



STATE OF MARYLAND
MARYLAND DEPARTMENT OF TRANSPORTATION MOTOR
VEHICLE ADMINISTRATION
(MDOT MVA)
REQUEST FOR PROPOSALS (RFP)
PERMANENT CANOPY SYSTEM FOR MULTIPLE MDOT
MVA LOCATIONS
RFP NUMBER V-MUL-22033-C

ISSUE DATE: JANUARY 20, 2022

NOTICE

A Prospective Offeror that has received this document from a source other than eMarylandMarketplaceAdvantage (eMMA) <https://procurement.maryland.gov> should register on eMMA. See **Section 4.2**.

**MINORITY BUSINESS ENTERPRISES ARE ENCOURAGED TO
RESPOND TO THIS SOLICITATION.**

VENDOR FEEDBACK FORM

To help us improve the quality of State solicitations, and to make our procurement process more responsive and business friendly, please provide comments and suggestions regarding this solicitation. Please return your comments with your response. If you have chosen not to respond to this solicitation, please email or fax this completed form to the attention of the Procurement Officer (see Key Information Summary Sheet below for contact information).

**Title: Permanent Canopy System for Multiple MDOT MVA Locations
Solicitation No: V-MUL-22033-C**

1. If you have chosen not to respond to this solicitation, please indicate the reason(s) below:
 - Other commitments preclude our participation at this time
 - The subject of the solicitation is not something we ordinarily provide
 - We are inexperienced in the work/commodities required
 - Specifications are unclear, too restrictive, etc. (Explain in REMARKS section)
 - The scope of work is beyond our present capacity
 - Doing business with the State is simply too complicated. (Explain in REMARKS section)
 - We cannot be competitive. (Explain in REMARKS section)
 - Time allotted for completion of the Proposal is insufficient
 - Start-up time is insufficient
 - Bonding/Insurance requirements are restrictive (Explain in REMARKS section)
 - Proposal requirements (other than specifications) are unreasonable or too risky (Explain in REMARKS section)
 - MBE or VSBE requirements (Explain in REMARKS section)
 - Prior State of Maryland contract experience was unprofitable or otherwise unsatisfactory. (Explain in REMARKS section)
 - Payment schedule too slow
 - Other: _____

2. If you have submitted a response to this solicitation, but wish to offer suggestions or express concerns, please use the REMARKS section below. (Attach additional pages as needed.)

REMARKS:

Vendor Name: _____ Date: _____

Contact Person: _____ Phone (____) _____ - _____

Address: _____

E-mail Address: _____

STATE OF MARYLAND
MARYLAND DEPARTMENT OF TRANSPORTATION MOTOR
VEHICLE ADMINISTRATION (MDOT MVA)
KEY INFORMATION SUMMARY SHEET

Request for Proposals	Construction - Permanent Canopy System for Multiple MDOT MVA Locations
Solicitation Number:	V-MUL-22033-C
RFP Issue Date:	January 20, 2022
RFP Issuing Office:	Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA or the "Administration")
Procurement Officer: e-mail: Office Phone:	Kelli Gower 6601 Ritchie Highway Glen Burnie, MD 21062 kgower@mdot.maryland.gov 410-768-7396
Proposals are to be sent to:	Submit Via eMMA
Pre-Proposal Conference:	Thursday, January 27, 2022 @ 10:30 A.M. EST
Questions Due Date and Time	Tuesday, February 1, 2022 @ 2:00 P.M. EST
Technical Proposal Due (Closing) Date and Time:	February 17, 2022 @ 2:00 P.M. EST Offerors are reminded that a completed Feedback Form is requested if a no-bid decision is made (see page ii).
MBE Subcontracting Goal:	21% with the following subgoals: 8% for African American MBEs
VSBE Subcontracting Goal:	1%
Contract Type:	Firm fixed price
Primary Place of Performance:	1. Annapolis Branch 160 Harry S. Truman Parkway Annapolis, MD 21401 2. Beltsville Branch 11760 Baltimore Avenue Beltsville, MD 20705 3. Frederick Branch 1601 Bowman Farm Road Frederick, MD 21701

	<p>4. Loveville Branch 27351 Point Lookout Road Leonardtown, MD 20650</p> <p>5. Salisbury Branch 251 Tilghman Road Salisbury, MD 21804</p> <p>6. Westminster Branch 1106 Baltimore Blvd Westminster, MD 21157</p>
SBR Designated	No
Federal Funding:	No
Liquidated Damages:	Yes
Prevailing Wage Rates:	Yes
DHS Hiring Agreement:	Yes

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1 Summary Information

1.1 Summary Statement

- 1.1.1 The Maryland Department of Transportation Motor Vehicle Administration (MDOT MVA or the "Administration") is soliciting competitive sealed proposals from qualified Contractors to furnish all labor, equipment, and materials necessary for the manufacturing and installation of permanent exterior canopies at six (6) MDOT MVA locations.
- 1.1.2 It is the Administration's intention to obtain goods and services, as specified in this RFP, from a Contract between the selected Offeror and the Administration.
- 1.1.3 The Administration intends to make a single award as a result of this RFP.
- 1.1.4 An Offeror, either directly or through its subcontractor(s), must be able to provide all goods and services and meet all of the requirements requested in this solicitation and the successful Offeror (the Contractor) shall remain responsible for Contract performance regardless of subcontractor participation in the work.

1.2 Pre-Proposal Conference

- 1.2.1 A pre-Proposal conference (Conference) will be held at the date, time, and location indicated on the Key Information Summary Sheet.
- 1.2.2 Attendance at the Conference is not mandatory, but all interested parties are encouraged to attend in order to facilitate better preparation of their Proposals. If the solicitation includes an MBE goal, failure to attend the Conference will be taken into consideration as part of the evaluation of an offeror's good faith efforts if there is a waiver request.
- 1.2.3 It is highly recommended that ALL Prime Contractors invite their intended subcontractors to the Conference to ensure that all parties understand the requirements of the contract and the MBE Goal.
- 1.2.4 MBE subcontractors are encouraged to attend the Conference to market their participation to potential prime contractors.
- 1.2.5 Following the Conference, the attendance record and summary of the Conference will be distributed via the same mechanism described for amendments and questions.
- 1.2.6 Those wishing to attend the web conference may request a meeting invitation by emailing Kelli Gower at kgower@mdot.maryland.gov prior to the Pre-Proposal Conference. An invitation e-mail is required for registration, and therefore attendance. Upon receipt of the email, the Procurement Officer will reply with a registration email with a link that may be used to register for the conference.

1.3 eMaryland Marketplace Advantage (eMMA)

- 1.3.1 eMMA is the electronic commerce system for the State of Maryland. The RFP, Conference summary and attendance sheet, Offerors' questions and the Procurement Officer's responses, addenda, and other solicitation-related information will be made available via eMMA.
- 1.3.2 In order to receive a contract award, a vendor must be registered on eMMA. Registration is free. Go to emma.maryland.gov, click on "New Vendor? Register Now" to begin the process, and then follow the prompts.

1.4 Questions

- 1.4.1 All questions, including concerns regarding any applicable MBE or VSBE participation goals, shall identify in the subject line the Solicitation Number and Title (V-MUL-22033-C - Permanent Canopy System for Multiple MDOT MVA Locations), and shall be submitted in writing via e-mail to the Procurement Officer no later than the date and time specified the Key Information Summary Sheet.
- 1.4.2 All questions and answers will be published as an Addendum to the solicitation on eMMA.

