors to utilize, on a continuing basis, MBE banks.

4. Bidder Records

The bidder shall maintain records showing actions which have been taken to comply with procedures set forth herein.

5. Bidders Cooperation

The bidder shall cooperate with the Authority representative in any review of the Contractor's procedures and practices, with respect to the MBEs, which the Authority's representative may, from time to time, conduct.



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6. Bidder MBE Modifications

During the life of the Contract, all plans to modify the approved MBE participation program will require the approval of the Executive Secretary or his authorized representative. This will include any changes to items of work to be sublet or materials and services to be obtained which differs from those in the original MBE participation program. All requests for revisions shall be directed to the Director of Engineering for disposition.

The low bidder's failure to participate in any of the above proceedings or failure to furnish information after written request may result in rejecting the bid and non-award of the Contract.

C. RECORDS AND REPORTS

1. The Contractor shall keep such records as are necessary to determine compliance with its Minority Business Enterprise utilization obligations. The records kept by the Contractor shall be designed to include:
 - a. The name of minority and non-minority subcontractors and suppliers, the type of work materials or services being performed on or incorporated in this project, the monetary value of such work materials or services, the terms of performance and/or delivery, copies of all cancelled checks paid to subcontractors and suppliers and a record of all payments made to subcontractors and suppliers.
 - b. Documentation of all correspondence, contacts, telephone calls, etc., to obtain the services of minority business enterprises on this project.
 - c. The progress and efforts made in seeking out minority contractor organizations and individual minority contractors for work on this project.
2. The Contractor shall submit reports, on a quarterly basis, of those contracts and other business transactions executed with minority business enterprises, with respect to the records referred to in C. 1., above, in such form, manner and content as prescribed by the Authority. The quarterly reports shall be due on the 15th calendar day of January, April, July, and October. If the Contractor cannot submit their report on time, the Contractor shall notify the Authority's representative and request additional time to submit the report. Failure of the Contractor to report in a time manner may result in a finding of noncompliance. Additional report may be required by the Authority upon request.
3. To insure compliance with the certified MBE Contract participation goal, the Contractor shall:
 - a. Submit monthly reports listing all unpaid invoices over 30 days, from certified MBE subcontractors, and the reason payment has not been made.



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- b. Include in its agreement, with certified MBE subcontractors a, requirement that MBE subcontractors are to submit monthly, to the Administration, a report identifying the prime Contractor and listing the following:
 - (1) Payment received from the prime Contractor, in the proceeding 30 days;
 - (2) Invoices for which the subcontractor has not been paid.
4. All such records and reports shall be retained for a period of three years following acceptance of final payment and shall be available for inspection by the Maryland Department of Transportation and this Authority.

D. ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT

1. Whenever the Authority believes the prime Contractor or any subcontractor may not be operating in compliance with the terms of these provisions, the Authority's representative will conduct an investigation. If the Authority representative finds the prime Contractor or any subcontractor is not in compliance with these provisions, the representative will make a report of noncompliance and notify such Contractor in writing of the steps that will, in the judgment of the Authority, bring the Contractor into compliance. If the Contractor fails or refuses to comply fully with such steps, the Authority's representative will make a final report of the noncompliance to the Executive Secretary, who may direct the imposition of one or more of the sanctions listed below:
 - a. Suspension of work on the project, pending correction;
 - b. Withholding payment or a percentage thereof, pending correction;
 - c. Referral of MBEs to the MDOT office of MBE, for review for decertification, for review/referral to the Attorney General's Office for review/initiation of debarment or for review for criminal prosecution through the MDOT Office of General Counsel;
 - d. Initiation of suspension in accordance with COMAR regulations;
 - e. Referral to the Attorney General's Office for review for debarment or for criminal prosecution through the MDOT Office of General Counsel;
 - f. Any other action as appropriate, within the discretion of the Executive Secretary.
2. If the documents used to determine the status of a MBE contains false, or misleading or misrepresenting information, the matter will be referred to the MDOT Office of the General Counsel for appropriate action. In addition, when directed by the Authority, the Contractor shall terminate, without liability to the Authority, its contract with a firm, which for any reason, is either no longer certified or no longer eligible to do business in the State. The Contractor shall promptly submit plans for maintaining the required MBE participation on the project or appropriate request for waiver of all or part of the Contract goal with appropriate documentation to support Good Faith Efforts (as established by COMAR including the MDOT DBE/MBE Program Manual). The program and all revisions require the Executive Secretary's approval.



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SPECIAL PROVISIONS

PROPOSAL FORM

Contract No. MA-992-000-006

Proposal Of _____

(Name)

(Address)

(Phone Number)

To furnish and deliver all materials and to perform all work in accordance with the Specifications and the other Contract Documents except as specifically stated otherwise in the Special Provisions relating to Contract No. MA-992-000-006 for Furnish and Install CCTV and Related Equipment.

as defined in the Special Provisions on which proposal will be received until four (4) PM on the 17 of August 2007 in the Bid Box of the Maryland Transportation Authority Engineering Division, Building 300, 2nd floor, located at the Francis Scott Key Bridge, Baltimore, Md the work to be performed at Anne Arundel, Baltimore, Cecil, Charles, Harford Counties and Baltimore City.

Proposals will be evaluated in accordance with Section 4 of Volume I – Special Provisions.

