



Request for Proposals

PROJECT 24H10

2025 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR THE BALTIMORE METROPOLITAN AREA

ISSUE DATE

January 26, 2024

DUE DATE

March 8, 2024 (2:00 PM)

Submit Proposals (by email only) to:

Dan Pontious: dpontious@baltometro.org

Contact for More Information: Dan Pontious

E-mail: dpontious@baltometro.org

Contents

Request for Proposals 1

 Introduction 3

 Purpose 4

 Scope of Work 7

 Proposal Content and Requirements 13

 Submission Of Proposals 15

 Tentative Schedule 17

 Consultant Selection Criteria 17

 “Sample” Form Contract 18

 Confidentiality 19

 Maryland Registration / Qualification Requirements 19

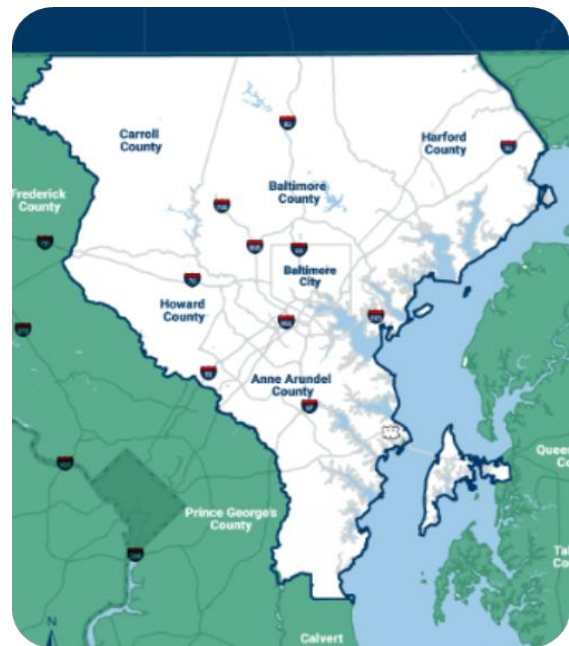
 Mandatory Statements 20

 Proposal Affidavit 22

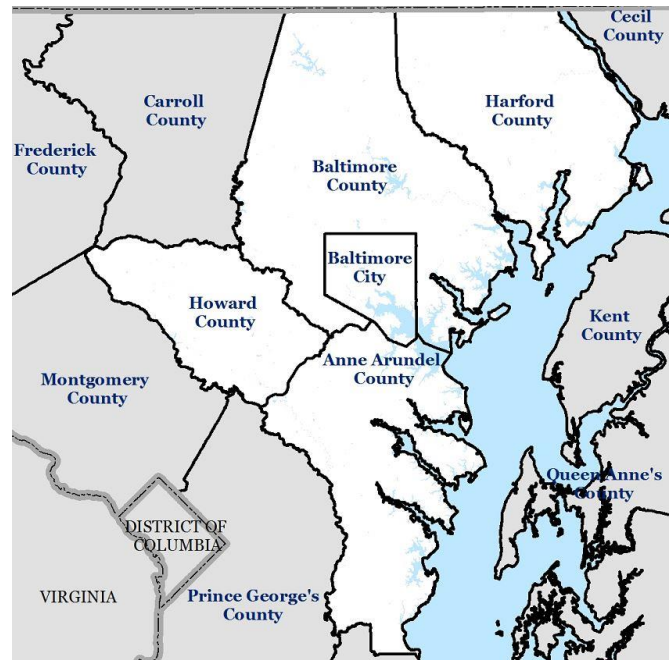
Introduction

The Baltimore Metropolitan Council (BMC) is a nonprofit organization committed to identifying regional interests and developing collaborative strategies through plans and programs, which will improve the quality of life and economic vitality throughout the region. BMC's Board of Directors includes the Mayor of Baltimore City, Executives of Anne Arundel, Baltimore, Harford and Howard counties, a Carroll County Commissioner, a Queen Anne's County Commissioner, a Delegate and Senator from the State of Maryland, and a gubernatorial appointee.