1.5 Proposal Due (Closing) Date and Time

- 1.5.1 Proposals, in the number and form set forth in Section 5 Proposal Requirements and Format, must be received by the Procurement Officer no later than the Proposal due date and time indicated on the Key Information Summary Sheet in order to be considered.
- 1.5.2 Requests for extension of this date or time shall not be granted.
- 1.5.3 Offerors submitting Proposals should allow sufficient delivery time to ensure timely receipt by the Procurement Officer. Except as provided in COMAR 21.05.03.02.F and 21.05.02.10, Proposals received after the due date and time listed in the Key Information Summary Sheet will not be considered.
- 1.5.4 Proposals may be modified or withdrawn by written notice received by the Procurement Officer before the time and date set forth in the Key Information Summary Sheet for receipt of Proposals.
- 1.5.5 Proposals may not be submitted by e-mail or facsimile. Proposals will not be opened publicly.
- 1.5.6 Potential Offerors not responding to this solicitation are requested to submit the “Notice to Vendors” form, which includes company information and the reason for not responding (e.g., too busy, cannot meet mandatory requirements).

1.6 MBE Participation Goal

1.6.1 Establishment of Goal and Subgoals

An overall MBE subcontractor participation goal as identified in the Key Information Summary Sheet has been established for this procurement, representing a percentage of the total Contract dollar value, including all renewal option terms, if any, has been established for this procurement.

Notwithstanding any subgoals established for this RFP, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

By submitting a response to this solicitation, the Offeror acknowledges the overall MBE subcontractor participation goal and subgoals and commits to achieving the overall goal and subgoals by utilizing certified minority business enterprises or requests a full or partial waiver of the overall goal and subgoals.

An Offeror that does not commit to meeting the entire MBE participation goal implies that it is requesting a full or partial waiver for the remainder of the MBE goal or subgoals as applicable and, if recommended for award, shall submit documentation supporting its good faith efforts to meet the MBE goal made prior to submission of its

proposal as outlined in Form E, Good Faith Efforts Guidance and Documentation. Failure of an Offeror to properly complete, sign, and submit Form A at the time it submits its Technical Response(s) to the RFP may result in the State's rejection of the Offeror's Proposal.

1.6.2 Attachment D

- A. A - E – The following Minority Business Enterprise participation instructions, and forms are provided to assist Offerors:
1. Form A - Certified MBE Utilization and Fair Solicitation Affidavit (must be submitted with Proposal)
 2. Form B – MBE Participation Schedule (must be submitted with Proposal)
 3. Form C – Outreach Efforts Compliance Statement
 4. Form D – MBE Subcontractor Project Participation Affidavit
 5. Form E – Good Faith Efforts and Documentation
- B. The Offeror shall include with its Proposal a completed Form A - Certified MBE Utilization and Fair Solicitation Affidavit and Form B - MBE Participation Schedule whereby:
1. The Offeror acknowledges the certified MBE participation goal and commits to make a good faith effort to achieve the goal and any applicable subgoals, or requests a waiver, and affirms that MBE subcontractors were treated fairly in the solicitation process; and
 2. The Offeror responds to the expected degree of MBE participation, as stated in the solicitation, by identifying the specific commitment of certified MBEs at the time of Proposal submission. The Offeror shall specify the percentage of total contract value associated with each MBE subcontractor identified on the MBE participation schedule, including any work performed by the MBE prime (including a prime participating as a joint venture) to be counted towards meeting the MBE participation goals.
 3. The Offeror requesting a waiver should review Form C – Outreach Efforts Compliance Statement Guidance) Form E – Good Faith Efforts and Documentation prior to submitting its request. If the apparent awardee requests a waiver in the submitted Forms A and B, completed Forms C and Es will be requested.

If the Offeror fails to submit a completed Form A with the Proposal as required, the Procurement Officer shall determine that the Proposal is not reasonably susceptible of being selected for award, unless the inaccuracy is determined to be the result of a minor irregularity that is waived or cured in accordance with COMAR 21.06.02.04.

- 1.6.3** Offerors are responsible for verifying that each MBE (including any MBE prime and MBE prime participating in a joint venture) selected to meet the goal and any subgoals and subsequently identified in Form A is appropriately certified.

- 1.6.4** Within ten (10) Business Days from notification that it is the recommended awardee the Offeror must provide the following documentation to the Procurement Officer.
- A. Outreach Efforts Compliance Statement Form C;
 - B. MBE Subcontractor/Prime Project Participation Form D; and
 - C. Any other documentation required by the Procurement Officer to ascertain Offeror responsibility in connection with the certified MBE subcontractor participation goal or any applicable subgoals.
 - D. Further, if the recommended awardee believes a waiver (in whole or in part) of the overall MBE goal or of any applicable subgoal is necessary, the recommended awardee must submit a fully documented waiver request that complies with COMAR 21.11.03.11.

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

- 1.6.5** A current directory of certified MBEs is available through the Maryland State Department of Transportation (MDOT), Office of Minority Business Enterprise, 7201 Corporate Center Drive, Hanover, Maryland 21076. The phone numbers are (410) 865-1269, 1-800-544-6056, or TTY (410) 865-1342. The directory is also available on the MDOT website at <http://mbe.mdot.maryland.gov/directory/>. The most current and up-to-date information on MBEs is available via this website. **Only MDOT-certified MBEs may be used to meet the MBE subcontracting goals.**
- 1.6.6** The Offeror that requested or implied to request a waiver of the goal or any of the applicable subgoals will be responsible for submitting the Good Faith Efforts Documentation to Support Waiver Request (Form E) and all documentation within ten (10) Business Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, as required in COMAR 21.11.03.11.
- 1.6.7** All documents, including the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule (Form A), completed and submitted by the Offeror in connection with its certified MBE participation commitment shall be considered a part of the Contract and are hereby expressly incorporated into the Contract by reference thereto.
- 1.6.8** The Offeror is advised that liquidated damages will apply in the event the Contractor fails to comply in good faith with the requirements of the MBE program and pertinent Contract provisions. (See Contract – Attachment M, Liquidated Damages for MBE)
- 1.6.9** As set forth in COMAR 21.11.03.12-1(D), when a certified MBE firm participates on a contract as a prime contractor (including a joint-venture where the MBE firm is a partner), a procurement agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own work force towards fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract.
- 1.6.10** In order to receive credit for self-performance, an MBE prime must list its firm in Section 2 of the MBE Participation Schedule (Form B) and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the subgoals, the MBE

prime must also identify other certified MBE subcontractors used to meet those goals. If dually certified, the MBE prime can be designated as only one of the MBE subgoal classifications but can self-perform up to 100% of the stated subgoal.

- 1.6.11** As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract.

1.7 VSBE Goal

1.7.1 Purpose

- A. The Contractor shall structure its procedures for the performance of the work required in the Contract to attempt to achieve the VSBE participation goal stated in this solicitation. VSBE performance must be in accordance with this section and Attachment E, as authorized by COMAR 21.11.13. The Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this section and Attachment E.
- B. A certified Veteran-Owned Small Business Enterprises (VSBE) must be verified by the State Department of Veterans Affairs or US Department of Veteran's Affairs [Vets First Verification Program](#) (VetBiz) and registered as a VSBE on the State's eProcurement platform, eMaryland Marketplace Advantage (eMMA). The listing of VSBEs is available through the "Vendor Search" on [eMMA](#).

1.7.2 VSBE Goal

- A. A VSBE participation goal of the total Contract dollar amount has been established for this procurement as identified in the Key Information Summary Sheet.
- B. By submitting a response to this solicitation, the Offeror agrees that this percentage of the total dollar amount of the Contract will be performed by verified veteran-owned small business enterprises.