To the Maryland Transportation Authority, Baltimore, MD:

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

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8001	60	EACH OF FURNISH PTZ CAMERA ASSEMBLY AT _____.				
8002	30	EACH OF INSTALL PTZ CAMERA ASSEMBLY AT _____.				
8003	60	EACH OF FURNISH PRESSURIZED DOME ASSEMBLY AT _____.				
8004	30	EACH OF INSTALL PRESSURIZED DOME ASSEMBLY AT _____.				
8005	30	EACH OF FURNISH FIXED TUNNEL CAMERA AT _____.				
8006	30	EACH OF INSTALL FIXED TUNNEL CAMERA AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8007	30	EACH OF FURNISH FIXED TUNNEL PRESSURIZED ENCLOSURE AT _____.				
8008	30	EACH OF INSTALL FIXED TUNNEL PRESSURIZED ENCLOSURE AT _____.				
8009	70	EACH OF FURNISH MPEG-2 ENCODER CARDS AT _____.				
8010	35	EACH OF INSTALL MPEG-2 ENCODER CARDS AT _____.				
8011	50	EACH OF FURNISH MPEG-2 DECODER CARDS AT _____.				
8012	25	EACH OF INSTALL MPEG-2 DECODER CARDS AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8013	10	EACH OF FURNISH ENCODER/DECODER CHASSIS AT _____.				
8014	10	EACH OF INSTALL ENCODER/DECODER CHASSIS AT _____.				
8015	30	EACH OF FURNISH HARDENED MPEG-2 STANDALONE ENCODER AT _____.				
8016	15	EACH OF INSTALL HARDENED MPEG-2 STANDALONE ENCODER AT _____.				
8017	10	EACH OF FURNISH & INSTALL MPEG-2 COTS DECODING SOFTWARE ON WORKSTATION AT _____.				
8018	1	EACH OF FURNISH 100 USER LICENSES FOR MPEG-2 PLUG-IN FOR INTERNET EXPLORER AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8019	5	EACH OF FURNISH TYPE I UPS (2200VA/1500W) AT _____.				
8020	5	EACH OF INSTALL TYPE I UPS (2200VA/1500W) AT _____.				
8021	5	EACH OF FURNISH TYPE I FREESTANDING RACK (24"Wx30"Dx84"H) AT _____.				
8022	5	EACH OF INSTALL TYPE I FREESTANDING RACK (24"Wx30"Dx84"H) AT _____.				
8023	5	EACH OF FURNISH TYPE II WALL-MOUNTED RACK (22"Wx20"Dx36"H) AT _____.				
8024	5	EACH OF INSTALL TYPE II WALL-MOUNTED RACK (22"Wx20"Dx36"H) AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8025	5	EACH OF FURNISH TYPE III FREESTANDING RACK (24"Wx36"Dx48"H) AT _____.				
8026	5	EACH OF INSTALL TYPE III FREESTANDING RACK (24"Wx36"Dx48"H) AT _____.				
8027	5	EACH OF FURNISH VDA CHASSIS WITH CARDS AT _____.				
8028	5	EACH OF INSTALL VDA CHASSIS WITH CARDS AT _____.				
8029	30	EACH OF FURNISH HARDENED ETHERNET SWITCH AT _____.				
8030	15	EACH OF INSTALL HARDENED ETHERNET SWITCH AT _____.				

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SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8031	50	EACH OF FURNISH TYPE 3 VIDEO FIBER RECEIVER (VFR) AT _____.				
8032	25	EACH OF INSTALL TYPE 3 VIDEO FIBER RECEIVER (VFR) AT _____.				
8033	50	EACH OF FURNISH TYPE 3 VIDEO FIBER TRANSMITTER (VFT) AT _____.				
8034	25	EACH OF INSTALL TYPE 3 VIDEO FIBER TRANSMITTER (VFT) AT _____.				
8035	LUMP SUM	LUMP SUM OF FURNISH OPERATIONS AND MAINTENANCE TRAINING TO MDTA STAFF AT _____.				
8036	650	EACH OF CCTV PREVENTIVE MAINTENANCE AT PTZ CAMERA SITES AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8037	960	EACH OF CCTV PREVENTIVE MAINTENANCE AT FIXED CAMERA SITES AT _____.				
3038	20	EACH OF CCTV PREVENTIVE MAINTENANCE AT HUB SITES AT _____.				
8039	2000	HOURLY RATE FOR CORRECTIVE MAINTENANCE OF PTZ CAMERAS AT _____.				
8040	2000	HOURLY RATE FOR CORRECTIVE MAINTENANCE OF FIXED CAMERAS AT _____.				
8041	LUMP SUM	LUMP SUM OF MISCELLANEOUS REPAIRS, PARTS, MAINTENANCE AND/OR CONSTRUCTION AT _____.	300000		300000	
8042	200	1-DAY RENTAL FOR EQUIPMENT TO PROVIDE ACCESS TO CAMERAS WITHOUT LOWERING DEVICES AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
8043	25	EACH OF INSTALL COMPLETE PTZ CAMERA SITE USING NETWORK DEVICES AT _____.				
8044	25	EACH OF INSTALL COMPLETE PTZ CAMERA SITE USING FIBER DEVICES AT _____.				
8045	54	EACH OF MONTHLY PROJECT MANAGEMENT ACTIVITIES AT _____.				
8046	1000	HOURLY RATE FOR FIBER NON-EMERGENCY LOCATE (2 BUSINESS DAYS COMPLETION) AT _____.				
8047	1000	HOURLY RATE FOR FIBER EMERGENCY LOCATE (8 BUSINESS HOURS COMPLETION) AT _____.				
8048	60	EACH OF FIBER LOCATE MOBILIZATION AT _____.				
SEE BELOW FOR MDTA-REQUESTED OPTIONAL ITEMS						

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES - MDTA OPTIONAL ITEMS

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
9001	20	EACH OF FURNISH MPEG-2/H.264 ENCODER CARDS AT _____.				
9002	20	EACH OF INSTALL MPEG-2/H.264 ENCODER CARDS AT _____.				
9003	20	EACH OF FURNISH MPEG-2/H.264 DECODER CARDS AT _____.				
9004	20	EACH OF INSTALL MPEG-2/H.264 DECODER CARDS AT _____.				
9005	10	EACH OF FURNISH HARDENED MPEG-2 /H.264 STANDALONE ENCODER AT _____.				
9006	10	EACH OF INSTALL HARDENED MPEG-2 /H.264 STANDALONE ENCODER AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES - MDTA OPTIONAL ITEMS