The Baltimore Regional Transportation Board (BRTB) is the federally designated Metropolitan Planning Organization (MPO) for the Baltimore region. Approximately 2.8 million residents live in the Baltimore region, the 20th most populated Metropolitan Statistical Area in the United States, according to the U.S. Census Bureau. The Baltimore region includes the jurisdictions of Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, and Queen Anne's County. The BRTB members consist of designated representatives from Baltimore City, Anne Arundel County, Baltimore County, Carroll County, Harford County, and Howard County, Queen Anne's County, the City of Annapolis, plus the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the MDOT Maryland Transit Administration, and Annapolis Transit. BMC staff provide technical support to the BRTB, including transportation forecasting and analysis, economic and demographic research, computer mapping applications, air and water quality programs, multimodal planning, cooperative purchasing, workforce development, and housing and rideshare coordination.



The Baltimore Regional Fair Housing Group is a committee of BMC that consists of Anne Arundel, Baltimore, Harford, and Howard Counties, as well as the Cities of Baltimore and Annapolis (map at right) – all jurisdictions that receive federal housing funds directly from the U.S. Department of Housing and Urban Development (HUD). The committee also includes the public housing authorities (PHAs) that operate in those jurisdictions. The members of the Fair Housing Group work together, supported by BMC staff, to carry out their duty to affirmatively further fair housing, as required by the federal Fair Housing Act. That work has included creating a Baltimore Regional Project-Based Voucher Program and a Preservation Task Force, both in 2016. More recently, the Fair Housing Group has worked to step up fair housing enforcement in the private real estate market and to tackle racial homeownership gaps in the region.



Purpose

The Baltimore Metropolitan Council (BMC) is seeking a consultant to assist BMC, participating jurisdictions, and PHAs in updating our 2020 Analysis of Impediments to Fair Housing Choice (AI) in the Baltimore Region for 2025. The AI is a key fair housing responsibility for the participating local jurisdictions and PHAs in the Baltimore region.

On July 31, 2021, an [interim final rule](#) from the U.S. Department of Housing and Urban Development (HUD) restored the definition of affirmatively furthering fair housing (AFFH) from the now-repealed 2015 AFFH rule. On February 9, 2023, HUD published a [draft new AFFH rule](#), proposing a new Equity Plan to replace the Assessment of Fair Housing (AFH) in the 2015 rule. That proposed rule contains Equity Plan deadlines for the largest jurisdictions that have already passed, meaning they will clearly be pushed

back in any final rule. In the absence of a requirement for a first Equity Plan, the proposed rule says, “Program participants that have not conducted or updated their fair housing plans for more than three years prior to [effective date of final rule] ... shall either conduct or update their fair housing plans (*i.e.*, Analysis of Impediments to Fair Housing Choice, Assessment of Fair Housing, or other fair housing plan) and submit such plan to HUD for publication and potential review no later than 365 days from [effective date of final rule].”

This language could certainly change in any final rule as well, but we believe updating our 2020 analysis for 2025 – in time to incorporate action steps into participants’ upcoming Consolidated Plans that start July 1, 2025 – is the best plan given the absence of a final rule. We called our 2020 document an Analysis of Impediments (AI), but we generally followed HUD’s template for the Assessment of Fair Housing in the 2015 rule. In the event that a final AFFH rule mandates something different than what is specified in this RFP for one or more of our jurisdictions or PHAs, we intend to negotiate any needed changes to this scope of work with the consultant selected.

Background on this Analysis

The Fair Housing Act, first passed in 1968, prohibits discrimination based on race, color, religion, national origin, sex, disability, and family status. It also requires HUD and any jurisdiction or PHA receiving funding from HUD to administer its housing and urban development programs in a way that “affirmatively furthers” the policies of the law.

