

**RFP for Baltimore County Bulk Material Collection  
September 2, 2021**

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Dear Proposer:

The purpose of this procurement is to seek proposals from experienced Proposers for the collection of bulk materials from residential properties. The Northeast Maryland Waste Disposal Authority (the “Authority”) is issuing this procurement on behalf of the Baltimore County, Maryland. The Northeast Maryland Waste Disposal Authority is a multi-jurisdictional agency created by the State of Maryland to assist its Member Jurisdictions with their integrated solid waste and recycling needs.

The services requested under this Request for Proposals (RFP) will commence as soon as January 1, 2022, or as directed by the County’s Board of Estimates, and end December 31, 2022, with two (2) 12-month renewal terms at the Authority’s sole discretion.

The Proposal due date is **4:00 p.m. (local time) on Thursday, October 28, 2021** (“Due Date”).

Please return executed copies of Form D-1 and Form D-2 of this RFP to the Authority to receive any written Addenda that describe any changes, interpretations, or clarifications in response to any Proposers’ written questions. Proposers may mail, email, or fax the forms to the addresses on Form D-1.

I look forward to reviewing your proposal.

Andrew Kays  
Executive Director

# **Request for Proposals**

**for**

## **BULK MATERIAL COLLECTION**

**for**

**Baltimore County, Maryland**

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## **BULK MATERIAL COLLECTION REQUEST FOR PROPOSALS (RFP)**

### **1. BACKGROUND AND PURPOSE**

Baltimore County, Maryland is a body corporate and politic, and a political subdivision of the State of Maryland. As such, Baltimore County (County) encompasses 682+/- square miles of territory with a County Road network of 3,352+/- miles of County roadways, with 243,000+/- individual residential units that will qualify for Service Area Bulk Material Collection and Special Collection under this Service Contract.

The Northeast Maryland Waste Disposal Authority (Authority) on behalf of the County is requesting Proposals for two (2) distinct and different types of collection, which are separate types of Service, as detailed below:

Proposals for the **Service Area Bulk Material Collection**, with approximately 957+/- residences daily (see Section 2.1.1 of the Service Contract). There is no guarantee of usage by the County or Authority for this Service.

Proposals for a **Special Collection** basis within the geographic borders of the County are also being sought. This will be a material collection on-call “request” by the County Bureau of Solid Waste Management (Bureau) to be performance within one week of the request (see Section 2.1.2 of the Service Contract). There is no guarantee of usage by the County or Authority for this Service.

It is the intention of this Service Contract to begin the residential curbside Bulk Material Collection on January 1, 2022, or as directed by the County’s Board of Estimates, via the method as selected by the County and Authority. The Service Contract shall have an initial term ending December 31, 2022. The County and Authority may extend this Service Contract for a period of two (2) one (1) year renewals on the same terms and conditions as set forth in this Service Contract. See Section 3.2 of the RFP and Section 7.1 of the Service Contract.

The County and Authority at their discretion shall decide which of the above methods of Service (either Service Area Bulk Material Collection or Special Collection) will be performed out of this RFP, either one or the other will be selected – not both. The Special Collection method will be used by the County only as requested by the County for special circumstances (there is no guarantee of usage by the County or Authority for this Service).

The County and Authority may elect to increase the frequency of Bulk Material Collection and the areas collected after reviewing the Proposals at award or at any time thereafter giving the Contractor thirty (30) days’ written notice to stage/ramp up. See Section 2.1.1(f) Of the Service Contract.

The Authority is soliciting proposals for the Bulk Materials Collection in accordance with the attached draft Service Contract (Appendix A).

All capitalized terms not otherwise defined in this RFP have the meanings set forth in Schedule 2 of the Service Contract, attached as Appendix A to this Request for Proposals.

## **2. GENERAL INFORMATION**

Currently, all the County does not provide for Bulk Material Collection for its residents and these services are contracted by the resident or they manage the bulk material themselves.

The Authority will evaluate the Proposer's technical and financial qualifications and the technical and cost proposals (Appendix C-1) based on the written materials received and other evaluations that may be conducted by the reviewers, as further described in Section 6.

### **2.1 PROCUREMENT**

The Authority is soliciting technical and cost proposals in accordance with the requirements and allowances set forth in Code of Maryland Regulations 14.13.01. This procurement is being conducted as a competitive negotiation.

The Authority reserves and has the sole discretion to:

- Award Service Contract with one or more Contractors.
- Supplement, amend, or otherwise modify this RFP, or cancel this RFP without substitution.
- Waive any or all informalities in the technical and cost proposal, or failures to comply with the RFP requirements deemed by the Authority to be immaterial or insignificant.
- Request further information from Proposers as needed to support the Authority's selection of a Contractor.