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
9007	10	EACH OF FURNISH & INSTALL MPEG-2/H.264 COTS DECODING SOFTWARE ON WORKSTATION AT _____.				
9008	1	EACH OF FURNISH 100 USER LICENSES FOR H.264 PLUG-IN FOR INTERNET EXPLORER AT _____.				
9009	20	EACH OF FURNISH MPEG-2/MPEG-4 ENCODER CARDS AT _____.				
9010	20	EACH OF INSTALL MPEG-2/MPEG-4 ENCODER CARDS AT _____.				
9011	20	EACH OF FURNISH MPEG-2/MPEG-4 DECODER CARDS AT _____.				
9012	20	EACH OF INSTALL MPEG-2/MPEG-4 DECODER CARDS AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES - MDTA OPTIONAL ITEMS

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
9013	10	EACH OF FURNISH HARDENED MPEG-2 /MPEG-4 STANDALONE ENCODER AT _____.				
9014	10	EACH OF INSTALL HARDENED MPEG-2 /MPEG-4 STANDALONE ENCODER AT _____.				
9015	10	EACH OF FURNISH & INSTALL MPEG-2/MPEG-4 COTS DECODING SOFTWARE ON WORKSTATION AT _____.				
9016	1	EACH OF FURNISH 100 USER LICENSE FOR MPEG-4 PLUG-IN FOR INTERNET EXPLORER AT _____.				
		SEE BELOW FOR CONTRACTOR-PROVIDED OPTIONAL ITEMS				

SCHEDULE OF PRICES - CONTRACTOR OPTIONAL ITEMS

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
10001		AT _____.				
10002		AT _____.				
10003		AT _____.				
10004		AT _____.				
10005		AT _____.				
10006		AT _____.				

CONTRACT NO. MA-992-000-006

SCHEDULE OF PRICES

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

ITEM NOS.	APPROXIMATE QUANTITIES	DESCRIPTION OF ITEM AND PRICE BID (IN WRITTEN WORDS)	UNIT PRICE		AMOUNTS	
			DOLLARS	CTS.	DOLLARS	CTS.
		AT _____.				
		AGGREGATE AMOUNT AT UNIT PRICES USING ITEMS 8001-8048 (BASIC ITEMS) AT _____.				
		AGGREGATE AMOUNT AT UNIT PRICES USING ITEMS 9001 - 9016 (MDTA PROPOSED OPTIONS) AT _____.				
		AGGREGATE AMOUNT AT UNIT PRICES USING ITEMS 10001 - 1XXXX (CONTRACTOR PROPOSED OPTIONS) AT _____.				
		GRAND TOTAL WITH ALL OPTIONS AT _____.				
		AT _____.				

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Transportation
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CONTRACT TIME AND BONDING

IT IS FURTHER PROPOSED:

- A) To do all "Extra Work" required to complete the work contemplated at unit prices or lump sums to be agreed upon in writing prior to starting such extra work. If unit prices or lump sums cannot be agreed upon, to perform such work on a "Force Account" basis, as provided by the General Provisions.
- B) To begin work as specified in the "Notice to Proceed" and to prosecute said work so as to complete the contract within:

 Three (3) Calendar Years
- C) If the Bid submitted for this contract is \$100,000 or more, to furnish both a Payment Bond and also a Performance Bond in the full amount of Contract Award as security for the completion of the Contract, in accordance with the Plans, Specifications and Special Provisions.
- D) To guarantee that all work performed under this contract will be done in accordance with the Specifications and Special Provisions and in a good workmanlike manner and to guarantee to renew or repair any work which may be rejected due to defective materials or workmanship prior to final acceptance of the work.
- E) To supply such additional information as may be required by the Specifications.
- F) It is hereby acknowledged that liquidated damages in the amount of

 One Hundred Dollars (\$100.00)/Calendar
Day will be assessed for unauthorized extensions beyond the contracted time of completion. Refer to Section 2.16 for more information.



SPECIAL PROVISIONS

BUY AMERICAN STEEL ACT

The steel products used or supplied in the performance of work under this contract shall be from steel made in the United States in accordance with the requirements of Annotated Code of Maryland, State Finance and Procurement Article, Sections 17-301 through 17-306 and COMAR 21.11.02.

In accordance with COMAR 21.11.02.06, if any steel products proposed for use or supply are not of domestic origin, bidders must, in their bid proposals:

1. Identify by name, type, or otherwise, those steel products that are proposed to be of foreign origin and indicate the proposed source of supply of those products.
2. Certify that the bid or offered price of similar domestic steel products is unreasonable pursuant to COMAR 21.11.02.

The use or supply of foreign steel products will only be allowed in accordance with State Finance and Procurement Article, Sections A-301 through A-306 and COMAR 21.11.02.

The bidder who elects to supply Domestic Steel Products need not complete this form.

However, the bidder who elects to supply steel of Foreign Manufacture must complete this form. When steel of Foreign Manufacture is proposed, the Contractor must include the costs of Domestic Steel.

American Steel must be utilized if the total cost of Domestic Steel (D) is less than the amount of a twenty percent (20%) increase to the total cost of Foreign Steel (F).