The 2021 interim final rule from HUD, based on many court rulings under the Fair Housing Act, says:

Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

For this update of our 2020 AI, BMC will have responsibility for the following tasks:

- Managing communications with stakeholders and the public, including managing information presented on a BMC’s web pages related to this process.
- Convening meetings of BMC’s Housing Committee – the overall stakeholder entity established for this process – and ensuring that any subgroups are also convened.

- Managing communications between the consultant/team and the Regional Fair Housing Group.
- Drafting the Community Participation Process section of the AI as well as the assessment of progress on action steps from the 2020 Regional AI.
- Coordinating public meetings and hearings, including publicity and advertising.
- Coordinating responses to public comments on draft Regional AI.
- Producing analysis of existing publicly supported housing using BMC's Affordability Preservation Database, any related maps depicting this analysis for the AI, and slides for stakeholders.
- Coordinating presentations at any ad-hoc public/stakeholder meetings and assisting at local hearings.
- Producing a front cover for the AI and printing the draft and final AI.

Local governments and PHAs will have responsibility for the following tasks:

- Drafting assessments of progress on action steps from their local 2020 Regional AI Action Plans.
- Participating in Fair Housing Group, Housing Committee, and relevant small group stakeholder meetings.
- Reviewing and providing timely feedback on draft sections of the new 2025 Regional AI.
- Convening and leading local hearings and PHA Resident Advisory Board meetings.
- Discussing and ultimately approving regional action steps and developing and finalizing local action steps for their local jurisdiction.

Consultant Qualifications

BMC and the Fair Housing Group are seeking a firm or team that will work with BMC staff and the Regional Fair Housing Group to update the [2020 Regional AI](#) for 2025. The selected firm or team shall have demonstrated experience in data analysis, fair housing, working with diverse stakeholders and local governments, and coordinating with partners in similarly collaborative efforts.

Scope of Work

Outlined below is a preliminary scope of work, including a list of tasks and deliverables that are envisioned for this project. The Consultant can suggest modifications to these tasks that would facilitate a successful, focused work program.

A respondent may assemble a team that will conduct these services in accordance with the Scope of Work. A prime Consultant is required to organize, manage, and direct the work of any sub-consultants who are part of the proposed team.

The proposed Work Program shall include sufficient detail to determine how each task shall be accomplished; it shall include, but not be limited to, descriptions of the anticipated deliverables and a project timeline in Gantt chart format. It will describe how the Consultant proposes to complete the project, including the allocation of resources to accomplish each task. The methodology to accomplish each task will be agreed upon prior to initiating the work.

The proposed Work Program shall address the following component tasks:

Task 1 – Initial Coordination

In collaboration with BMC staff and members of the Fair Housing Group, develop the timeline for the project and mechanisms for communication, coordination, and sharing of information and identify 25 stakeholders for individual meetings.

Deliverables

- Detailed project schedule of the tasks being performed by the consultant; the timeline shall also include:
 - BMC sharing results of:
 - Analysis of current publicly supported housing that involves BMC's Affordability Preservation Database, including maps, and
 - Text for which BMC, local governments, or PHAs are responsible, such as progress on action steps from the 2020 Regional AI and local action steps.

- Timeline of payment for completed tasks and deliverables.
- List of stakeholders for individual meetings.

Task 2 –Stakeholder and Public Outreach

Meet individually with 25 stakeholders, selected in conjunction with BMC and the Fair Housing Group. Share feedback with BMC and the Fair Housing Group, and incorporate into AI document.

Conduct a resident survey similar to that in the 2020 Regional AI to gather information on resident experience, weighted toward vulnerable residents of the metropolitan area. As in 2020, PHAs will distribute survey to voucher waiting lists, and, in some cases, voucher holders by email and mail (with QR code). Survey can be primarily electronic, but paper surveys must be available, as well as accommodations for respondents with disabilities. Survey must also be available in Spanish.