1.7.3 Solicitation and Contract Formation

- A. In accordance with COMAR 21.11.13.05 C (1), this solicitation requires Offerors to:
1. Identify specific work categories within the scope of the procurement appropriate for subcontracting;
 2. Solicit VSBEs before Proposals are due, describing the identified work categories and providing instructions on how to bid on the subcontracts;
 3. Attempt to make personal contact with the VSBEs solicited and to document these attempts;
 4. Assist VSBEs to fulfill, or to seek waiver of, bonding requirements; and
 5. Attempt to attend preproposal or other meetings the procurement agency schedules to publicize contracting opportunities to VSBEs.
- B. The Offeror must include with its Proposal a completed VSBE Utilization Affidavit and Prime/Subcontractor Participation Schedule (Attachment E-1) whereby the Offeror:
1. Acknowledges it: a) intends to meet the VSBE participation goal; or b) requests a full or partial waiver of the VSBE participation goal. If the Offeror commits to the

- full VSBE goal or requests a partial waiver, it shall commit to making a good faith effort to achieve the stated goal; and
2. Responds to the expected degree of VSBE participation as stated in the solicitation, by identifying the specific commitment of VSBEs at the time of Proposal submission. The Offeror shall specify the percentage of contract value associated with each VSBE prime/subcontractor identified on the VSBE Participation Schedule.
- C. As set forth in COMAR 21.11.13.05.B(2), when a verified VSBE firm participates on a Contract as a Prime Contractor, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the VSBE Prime Contractor performs with its own work force towards meeting up to one hundred percent (100%) of the VSBE goal.
- D. In order to receive credit for self-performance, a VSBE Prime must list its firm in the VSBE Prime/Subcontractor Participation Schedule (Attachment E-1) and include information regarding the work it will self-perform. For any remaining portion of the VSBE goal that is not to be performed by the VSBE Prime, the VSBE Prime must also identify verified VSBE subcontractors used to meet the remainder of the goal.
- E. Within ten (10) Business Days from notification that it is the apparent awardee, the awardee must provide the following documentation to the Procurement Officer:
1. VSBE Project Participation Statement (Attachment E-2);
 2. If the apparent awardee believes a full or partial waiver of the overall VSBE goal is necessary, it must submit a fully documented waiver request that complies with COMAR 21.11.13.07; and
 3. Any other documentation required by the Procurement Officer to ascertain Offeror responsibility in connection with the VSBE 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 reasonably susceptible of being selected for award.

1.8 Electronic Procurements Authorized

- 1.8.1** Under COMAR 21.03.05, unless otherwise prohibited by law, the Administration may conduct procurement transactions by electronic means, including the solicitation, proposing, award, execution, and administration of a contract, as provided in Md. Code Ann., Maryland Uniform Electronic Transactions Act, Commercial Law Article, Title 21.
- 1.8.2** Participation in the solicitation process on a procurement contract for which electronic means has been authorized shall constitute consent by the Offeror to conduct by electronic means all elements of the procurement of that Contract which are specifically authorized under the solicitation or Contract. In the case of electronic transactions authorized by this RFP, electronic records and signatures by an authorized representative satisfy a requirement for written submission and signatures.
- 1.8.3** “Electronic means” refers to exchanges or communications using electronic, digital, magnetic, wireless, optical, electromagnetic, or other means of electronically conducting transactions. Electronic means includes e-mail, internet-based communications, electronic

funds transfer, specific electronic bidding platforms (e.g., <https://procurement.maryland.gov>), and electronic data interchange.

1.8.4 In addition to specific electronic transactions specifically authorized in other sections of this solicitation (e.g., RFP § 4.23 describing payments by Electronic Funds Transfer), the following transactions are authorized to be conducted by electronic means on the terms as authorized in COMAR 21.03.05:

- A. The Procurement Officer may conduct the procurement using eMMA or e-mail to issue:
 - 1. The RFP;
 - 2. Any amendments and requests for best and final offers;
 - 3. Pre-Proposal conference documents;
 - 4. Questions and responses;
 - 5. Communications regarding the solicitation or Proposal to any Offeror or potential Offeror;
 - 6. Notices of award selection or non-selection; and
 - 7. The Procurement Officer's decision on any Proposal protest or Contract claim.
- B. The Offeror or potential Offeror may use e-mail to:
 - 1. Submit Financial Proposals;
 - 2. Ask questions regarding the solicitation;
 - 3. Reply to any material received from the Procurement Officer by electronic means that includes a Procurement Officer's request or direction to reply by e-mail or through eMMA, but only on the terms specifically approved and directed by the Procurement Officer and;
 - 4. Submit a "No Proposal Response" to the RFP.
- C. The Procurement Officer, the Contract Monitor, and the Contractor may conduct day-to-day Contract administration, except as outlined in this RFP, utilizing e-mail or other electronic means if authorized by the Procurement Officer or Contract Monitor.

1.8.5 The following transactions related to this procurement and any Contract awarded pursuant to it are **not authorized** to be conducted by electronic means:

- A. Submission of initial Proposals, except through eMMA;
- B. Filing of protests;
- C. Filing of Contract claims;
- D. Submission of documents determined by the Administration to require original signatures (e.g., Contract execution, Contract modifications); or
- E. Any transaction, submission, or communication where the Procurement Officer has specifically directed that a response from the Contractor or Offeror be provided in writing or hard copy.

- 1.8.6** Any e-mail transmission is only authorized to the e-mail addresses for the identified person as provided in the solicitation, the Contract, or in the direction from the Procurement Officer or Contract Monitor.

1.9 Procurement Method

This procurement is being conducted in accordance with the Competitive Sealed Proposals method under COMAR 21.05.03.

1.10 Duration of Proposal

Proposals submitted in response to this RFP are irrevocable for the latest of the following: 120 days following the Proposal due date and time, best and final offers if requested, or the date any protest concerning this RFP is finally resolved. This period may be extended at the Procurement Officer's request only with the Offeror's written agreement.

1.11 Award Basis

A Contract shall be awarded to the responsible Offeror(s) submitting the Proposal that has been determined to be the most advantageous to the State, considering price and evaluation factors set forth in this RFP (see COMAR 21.05.03.03F), for providing the goods and services as specified in this RFP.

1.12 Proposal Affidavit

A Proposal submitted by the Offeror must be accompanied by a completed Proposal Affidavit. A copy of this Affidavit is included as Attachment C of this RFP.

1.13 Contract Affidavit

All Offerors are advised that if a Contract is awarded as a result of this solicitation, the successful Offeror will be required to complete a Contract Affidavit. A copy of this Affidavit is included for informational purposes as Attachment N of this RFP. This Affidavit must be provided within ten (10) Business Days of notification of recommended award. For purposes of completing Section "B" of this Affidavit (Certification of Registration or Qualification with the State Department of Assessments and Taxation), a business entity that is organized outside of the State of Maryland is considered a "foreign" business.

1.14 Prevailing Wage

The provisions of Subtitle 2 of Title 17 of the State Finance and Procurement Article of the Annotated Code of Maryland and COMAR 21.11.11 pertaining to Prevailing Wage for Public Works are incorporated in construction contracts of Two Hundred Fifty Thousand Dollars (\$250,000.00) or more by reference, see Appendix 4. Prevailing Wage.

1.15 Maryland Healthy Working Families Act Requirements

On February 11, 2018, the Maryland Healthy Working Families Act went into effect. All offerors should be aware of how this Act could affect your potential contract award with the State of Maryland. See the Department of Labor, Licensing and Regulations web site for Maryland Healthy Working Families Act Information: <http://dlr.maryland.gov/paidleave/>.