### **2.2 RFP AVAILABILITY**

An electronic or paper copy of the RFP may be obtained at no charge from:

Northeast Maryland Waste Disposal Authority  
Tower II - Suite 402, 100 South Charles Street  
Baltimore, Maryland 21201-2705  
Telephone: (410) 333-2730  
E-mail: [procurement@nmwda.org](mailto:procurement@nmwda.org)

### **2.3 PRE-PROPOSAL CONFERENCE**

There will be a pre-proposal meeting held by video conference on September 16, 2021 at 9 a.m.-10 a.m. The login information for the videoconference will be provided to prospective proposers based on submission of the Proposer Contact Information Form (Appendix D-1). The Authority and County have also arranged site visits to the County Acceptance Facilities on September 16, 2021, at the following times:

- Central Acceptance Facility (“CAF”), 10275 Beaver Dam Road, Cockeysville, MD 21030  
Starts at 10 a.m.
- Eastern Sanitary Landfill (“ESL”), 6259 Days Cove Road, White Marsh, MD 21162 –  
Starts at 12 p.m.

- Western Acceptance Facility (“WAF”), 3310 Transway Road, Halethorpe, MD 21227 – Starts at 2:30 p.m.

Attendance at the pre-proposal meeting or site visits are not required in order for the Proposer to submit a proposal for this RFP.

## **2.4 INFORMATION OR CLARIFICATION REQUESTS**

All contacts relative to this solicitation, including requests for information as well as questions concerning these instructions, shall be emailed to [procurement@nmwda.org](mailto:procurement@nmwda.org) on or before 5:00 p.m. (local time) on Thursday, September 30, 2021.

Contractors shall submit questions or requests for additional information to [procurement@nmwda.org](mailto:procurement@nmwda.org). Neither the County nor the Authority will accept Proposer telephone calls or visits during the technical and cost proposal evaluation process.

Proposers shall notify the Authority in writing of any conflicts, errors, omissions or discrepancies in this RFP prior to this time. The Authority reserves the right not to respond to questions received after 5:00 p.m. (local time) on Thursday, September 30, 2021.

Prior to award of this Service Contract, Proposers shall not initiate any communications related to this project with other Authority staff; the County; local elected officials; or local government staff responsible for solid waste and/or recycling management. Any communications may result in the disqualification of the Proposer's technical and cost proposal.

The Authority will, as necessary, issue written Addenda that describe changes, interpretations, or clarifications considered necessary by the County in response to Proposers' written questions. The Authority will mail or deliver the Addenda to all parties recorded by the Authority as having received the RFP documents. Only answers issued by formal written Addenda will be binding on the Authority. Oral and other interpretations or clarifications will be without legal effect.

## **2.5 SUBMITTAL REQUIREMENTS**

Each Proposer shall submit an electronic copy of the proposal via email to [procurement@nmwda.org](mailto:procurement@nmwda.org) with the subject line “Bulk Material Collection for Baltimore County” as well as three printed copies (double-sided and on recycled paper) and a complete copy on a USB flash drive of its technical and cost proposal (Appendix C-1). The technical proposal shall not be longer than twenty (20) pages. The printed proposal package with USB flash drive shall be submitted to:

Northeast Maryland Waste Disposal Authority  
Tower II – Suite 402  
100 South Charles Street  
Baltimore, MD 21201-2705

**The technical and cost proposal must be emailed on or before 4:00 p.m. (local time) on Thursday, October 28, 2021. The hardcopy submittals must be received at the address above no later than three (3) business days past the Due Date of the email submission.**

**All technical and cost proposals shall be sealed in a package and identified as: “Bulk Material Collection for Baltimore County” on the outside of the sealed package.**

The Proposer shall be responsible entirely and exclusively for all costs incurred by the Proposer associated with technical and cost proposal preparation and subsequent negotiations, if any, which may or may not lead to execution of a Service Contract.

Any technical and cost proposals received after the indicated time and date will not be considered. The Authority reserves the right to issue an addendum that extends the original Due Date for technical and cost proposals. The Authority will not return the technical and cost proposals following the review and selection process.

## **2.6 CONFIDENTIAL INFORMATION**

Technical and cost proposals submitted in response to this RFP may contain technical data or other knowledge or materials that constitute proprietary information, which if publicly disclosed, would cause injury to the Proposer's competitive position. Proposer should specifically identify the pages of the technical and cost proposal that Proposer believes contain such information by marking the applicable pages "CONFIDENTIAL." The Proposer may not claim the entirety of the proposal as confidential. However, the Proposer understands that the Authority in its sole discretion may determine that disclosure of some technical and cost proposal information is required under the Maryland Public Information Act, and the Proposer agrees to hold the Authority harmless with respect to any such disclosure. The Authority will give notice to Proposers of any requests for disclosure of information identified as confidential.

## **2.7 EQUAL EMPLOYMENT OPPORTUNITY**

Proposers shall comply with all applicable federal, state and local laws and regulations pertaining to equal employment opportunity. The Proposer is responsible for determining the applicability of these provisions and extent of compliance.

