



Request for Proposals

PROJECT contract #25T05

PRELIMINARY DESIGN – PATAPSCO REGIONAL GREENWAY: CHERRY HILL

ISSUE DATE

August 6, 2024

DUE DATE

September 19, 2024, 2:00 p.m.

Submit Questions and Proposals (by email only) to:

Charlene Mingus: cmingus@baltometro.org

Table of Contents

Request for Proposals 1

 Introduction.....3

 Purpose4

 Scope of Work.....5

 Task 1 – Project Management.....5

 Task 2 – Existing Conditions Documentation7

 Task 3 – Development of Alignment Alternatives.....7

 Task 4 – Public Outreach8

 Task 5 – Preferred Alternatives Selection10

 Task 6 – Survey, Geotechnical Investigation, and Utilities.....10

 Task 7 – Development of 30% Design Plans.....11

 Task 8 – Design Review, Continued Design Directions, and Data Delivery12

Proposal Content and Requirements15

Submission of Proposals17

Tentative Schedule18

Consultant Selection Criteria18

“Sample” Form Contract20

Confidentiality20

Maryland Registration/Qualification Requirements.....21

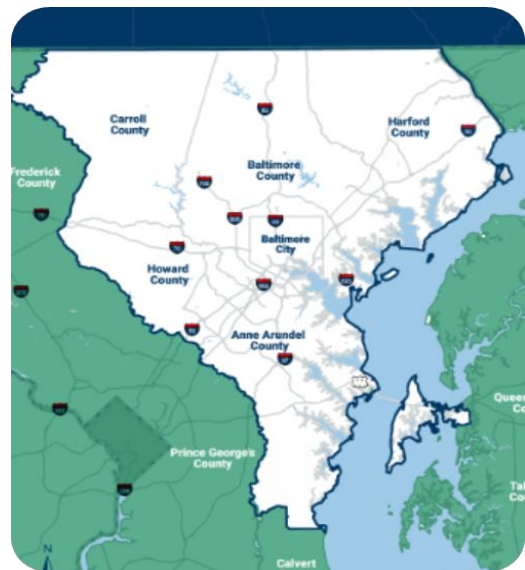
Mandatory Statements.....22

Proposal Affidavit.....24

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 (MDOT), the Maryland Department of the Environment, the Maryland Department of Planning, the MDOT Maryland Transit Administration, and the Regional Transit Agency of Central Maryland. 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.



Purpose

Baltimore Metropolitan Council (BMC) is soliciting proposals from a qualified and experienced consultant, or consultant team, to provide professional services for the preliminary design of a segment of the Patapsco Regional Greenway (PRG) from the planned Patapsco Avenue Pedestrian and Bicycle Bridge (under the direction of the Maryland Department of Transportation Maryland Transit Administration) to the trailhead of the Gwynns Falls Trail/Middle Branch Trail located near the intersection of S. Hanover Street and Reedbird Avenue. The alignment will include connections to existing and planned trails.

The selected consultant will have experience in the development of all phases of shared-use paths, sidewalks, and on-road bicycle facilities – including concept development, design, public outreach, and permitting.

The work will include identification of wetlands, biological and cultural resources inventories, flood plain delineation, and special status species. The scope of work also includes alternatives analysis/preferred alignment selection, topographic survey, preliminary engineering designs, and cost estimates for a 30% level design that meet all federal requirements for use of FHWA funding for later stages of development/construction.

The selected alignment will create an approximately 1.7-mile bicycle and pedestrian facility that is comfortable for all ages and abilities. The segment will primarily be a shared-use path, but may also include sidepaths and on-road portions. This PRG segment extends from the planned MDOT MTA Patapsco Avenue Pedestrian and Bicycle Bridge (referred to as the Cherry Hill Bridge in the PRG Plan) south of Round Road to the existing trailhead #9 of the Gwynns Falls Trail/Middle Branch Trail near the intersection of S. Hanover Street and Reedbird Avenue. The proposed segment will travel north from the Patapsco Avenue Pedestrian and Bicycle Bridge to Round Road using Bethune Road or a community open space between Bethune Road and Denham Circle. The path will then extend east on, or along Round Road, then turn north as the road deadends. Reedbird Avenue used to extend south to Round Road but is now closed to traffic from Round Road to Cherryland Road. However, a level paved area exists that could be converted into a shared-use path. The segment will then enter

Reedbird Park as a shared-use path following the former graded construction access road from wastewater system improvements to reach the Middle Branch Fitness and Wellness Center at the north end of the park. The path could then extend to Reedbird Road, then turn north to run along Reedbird Road from Potee Street to Hanover Street. The path will travel from Reedbird Avenue at Potee Street east along the MedStar Harbor Hospital parking lot to reach the trailhead of the Gwynns Falls Trail/Middle Branch Trail and the planned Baybrook Connector.