1.16 Conflict of Interest Affidavit and Disclosure

- 1.16.1** The Offeror shall complete and sign the Conflict-of-Interest Affidavit and Disclosure (Attachment H) and submit it with its Proposal.
- 1.16.2** By submitting a Conflict-of-Interest Affidavit and Disclosure, the Contractor shall be construed as certifying all Contractor Personnel and subcontractors are also without a conflict of interest as defined in COMAR 21.05.08.08A.
- 1.16.3** Additionally, a Contractor has an ongoing obligation to ensure that all Contractor Personnel are without conflicts of interest prior to providing services under the Contract. For policies and procedures applying specifically to Conflict of Interests, the Contract is governed by COMAR 21.05.08.08.
- 1.16.4** Participation in Drafting of Specifications: Disqualifying Event: Offerors are advised that Md. Code Ann. State Finance and Procurement Article §13-212.1(a) provides generally that “an individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or a request for proposals, or a person that employs the individual, may not: (1) submit a bid or proposal for that procurement; or (2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.” Any Offeror submitting a Proposal in violation of this provision shall be classified as “not responsible.” See COMAR 21.05.03.03.

1.17 Location of the Performance of Services Disclosure

The Offeror is required to complete the Location of the Performance of Services Disclosure. A copy of this Disclosure is included as Attachment L. The Disclosure must be provided with the Proposal.

1.18 Department of Human Services (DHS) Hiring Agreement

All Offerors are advised that if a Contract is awarded as a result of this solicitation, the successful Offeror will be required to complete a DHS Hiring Agreement. A copy of this Agreement is included as Attachment O. This Agreement must be provided within ten (10) Business Days of notification of recommended award.

2 General Information for Contractors

2.1 Background, Purpose and Goals

2.1.1 Background

The MDOT MVA plays a vital role in ensuring mobility for Maryland residents and road users. Maryland lies in a central location along the Eastern seaboard and its transportation network is critical to linking the regional and national economies. As one of the five (5) Transportation Business Units (TBU) under the Maryland Department of Transportation (MDOT), the MDOT MVA with a staff of 1,600+ employees, is responsible for the following tasks:

- Licenses all commercial and non-commercial drivers;
- Registers and titles commercial and non-commercial vehicles;
- Issues photo identification for non-drivers;
- Manages Driver Instructional, Driver Wellness and Motor Vehicle Safety Programs;
- Protects the integrity and security of driver and vehicle records;
- Administers the mandatory insurance compliance program;
- Inspects Maryland's school buses;
- Regulates driving schools and motor vehicle dealers;
- Ensures air quality through the vehicle emissions inspection program; and,
- Reduces and prevents motor vehicle related crashes, injuries and fatalities through education, enforcement, and engineering countermeasures.

Currently, the MDOT MVA operates a large physical presence across the State. The MDOT MVA serves its customers through a network of customer service offices: 19 Full-Service Branch Offices and four (4) Limited or Express Offices, for a total of 23 Branch Offices.

2.1.2 Purpose and Goals

MDOT MVA operates on an appointment only basis for all customer transactions. In order to adhere to capacity limitations, customers may have to form a queue outside of the building's entrance.

The installation of permanent canopies at the exterior entrance of the buildings will provide protection to the customers from weather elements.

2.2 Revisions to the RFP

- 2.2.1 If the RFP is revised before the due date for Proposals, the Administration shall post any addenda to the RFP on eMMA and shall endeavor to provide such addenda to all prospective Offerors that were sent this RFP or are otherwise known by the Procurement Officer to have obtained this RFP. It remains the responsibility of all prospective Offerors to check eMMA for any addenda issued prior to the submission of Proposals.

- 2.2.2 Acknowledgment of the receipt of all addenda to this RFP issued before the Proposal due date shall be included in the Transmittal Letter accompanying the Offeror's Technical Proposal.
- 2.2.3 Addenda made after the due date for Proposals will be sent only to those Offerors that remain under award consideration as of the issuance date of the addenda.
- 2.2.4 Acknowledgement of the receipt of addenda to the RFP issued after the Proposal due date shall be in the manner specified in the addendum notice.
- 2.2.5 Failure to acknowledge receipt of an addendum does not relieve the Offeror from complying with the terms, additions, deletions, or corrections set forth in the addendum, and may cause the Proposal to be deemed not reasonably susceptible of being selected for award.

2.3 Cancellations

- 2.3.1 The State reserves the right to cancel this RFP, accept or reject any and all Proposals, in whole or in part, received in response to this RFP, waive or permit the cure of minor irregularities, and conduct discussions with all qualified or potentially qualified Offerors in any manner necessary to serve the best interests of the State.
- 2.3.2 The State reserves the right, in its sole discretion, to award a Contract based upon the written Proposals received without discussions or negotiations.
- 2.3.3 In the event a government entity proposes and receives the recommendation for award, the procurement may be canceled, and the award processed in accordance with COMAR 21.01.03.01.A(4).
- 2.3.4 If the services that are the subject of the RFP are currently being provided under an interagency agreement with a public institution of higher education and the State determines that the services can be provided more cost effectively by the public institution of higher education, then the RFP may be cancelled in accordance with Md. Code Ann., State Finance and Procurement Art., § 3-207(b)(2).

2.4 Incurred Expenses

The State will not be responsible for any costs incurred by any Offeror in preparing and submitting a Proposal, in making an oral presentation, providing a demonstration, or performing any other activities related to submitting a Proposal in response to this solicitation.

2.5 Acceptance of Terms and Conditions

By submitting a Proposal in response to this RFP, the Offeror, if selected for award, shall be deemed to have accepted the terms and conditions of this RFP and the Contract, attached hereto as Attachment M. Any exceptions to this RFP or the Contract shall be clearly identified in the Executive Summary of the Technical Proposal. **All exceptions will be taken into consideration when evaluating the Offeror's Proposal. The Administration reserves the right to accept or reject any exceptions.**

2.6 Multiple or Alternate Proposals

Multiple or alternate Proposals will not be accepted.

2.7 Offeror Responsibilities

- 2.7.1** Offerors must be able to provide all goods and services and meet all of the requirements requested in this solicitation and the successful Offeror shall be responsible for Contract performance including any subcontractor participation.
- 2.7.2** All subcontractors shall be identified and a complete description of their role relative to the Proposal shall be included in the Offeror's Proposal. If applicable, subcontractors utilized in meeting the established MBE or VSBE participation goal(s) for this solicitation shall be identified as provided in the appropriate Attachment(s) to this RFP.
- 2.7.3** If the Offeror is the subsidiary of another entity, all information submitted by the Offeror, including but not limited to references, financial reports, or experience and documentation (e.g. insurance policies, bonds, letters of credit) used to meet minimum qualifications, if any, shall pertain exclusively to the Offeror, unless the parent organization will guarantee the performance of the subsidiary. If applicable, the Offeror's Proposal shall contain an explicit statement, signed by an authorized representative of the parent organization, stating that the parent organization will guarantee the performance of the subsidiary.
- 2.7.4** A parental guarantee of the performance of the Offeror under this Section will not automatically result in crediting the Offeror with the experience or qualifications of the parent under any evaluation criteria pertaining to the actual Offeror's experience and qualifications. Instead, the Offeror will be evaluated on the extent to which the State determines that the experience and qualifications of the parent are applicable to and shared with the Offeror, any stated intent by the parent to be directly involved in the performance of the Contract, and the value of the parent's participation as determined by the State.

2.8 Public Information Act Notice

- 2.8.1** The Offeror should give specific attention to the clear identification of those portions of its Proposal that it considers confidential and/or proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the State under the Public Information Act, Md. Code Ann., General Provisions Article, Title 4. This information should be identified by page and section number and placed after the Title Page and before the Table of Contents in the Technical Proposal and if applicable, separately in the Financial Proposal.
- 2.8.2** Offerors are advised that, upon request for this information from a third party, the Procurement Officer is required to make an independent determination whether the information must be disclosed.