## **2.8 IRREVOCABILITY OF PRICE PROPOSAL**

The prices proposed will be irrevocable for a period of one hundred twenty days from the Due Date, or, if modified during negotiations, for a period of one hundred twenty days from the date such modified proposal prices are proposed by the Proposer.

## **2.9 UTILIZATION OF BALTIMORE COUNTY’S DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT**

2.9.1 Baltimore County’s First Source Hiring Agreement requires that developers, contractors, and employers utilize good faith efforts toward employing economically disadvantaged Baltimore County residents in newly created positions on applicable projects. These efforts are supported by Baltimore County’s workforce development system, a partnered network of business and economic development professionals, education and training providers, and human service agencies working together



systematically to provide a ready supply of qualified workers to employers with hiring needs.

- 2.9.2 The Contractor may use Baltimore County’s Department of Economic and Workforce Development as a “First Source” for training and recruitment of employees. To utilize “First Source” the Contractor may notify the Department of Economic and Workforce Development of employment opportunities, in order for the County to present qualified candidates to the Contractor for consideration. The Contractor may use reasonable efforts to consider qualified Baltimore County residents who are either unemployed or under-employed for all available positions. For additional information call 410-887-8000 or visit:

<http://www.baltimorecountymd.gov/Agencies/economicdev/business/workforce/recruiting-retention.html>

## **2.10 MBE/WBE/SBE AND/OR ECONOMIC BENEFIT FACTOR**

- 2.10.1 The Contractor shall provide any documentation for the MBE (Minority Owned Business Enterprise)/WBE (Women Owned Business Enterprise)/SBE (Small Business Owned Enterprise) and/or Economic Benefit Factor as described herein, to determine if there are any new jobs being created by the Contractor in Baltimore County (as first preference) and/or other Maryland constituents. Examples of economic benefits to be derived from the Service Contract shall include any of, but not limited to, the following. For each factor identified below, identify the specific benefit and contractual commitments and provide a breakdown of expenditures in that category:

- 2.10.1.1 The number and types of jobs for Baltimore County and/or Maryland residents resulting from the Service Contract. The Contractor must indicate job classifications, number of employees in each classification and aggregate payroll to which the Contractor has committed, including contractual commitments at both prime and, if applicable, subcontractual levels. If no new positions or subcontracts are anticipated as a result of the Service Contract, state so explicitly;

- Placement or employment in High Growth Areas of Employment
- Retention and Average Earnings – Fiscal Performance
- Serving Veterans
- Strengthen Local Workforce Economy

- 2.10.1.2 Subcontract dollars committed to Baltimore County and/or MBE/WBE/SBE contractors;

- 2.10.1.3 Other benefits to the Baltimore County and/or Maryland economy which the Contractor promises will result from awarding the Service Contract to the Contractor, including contractual commitments. Describe the benefit, its value to the Baltimore County and/or Maryland economy, and how it

will result from, or because of the Service Contract award. Contractors may commit to benefits that are not directly attributable to the Service Contract, but for which the Service Contract award may serve as a catalyst or impetus, and

- 2.10.1.4 Provide the Contractor's policies with regards to the commitment to social responsibility. Submit examples, especially the Baltimore County vicinity.

## **2.11 MBE/WBE/SBE REQUIREMENTS**

The resulting MBE/WBE/SBE participation requirement for this Service Contract is 20%.

2.11.1 Each Contractor must comply with all MBE/WBE/SBE participation requirements. Included in Appendix F are copies of the County's MBE/WBE/SBE policy and provisions and MBE/WBE/SBE participation schedule forms. All MBE/WBE/SBE participation forms must be completed, executed, and returned with the Proposal. More information on Baltimore County's MBE/WBE/SBE Programs can be found on the County's website at this link: [www.baltimorecountymd.gov/departments/budfin/purchasing/supplierdiversity/minority-women.html](http://www.baltimorecountymd.gov/departments/budfin/purchasing/supplierdiversity/minority-women.html)

2.11.2 It is the intention of the Service Contract that the Contractor complies with the required participation levels on a cumulative basis for the full term of this Service Contract. The successful Contractor shall estimate the participation level (for the full term of the Service Contract) for each subcontractor and/or suppliers listed on the participation schedule.

2.11.3 The Contractor shall make a genuine good faith effort to comply with the Baltimore County MBE/WBE/SBE minimum participation requirement even if the Contractor has the capability to complete the work with its own workforce. However, the percentage requirement may vary. The Contractor shall make a good faith effort to obtain MBE/WBE/SBE subcontractor participation. The selected MBE/WBE/SBE subcontractor(s) must perform a commercially useful function when they are responsible for the execution of the Service. The selected MBE/WBE/SBE subcontractor(s) must carry out their responsibilities by actually performing, managing, and supervising the Service involved. Certified MBE/WBE/SBE Contractors may count their participation for up to 50% of the Proposal requirement. Certified Contractors must make a good faith effort to obtain MBE/WBE/SBE subcontractor participation of the remaining portion of the Service. An example: of the 20% MBE/WBE/SBE participation requirement includes the following: Certified MBE/WBE/SBE Contractors proposing as the Contractor may count for 10% of the goal, provided they are self-performing the work. The remaining 10% vacancy must be subcontracted to a MDOT and/or Baltimore City certified firm.