In reference to Section 21.11.02:

A) Buy American Steel if the total cost of Domestic Steel (D) is less than the amount of a twenty percent (20%) increase to the total cost of Foreign Steel (F).

total cost (D) 1.2 x total cost (F)

B) In a Substantial Labor Surplus Area, Buy American Steel if the total cost of Domestic Steel (D) is less than the amount of a thirty percent (30%) increase to the total cost of Foreign Steel (F).

total cost (D) 1.3 x total cost (F)



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SPECIAL PROVISIONS

Structural Steel Items Domestic (D) Foreign (F)

Category Item No. ___Description

Costs: Furnishing	_____
Erection/Placement	_____
Inspection Cost	_____
Duties	_____
Transportation	_____
Other Costs	_____
Total Item Cost	_____

Structural Steel Items Domestic (D) Foreign (F)

Category Item No. ___Description

Costs: Furnishing	_____
Erection/Placement	_____
Inspection Cost	_____
Duties	_____
Transportation	_____
Other Costs	_____
Total Item Cost	_____

Structural Steel Items Domestic (D) Foreign (F)

Category Item No. ___Description

Costs: Furnishing	_____
Erection/Placement	_____
Inspection Cost	_____
Duties	_____
Transportation	_____
Other Costs	_____
Total Item Cost	_____



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SPECIAL PROVISIONS

Other Than Structural Domestic (D) Foreign (F)
Steel Items

Category Item No. ___Description

Costs: Furnishing	_____
Erection/Placement	_____
Inspection Cost	_____
Duties	_____
Transportation	_____
Other Costs	_____

Total Cost of All Steel Items D)_____ F)

I hereby certify that the bid or offered price of domestic steel products similar to those listed above is unreasonable pursuant to COMAR 21.11.02.

Date

Signature

Title



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AFFIRMATIVE ACTION REQUIREMENTS

UTILIZATION OF MINORITY BUSINESS ENTERPRISES

In connection with the above numbered project, I hereby certify that

I am the _____ and duly authorized representative
(Title)

of _____ whose address is
(Firm)

A. General

Administration Representatives - MBE Officer or an employee of an Authority who deals with laws and regulations pertaining to minority business enterprise.

Affirmative Actions - Specific steps taken to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future and to involve minority business enterprises fully in contracts and programs funded by the department.

Business Enterprise - Any legal entity which is organized in any form other than as a joint venture (e.g., sole proprietorship, partnership, corporation, etc.) to engage in lawful commercial transactions.

Joint Venture - An association of two or more persons, partnerships, corporations or any combination thereof, formed to carry on a single business activity which is limited in scope and duration. Unlike partnerships and corporations, a joint venture is an association usually intended to exist only for a single business endeavor. A joint venture is not considered a minority business enterprise, regardless of the percentage of minority participation.

MDOT Fair Practices Officer - The individual designated by the Secretary, MDOT, as responsible for the MDOT's Maryland Transportation Authority's overall MBE compliance.



SPECIAL PROVISIONS

MDOT MBE Officer - The MDOT employee who provides guidance to the Authority on MBE-related matters.

Minority Business Enterprise (MBE) - Any legal entity, other than a joint venture, organized to engage in commercial transactions which is at least 51 percent (51%) owned and is controlled by one or more minority persons, or a non-profit entity organized to promote the interest of the physically or mentally disabled.

MBE Directory - A compilation of minority businesses provided to the Contractor for use in identifying subcontractors, material suppliers, etc.

MBE Participation Program - Means the documents submitted by the bidder or the proposer pursuant to the appropriate special bid provisions. The Minority Participation Program will consist of the MDOT Schedule for Participation of MBEs, the MDOT Minority Contract Project Disclosure and Participation Statement and, where appropriate, the MDOT MBE Disclosure Affidavit with documentation, the MDOT Joint Venture Affidavit and the Unavailability Certificate.

B. Bidder's Action

1. The bidder shall subcontract for or otherwise procure supplies and services from Minority Business Enterprises (MBE's) the combined value of these supplies and services shall equal or exceed eight percent (8 %) of the total value of the contract. In achieving the goal, a maximum of sixty percent (60%) of the cost for the purchase of materials and supplies from a MDOT certified supplier who is a regular dealer may be included. A maximum of one hundred percent (100%) of the cost of supplies can be included if provided by a DBE/MBE manufacturer. DBE/MBE credited supplies may not exceed sixty percent (60%) of the entire contract goal. Additional procurement from MBEs suppliers will only be credited when in excess of the goal. Prior to award and within 14 calendar days after a bidder has been notified that he/she is the apparent lowest responsive and responsible bidder, he/she shall submit to the Authority's Representative the following information:

- a. The name of an employee designated as the bidder's liaison officer for minority affairs.
- b. A completed Schedule for Participation (Form D-EEO-004) of minority business enterprises, from among those whose names appear in the MDOT MBE Directory or who are otherwise certified by MDOT as being minority business enterprises.



SPECIAL PROVISIONS

- c. A Minority Contractor Project Disclosure and Participation Statement (Form D-EEO-004) completed and signed by the bidder and MBE for each business listed in the Schedule for Participation.
 - d. Where a bidder intends to attain the 25% goal for minority enterprise participation by use of a joint venture, it must submit a Joint Venture Disclosure Affidavit (Form D-EEO-006-A) showing the extent of MBE participation. If a bidder intends to use a joint venture as a subcontractor to meet its goal, the affidavit must be submitted through the bidder by the proposed subcontractor and signed by all parties. In addition, unless it is already in the MDOT MBE Directory, any MBE which intends to act as a joint venture, whether prime or subcontractor, must submit a completed Minority Business Enterprise Disclosure Affidavit (Form D-EEO-001-A).
2. If the bidder is unable to procure, by subcontract or otherwise the required percentage of supplies and services from MBEs, he must request, in writing, a waiver of this requirement. This request shall be submitted to the MDOT Fair Practices Officer for concurrence. To obtain such a waiver, the bidder must submit the following information:
- a. A detailed statement of the efforts made to contact and negotiate with MBEs including: (i) the dates, names, addresses and telephone numbers of MBEs who were contacted; (ii) a description of the information provided to MBEs regarding the work to be performed, (iii) a detailed statement explaining why agreements with MBEs were not reached.
 - b. A detailed statement of the efforts made to select portions of the work to be performed by MBEs in order to increase the likelihood of achieving the goal.
 - c. For each MBE contacted but considered not qualified, a detailed statement of the reasons for the bidder's conclusion.
 - d. For each MBE contacted but unavailable, (i) a Minority Contractor Unavailability Certification (Form D-EEO-005) signed by the minority business enterprise, or (ii) a statement from the



SPECIAL PROVISIONS

bidder that the MBE refused to give such written certification after reasonable request.