Attend and help present at the following events, all organized by BMC:

- Five BMC Housing Committee meetings between April and November.
- Up to five additional smaller-group stakeholder meetings between April and October.
- One regional public hearing on draft AI in November

Work with BMC and the Regional Fair Housing Group to respond to input at these meetings, including reasonable additional analysis and working with readily available data suggested by stakeholders.

Deliverables

- Accounts of 25 individual stakeholder meetings, including dates and times of meetings and summary of feedback.
- New resident survey results that ideally can be compared in some instances (e.g. voucher holder experience finding an apartment) and that can be incorporated into relevant chapters, as well as fully presented in an appendix, as in 2020.
- Attendance at up to 10 stakeholder meetings and one October public hearing, including reasonable follow-up.

Task 3 – Demographic Patterns

Update tables and maps in Section III of 2020 Regional AI (available at <http://bit.ly/RegionalAI>) based on latest data available. Consultant can suggest alternate data sources. Update and/or edit text where needed.

Deliverables

- PowerPoint slides with key data
- Draft updated Section III

Task 4 – Access to Opportunity

Update data and indices in Section IV of 2020 Regional AI with the latest data from HUD AFFH Data and Mapping Tool (AFFH-T) available at <https://www.hud.gov/affh>. Update analysis and text to reflect new data.

- Some updated education data may not be available. Work with BMC and the Fair Housing Group on best available data to include.
- In the education portion, include discussion of the initial implementation of the [Blueprint for Maryland's Future](#) education reforms and additional funding.
- Work with BMC to see if there is more up to date data than BMC's 2018 family-supporting wage report available.
- As part of transportation portion, use the latest [Access Across America](#) reports.
- BMC will supply census-tract-based data on relevant overall opportunity maps. Consultant will calculate analysis of the residents of the region by race and opportunity area.

Deliverables

- PowerPoint slides with key data
- Draft updated Section IV

Task 5 – Disproportionate Housing Needs

Update census and Home Mortgage Disclosure Act (HMDA) data and resulting analysis in Section V of 2020 Regional AI.

- Work with BMC and the Fair Housing Group to see if it makes sense to update Maryland DHCD's 2019 rental shortage analysis with data from [DHCD's 2020 Housing Needs Assessment](#).
- Work with BMC and the Fair Housing Group to see if an alternate analysis can be used to evaluate the adequacy of housing for families with 2, 3, or more bedrooms.

In addition, using BMC's CoStar subscription, similar market data you may have access to, and/or census data, conduct an analysis of overall housing costs – both rental and homeownership – over the past 15-20 years. Include maps by census tract and/or regional planning district that depict:

- Rent and purchase costs at five year intervals over the last 15-20 years.
- Rate of change in that rent/purchase cost over that 15-20 year period.

Deliverables

- PowerPoint slides with key data
- Draft updated Section V, including new analysis of housing cost trends over the last 15-20 years and their potential effects on racial homeownership gaps, access to opportunity, and other factors related to protected classes.

Task 6 – Publicly Supported Housing Analysis

Update the following from Section VI of the 2020 Regional AI:

- HUD data regarding occupancy and the Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs) identified and described in Section III.
- Total housing unit distribution relative to opportunity areas.
- Voucher holder analysis relative to opportunity areas.
- PHA payment standard map and map of HUD small-area fair market rents (FMRs).

In addition, work with Baltimore City DHCD to discuss interactions with and coordination with their existing Community Development Framework and in-progress citywide housing plan. Work with Baltimore City and BMC to potentially update how City and private community development work has influenced any changes in R/ECAPs.

Coordinate with BMC to integrate BMC-supplied information, such as:

- Updated LIHTC data and analysis

- Analysis of publicly supported housing relative to opportunity areas

Deliverables

- PowerPoint slides with key data
- Draft updated Section VI

Task 7 – Disability and Access

Update data and maps in Section VII of 2020 Regional AI. Work with BMC to integrate map of distribution of accessible rental units in the region, which will be supplied by BMC.