- 2.11.4 All Contractors and MBE/WBE/SBE sub-contractors are required to report monthly to the County through an online MBE/WBE/SBE Compliance Portal (PRISM). The portal can be found under *Compliance Reporting for prime and sub-contractors* at [www.baltimorecountymd.gov/go/mwbe](http://www.baltimorecountymd.gov/go/mwbe). The Contractor must provide a contact person and contact information for the MBE/WBE/SBE compliance reporting. If the Contractor cannot submit his/her report on time, he/she will notify the County MBE/WBE/SBE office and request additional time to submit the report. Failure to report in a timely manner may result in a finding of noncompliance and default of the Service Contract. The County in its sole discretion may require additional reports regarding MBE/WBE/SBE certification/reporting activities. Questions regarding the use of this system can be directed to the MBE/WBE/SBE Office at [mwbe@baltimorecountymd.gov](mailto:mwbe@baltimorecountymd.gov) or call 410-887-3407.

### **3. SCOPE OF SERVICE**

#### **3.1 PROJECT DESCRIPTION**

The Authority intends to enter into a Service Contract with one Contractor that submits a responsive technical and cost proposal, deemed by the Authority to represent the best value to the Authority. The Operations Date of the Service Contract will be January 1, 2022.

The Authority requests technical and cost proposals from qualified Proposers, as described in Section 4 below, to provide for Bulk Material Collection in accordance with the Scope of Work found in the Service Contract, Article II, attached as Appendix A.

#### **3.2 SERVICE CONTRACT TERM**

Upon issuance of the purchase order and the notice to proceed from the County to the Authority, the initial term of the Service Contract will begin on January 1, 2022, or as directed by the County's Board of Estimates. The initial term of Service Contract(s) shall expire December 31, 2022. The Authority will have the sole option to renew the Service Contract for up to two (2), 12-month periods. The Authority shall give the Contractor thirty (30) days' written notice of its intent to renew the Service Contract for each annual option period.

#### **3.3 ACCEPTANCE OF TERMS OF SERVICE CONTRACT**

By submitting a proposal, a Proposer agrees to accept the terms substantially in the form of the Service Contract in Appendix A. Any proposed exceptions to the Service Contract shall be submitted by 5:00 p.m. (local time) on Thursday, September 30, 2021, via email to [procurement@nmwda.org](mailto:procurement@nmwda.org). If the Authority determines to make a change in the terms of the Service Contract in response to proposed exceptions submitted by 5:00 p.m. (local time) on Thursday, September 30, 2021, all such changes will be distributed to potential Proposers via addendum issued prior to the Due Date. The Authority does have the option, after Proposals are submitted, to request best and final offers. However, the Authority reserves the right to make an award on the basis of initial proposals, so Proposers should not assume that they will have an opportunity to revise their initial proposals.

#### **3.4 PAYMENT METHOD**

Proposers are required to propose service fees as set forth in Appendix C (Form C-1).

#### **4. MINIMUM QUALIFICATIONS**

To qualify for this project, Proposers must provide detailed information on how they meet the following minimum qualifications.

- Project staff with at least three (3) years management and/or supervisory experience in the Service Area Bulk Material Collection and Special Collection of Acceptable Materials.
- At least five (5) years of corporate experience managing Service Area Bulk Material Collections and Special Collection of Acceptable Materials, utilizing methods required in the Scope of Work and proposed by the Proposer.
- Evidence of ownership or control of sufficient collection equipment needed to fulfill the services required in the Scope of Work.
- Evidence of the ability to properly maintain the collection equipment in order to fulfill the services required in the Scope of Work.
- Possess all permits and licenses required to operate in accordance with all federal, state, and local laws and regulations.
- The Economic Benefit Factor as discussed in Section 2.10.
- The MBE/WBE/SBE participation requirement of 20% of the Service Contract value as discussed in Section 2.11.

## **5. REQUIRED CONTENT OF PROPOSALS**

This section includes the Authority's requirements for presenting the Proposer's corporate and personnel qualifications and plan to provide the required services. The Authority will review each proposal in accordance with the procedures presented in Section 6 of this RFP. Refer to Section 2.5 of the RFP for submittal form requirements. Contractors shall provide the following information for any companies, subsidiaries and/or parent companies that will work on the project. The County and Authority shall have sole discretion to determine the adequacy of proposed companies, subsidiaries or subcontractors. Information shall be submitted in a form which is in accordance with generally accepted accounting principles.