Scope of Work

The proposed Scope of Work 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 Scope of Services must be sufficiently detailed for the BMC to determine the effectiveness of the proposal and should spell out how this work can be performed in a cost-efficient and timely manner.

Future stages of this work will likely be completed through a grant request to the Transportation Alternative (TA) program, therefore adherence to the federal process is required. Additionally, firms should base their approach on the AASHTO Bike Guide, the MUTCD, and the MDOT SHA Bike Design Guide.

The Consultant shall provide preliminary design drawings (30% Plans) for a section of the PRG that will include paved shared-use paths and on-road facilities from the planned MDOT MTA Patapsco Avenue Pedestrian and Bicycle Bridge (referred to as Cherry Hill Bridge segment ID #34, maps on pages 76 – 77 and pages 92 – 93, description on page 129) to trailhead #9 of the Gwynns Falls Trail/Middle Branch Trail (segments ID #35 – 38, maps on pages 78 – 79 and pages 92 – 93 and descriptions on pages 130 – 133, of the [Patapsco Regional Greenway Plan](#)). The proposed Scope of Work shall address the following components.

Task 1 – Project Management

The task will be managed by BMC staff and will include a decision-making Steering

Committee consisting of key stakeholders; Baltimore City Recreation and Parks, Baltimore City Department of Public Works, Housing Authority of Baltimore City, Baltimore City Department of Transportation, Baltimore City Planning Department, MDOT State Highway Administration, and MDOT Maryland Transportation Authority.

BMC will also engage an Advisory Committee including area businesses and organizations, community and advocacy groups, and interested property owners prior to general public outreach to inform and build support for the project.

The BMC Project Manager will coordinate a kickoff meeting with the Consultant team and Steering Committee to launch a work program for the project and clarify roles, project schedule, scope of work, deliverables, and project approach.

The Consultant shall solicit feedback from the Steering and Advisory committees at key milestones and present updates at three (3) Steering and Advisory committee meetings.

The Consultant shall communicate progress of the work regularly with the BMC Project Manager, prepare and submit monthly invoicing in the first week of each month following the invoice period, coordinate reviews with the project Steering Committee, and present updates to the Steering Committee at key milestones.

Deliverables:

- Preparation and maintenance of project schedule
- Facilitation of a kickoff meeting
- Facilitation of three (3) virtual Steering Committee meetings including a presentation which will cover at minimum;
 - Meeting #1: feedback from first comment period and alternative alignments
 - Meeting #2: feedback from second comment period and selected alignment
 - Meeting #3: feedback from the third comment period and preliminary design documents
- Facilitation of three (3) virtual Advisory Committee meetings including a presentation updated based on Steering Committee feedback which will cover at minimum;

- Meeting #1: project overview
- Meeting #2: feedback from first comment period and alternative alignments
- Meeting #3: feedback from second comment period and selected alignment
- Bi-weekly calls between BMC Project Manager and Consultant Project Manager with key team members as needed. Additional calls may be required to address specific circumstances
- Submittal of monthly invoices
- Preparation of minutes including but not limited to bi-weekly meetings, Steering Committee meetings, Advisory Committee meetings, and public meetings

Task 2 – Existing Conditions Documentation

Conduct desktop surveys and verify existing conditions through ArcGIS datasets and site visits to identify potential historic structures or archeological sites; wetlands, waterways and floodplains, specimen trees, and threatened and endangered species (USFWS IPaC, MDNR Wildlife & Heritage and Environmental Review Division coordination); and right-of-way, property boundaries and easements within the project area. Formal, agency-reviewed field delineations for wetlands, floodplains, Waters of the U.S., etc. are not included in this scope of work.