Deliverables

- PowerPoint slides with key data
- Draft updated Section VII

Task 8 – Zoning and Land Use

Update text, zoning information, and analysis in Section VIII of 2020 Regional AI. Add the following:

- Baltimore metropolitan data from [2023 Up for Growth Housing Underproduction in the U.S.](#) report.
- Metropolitan map of housing construction moratoria locations due to school and other capacity constraints, using data/shape files provided by BMC and local governments.

Incorporate a map of potential good locations for new housing, prepared by BMC, based on Up for Growth's A Better Foundation framework.

Deliverables

- PowerPoint slides with key information
- Draft updated Section VIII with additional information noted above.

Task 9 – Fair Housing Enforcement, Outreach, and Resources

Update information and text in Section IX of 2020 Regional AI, including local protections, status of voluntary conciliation agreements and other relevant enforcement actions.

Add information about authority and capability of local governments to enforce local civil rights protections. Compare those capabilities to best practices in similarly-resourced jurisdictions elsewhere in the U.S., and suggest ways for local and State civil rights

agencies to coordinate with each other and with private enforcement organizations to maximize enforcement of fair housing protections in the private housing market.

Deliverables

- PowerPoint slides with key information
- Draft updated Section IX, including any suggestions for local fair housing enforcement and inter-agency coordination on fair housing enforcement.

Task 10 – Fair Housing Goals and Priorities

Update Fair Housing Issues and Contributing Factors. Suggest effective regional and local action steps. Work with local governments and PHAs to finalize regional and local action plans.

Deliverables

- PowerPoint slides with key information
- Draft updated Section X in 2020 Regional AI, including updated regional and local action items, issues/impediments to address, responsible party, and metrics and milestones.

Task 11 – Public Comment on Draft AI, Final AI, and Appendices

Gather public input on Draft AI in September and October, and share with BMC in table format so BMC can work with local jurisdictions and PHAs on responses.

Work with BMC and Fair Housing Group in November to make any needed edits to AI in order to release final AI in December.

Update the following appendices from the 2020 Regional AI:

- HUD AFFH Tables
- Fair Housing and Housing Market Glossary
- Resident Survey Summary of Findings

BMC will supply notes from stakeholder meetings and table of public comments and responses.

Deliverables

- Compiled public comments on Draft Regional AI
- Final AI and appendices

Proposal Content and Requirements

The proposal shall consist of two separate parts: (1) a Technical Proposal; and (2) a Cost Proposal. Each offeror shall submit by electronic mail a digital copy of their technical proposal and cost proposal saved in separate electronic files. Proposals shall meet, at a minimum, the following requirements.

Technical Proposal

The Technical Qualifications shall contain the following:

- *Cover Letter* – signed by an executive with authority to commit the offeror and stating the period for which the proposal is valid. (1 page maximum)
- *Work Program* – Offerors shall provide a discussion of each task to be undertaken, how the task will be performed and the task products to be provided. An overall schedule of work should be developed. Offerors may include but are not limited to the identified project tasks. Offerors are encouraged to suggest modifications that would facilitate a successful work program. The work program shall be limited to 15 pages in length, single spaced. The cover page and table of contents will not be counted toward the page limit.
- *Experience and Qualification* – The offeror shall list their qualifications with regard to the selection criteria identified in this RFP. The summary should contain: (a) information on projects of similar nature that offeror has completed, including brief descriptions, dates, and names of contact persons and links to relevant work if possible, and (b) resumes of proposed project manager and up to three key project team members. (12 pages maximum)
- *Project Management* – Designation of a project manager and the responsibilities of the manager and key personnel. Provide a summary of qualifications of the project manager and key staff for each firm. Include a table showing the proposed hours per task for project staff (do not include any costs). Note that the resulting contract will require commitment of the specified personnel. (5 pages maximum)

- *DBE Participation* – The program for assuring the maximum opportunity for participation by Disadvantaged Business Enterprises (DBEs) in accord with BMC’s goals shall be presented. See the section of MANDATORY STATEMENTS for statement of DBE participation goals.
- *Other Information* – Any other material that the offeror wishes to provide. Please limit to relevant information. (5 pages maximum)

The body/narrative of all documents will be formatted to a 12-point font size. Headers and cover pages may utilize larger font sizes. Cover or divider pages without content will not be counted toward the page limits. Digital signatures are acceptable for all documents.