### **5.1 GENERAL INFORMATION ABOUT PROPOSER**

The Proposer shall submit the following information to demonstrate its qualifications to perform the services described in this RFP and the Service Contract:

- Name of Proposer.
- Business Address.
- Type of Organization.
- Proposer's authorized representative and contact information including telephone and email information.
- How many years has the Proposer been in business under the present name?
- List any other names under which the Proposer has done business during the past ten years and indicate the years during which the Proposer was so named.
- If the Proposer is a subsidiary of another contractor or is intended to be a newly created subsidiary, include the information requested in the bulleted items above for the parent company and describe the role of the parent company in this project.
- If the Proposer is a joint venture or partnership, attach to this form a narrative description identifying the relationship and responsibilities of the members of the joint venture or partnership and the mutual contractual obligations of the members and include the information requested above for all members.
- Disclose if the Proposer, or any parent, subsidiary or affiliated organization, has ever been convicted of any misconduct or been fined an amount greater than \$10,000 for a civil or criminal violation of any federal, state, or local statute or regulation in connection with a solid waste or transportation service agreement or the provision of transportation, solid waste or recycling services. If there is information to disclose, state the name of the person, the name of the Proposer, the case number, and the circumstances surrounding the conviction or violation. If there are none, the Proposer needs to affirmatively state that there is nothing to disclose.

- The Proposer must provide copies of any notice of violation given to the Proposer for the last three years, or affirmatively state that there have been no violations.

List all subcontractors that will perform more than 10% of services under this Scope of Work. MBE/WBE/SBE certification in order to meet requirements of Section 2.11. Copies of current certifications for the Contractor and subcontractor(s) for any MBE/WBE/SBE, if such status is claimed.

## **5.2 EXPERIENCE WITH BULK MATERIAL COLLECTION**

The proposal must address the experience of the Contractor in Bulk Material Collection.

### **(a) Proposer's Experience with Bulk Material Collection**

Describe the Contractor's experience in collecting, transporting and disposing (landfill, diversion, recycling, or waste-to-energy) of Bulk Materials and municipal solid waste (MSW) for projects of similar size and scope. Indicate the method of transport and location of final disposal, diversion, recycling or waste-to-energy. Provide information for projects that clearly demonstrates the Contractor's experience in similar projects involving Acceptable Material Service Area Bulk Material Collection and Special Collection, removal, transportation, disposal, diversion, recycling or waste-to-energy and compliance with Maryland Department of Transportation (MDOT) transport regulations; operating, maintaining, permitting and monitoring.

### **(b) Résumés of Key Officers and Project Team Leaders**

Provide résumés of the Contractor's key officers or principals. Provide résumés for persons responsible for the following project functions and the percent of time committed to this project:

- Project manager (and primary contact person if different).
- Service Contract Administrator.
- Finance Manager.
- Equipment procurement and installation.
- Construction Management.
- Operations.
- Maintenance.
- Records and administration.
- Describe the staffing and manpower that the Contractor is proposing to perform the work specified.

- Include an organization chart in the technical proposal. Provide sufficient detail to indicate the relationship between all personnel for which resumes are included.
- **Price Proposals shall NOT be referenced in the Technical Proposal or the information submitted in response to the General Information about the Proposer.**

### 5.3 PROPOSAL REQUIREMENTS

Proposer shall submit a completed cost proposal and technical proposal. The technical proposal shall be no more than twenty (20) pages.

#### (a) Cost Proposal Requirement

- The Proposer's cost proposal must be submitted on Form C-1 in Appendix C to the RFP.
- Service Area Bulk Material Collection Proposal
  - The Contractor shall propose a Bi-Weekly Price Proposal for the Service Area Bulk Material Collection Proposal. The Bi-Weekly Price Proposal shall be calculated as the Contractor's cost to Service 9,570+/- residences over the period of two weeks, Monday – Friday each week and 957+/- residences per day.
  - The Contractor's Bi-Weekly Price Proposal shall be deducted 1/10<sup>th</sup> for each day not worked, including unpaid holidays.
- Special Collection Proposal
  - The Contractor shall propose a Price Proposal in the form of an hourly fee for the Special Collection Services, starting at the time of arrival at the job site in the County and ending when the materials are tipped at the County
  - Acceptance Facility (this Service—will require an outbound ticket from the scale house for the documented/stamped time).
  - The Contractor shall be guaranteed a minimum of two hours each Special Collection Service.
- **Price Proposals shall NOT be referenced in the Technical Proposal or the information submitted in response to the General Information about the Proposer.**

#### (b) Technical Proposal Requirements – Bulk Material Collection

- Describe how the Proposer will fulfill the requirements of the Scope of Work, including staffing and equipment maintenance planning.
- Transportation/Fleet/Equipment:
  - Describe the Proposer's current Bulk Material Collection fleet and equipment, including type and number of trucks and equipment.



- Describe the Proposer's fleet and equipment that would be used under this Service Contract.
- Describe contingencies for backup methods for the Bulk Material Collection in the event of work stoppage, lack of sufficient equipment or manpower.
- **Price Proposals shall NOT be referenced in the Technical Proposal or the information submitted in response to the General Information about the Proposer.**

#### **5.4 FINANCIAL QUALIFICATIONS**

The Proposer shall provide the following information for all companies, subsidiaries and/or parent companies that will work on the project. Information shall be submitted in a form, which is in accordance with generally accepted accounting principles.