Deliverables:

- Existing conditions summary and ArcGIS based maps to be included in Technical Memorandum #1 as described in Task 3
- Correspondence with agencies (PDF copies of correspondence is sufficient)

Task 3 – Development of Alignment Alternatives

Based on the findings in Task 2, develop a minimum of three (3) alternative alignments for the approximately 1.7-mile segment. The segment will include shared-use paths, sidepaths, and on-road bike facilities. The segment may also include pedestrian and bicycle crossing treatments, such as high-visibility crossings. In addition, the segment includes crossings at Potee Street and Hanover Street.

For each alignment and option, describe the opportunities and challenges including maintenance costs. Consider environmental challenges such as frequent flooding and wetlands as well as maintenance responsibilities; provide design considerations to mitigate risks and enhance opportunities.

Deliverables:

- ArcGIS based maps and descriptions of existing conditions and the alternative alignments
- Preliminary cost estimates for the alternative alignments utilizing available resources such as the MDOT SHA Price Index and MDOT SHA Category Code Book
- Estimated maintenance costs for the alternative alignments
- Documentation of the opportunities and challenges for each of the alternative alignments
- Technical Memorandum #1 – Alternative Alignments
 - Project overview
 - Narrative and mapping of existing conditions and alternative alignments
 - Preliminary construction and maintenance cost estimates for alternative alignments
 - Overview of public outreach initiatives
 - Summary of public input from the first comment period
 - Summary of comments from Steering Committee meeting #1 and Advisory Committee meetings #1 and #2

Task 4 – Public Outreach

Conduct three (3) comment periods with a public meeting for each comment period.

Following project initiation and development of project schedule, the first comment period will be held and will include opportunities to provide input online and at an in-person open house style public meeting to provide the public with an overview of the project and provide an opportunity to gain preliminary input on issues and concerns as well as possible alternative alignments. BMC will develop a project website to host information on the project and survey questions, including Consultant prepared ArcGIS

based maps and narratives focused on the project background, existing conditions, and initial alignment shown in the [Patapsco Regional Greenway Plan](#). Develop display boards on the same material for the first public meeting.

Following Task 3, the second comment period will solicit input on the alternative alignments. BMC will develop an online survey and update the project website with information about the alternative alignments and maps developed by the Consultant. The Consultant will prepare an ArcGIS StoryMap with maps and narratives focused on presenting the alternative alignments. The Consultant will also develop a presentation and display boards for the in-person public meeting. The Consultant will prepare three (3) to five (5) renderings of potential trail designs to help the public envision the trail segment. BMC will develop a flier and social media posts, as well as organize promotion of the first comment period and public meeting.

Following Task 5, the third comment period will present the selected alignment and solicit input on design details. BMC will develop an online survey and update the project website with information about the selected alignment and maps developed by the Consultant. The Consultant will prepare an ArcGIS StoryMap with express and interactive maps and narratives focused on presenting the selected alignment. The Consultant will also develop a presentation and display boards for the in-person public meeting. BMC will develop a flier and social media posts to promote the first comment period and public meeting. The Consultant will develop, print, and mail a postcard sized promotion of the comment period and public meeting to approximately 700 households. BMC will provide the mailing list.

Deliverables:

- ArcGIS based maps and narratives on project background and existing conditions, alternative alignments, and selected alignment for BMC created project website
- Presentations for public meetings #2 and 3 (use presentation from Advisory Committee meeting #2 and 3 respectively updated based on feedback from Steering and Advisory committees)
- Project overview in ArcGIS StoryMap
- Documentation of public comments and survey responses
- Meeting display boards for three (3) in-person public meetings
- Postcard design, printing, and mailing to approximately 700 addresses

- Three (3) to five (5) renderings of potential trail designs

Task 5 – Preferred Alternatives Selection

Based on input from the Steering Committee, Advisory Committee, and feedback from the public, a preferred alignment will be selected to proceed to preliminary design.