3. The Bidder shall investigate the extent of services offered by minority-owned banks in the local community and determine the most feasible area in which to utilize the services of these banks.
4. The Bidder shall maintain records showing actions which have been taken to comply with the MBE procedures.
5. The Bidder shall cooperate with the Authority's Representative in any reviews of the Contractor's procedures and practices with respect to minority business enterprises which the Authority Representative may conduct.

C. Records and Reports

1. The bidder will keep such records as are necessary to determine compliance with its Minority Business Enterprise Utilization obligations. The records kept by the bidder will be designed to indicate:
 - a. The minority and non-minority Contractors used, type of work they performed, and value of their work, services and procurement.
 - b. Documentation of all correspondence, contacts, telephone calls, etc., to obtain services of minority business enterprises on this project.
2. The bidder will submit monthly reports of contracts and other business transactions executed with minority business enterprises with respect to the records referred to in Subparagraph 1.a above. These reports will be submitted within the first week of the month following the end of the quarter. If the bidder cannot submit its report on time, it will notify the Authority Representative and request additional time to submit the report. Failure of the bidder to report in a timely manner may result in a finding of non-compliance. Additional reports may be required by the Authority upon written request.



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3. All such records must be maintained for a period of three years following completion of the contract work and will be available for inspection by the Maryland Department of Transportation and the Authority.

D. Administrative Procedures For Enforcement

1. Whenever the Authority believes the prime Contractor or any subcontractor may not be operating in compliance with the terms of the Program, the Authority Representative shall conduct an investigation. If the Authority Representative finds the prime Contractor or any subcontractors in non-compliance, he will make a report on non-compliance and notify the parties in writing of the steps that will, in the judgment of the Authority, bring the Contractor into compliance. If the Contractor fails or refuses to comply, the Authority Representative will make a report of non-compliance to the Executive Secretary recommending the imposition of one or more of the sanctions listed below:

- a. Termination of the contract.
- b. Withholding a percentage of progress payment.
- c. Referral to Office of the Attorney General for follow-up action.
- d. The denial to the Contractor or any subcontractor of the right to participate in any future contracts awarded by the Authority.
- e. Other action as appropriate, within the discretion of the Executive Secretary.

If the documents used to determine the status of an MBE contain false, misleading or misrepresenting information, the matter may be referred by the States Attorney for appropriate action. In addition, when directed by the Executive Secretary, the Contractor will terminate, without liability to the Authority, its contract with a disqualified MBE and promptly submit for approval, the Contractor's plans for maintaining the appropriate minority participation on the project.



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E. Certification

I do hereby certify that it is the intention of the above organization to affirmatively seek out and consider minority business enterprises to participate in this contract as subcontractors and/or suppliers of materials and services.

I understand and agree that any and all subcontracting or supplies and services in connection with this contract, whether undertaken prior to or subsequent to award of contract, will be in accordance with this provision. I also understand and agree that no subcontracting will be approved until the Authority has reviewed and approved the affirmative actions taken by the above organization.

I acknowledge that this Certification is to be an integral part of the proposal form for the above numbered project.

(Date)

(Signature)

Sworn to and subscribed to before me

this _____ day of _____ 19 _____.
(NOTARY PUBLIC)

My commission expires _____ NOTARY SEAL

(Signature)



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EXHIBIT TO SOLICITATION
STATE OF MARYLAND
MARYLAND TRANSPORTATION AUTHORITY
MINORITY BUSINESS ENTERPRISE PARTICIPATION

PURPOSE

Contractor shall structure its procedures for the performance of the work required in this contract to attempt to achieve the minority business enterprise (MBE) goal stated in the Invitation for Bids or Request for Proposals. MBE performance must be in accordance with this Exhibit, as authorized by Code of Maryland Regulations (COMAR) 21.11.03. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Exhibit.

MBE GOALS AND SUB GOALS



An MBE subcontract participation goal of 10% percent of the total contract dollar amount has been established for this procurement. By submitting a response to this solicitation, the bidder or offeror agrees that this dollar amount of the contract will be performed by certified minority business enterprises.

OR



~~An overall MBE subcontract participation goal of 25 percent of the total contract dollar amount has been established for this procurement. This dollar amount includes:~~

- ~~☐ A sub goal of 10 percent of the total contract dollar amount to be allocated to certified minority business enterprises classified as women owned businesses.~~
- ~~☐ A sub goal of 7 percent of the total contract dollar amount to be allocated to certified minority business enterprises classified as African American owned businesses.~~

By submitting a response to this solicitation, the bidder or offeror agrees that these dollar amounts of the contract will be performed by certified minority business enterprises as specified.

- ◆ A prime contractor — including an MBE prime contractor — must accomplish an amount of work not less than the MBE subcontract goal with certified MBE subcontractors.
- ◆ A prime contractor comprising a joint venture that includes MBE partner(s) must accomplish the MBE subcontract goal with certified MBE subcontractors.



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SOLICITATION AND CONTRACT FORMATION

- ◆ A bidder or offeror must include with its bid or offer:
 - (1) A completed Certified MBE Utilization and Fair Solicitation Affidavit (Attachment A) whereby the bidder or offeror acknowledges the certified MBE participation goal or requests a waiver, commits to make a good faith effort to achieve the goal, and affirms that MBE subcontractors were treated fairly in the solicitation process.
 - (2) A completed MBE Participation Schedule (Attachment B) whereby the bidder or offeror responds to the expected degree of Minority Business Enterprise participation as stated in the solicitation, by identifying the specific commitment of certified MBEs at the time of submission. The bidder or offeror shall specify the price and/or the percentage of contract value associated with each MBE subcontractor identified on the MBE Participation Schedule.