- Certified audited financial statements or annual financial reports for the past three (3) fiscal years to include at a minimum, income statements, balance sheets, and statements of changes in financial position. If less than three (3) years of financial statements are available, this information should be provided to the fullest extent possible.
  - Information on any material changes in the mode of conducting business, bankruptcy proceedings, assignments of accounts or assets, corporate restructuring, and mergers or acquisitions within the past three years, including comparable information for related companies and company principals. If this is not applicable, the Proposer must note this item as "Not Applicable" in its proposal.
  - Information on the Proposer's access to bank lines of credit, revolving credit agreements, or other sources of working capital funds.
- The rating on outstanding corporate debt, if any has been issued, with recent copies of the rating agency reports on that outstanding corporate debt. If this is not applicable, the Proposer must note this item as "Not Applicable" in its proposal.
- A description of all financial commitments in excess of five hundred thousand dollars (\$500,000) presently obligated, including completion guarantees on all construction projects and operating agreements and their bearing on the Contractor's financial ability to guarantee the performance and other requirements of this project.
- Evidence of the ability to obtain a Performance Bond/Letter of Credit in the amount required by the Service Contract. This may be a letter of interest in providing the Performance Bond/Letter of Credit from a qualified Proposer.
- Pending or potential legal actions that would materially affect the Proposer's financial situation and/or its ability to meet its contractual obligations to Authority. If this is not applicable, the Proposer must note this item as "Not Applicable" in its proposal.

- Copy of current certificate of good standing from Maryland State Department of Assessments and Taxation, or similar from the state of incorporation for the Proposer, and any back-up facilities.

## **5.5 PROPOSAL BOND**

Each technical and cost proposal shall be accompanied by a proposal bond/cashier's check in the amount of \$25,000. The proposal bond/cashier's check shall not be conditioned in any way to modify the amount required. The Proposers not selected will have their bonds/cashier's check released after successful execution of the Service Contract.

## **5.6 PERFORMANCE BOND OR LETTER OF CREDIT**

The Contractor will be required to obtain and submit to the County and Authority a Performance Bond or Letter of Credit in the amount of six (6) months estimated compensation as determined by Appendix C and shall be similar to the form provided in Schedule 4 to the Service Contract. The amount of the Performance Bond or Letter of Credit will be adjusted annually as compensation to the Contractor is adjusted by changes in Service. The Performance Bond or Letter of Credit must be provided at the time of signing of this Service Contract and on or before subsequent annual anniversary dates of this Service Contract. The Performance Bond or Letter of Credit shall be conditioned upon the faithful performance of each and every term, condition, and provision of the Service Contract. Upon successful completion of the Service Contract, the Performance Bond or Letter of Credit will be returned to the Contractor.

## **5.7 OTHER PROPOSAL REQUIREMENTS**

If the technical or cost proposal is incomplete or fails to address the requirements of this RFP, the proposal may be deemed not reasonably susceptible of award and may be rejected. Each Proposer is responsible for reviewing technical and cost proposal requirements and preparing its responses in a clearly organized submittal.

Each technical and cost proposal is required to be in accordance with the terms of this RFP and shall be signed by an executive officer of the proposing organization, and, where applicable, a corporate officer of the parent organization, recognizing that both will have authority to bind the proponent.

Technical and cost proposals shall consider and be reflective of all federal, state, and local laws, statutes, ordinances, regulations, and other applicable laws that may affect cost, permitting, progress, performance or furnishing of the project including, but not limited to, applicable regulations concerning minimum wage rates, nondiscrimination in the employment of labor, protection of public and employee safety and health, environmental protection, protection of natural resources, fire protection, solid waste handling facility standards and permits, other permits, fees, and similar subjects.

## 6. EVALUATION PROCESS AND CRITERIA

### 6.1 EVALUATION PROCESS

The Authority and the Baltimore County, Department of Public Works and Transportation, Bureau of Solid Waste (Bureau) will establish a selection committee to review qualified technical and cost proposals. The selection committee will be composed of Authority staff, staff from the Bureau, and any other person as designated by the Authority. The selection committee will consider the materials submitted with respect to the evaluation criteria set forth herein. Management and technical qualifications will be qualitatively evaluated and ranked by the selection committee in order of best value to the Authority. The selection committee will make a recommendation for award to the Executive Director of the Authority. The Executive Director will make a recommendation for award to the Authority's Members.