Deliverables:

- Technical Memorandum #2a – Preferred Alignment:
 - Concise overview of project and alternative alignments
 - Overview of public outreach initiatives
 - Summary of comments and survey responses from the second comment period
 - Summary of comments from Steering Committee meeting #2 and Advisory Committee meeting #3
 - Narrative of process to choose preferred alignment
 - Narrative and map of the preferred alignment
 - Construction and maintenance cost estimates (including minimum 30% contingency)
 - Detailed public input documented in appendix

Task 6 – Survey, Geotechnical Investigation, and Utilities

A topographic survey will be taken along the preferred alignment at a variable width to accommodate adjacent terrain and environmental features using MDOT SHA standards and should develop one-foot contours and a digital terrain model (DTM). Environmental features should include, but are not limited to; wetlands, floodplains, and Waters of the U.S.

Right-of-way/boundary survey may be based on available ArcGIS datasets as long as the selected alignment remains within or near public or utility right-of-way.

Conduct a preliminary geotechnical investigation along the preferred alignment to more accurately locate potential storm water management facilities and identify areas where structures (e.g. boardwalks and bridge structures) will be located throughout the

project area. Consultant should identify access points for borings and account for mobilization and access to boring locations when preparing the cost proposal for this RFP. Assume up to 12 borings for the selected alignment.

Conduct a Quality Level B subterranean utility exploration for the selected alignment.

Deliverables:

- Topographic survey
- Environmental survey
- Geotechnical investigation
- Utility locations

Task 7 – Development of 30% Design Plans

Based on data collected in prior tasks, preliminary design plans of the preferred alignment will be prepared to include but are not limited to:

- Preliminary Design Plans
 - Title sheet
 - General notes, abbreviations
 - Typical sections
 - Geometry
 - Preliminary trail/roadway plans
 - Cut/fill lines
 - Limits of work (including existing and proposed ROW lines)
 - Preliminary drainage details and drainage profiles
 - Maintenance of traffic (preliminary sequence of construction as applicable)
 - Preliminary signing and pavement marking
 - Preliminary erosion and sediment control
 - Preliminary stormwater management plans

- Preliminary structural plans and details (Type/Size/Location) for boardwalks, bridges, retaining walls
- Preliminary landscape plans
- Grading table
- Cross sections
- Preliminary Construction cost estimate developed (minimum 30% contingency)
- Listing of anticipated environmental permits and approvals
- Stormwater management concept report

Deliverables:

- One electronic copy of design plan set
- Digital design files (MDOT SHA CADD Standards)
- Electronic copy of preliminary cost estimates
- Sediment and stormwater management concept report

Task 8 – Design Review, Continued Design Directions, and Data Delivery

Following the third comment period, coordinate review of the project with BMC and the Steering Committee. Design comments will not be incorporated into the final deliverable but will be documented in Technical Memorandum #2b for inclusion in subsequent design phases. The Technical Memorandum for continued design will also include anticipated approvals/permits required, additional survey needs, and a checklist to complete design.

Transfer the ArcGIS StoryMap and any associated web maps and images to BMC. A copy of the StoryMap and associated web maps should be transferred to the BMC organizational ArcGIS Online account using the third-party ArcGIS Assistant in coordination with BMC GIS staff. A copy of the geospatial data used in the web maps should be delivered in a file geodatabase. A copy of all images used in the StoryMap should be delivered as well. Alternatively, it may be preferred to create the ArcGIS StoryMap and associated web maps within the BMC ArcGIS Online organization; this

can be determined at project kickoff.

Deliverables:

- Technical Memorandum #2b – Preliminary Design Summary:
 - Summary of comments and survey responses from third comment period
 - Detailed public input documented in appendix
 - Summary of comments from Steering Committee meeting #3
 - Summary of comments on preliminary design plans
 - Design completion checklist including:
 - Anticipated permits/approvals
 - Additional survey needs
 - Erosion and sediment control
 - Storm water management design
 - Additional drainage design
 - Structural design (as applicable)
 - Maintenance of traffic
 - Landscaping design
 - Lighting design
 - Signing and marking
 - Cross sections
 - Right-of-Way Plats
 - Other items required to complete design
 - Geotechnical Investigation Report
- Transfer ArcGIS data, StoryMap, and associated web maps and images to BMC

- Deliver a shapefile or geodatabase of the final selected trail alignment and alternative alignments.