2.9 Compliance with Laws/Arrearages

- 2.9.1** By submitting a Proposal in response to this RFP, the Offeror, if selected for award, agrees that it will comply with all federal, State, and local laws applicable to its activities and obligations under the Contract.
- 2.9.2** By submitting a response to this solicitation, each Offeror represents that it is not in arrears in the payment of any obligations due and owing the State, including the payment of taxes and employee benefits, and shall not become so in arrears during the term of the Contract if selected for Contract award.

2.10 Verification of Registration and Tax Payment

- 2.10.1** Before a business entity can do business in the State, it must be registered with the State Department of Assessments and Taxation (SDAT). SDAT is located at State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. For registration information, visit <https://www.egov.maryland.gov/businessexpress>.
- 2.10.2** It is strongly recommended that any potential Offeror complete registration prior to the Proposal due date and time. The Offeror's failure to complete registration with SDAT may disqualify an otherwise successful Offeror from final consideration and recommendation for Contract award.

2.11 Bonds

2.11.1 Proposal Bond

- A. Each Offeror must submit with its Financial Proposal a Proposal Bond or other suitable security, in the amount of five percent (5%) of the Total Evaluated Price, guaranteeing the availability of the goods and services at the offered price for 180 days after the due date for receipt of Proposals.
- B. The bond shall be in the form provided in Appendix 8. Proposal Bond.
- C. The Offeror may request a release of the bond after the date of the award in return for a release signed by the Contractor and accepted by the Administration.
- D. The cost of this bond, or other suitable security, is to be included in the total prices proposed and is not to be proposed and will not be recoverable as a separate cost item.

2.11.2 Performance and Payment Bonds

- A. The successful Offeror shall deliver Performance and Payment Bonds to the State after notification of recommended award.
- B. The successful Offeror must submit Performance and Payments Bond in the full amount of the contract (100%), guaranteeing that the Contractor shall well and truly perform the Contract.
- C. The Performance Bond shall be in the form provided in Appendix 7. Performance Bond and underwritten by a surety company authorized to do business in the State and shall be subject to approval by the State.
- D. The Payment Bond shall be in the form provided in Appendix 9. Payment Bond and underwritten by a surety company authorized to do business in the State and shall be subject to approval by the State.
- E. The Performance and Payment Bonds shall be maintained throughout the term of the Contract, and renewal option period(s), if exercised. Evidence of renewal of the Performance and Payment Bonds and payment of the required premium shall be provided to the State.
- F. The Performance and Payment Bonds may be renewable annually. The Contractor shall provide to the State, 30 days before the annual expiration of the bond, confirmation from the surety that the bond will be renewed for the following year. Failure to timely provide this notice shall constitute an event of default under the Contract. Such a default may be remedied if the Contractor obtains a replacement bond that conforms to the requirements

of the Contract and provides that replacement bond to the State prior to the expiration of the existing Performance and Payment Bonds.

- G. The cost of this bond, or other suitable security, is to be included in the total prices proposed and is not to be proposed and will not be recoverable as a separate cost item.
- H. After the first year of the Contract, the Contractor may request a reduction in the amount of the Performance and Payment Bonds. The amount and the duration of the reduction, if any, will be at the Administration's sole discretion. If any reduction is granted, the Administration's shall have the right to increase the amount of the Performance and Payment Bonds to any amount, up to the original amount, at any time and at the Administration's sole discretion.

2.11.3 Acceptable security

Acceptable security shall be as described below, identified within and excerpted from COMAR 21.06.07. Acceptable security for Proposal, performance, and payment bonds is limited to:

- A. A bond in a form satisfactory to the State underwritten by a surety company authorized to do business in this State;
- B. A bank certified check, bank cashier's check, bank treasurer's check, cash, or trust account;
- C. Pledge of securities backed by the full faith and credit of the United States government or bonds issued by the State;
- D. An irrevocable letter of credit in a form satisfactory to the Attorney General and issued by a financial institution approved by the State Treasurer.

2.11.4 Surety Bond Assistance Program

Assistance in obtaining bid, performance and payment bonds may be available to qualifying small businesses through the Maryland Small Business Development Financing Authority (MSBDFA). MSBDFA can directly issue bid, performance or payment bonds up to \$750,000. MSBDFA may also guarantee up to 90% of a surety's losses as a result of a Contractor's breach of Contract; MSBDFA exposure on any bond guaranteed may not, however, exceed \$900,000. Bonds issued directly by the program will remain in effect for the duration of the Contract, and those surety bonds that are guaranteed by the program will remain in effect for the duration of the surety's exposure under the Contract. To be eligible for bonding assistance, a business must first be denied bonding by at least one surety on both the standard and specialty markets within 90 days of submitting a bonding application to MSBDFA. The applicant must employ fewer than 500 full-time employees or have gross sales of less than \$50 million annually, have its principal place of business in Maryland or be a Maryland resident, must not subcontract more than 75 percent of the work, and the business or its principals must have a reputation of good moral character and financial responsibility. Finally, it must be demonstrated that the bonding or guarantee will have a measurable economic impact, through job creation and expansion of the state's tax base. Applicants are required to work through their respective bonding agents in applying for assistance under the program. Questions regarding the bonding assistance program should be referred to:

Maryland Department of Commerce
Maryland Small Business Development Financing Authority
MMG Ventures
826 E. Baltimore Street

Baltimore, Maryland 21202
Phone: (410) 333-4270

2.12 Minority Business Enterprise (MBE) Reports

If this solicitation includes an MBE Goal, the Contractor shall:

- A. Submit the monthly autogenerated Prime Contractor Paid/Unpaid Payment Reports to MDOT MVA's Socioeconomic Office at mvacompliancembe@mdot.maryland.gov by the 10th of each month. Detailed reporting instructions will be provided by MDOT MVA's Socioeconomic Office after contract award; however, monthly reports will require all payment information made in the preceding month, outstanding invoices over 30 days and the reason, copies of cancelled checks (front and back), electronic fund transfer confirmation document and copies of invoices. :
- B. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors must submit the monthly autogenerated MBE Subcontractor Paid/Unpaid Payment Reports to MDOT MVA's Socioeconomic Office at mvacompliancembe@mdot.maryland.gov by the 10th of each month. Detailed reporting instructions will be provided to the subconsultants after contract award; however, monthly reports will require payment information, unpaid invoices greater than 30 days, and copies of invoices made in the preceding month.
- C. 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, type of work performed by each, and 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.
- D. 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.
- E. Upon completion of the Contract and before final payment and 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.