### 6.2 EVALUATION CRITERIA

The selection committee will first evaluate all technical and cost proposals against the minimum qualifications identified in Section 4. The technical and cost proposals considered to meet the minimum qualifications will be evaluated according to the following evaluation criteria. Cost and technical criteria will be weighed approximately equally:

- A. **Total Cost of Services:** The total cost of the services provided on the basis of the Proposer's cost proposal.
- B. **Technical Qualifications:** The Proposer's experience including operation and maintenance of recyclable processing facilities for the required material stream, including:
  - i. Management
    - Delivering very similar services at very similar facilities.
    - Resumes and qualifications of proposed managers for this project.
    - Descriptions of contingencies in the event operations fail for any of the service components, including but not limited to, equipment failure, fire, temporary loss of access to proposed transportation routes
    - Ability to provide a backup or alternate Bulk Material Collection services permitted and operating in accordance with federal, state and local law.
  - ii. Prior Experience
    - Meeting or exceeding performance measures for similar service.
    - Performance history of the team for the Service. This includes compliance and adherence to federal, state, and local laws and regulations.
  - iii. Finance
    - Evidence of financial ability to implement the service.
    - Ownership or effective control of the proposed collection equipment.
    - Ability to meet the MBE/WBE/SBE participation requirement.

- iv. Staff
  - Evidence of labor resources to implement the project.
  - Resumes and qualifications of proposed key staff for this project.
- v. Subcontractors
  - List of subcontractors and subcontractor qualifications

### **6.3 PROCUREMENT METHOD**

The Authority will employ the method of competitive negotiation to select a Contractor. The Authority reserves the right to make an award based on the initial proposals submitted, without oral presentations or best and final offers. If the Executive Director determines that multi-step negotiations are in the best interests of the Authority, the Executive Director will advise Proposers whose proposals are determined to be reasonably susceptible of award as to how such negotiations will be conducted. The Authority may establish a competitive range of proposals and conduct negotiations only with those Proposers within the competitive range and may request best and final Offers. Proposers whose proposals are not selected will be so notified in writing.

### **6.4 DISCRETION IN DETERMINING DEVIATIONS AND COMPLIANCE**

The Executive Director has the right and responsibility to determine which of the Proposers have met the requirements of this RFP, to determine whether any deviation from the requirements of this RFP is substantive in nature, and to reject proposals that are not reasonably susceptible of being selected for award. The Executive Director may waive minor irregularities in proposals, may allow a Proposer to correct minor irregularities, and may negotiate with responsible Proposers in any manner deemed necessary to serve the best interests of the Authority.

## **7. ADA COMPLIANCE**

### **7.1 ALTERNATIVE FORMS:**

Alternative forms of this RFP will be provided upon request.

**APPENDIX A  
SERVICE CONTRACT**

**APPENDIX B**

**ADDENDA RECEIPT FORM**

**Receipt of Addenda for the Request for Proposals for the  
BULK MATERIAL COLLECTION FOR BALTIMORE COUNTY**

Please attach copies of faxed addenda receipt confirmation to this form. On this form track the date the addenda were received (if any) and the initials of the responding company official.

<b>Addenda #</b>	<b>Date Received</b>	<b>Responding Official</b>	<b>Date Confirmation Sent</b>

**APPENDIX C**

**COST PROPOSAL FORM C-1**

**1. SERVICE AREA BULK MATERIAL COLLECTION PRICE PROPOSAL:**

The Contractor shall submit a Price Proposal for the Service Area Bulk Material Collection as specified in Section 2.1.1 of the Service Contract – Service Area Bulk Material Collection and provide a Bi-Weekly price below. The Contractor shall multiply the Bi-Weekly price by 26 annual pay periods and provide the total annual price below.

Bi-Weekly Price Per Service Area: \$\_\_\_\_\_ X 26 weeks = \$\_\_\_\_\_  
Annual Cost.

Per Section 2.1.1: The Price Proposal above shall include Service to approximately 957 households per day. The County and Authority do not guarantee any participation rates.

**2. SPECIAL COLLECTION PRICE PROPOSAL:**

The Contractor shall submit a Price Proposal on the Special Collection Services as specified in Section 2.1.2 of the Service Contract –Special Collection below.

Special Collection Services: \$\_\_\_\_\_ per hour.

Per Section 2.1.2: The County and Authority do not guarantee usage under this Special Collection Service.



**APPENDIX D**

**FORM D-1**

**Bulk Material Collection for Baltimore County  
REQUEST FOR PROPOSALS**

PROPOSER'S CONTACT INFORMATION FORM

(1<sup>st</sup>) Name: \_\_\_\_\_

Title: \_\_\_\_\_

(2<sup>nd</sup>) Name: \_\_\_\_\_

*(optional)*

Title: \_\_\_\_\_

*(optional)*

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail (1<sup>st</sup>): \_\_\_\_\_

E-mail (2<sup>nd</sup>): \_\_\_\_\_

I / we prefer to be contacted by: (*circle one*) U.S. Mail, telephone, fax, e-mail

Please e-mail, fax or mail completed form to:

Northeast Maryland Waste Disposal Authority

Tower II – Suite 402

100 South Charles Street

Baltimore, MD 21201-2705

Fax: (410) 333-2721

[procurement@nmwda.org](mailto:procurement@nmwda.org)

**APPENDIX D**

**FORM D-2**

**WAIVER OF DAMAGES**

The Proposer and all affiliates understand that by submitting a proposal, the Proposer is acting at its own risk and the Proposer and all affiliates hereby waive any rights any of them may have to receive any damages for any liability, claim, loss or injury resulting or to result from any action or inaction on the part of the Authority concerning the evaluation and selection of proposals by the Authority, any agreement entered into for the services described in the RFP, or any award or non-award of a Service Contract, pursuant thereto.