If a bidder or offeror fails to submit Attachment A and Attachment B at with the bid or offer as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

- ◆ Within 10 working days from notification that it is the apparent awardee or from the date of the actual award, whichever is earlier, the apparent awardee must provide the following documentation to the Procurement Officer.
 - (1) Outreach Efforts Compliance Statement (Attachment C)
 - (2) Subcontractor Project Participation Statement (Attachment D)
 - (3) If the apparent awardee believes a waiver (in whole or in part) of the overall MBE goal or of any sub goal is necessary, it must submit a fully documented waiver request that complies with COMAR 21.11.03.11.
 - (4) Any other documentation required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal.

If the apparent awardee fails to return each completed document within the required time, the Procurement Officer may determine that the apparent awardee is not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.



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CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

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

ATTACHMENTS

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



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ATTACHMENT A

CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION

AFFIDAVIT

***** *EFFECTIVE OCTOBER 1, 2004* *****

This document must be included with the bid or offer. If the bidder or offeror fails to submit this form with the bid or offer as required, the procurement officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Contract No. MA-992-000-006, I affirm the following:

1. I acknowledge the overall certified Minority Business Enterprise (MBE) participation goal of ____ percent and, if specified in the solicitation, sub goals of ____ percent for MBEs classified as African American-owned and ____ percent for MBEs classified as women-owned. I have made a good faith effort to achieve this goal.

OR

After having made a good faith effort to achieve the MBE participation goal, I conclude I am unable to achieve it. Instead, I intend to achieve MBE participation of _____% and request a waiver of the remainder of the goal. Within 10 business days of receiving notice that our firm is the apparent low bidder or the apparent awardee (competitive sealed proposal), I will submit a written waiver request that complies with COMAR 21.11.03.11. I acknowledge that the MBE subcontractors/suppliers listed in the MBE Participation Schedule will be used to accomplish the percentage of MBE participation that I intend to achieve.

2. I have identified the specific commitment of certified MBEs by completing and submitting an MBE Participation Schedule with the bid or proposal.
3. I understand that if I am notified that I am the apparent awardee, I must submit the following documentation within 10 working days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier.
 - (a) Outreach Efforts Compliance Statement (Attachment C)
 - (b) Subcontractor Project Participation Statement (Attachment D)
 - (c) MBE Waiver Request per COMAR 21.11.03.11 (if applicable)



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- (d) Any other documentation required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal.

I acknowledge that if I fail to return each completed document within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

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

I solemnly affirm under the penalties of perjury that the contents of this paper are true to the best of my knowledge, information, and belief.

Bidder/Offeror Name

Signature of Affiant

Address

Printed Name, Title

Date

SUBMIT THIS AFFIDAVIT WITH BID/PROPOSAL



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ATTACHMENT B

*MBE Participation Schedule
(for submission with bid or proposal)*

***** **EFFECTIVE OCTOBER 1, 2004** *****

This document must be included with the bid or offer. If the bidder or offeror fails to submit this form with the bid or offer as required, the procurement officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

Prime Contractor (Firm Name, Address, Phone)	Project Description
Project Number	Total Contract Amount \$
List Information For Each Certified MBE Subcontractor On This Project	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Dollar Amount or Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Dollar Amount or Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Dollar Amount or Percentage of Total Contract	

USE ATTACHMENT B CONTINUATION PAGE AS NEEDED

SUMMARY

TOTAL MBE PARTICIPATION: _____ % \$ _____
 TOTAL AFRICAN-AMERICAN MBE PARTICIPATION: _____ % \$ _____
 TOTAL WOMAN-OWNED MBE PARTICIPATION: _____ % \$ _____

Document Prepared By: (please print or type)
 Name: _____
 Title: _____



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ATTACHMENT C

*Outreach Efforts Compliance
Statement*

In conjunction with the bid or offer submitted in response to Contract No. MA-992-000-006, state the following:

- 1. Bidder/ Offeror identified opportunities to subcontract in these specific work categories:

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

- 2. Bidder/Offeror made the following attempts to contact personally the solicited MBEs:

- 3. Bidder/Offeror assisted MBEs to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

This project does not involve bonding requirements.

- 4. Bidder/Offeror did/did not attend the pre-bid conference
 No pre-bid conference was held.

_____ By: _____
Bidder/Offeror Name

_____ Name, Title
Address

Date



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Subcontractor Project Participation Statement

SUBMIT ONE FORM FOR EACH CERTIFIED MBE LISTED IN THE MBE PARTICIPATION SCHEDULE

Provided that _____ is awarded the State contract in conjunction with Solicitation No. _____, it and _____, MDOT Certification No. _____, intend to enter into a contract by which Subcontractor shall: (describe work)_____

- No bonds are required of Subcontractor
The following amount and type of bonds are required of Subcontractor:

Prime Contractor Signature

Subcontractor Signature

By: _____
Name, Title

By _____
Name, Title

Date

Date



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SPECIAL PROVISIONS

Be advised that the requirements of COMAR Title 21 Subtitle 11 Chapter 03, as revised on April 15, 2005, will be enforced in the evaluation of bids on this Contract. Your attention is specifically directed to the following provisions:

On forms provided by the procurement agency, a bidder or offeror shall submit with its bid or proposal:

- a) A completed MBE utilization affidavit that contains a certification that the affiant has made a good faith effort to achieve the goal established in the solicitation; and
- b) A completed MBE participation schedule that identifies the bidder's or offeror's specific commitment of certified minority businesses.

The MBE participation schedule shall:

- a) Include the name of each certified MBE that will participate in the project including its respective MBE classification; and
- b) Include the items of work to be performed or furnished and the committed price or the percentage of the contract to be paid to each MBE for the work or supply.