2.13 Veteran Small Business Enterprise (VSBE) Reports

If this solicitation includes a VSBE Goal, the Contractor shall:

- A. Submit a monthly VSBE Participation Prime Contractor Paid/Unpaid VSBE Invoice Report to MDOT MVA's Socioeconomic Office at mbecompliance@mdot.maryland.gov by the 10th of each month. Detailed reporting instructions will be provided by MDOT MVA's Socioeconomic Office after contract award; however, monthly reports will require all payment information made in the preceding month, copies of cancelled checks (front and back), electronic fund transfer confirmation document, unpaid invoices, copies of unpaid invoices greater than 30 days and reason not paid. Include in its agreements with its VSBE subcontractors a requirement that those subcontractors must submit monthly VSBE Participation Subcontractor Paid/Unpaid Invoice Report to MDOT MVA's Socioeconomic Office at mbecompliance@mdot.maryland.gov by the 10th of each month. Detailed reporting

- instructions will be provided to the subconsultant(s) after contract award; however, monthly reports will require payment information, copies of invoices made in the preceding month, unpaid invoices and copies of invoices greater than 30 days. submit monthly by the 10th of the month following the reporting period to the Contract Monitor and Administration VSBE representative a report that identifies the prime contract and lists all payments received from Contractor in the preceding reporting period month, as well as any outstanding invoices, and the amount of those invoices.
- B. Maintain such records as are necessary to confirm compliance with its VSBE participation obligations. These records must indicate the identity of VSBE and non-VSBE subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. The subcontract agreement documenting the work performed by all VSBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
- C. 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 VSBE participation obligations. The Contractor must retain all records concerning VSBE participation and make them available for State inspection for three years after final completion of the Contract.
- D. At the option of the Administration, upon completion of the Contract and before final payment and release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from VSBE

2.14 Invoicing

2.14.1 General

- A. The Contractor shall e-mail the original of each invoice and signed authorization to invoice to mvaapinvoices@mdot.maryland.gov.
- B. All invoices and/or correspondence pertaining to invoices shall be identified with Contract Number V-MUL-22033-C and shall be forwarded to mvaapinvoices@mdot.maryland.gov.
- C. An invoice not satisfying the requirements of a Proper Invoice (as defined at COMAR 21.06.09.01 and .02) cannot be processed for payment. To be considered a Proper Invoice, invoices must include the following information, without error:
- Contractor name and address;
 - Remittance address;
 - Federal taxpayer identification (FEIN) number, social security number, as appropriate;
 - Invoice period (i.e. time period during which services covered by invoice were performed);
 - Invoice date;
 - Invoice number;
 - State assigned Contract number;
 - State assigned (Blanket) Purchase Order number(s);

- Goods or services provided;
 - Any additional documentation required by regulation or the Contract.
- D. All services provided under this Contract shall be billed on a monthly basis in accordance with the price submitted on the Contractor's financial proposal.
- E. MDOT MVA is exempt from federal excise taxes, Maryland sales and use taxes, District of Columbia sales taxes and transportation taxes. The Contractor, however, is not exempt from such sales and use taxes and may be liable for the same.
- F. Invoices for final payment shall be clearly marked as "FINAL" and submitted when all work requirements have been completed and no further charges are to be incurred under the Contract. In no event shall any invoice be submitted later than 60 calendar days from the Contract termination date.

2.14.2 Retainage

Ten percent (10%) of the total Contract value shall be retained by the MDOT MVA and will not be released until final payment. The Contractor shall invoice the State for the retainage amount as part of the final invoice.

2.15 Liquidated Damages

2.15.1 MBE Liquidated Damages

MBE liquidated damages are identified in Attachment M.

2.15.2 Liquidated Damages other than MBE

- A. Time is an essential element of the contract and it is important that the work be vigorously prosecuted until completion.
- B. For each day that any work shall remain uncompleted beyond the approved construction schedule, except for days due to excusable delays, the Contractor shall be liable for liquidated damages in the amount of \$700 per day. However, that due account shall be taken of any adjustment of specified completion time(s) for completion of work as granted by approved change orders.

2.16 Security Requirements

2.16.1 Employee Identification

- A. Contractor Personnel shall display his or her company ID badge in a visible location at all times while on State premises. Upon request of authorized State personnel, each Contractor Personnel shall provide additional photo identification.
- B. Contractor Personnel shall cooperate with State site requirements, including but not limited to, being prepared to be escorted at all times, and providing information for State badge issuance.
- C. Contractor shall remove any Contractor Personnel from working on the Contract where the State determines, in its sole discretion, that Contractor Personnel has not adhered to the Security requirements specified herein.
- D. The State reserves the right to request that the Contractor submit proof of employment authorization of non-United States Citizens, prior to commencement of work under the Contract.

2.17 Protest/Disputes

Any protest or dispute related to this solicitation or the Contract award shall be subject to the provisions of COMAR 21.10 (Administrative and Civil Remedies).

2.18 Payments by Electronic Funds Transfer

By submitting a Proposal in response to this solicitation, the Offeror, if selected for award:

- 2.18.1** Agrees to accept payments by electronic funds transfer (EFT) unless the State Comptroller's Office grants an exemption. Payment by EFT is mandatory for contracts exceeding \$200,000. The successful Offeror shall register using the COT/GAD X-10 Vendor Electronic Funds (EFT) Registration Request Form.
- 2.18.2** Any request for exemption must be submitted to the State Comptroller's Office for approval at the address specified on the COT/GAD X-10 form, must include the business identification information as stated on the form, and must include the reason for the exemption. The COT/GAD X-10 form may be downloaded from the Comptroller's website at:
http://comptroller.marylandtaxes.com/Vendor_Services/Accounting_Information/Static_Files/GADX10Form20150615.pdf.

3 Technical Requirements

3.1 Scope of Work

3.1.1 Detailed Specifications

See Appendix 10. Detailed Specifications and Drawings for detailed specification, requirements, and drawings for this project.

3.1.2 General

- A. Project Description: The proposed project includes manufacturing and installation of the exterior permanent canopy at the below listed MVA locations.
 - 1. Refer to contract drawings and specifications for complete requirements.
- B. The contractor is responsible for providing temporary power.
- C. Project Construction: The construction work shall be performed such that limited disruptions to the operations of the building occur. The following is a summary of the requirements and coordination which shall be performed by the Contractor:
 - 1. The work in the employee work areas shall take place only when the work areas are unoccupied (**after working hours**).
 - 2. Interruption of power to any existing equipment, light or receptacle shall take place only when the work areas are unoccupied (**after working hours**).
 - 3. All work times shall be coordinated with MVA. The contractor shall inform MVA when and where they plan to work in advance. Provide at least **2 weeks** advance notice unless requirements indicated elsewhere are more stringent.
 - 4. Punch List: The contractor shall coordinate with the owner and JMT and attend punch list of the system which shall include startup and prove-out (in the presence of the MVA) of the system and a field visit to retest specific items.
- D. Working Hours: Regular working hours for the MVA employees are Monday – Friday 8:00AM to 5:30PM.
- E. Daily Cleaning: The project site shall be cleaned on a daily basis.

3.1.3 Project Schedule and Schedule of Values

- A. The contractor shall develop a Critical Path Method (CPM) schedule for the project utilizing Microsoft project. The CPM schedule shall indicate the critical path and shall identify no activity longer than 2 weeks.
 - 1. A schedule must be provided in detail for approval by the MVA and the engineer.
 - 2. Work that takes place outside regular working hours shall be broken down by the hour in order to allow MVA the ability to schedule supervision staff.

3. Schedule Milestones are to include:
 - a. Submittals to the owner/engineer within 14 calendar days
 - b. All re-submittals to the owner/engineer within 28 calendar days
 - c. Materials delivery no later than 1 month
- B. The contractor shall develop and submit a schedule of values for the project. The schedule of value shall be tied to the project schedule. Pricing for major equipment purchases shall be shown in the schedule of values.

3.1.4 Codes and Permits

The contractor shall perform the work in accordance with all applicable codes, standards, specifications, requirements, and regulations including but not limited to:

1. 2018 International Building Code (IBC).
2. American Concrete Institute (ACI-318-19).
3. American Institute of Steel Construction (AISC) – 14th Edition.
4. American Society of Civil Engineers (ASCE) 7-16, Minimum Design Loads for Buildings and Other Structures.

3.1.5 Contract Duration

The contract term shall begin as indicated on the Notice to Proceed, approximately June 23, 2022, and expire at the completion of the project, estimated to be December 3, 2022. However, the Offeror shall indicate and estimate time frame for completion of the project within their Technical Proposal.