Consultant Qualifications

BMC is seeking a firm, or team, with demonstrated experience in regional trail planning and design of shared-use paths and pedestrian and bicycle crossing treatments; environmental and cultural resource planning; and coordination of local government, state agencies and other stakeholders in Maryland. A qualified applicant shall possess the requisite technical capability and professional expertise to provide the type of services required and outlined in this Scope of Work.

The Consultant should possess demonstrated knowledge of NACTO *Urban Bikeway Design Guide*, AASHTO *2012 Guide for the Development of Bicycle Facilities* and *2021 Guide for the Planning, Design, and Operation of Pedestrian Facilities*, and *Manual on Uniform Traffic Control Devices*.

Proposal Content and Requirements

The proposal shall consist of two separate parts: (1) a Technical Proposal, and (2) a Cost Proposal. Each offeror shall provide their technical proposal and cost proposal in separate .pdf files. Proposals shall meet, at a minimum, the following requirements.

Technical Proposal

The Technical Qualifications shall contain the following:

- *Cover Letter* – summarizing the offeror’s expertise and availability to do the work, all firms on the team and DBE commitment. Letter must be 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 it will be performed, and the products/deliverables to be provided. An overall schedule of work in Gantt chart or similar format should be included. Offerors may include but are not limited to the tasks identified in the Scope of Work, and are encouraged to suggest modifications that would facilitate a successful work program. (12 page maximum)
- *Experience and Qualification* – The offeror shall list the qualifications of the prime and subconsultants, as applicable, with regard to the selection criteria identified in this RFP. The summary should contain information on projects of a similar nature that offeror has completed, including brief descriptions, dates, and names of contact persons. In the project descriptions, identify the roles of the identified project manager and key personnel. Please include links to relevant work if possible. (9 pages maximum)
- *Project Management* – Designation of a project manager and the responsibilities of the manager and key staff. Resumes of the project manager and key staff from any firm involved, should be included in this section. Note that the resulting contract will require commitment of the specified personnel. (9 pages maximum)
- *DBE Participation* – The offeror shall present the program for assuring the maximum opportunity for participation by Disadvantaged Business Enterprises (DBEs) in accord with BMC’s goals. 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. (4 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, table of contents 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, including the

prime firm and all subconsultants. Direct costs shall be itemized by category (e.g., travel, per diem, printing and reproduction, /etc.) for the entire project. The invoice submission schedule is anticipated monthly.

- 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.
- Additionally, if there are any proposed exceptions to the “sample” form contract located on page 20, these should be noted here.

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

Submission of Proposals

All offerors shall submit by email two (2) separate digital PDF files – one (1) for each of the Technical and Cost Proposals to cmingus@baltometro.org.

The proposal must be received by BMC no later than 5:00 PM Eastern Standard Time on September 19, 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 such as Google Drive or Dropbox and email the link to the files.

Please direct any questions to Charlene Mingus at cmingus@baltometro.org no later than 2:00 PM Eastern Standard Time on August 27, 2024. All questions will be collected and answers will be posted to BMC's website by August 30, 2024. Questions arriving after the deadline will not be answered.

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.

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	August 6, 2024
Proposal Questions Due	August 27, 2024, 2:00 p.m.
Answers to Questions Posted	August 30, 2024
Proposals Due	September 19, 2024, 2:00 p.m.
Consultant Selection	September 2024
Start of Work	October 2024
Completion of Work	October 2025

Consultant Selection Criteria

BMC staff and/or appropriate project partners 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:

- Project Management - Staff Roles and Responsibilities; Subconsultant/DBE Integration; Staff Availability and Commitment

- Experience and Qualifications - Firm Experience with Similar Projects; Staff Experience
- Work Program - Understanding of Issues/Objectives; Technical Approach; Clarity of Deliverables
- Proposal Quality - Cover Letter; Adherence to Proposal Requirements; Proposal Presentation

This is **not** a low-bid procurement. The FY 2025 UPWP budgeted **\$300,000** for the consultant part of this task, but proposals will be considered outside of this range if the proposed work program will provide a greatly superior product.

Teaming is permissible but the offeror will be with a single prime contractor. BMC reserves the right to negotiate with one or more offerors selected based on the initial technical merit and proposed cost. Offerors may be asked to make personal appearances or to provide additional information regarding their 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. Any exceptions should be noted at the end of the Cost 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)