The failure of a bidder to complete and submit the MBE utilization affidavit and the MBE participation schedule shall result in a determination that the bid is not responsive.



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BID/PROPOSAL AFFIDAVIT

CONTRACT NUMBER

A. AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____

and the duly authorized representative of (business) _____

and that I possess the legal authority to make this Affidavit on behalf of myself and the vendor for which I am acting.

B. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, or any of its employees directly involved in obtaining or performing contracts with public bodies (as is defined in Section 16-101(f) of the State Finance and Procurement Article of the Annotated Code of Maryland), has been convicted of, or has had probation before judgment imposed pursuant to Article 27, Section 641 of the Annotated Code of Maryland, or has pleaded nolo contendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, **except as follows** (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administration body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):



SPECIAL PROVISIONS

C. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

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

- (a) been convicted under state or federal statute of a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;
- (b) been convicted of any criminal violation of a state or federal antitrust statute;
- (c) been convicted under provisions of Title 18 of the United States Code for violation of the Racketeer Influence and Corrupt Organizations Act, 18 U.S.C. § 1961, et seq., or the Mail Fraud Act, 18 U.S.C. § 1341, et seq., for acts arising out of the submission of bids or proposals for a public or private contract;
- (d) been convicted of a violation of the State Minority Business Enterprise Law, Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;
- (e) been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsection (a), (b), (c) or (d) above;
- (f) been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;
- (g) admitted in writing or under oath, during the course of an official investigation or other proceeding, acts, or omissions that would constitute grounds for conviction or liability under any statute described above, **except as follows** [indicate reasons why the affirmation cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the



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sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment]:

D. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

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

E. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

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



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2. The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, **except as follows** [indicate the reason(s) why the affirmations cannot be given without qualification]:

F. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

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

G. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

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

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



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H. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

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

I. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with the provisions of Article 33, Sections 30-1 through 30-4 of the Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a political subdivision of the State, during a calendar year under which the person receives in the aggregate \$10,000 or more shall, on or before February 1 of the following year, file with the Secretary of State of Maryland certain specified information to include disclosure of political contributions in excess of \$100 to a candidate for elective office in any primary or general election.

J. DRUG AND ALCOHOL FREE WORKPLACE

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

I CERTIFY THAT:

(1) Terms defined in COMAR 21.11.08 shall have the same meaning when used in this certification.



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(2) By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:

- a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;
- b) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business's workplace and specifying the actions that will be taken against employees for violation of these prohibitions;
- c) Prohibit its employees from working under the influence of drugs or alcohol;
- d) Not hire or assign to work on the contract anyone whom the business knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;
- e) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if the business has observed the violation or otherwise has reliable information that a violation has occurred;
- f) Establish drug and alcohol abuse awareness programs to inform its employees about:
 - i) The dangers of drug and alcohol abuse in the workplace;
 - ii) The business's policy of maintaining a drug and alcohol free workplace;
 - iii) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
 - iv) The penalties that may be imposed upon employees who abuse drugs and alcohol in the workplace;



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- g) Provide all employees engaged in the performance of the contract with a copy of the statement required by Subsection (2)(b), above;
 - h) Notify its employees in the statement required by Subsection (2)(b), above, that as a condition of continued employment on the contract, the employee shall:
 - i) Abide by the terms of the statement; and
 - ii) Notify the employer of any criminal drug or alcohol abuse conviction for an offense occurring in the workplace not later than 5 days after a conviction;
 - i) Notify the procurement officer within 10 days after receiving notice under Subsection (2)(h)(ii), above, or otherwise receiving actual notice of a conviction;
 - j) Within 30 days after receiving notice under Subsection (2)(h)(ii), above, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:
 - i) Take appropriate personnel action against an employee, up to and including termination; or
 - ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program; and
 - k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of Subsection (a)-(j), above.
- (3) If the business is an individual, the individual shall certify and agree, as set forth in Subsection (4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.
- (4) I acknowledge and agree that:
- a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;



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b) The violation of the provisions of, COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in the suspension and debarment of the business under COMAR 21.08.06.

K. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

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

Name:

Address:

[If not applicable, so state].

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

L. CONTINGENT FEES

I FURTHER AFFIRM THAT:

The contractor, architect, or engineer warrants that it has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the contractor, architect,



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or engineer, to solicit or secure this agreement, and that it has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide salesperson, or commercial selling agency, any fee or other consideration contingent on the making of this agreement.

M. ACKNOWLEDGEMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that is Affidavit is subject to applicable laws of the United States and State of Maryland, both criminal and civil, and that nothing in this Affidavit or the contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the Laws of Maryland in respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above firm in respect to (1) this Affidavit, (2) the Contract, and (3) other Affidavits comprising part of the Contract.

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

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

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



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SPECIAL PROVISIONS
IF AN INDIVIDUAL:

NAME: _____

Street and/or P.O. Box

City State Zip Code Fed ID or SSN

(SEAL) _____
Signature Date

WITNESS: _____
Signature

IF A PARTNERSHIP:

NAME: _____

Street and/or P.O. Box

City State Zip Code Fed ID or SSN

BY: _____ (SEAL) _____
Member Signature Title Date

TITLE: _____ WITNESS: _____



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**SPECIAL PROVISIONS
IF A CORPORATION:**

NAME: _____

Street and/or P.O. Box

City State Zip Code Fed ID or SSN

STATE OF INCORPORATION: _____

BY: _____ (SEAL) _____
Signature Date

TITLE: _____ WITNESS: _____
Secretary's Signature



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ESCROW ACCOUNT FOR RETAINED FUNDS

In accordance with Section 15-108 of the State Finance and Procurement Article of the Annotated Code of Maryland, a Contractor may elect to have funds that are retained pursuant to Section GP-9.03 of the General Provisions for Construction Contracts, paid to an Escrow Agent and held in an interest-earning Escrow Account.