3.1.6 Contractor's Use of Premises

- A. On-site storage of equipment, tools, and other items shall be permitted.
- B. Confine operations of workmen to within the defined project site, which is the MVA office building.
- C. The Contractor shall limit the use of the premises to the Work indicated, so as to allow for Owner occupancy and operation at all times.
 1. Keep the existing driveways and entrances serving the premises clear and available to the Owner and his/her employees at all times. Do not use these areas for parking or storage of materials.

3.1.7 General Materials and Methods

- A. Refer to equipment specification sections.
- B. The contractor shall submit the proposed materials and equipment to the MDOT MVA and the engineer for approval. Approval of the materials and equipment shall occur prior to installation. Submittals will be returned to the contractor within 14

days of submission the engineer & owner.

3.1.8 Hazardous Materials

All potential asbestos products must be tested by the MDOT MVA and certified to be asbestos free or abated prior to commencement of any of the above-stated work.

3.2 Insurance Requirements

- A. The Contractor(s) shall, at its own cost and expense, take out and carry in effect, through the term of the Contract a policy or policies of insurance, with a reputable insurance company that is financially sound and authorized to conduct business in the State of Maryland and upon whom process in any suit or action or other proceeding in the courts of the State of Maryland or of the United States may be served, insuring Contractor against all liability for injuries to persons (including wrongful death) and damages to property caused by Contractor's use and occupancy or otherwise caused by Contractor's activities and operation at the MDOT MVA, the policy limits thereof to be in the minimum(s) as set forth in this section. The Contractor shall furnish to the MDOT MVA duly executed certificated of all required insurance on forms satisfactory to the MDOT MVA. This insurance shall be maintained in full force throughout the entire term of the Contract.
- B. The MDOT MVA requires the following minimum levels of insurance coverage for the Contract:
 1. Commercial General Liability Insurance with limits sufficient to cover losses resulting from, or arising out of, Contractor action or inaction in the performance of the Contract by the Contractor, its agents, servants, employees, or subcontractors, but no less than a Combined Single Limit for Bodily Injury, Property Damage, and Personal and Advertising Injury Liability of \$1,000,000 per occurrence and \$3,000,000 aggregate.
 2. Errors and Omissions/Professional Liability insurance with minimum limits of \$1,000,000 per occurrence.
 3. Automobile and/or Commercial Truck Insurance as appropriate with Liability, Collision, and PIP limits no less than those required by the State where the vehicle(s) is registered, but in no case less than those required by the State of Maryland.
- C. Within ten (10) Business Days of recommendation for Contract award, the Contractor shall provide the Contract Monitor with current certificates of insurance, and shall update such certificates periodically, but no less than annually in multi-year contracts, as directed by the Contract Monitor. Such copy of the Contractor's current certificate of insurance stating the insurance coverages previously listed.
- D. The State shall be listed as an additional insured on the policies with the exception of Worker's Compensation Insurance and Professional Liability Insurance. All insurance policies shall be endorsed to include a clause that requires that the insurance carrier provide the Contract Monitor, by certified mail, not less than 45 days' advance notice of any non-renewal, cancellation, or expiration. In the event the Contract Monitor receives a notice of non-renewal, the Contractor shall provide the Contract Monitor with an insurance policy from another carrier at least 15 days prior to the expiration of the insurance policy then in effect.

4 Evaluation and Selection

4.1 Evaluation Committee

Evaluation of Proposals will be performed in accordance with COMAR 21.05.03 by a committee established for that purpose and based on the evaluation criteria set forth below. The Evaluation Committee will review Proposals, participate in Offeror oral presentations and discussions, and provide input to the Procurement Officer. The Administration reserves the right to utilize the services of individuals outside of the established Evaluation Committee for advice and assistance, as deemed appropriate.

During the evaluation process, the Procurement Officer may determine at any time that a particular Offeror is not susceptible for award.

4.2 Evaluation Process

4.2.1 Technical Proposal Evaluation

Initial Technical Evaluation

Technical Proposals are evaluated by the Administration's Evaluation Committee, for technical merit, and ranked. Technical Proposals not determined to be reasonably susceptible of being selected for contract award, may be rejected after evaluation of the Technical Proposal. Only the Offerors that are short-listed will advance/continue in the procurement process.

Upon completion of the Technical Evaluation, all Offerors will be notified as to the results of the initial technical evaluation of their Technical Proposal. The Administration anticipates the notify the short-listed vendors on or around **Thursday, March 10, 2022**.

Oral Presentations/Additional Clarification

During this review, oral presentations and discussions may be held. The purpose of such discussions will be to assure a full understanding of the State's requirements and the Offeror's ability to perform the services. The Administration anticipates the oral presentations to be scheduled on or around **Tuesday, March 22, 2022**.

4.2.2 Financial Proposal Evaluation

Initial Financial Evaluation

Offerors remaining short-listed after Phase II of the Technical Evaluation will be requested to submit their Price Proposal. The Financial Proposal of each Qualified Offeror will be evaluated and ranked separately from the Technical evaluation. The Administration anticipates the price proposal due date to be on or around **Thursday, March 31, 2022**.

Best and Final Offer

When in the best interest of the State, the Procurement Officer may permit Qualified Offerors to revise their initial Financial Proposals and submit, in writing, Best and Final Offers (BAFOs). The State may make an award without issuing a request for a BAFO.

4.2.3 Final Ranking and Selection

Upon completion of the Technical Proposal and Financial Proposal evaluations and rankings, each Offeror will receive an overall ranking. The Procurement Officer will recommend award of the Contract to the responsible Offeror that submitted the Proposal determined to be the

most advantageous to the State. In making this most advantageous Proposal determination, technical factors will receive greater weight than financial factors. The Procurement Officer retains the discretion to examine all factors to determine the award of the contract. The goal is to contract with the firm that provides the best overall value to the State.

4.3 Technical Proposal Evaluation Criteria

The criteria to be used to evaluate each Technical Proposal are listed below in order of importance.

1. Statement of Approach including Timeline
2. Firm Experience/References
3. Key Personnel/References
4. Company Profile
5. Financial Statements
6. Economic Impact

4.4 Financial Proposal Evaluation Criteria

All Offerors who remain short-listed after the Technical Evaluation, will be requested to submit a Financial Proposal. Offerors will be ranked from the lowest (most advantageous) to the highest (least advantageous) price based on the Total Proposal Price.

5 Proposal Requirements and Format

5.1 Two Part Submission

Offerors shall submit Proposals in separate volumes (or envelopes):

A. **Volume I** – Technical Proposal consisting of:

1. Technical Proposal and all supporting material in Microsoft Word format, version 2007 or greater,
2. Technical Proposal in searchable Adobe PDF format, and
3. a second searchable Adobe copy of the Technical Proposal, with confidential and proprietary information redacted.

B. **Volume II** – Financial Proposal

A Financial Proposal will only be requested from those Offerors whose technical proposals achieve the required, minimum or better technical score per the RFP. The due date for Financial Proposals will be set upon completion of the technical evaluation.

5.2 Volume I - Technical Proposal

The Technical Proposal shall include the following documents and information in the order specified as follows. Each section of the Technical Proposal shall be separated by a TAB as detailed below:

A. **Title Page and Table of Contents (Submit under TAB A)**

The Technical Proposal should begin with a Title Page bearing the name and address of the Offeror and the name and number of this RFP. A Table of Contents shall follow the Title Page for the Technical Proposal, organized by section, subsection, and page number.

B. **Claim of Confidentiality (If applicable, submit under TAB A-1)**

Any information which is claimed to be confidential and/or proprietary information should be identified by page and section number and placed after the Title Page and before the Table of Contents in the Technical Proposal, and if applicable, separately in the Financial Proposal. An explanation for each claim of confidentiality shall be included. The entire Proposal cannot be given a blanket confidentiality designation - any confidentiality designation must apply to specific sections, pages, or portions of pages of the Proposal and an explanation for each claim shall be included.