Cost Proposal

The Cost Proposal shall be composed of two parts: (1) Project Budget and (2) Affidavits and Certifications.

- *Project Budget* – Proposers shall provide a price quote as a fixed price in United States dollars. The price quote shall include the number of labor hours and cost by staff member and total hours and cost estimated for each task. Direct costs shall be itemized by category (e.g., travel, per diem, printing and reproduction, /etc.) for the entire project. The contract type is anticipated as fixed price with partial payments paid based on task completion.
- *Affidavits and Certifications* – An original signed copy of the Proposal Affidavit attached at the end of this RFP shall be included in the Cost Proposal.

BMC reserves the right to reject proposals that do not meet the Technical and Cost Proposal requirements.

Submission Of Proposals

Submission Requirements

All offerors shall submit by email two (2) separate digital electronic files – one (1) for each of the Technical and Cost Proposals – to: dpontious@baltometro.org. Submit file either as an e-mail attachment (compress file, if necessary) or via a file-sharing service such as Google Drive or Dropbox. Please ask for an email confirming receipt of the proposal. If necessary, you may follow up by phone at (410) 732-0500 x1055.

BMC will not pay for the development and submission of proposals in response to this RFP. BMC reserves the right to reject any proposals without cost or detriment to BMC.

The offeror shall not make changes in the specifics put forth in a proposal, including staff participation, without the prior written consent of BMC.

Proposal Submission Deadline

The proposal must be received by BMC no later than 2:00 PM Eastern Standard Time on **March 8, 2024**. Proposals arriving after the deadline will not be accepted. Note that BMC's email will accept files up to 25MB. If your proposal documents exceed 25MB, please upload the documents to a file sharing service and email the link to the files.

Virtual Pre-Proposal Meeting

Thursday, February 8, 12:30 PM

Register in advance for this virtual meeting:

<https://baltometro-org.zoom.us/meeting/register/tZAvfu-opz8iEtJdwpmqbqZOBVUjo1rNyJrpu>

After registering, you will receive a confirmation email containing information about joining the meeting.

BMC will post the list of attendees, and questions and answers from this pre-proposal conference to the BMC website.

Interpretations or Questions

Please direct any questions to Dan Pontious at dpontious@baltometro.org no later than **February 13, 2024**. All questions will be collected and answers will be posted to BMC's website by close of business **February 16, 2024**.

The BMC Staff member listed above shall be the sole point of contact for any offeror during the procurement process.

BMC reserves the right to waive minor irregularities, to negotiate in any manner necessary to best serve the public interest, and to make a whole award, multiple awards, a partial award, or no award. BMC reserves the right to cancel this RFP, in whole or in part, any time before the closing date.

Tentative Schedule

RFP Issued	January 26, 2024
Informational Meeting	February 8, 2024
Proposal Questions Due	February 13, 2024
Answers to Questions Posted	February 16, 2024
Proposals Due	Friday, March 8, 2:00 p.m.
Consultant Selection	March 2024
Start of Work	Late March/early April 2024
Completion of Work	January 2025

Consultant Selection Criteria

All proposals will be evaluated on the basis of technical merit (including areas required within the Technical proposal such as work program, team and personal experience, project management, adherence to RFP and DBE integration) and proposed cost.

BMC staff and members of the Regional Fair Housing Group will conduct an evaluation of proposals. All proposals will be evaluated on the basis of technical merit and proposed cost. Teaming is permissible but the offeror will be with a single prime contractor.