If a Contractor or Bidder elects to utilize the Escrow Account Procedure, the Contractor or Bidder shall indicate such election in the space provided below. An Escrow Agreement must be signed by the Contractor, Contractor's Surety, the Escrow Agent, and the Authority upon the execution of the Contract Documents. If a Contractor fails to indicate an election or refuses the election, the Contractor shall forfeit rights to the use of the Escrow Account.

Funds withheld for lack of progress or other Contractor violations may not be paid to the Escrow Agent. Retained Funds may be released only as directed by the Authority.

At the time of final payment, the Authority shall direct the Escrow Agent to settle the Escrow Account by paying funds from the Escrow Account as follows:

1. To the Authority for any claim it may have against the Contractor under this contract.
2. Unless waived by the Board of Public Works, to the Comptroller for any claim over \$50 against the Contractor by the State, a unit, or a state-controlled governmental entity; and
3. To the Contractor.

The Contractor shall be liable to the Escrow Agent for the payment of fees and charges in connection with the establishment and maintenance of the Escrow Account.

CHECK ONE:

- _____ Contractor elects to utilize an Escrow Account for Retained Funds
- _____ Contractor **DOES NOT** elect to utilize an Escrow Account for Retained Funds

Contractor: _____ By: _____

Date: _____ Title: _____



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PROPOSAL GUARANTY

A Bid Security will not be required on Contract Proposals under \$100,000.

A Bid Security totaling 5% of the bid amount will be required on bids of \$100,000 or more.

Acceptable security for bids shall be as follows:

- 1) A bond in a form satisfactory to the State underwritten by a company licensed to issue bonds in this State.
- 2) A bank certified check, bank cashier's check, bank treasurer's check, or cash; or
- 3) Pledge of securities backed by the full faith and credit of the United States government or bonds issued by the State of Maryland.

A bidder who elects to furnish a Bid Bond is requested to use the form provided with this Proposal. On all Bid Bonds, the amount should be specified in dollars, both in words and in figures, or in percentages.

A bidder who elects to furnish a bank check as security shall complete the Bid Guarantee Form provided with this Proposal.



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BID GUARANTEE

(For use with bank certified, bank cashiers
or bank treasurer's checks)

KNOW ALL MEN BY THESE PRESENTS, That

(Bidding Company)
hereinafter called the Principal is held and firmly bound unto the State of Maryland, by and
through the Maryland Transportation Authority, for the sum of

(\$ _____) for payment of which sum the Principal binds itself, its heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for MdTA
Contract No. _____,
(Description)

_____; and

WHEREAS, as security for said bid the Principal has elected to provide a bank certified
check, bank cashier's check, or bank treasurer's check in the sum stated above; and

WHEREAS, said bank certified check, bank cashier's check, or bank treasurer's check is
attached hereto and incorporated herein in the sum stated above as security for this bid guarantee.

NOW, THEREFORE, if the Principal, upon acceptance by the State of its bid identified
above, within the period specified for acceptance (ninety (90) days if no period is specified) fails
to execute such further contractual documents and give such payment and performance
guarantees as may be required by the terms of the bid within the time specified (ten (10) days if
no period is specified), then the State may recover from the security provided for this bid
guarantee any cost of procuring the work which exceeds the amount of the Principal's bid, to the
limits of the sum stated above.



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SPECIAL PROVISIONS FOR INDIVIDUALS

In Presence Of: Individual Principal

Witness

_____ as to _____

FOR PARTNERSHIPS

In Presence Of: Co-Partnership Principal

Witness

_____ (Name of Co-Partnership)

_____ By: _____

_____ as to _____

_____ as to _____

FOR CORPORATIONS

Corporate Principal

Attest:

_____ (Name of Corporation)

_____ By _____ President AFFIX CORPORATE SEAL



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SPECIAL PROVISIONS

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, _____
_____ as Principal, hereinafter called the Principal, and
_____ a corporation duly organized under the laws of the State of
_____ as surety, hereinafter called the Surety, are held and
firmly bound unto the State of Maryland, hereinafter called "State" for the sum of
_____ (\$ _____),
for the payment of which sum, the said Principal and the said Surety bind ourselves, our heirs,
executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for _____

NOW, THEREFORE, if the Principal upon acceptance by the State of its bid identified above,
within the period specified herein for acceptance (ninety (90) days, if no period is specified),
shall execute such further contractual documents, if any, and give such bond(s) as may be
required by the terms of the bid as accepted within the time specified (ten (10) days if no period
is specified) after receipt of the forms, or in the event of failure so to execute such further
contractual documents and give such bonds, if the Principal shall pay the State for any cost of
procuring the work which exceeds the amount of its bid, then the above obligation shall be void
and of no effect.

The surety executing this instrument hereby agrees that its obligation shall not be impaired by an
extension(s) of the time for acceptance of the bid that the Principal may grant to the State, notice
of which extension(s) to the Surety being hereby waived, provided that such waiver of notice
shall apply only with respect to extensions aggregating not more than ninety (90) calendar days
in addition to the period originally allowed for acceptance of the bid.



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FOR INDIVIDUALS

In Presence Of: Individual Principal

Witness

_____ as to _____

FOR PARTNERSHIPS

In Presence Of: Co-Partnership Principal

Witness

_____ (Name of Co-Partnership)

_____ By: _____

_____ as to _____

_____ as to _____

FOR CORPORATIONS

Corporate Principal

_____ (Name of Corporation)

Attest: _____

By: _____
President

AFFIX
CORPORATE
SEAL



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SURETY

Name of Surety _____

Business Address _____

Attest:

By: _____ Title

Witness

Bonding Agent's Name _____

Agent's Address _____

Approved as to legal form and
sufficiency this _____ day of

_____ 20 _____

Assistant Attorney General