C. **Offeror Information Sheet, Company Profile and Transmittal Letter (Submit under TAB B)**

The Offeror Information Sheet (see Appendix 2), Company Profile Form (see Appendix 3) and a Transmittal Letter shall accompany the Technical Proposal. The purpose of the Transmittal Letter is to transmit the Proposal and acknowledge the receipt of any addenda to this RFP issued before the Proposal due date and time. Transmittal Letter should be brief, be signed by an individual who is authorized to commit the Offeror to its Proposal and the requirements as stated in this RFP.

Note: The Offeror and/or subcontractors must be in business for a minimum of five (5) years providing the manufacturing and installation of permanent exterior canopies similar in scope and complexity to this project.

The Offeror Information Sheet must demonstrate that the Offeror has

D. Executive Summary (Submit under TAB C)

The Offeror shall condense and highlight the contents of the Technical Proposal in a separate section titled “Executive Summary.”

In addition, the Summary shall indicate whether the Offeror is the subsidiary of another entity, and if so, whether all information submitted by the Offeror pertains exclusively to the Offeror. If not, the subsidiary Offeror shall include a guarantee of performance from its parent organization as part of its Executive Summary.

The Executive Summary shall also identify any exceptions the Offeror has taken to the requirements of this RFP, the Contract (Attachment M), or any other exhibits or attachments. Acceptance or rejection of exceptions is within the sole discretion of the State. **Exceptions to terms and conditions, including requirements, may result in having the Proposal deemed unacceptable or classified as not reasonably susceptible of being selected for award.**

E. Statement of Approach (Submit under TAB D)

The Offeror is to provide a narrative describing how its proposed services will meet or exceed the requirements of the Scope of Work and should provide a proposed approach that addresses specific methodologies and/or techniques to be used in complying with the requirements of the technical specifications. The purpose of the narrative is to not only demonstrate the Offeror’s approach to the project, but also to display full comprehension of the services required in the Scope of Work. This information should be in sufficient detail to permit proper evaluation by the Administration. The narrative should include an implementation/timeline schedule with the associated tasks needed to complete the project.

F. Offeror Qualifications, Capabilities, and References (Submit under TAB E)

The Offeror shall include a Firm Experience Form (Appendix 5) for a total of three (3) similar or relevant projects accomplished by the Offeror and/or subcontractors, initiated within the last seven (7) years, that are similar in scope and complexity to the specifications of this RFP.

The Offeror

The Offeror must provide accurate contact names, telephone numbers, and email addresses for the references named on the Firm Experience Form. The references must be able to comment on the Offeror’s ability to handle a project of this size and scope. By submitting a response to this solicitation, the Offeror consents to such reference contact and hereby releases the Administration from any liability on the basis of its attempt to obtain information from all such references and all persons and entities providing information from any liability and damages incurred as a result of furnishing this information.

The Offeror must submit a valid Construction License issue by the State of Maryland.

G. Experience, Qualifications, and References of Proposed Staff (Submit under TAB F)

As part of the evaluation of the Proposal for this RFP, Offerors shall submit a Key Personnel Form (Appendix 6) for each proposed personnel. The information provided on the form should clearly demonstrate the Key Personnel’s training and experience.

The Offeror must provide accurate contact names, telephone numbers, and email addresses for the references named on the Key Personnel Form. The references must be from separate projects and shall be able to comment on the key person’s ability to handle a project of this size and scope. By

submitting a response to this solicitation, the Offeror consents to such reference contact and hereby releases the Administration from any liability on the basis of its attempt to obtain information from all such references and all persons and entities providing information from any liability and damages incurred as a result of furnishing this information.

For the Contract, the following position will be considered Key Personnel:

Project Manager– This person would be the Administration’s primary point of contact, and the person with whom MDOT MVA would directly correspond with. This person would assist in the overall management of the project from commencement of the contract until construction completion.

Provide an Organizational Chart outlining Personnel and their related duties. The Offeror shall include job titles and the percentage of time each individual will spend on his/her assigned tasks. Offerors using job titles other than those commonly used by industry standards must provide a crosswalk reference document.

Any Contractor Personnel provided under this RFP shall maintain in good standing any required professional certifications for the duration of the Contract.

H. Financial Capability (Submit under TAB G)

The Offeror must include in its Proposal a commonly accepted method to prove its fiscal integrity. If available, the Offeror shall include Financial Statements, preferably a Profit and Loss (P&L) statement and a Balance Sheet, for the last two (2) years (independently audited preferred).

In addition, the Offeror may supplement its response to this Section by including one or more of the following with its response:

- 1) Dun & Bradstreet Rating;
- 2) Standard and Poor’s Rating;
- 3) Lines of credit;
- 4) Evidence of a successful financial track record; and
- 5) Evidence of adequate working capital.

I. Certificate of Insurance (Submit under TAB H)

The Offeror shall provide a copy of its current certificate of insurance showing the types and limits of insurance in effect as of the Proposal submission date. The current insurance types and limits do not have to be the same as described in the RFP for the required insurance certificate submission for the apparent awardee.

J. Subcontractors (Submit under TAB I)

The Offeror shall provide a complete list of all subcontractors that will work on the Contract if the Offeror receives an award, including those utilized in meeting the MBE and VSBE subcontracting goal(s), if applicable. This list shall include a full description of the duties each subcontractor will perform, including their Certification Number and NAICS Codes, and why/how each subcontractor was deemed the most qualified for this project. If applicable, subcontractors utilized in meeting the established MBE or VSBE participation goal(s) for this solicitation shall be identified as provided in the appropriate attachment(s) of this RFP.

K. Economic Benefit Factors (Submit under TAB J)

The Offeror shall submit with its Proposal a narrative describing benefits that will accrue to the Maryland economy as a direct or indirect result of its performance of the Contract. Proposals will be evaluated to assess the benefit to Maryland's economy specifically offered.

- 1) Proposals that identify specific benefits as being contractually enforceable commitments will be rated more favorably than Proposals that do not identify specific benefits as contractual commitments, all other factors being equal.
- 2) Offerors shall identify any performance guarantees that will be enforceable by the State if the full level of promised benefit is not achieved during the Contract term.
- 3) As applicable, for the full duration of the Contract, including any renewal period, or until the commitment is satisfied, the Contractor shall provide to the Procurement Officer or other designated agency personnel reports of the actual attainment of each benefit listed in response to this section. These benefit attainment reports shall be provided quarterly, unless elsewhere in these specifications a different reporting frequency is stated.

L. Technical Proposal - Required Forms and Certifications (Submit under TAB K)

All forms required for the Technical Proposal are identified in Table 1 - Attachments and Appendices. Unless directed otherwise by instructions within this RFP, complete, sign, and include all required forms in the Technical Proposal, under TAB K.

5.3 Proposal Delivery and Packaging

- 5.3.1** Proposals delivered by mail, facsimile and e-mail shall not be considered.
- 5.3.2** Provide no pricing information in the Technical Proposal. Provide no pricing information on the media submitted in the Technical Proposal.
- 5.3.3** Offerors may submit Technical Proposals through the State's internet based electronic procurement system, eMMA. Financial Proposals will be accepted password protected, via email.
- 5.3.4** The Procurement Officer must receive all electronic Proposal material by the RFP due date and time specified in the Key Information Summary Sheet. Requests for extension of this date or time will not be granted. Except as provided in COMAR 21.05.03.02F, Proposals received by the Procurement Officer after the due date will not be considered.

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