Technical merit will be evaluated on the following criteria:

Topic	Considerations	Maximum Points
Project Management	Staff Roles and Responsibilities; Subconsultant/DBE Integration; Staff Availability and Commitment	25 pts

Topic	Considerations	Maximum Points
Experience and Qualifications	Firm Experience with Similar Projects; Staff Experience	30 pts
Work Program	Understanding of Issues/Objectives; Technical Approach; Clarity of Deliverables	30 pts
Proposal Quality	Cover Letter; Adherence to Proposal Requirements; Proposal Presentation	15 pts
Available Technical Score		100 pts

BMC reserves the right to negotiate with one or more offerors selected on the basis of the initial technical merit and proposed cost. Offerors may be asked to make personal appearances to provide additional information on proposals.

“Sample” Form Contract

BMC’s form contract is available on BMC’s website and is incorporated into this solicitation.

https://www.baltometro.org/sites/default/files/bmc_documents/RFP/sample-rfp-contract_fy2022.pdf

By the act of submitting a proposal, the offeror expressly acknowledges that he/she/it accepts the terms and conditions as stated in the form contract **unless exceptions are submitted in writing with the proposal**. BMC reserves the right to amend the terms of the form contract as it sees fit during contract negotiation.

The offeror’s acceptance of, or deviations from, the form contract terms and conditions are considered during the evaluation and subsequent award.

If the offeror submits an exception that alters BMC’s risk, liability, exposure in, or the intent of this procurement, BMC reserves the right in its sole and absolute discretion to deem the offeror non-responsive.

Confidentiality

Offerors must specifically identify any portions of their proposals deemed to contain confidential information, proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not be conclusive, and offerors may be required to justify why such material should not, upon written request, be disclosed by BMC under the Public Information Act, State Government Article, Title 10, Sub-Title 6, of the Annotated Code of Maryland, as amended. BMC may disclose such information if required by law, court order or subpoena.

Maryland Registration / Qualification Requirements

BMC requires vendors to register or qualify to do business with Maryland Department of Assessments and Taxation (SDAT) in accordance with the Annotated Code of Maryland, Corporations and Associations Article: §2-102 Formation generally, §7-202 Registration to do interstate and foreign* business, and/or §7-203 Qualification to do intrastate business.

For information on registering or qualifying a corporation, LLC, LLP or LP, call SDAT at 410-767-1340. Sole Proprietors and General Partnerships should call 410-767-4991 or you may download the SDAT forms at

<http://www.dat.state.md.us/Pages/sdatforms.aspx>

The successful offeror may be required to submit a Good Standing Certificate (also known as "Certificate of Status") issued by SDAT within 10 days of being notified of potential award.

(*Note: “a corporation, association, or joint-stock company organized under the laws of the United States, another state of the United States, a territory, possession, or district of the United States, or a foreign country,” Md. Code Ann., Corporations & Associations, §1-101.)

Mandatory Statements

Public Information Act Notice

Offerors should give specific attention to the identification of those portions of their proposals they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed.

Disadvantaged Business Enterprise Notice

Disadvantaged business enterprises (DBEs) are encouraged to respond to this solicitation. It is the intent of BMC that certified minority business enterprises and sub-contractors be given the opportunity to submit proposals to this RFP and will not be subject to discrimination on the basis of race, color, sex, or national origin in consideration for an award.

All selected contractors will be required to abide by the DBE Program of the Baltimore Regional Transportation Board (BRTB). The DBE Program may be found on BMC’s website.

Disadvantaged Business Enterprise Subcontract Participation Goal

The Baltimore Metropolitan Council hereby notifies all offerors that in regard to any contracts entered into pursuant to this advertisement, MBEs and WBEs will be afforded full opportunity to submit expressions of interest in response to this notice and will not be subject to discrimination on the basis of race, color, sex or national origin, in consideration for an award.

It is the goal of BMC that certified businesses participate in all competitively bid federal-aid contracts. A DBE subcontract participation goal of **26.2 percent** of the total contract amount has been established for this procurement. Prime contractors holding a DBE certification will be awarded full (100 percent) credit for the DBE goal. Offerors must make a good faith effort to meet this goal in order to receive appropriate

consideration. The offeror can demonstrate that it has made a good faith effort by meeting the goal or by documenting good faith efforts to do so in its proposal. Determination of good faith efforts will be made at the discretion of appropriate BMC staff. All offers submitted in response to this RFP must include a statement specifying the Maryland Department of Transportation (MDOT) has certified the DBE or DBEs utilized to meet this requirement. If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. BMC reserves the option to accept this certification in lieu of MDOT certification.

Proposal Affidavit

A. (ANTI-BRIBERY AFFIRMATION). I HEREBY CERTIFY THAT

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

(2) Except as described in paragraph 3 below, neither I, nor to the best of my knowledge, information, and belief, the above offeror, nor any of its officers, directors, or partners, nor any of its employees directly involved in obtaining contracts with the State or any county, bi-county, multicounty agency or subdivision of the State has been convicted of, or has pleaded nolo contendere to a charge of, or has during the course of an official investigation or other proceeding, admitted in writing or under oath acts or omissions committed after July 1, 1977, which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or federal government.

(3) State "none" or, as appropriate, list any conviction, plea or admission described in paragraph 2 above, with the date; court official, or administrative body; and the sentence or disposition, if any:

..

(4) **I ACKNOWLEDGE THAT** this Affidavit is to be furnished to the Procurement Officer, and may be furnished to the Attorney General pursuant to Sections 16-201, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that if the representations set forth in this Affidavit are not true and correct, the Council may terminate any contract awarded and take any other appropriate action.

B. (NON-COLLUSION AFFIRMATION). I HEREBY FURTHER AFFIRM THAT neither I nor, to the best of my knowledge, information and belief, the above firm nor any of its other representatives I here represent have:

(1) Agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith;

(2) In any manner, directly, or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the offeror herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the within bid or offer is submitted.

C. (PROCUREMENT AFFIRMATION). I HEREBY FURTHER AFFIRM THAT

(1) Neither the above business nor, to the best of my knowledge, information, and belief, any officer, controlling stockholders, partner, principal, or other person substantially involved in the contracting activities of the business has in the past five (5) years: (a) been convicted under state or federal statute of a criminal offense incident to obtaining or 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 found civilly liable under state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract; (c) been convicted of any violation of a state or federal antitrust statute; (d) been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organizations Act, 18 USC Section 1961 et seq.; or (e) the Mail Fraud Act, 18 USC Section 1341 et seq., for acts arising out of the submissions that would constitute grounds for conviction or liability under any statute described above. Also, the undersigned offeror was not founded or established or is not operated in a manner designed to evade the application or defeat the purpose of the Debarment Regulations, COMAR 21.08; is not currently suspended or debarred pursuant to COMAR 21.08 or by the action of any other public entity; and is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business.

(2) (a) If the affirmation described in subsection (1) cannot be given and debarment proceedings have not been instituted against the business pursuant to COMAR 21.08, indicate the reasons why the affirmation cannot be given, including any conviction or admission described in subsection (1), above, with the date, court and sentence or disposition, if any; the name(s) of the person(s) involved, and their current positions and responsibilities with the business; the activity specified in COMAR 21.08 in which each person was involved; and the details of the person's participation in the activity, including the name(s) of an entity involved and the person's positions and responsibilities with the entity. (Attach additional sheets as necessary.)

(b) If the affirmation described in subsection (1) cannot be given, and debarment proceedings have been instituted against the business pursuant to COMAR 21.08, indicate the status of such proceedings.

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

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

(Date)

(Affidavit)