Attached is a letter authorizing the following person to sign this form, and the Proposal, on behalf of the Contractor.

Proposer:

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## APPENDIX E

### PROPOSAL ITEM CHECKLIST

**(This list is to assist the Proposer. The list does not relieve the Proposer from reading the RFP carefully and determining what must be submitted with its Proposal. Proposer is advised to check off each item as it is completed to avoid overlooking any.)**

1. Email Submission(s) of technical and cost proposal (Form C-1 in Appendix C to this RFP) to [procurement@nmwda.org](mailto:procurement@nmwda.org) with the subject line “BULK MATERIAL COLLETION FOR BALTIMORE COUNTY” on or before 4:00 p.m. (local time) Thursday, October 28, 2021.
2. Three (3) hardcopy submittals of technical and cost proposal printed on recycled paper mailed or delivered to the address per Section 2.5 no later than three (3) business days past the Due Date of the email submission.
3. Financial reporting per section 5.4 including but not limited to the following:
  - a. Evidence of the ability to obtain a performance bond in the amount required by the Service Contract. This may be a letter of interest in providing the bond from a qualified Contractor.
  - b. Copy of current certificate of good standing from Maryland State Department of Assessments and Taxation, or similar from the state of incorporation for the Contractor, and any proposed subcontractors.
4. Addenda receipt form per Appendix B including copies of addenda received under this RFP.
5. The information required in Section 2.10 MBE/WBE/SBE AND/OR ECONOMIC BENEFIT FACTOR.
6. The MBE/WBE/SBE forms required in Section 2.11.1 of the RFP.
7. Proposer’s contact information form (Appendix D Form D-1).
8. Waiver of Damages form (Appendix D Form D-2).
9. Proposal Bond/Cashier’s Check (copy of the same in the electronic copy, original in the hard copy submittal).

**Signature of Proposer:** \_\_\_\_\_

**Printed Name and Title:** \_\_\_\_\_

**APPENDIX F**

**BALTIMORE COUNTY MBE/WBE/SBE FORMS COMPLETE PACKAGE**

**(attached)**

BALTIMORE COUNTY, MARYLAND  
USE OF MINORITY BUSINESS ENTERPRISES AND WOMEN'S BUSINESS ENTERPRISES  
IN  
COUNTY CONTRACTS  
MBE/WBE Plan Package



Office of Budget and Finance  
Historic Courthouse  
400 Washington Ave  
Towson, Maryland 21244  
410-887-3407

[www.baltimorecountymd.gov/go/mwbe](http://www.baltimorecountymd.gov/go/mwbe)

@BaCoBiz4All



## PROSPECTIVE BIDDERS/OFFERORS

Baltimore County Executive Order 2017-003 Use of Minority Business Enterprises and Women's Business Enterprises states:

*SECTION 6. BID REQUIREMENTS.*

*(A)(1) All bidders shall submit a list of all subcontractors contacted in preparation of their bid package or proposal.*

*(2) The list shall include the service to be performed, bid amount, and the race/ethnicity/gender of the business owner(s).*

*(B)(1) All bidders shall submit a list of all subcontractors to be used on a county contract in the bid package.*

*(2) This list shall include all subcontractors (both MBE/WBE and non MBE/WBE) used, the service to be performed, the total amount to be paid, and the race/ethnicity/gender of the owner.*

If the solicitation includes a MBE/WBE **subcontracting** goal, you **MUST** demonstrate “**Good Faith**” effort either by:

1. Complete and sign FORM A, FORM B (to include FORM B-Prime if MBE/WBE Prime wishes to count towards the goal) and FORM C **listing all subcontractors** with the initial bid submission.
  - a. *All Forms must be completed and signed. However, FORM C MUST be completed and signed by both the prime and the MBE/WBE subcontractor.*

**OR**

2. If you are unable to meet any portion of the goal, you **MUST** do one of the following:
  - a. If you are requesting a **partial waiver**, complete and sign FORM A with initial bid submission. FORM B (to include FORM B-Prime if MBE/WBE Prime wishes to count towards the goal) and FORM C (**listing all subcontractors**). In addition, complete, sign and submit FORM D and FORM E **accompanied with all supporting documentation** for the portion of the goal that will not be achieved as specified on FORM A.
  - b. If you are requesting a **full waiver**, complete and sign FORM A indicating your intent to request a full waiver **accompanied with a completed and signed FORM C listing all subcontractors**, FORM D and FORM E **accompanied with all supporting documentation. This MUST be submitted with the initial bid as specified on FORM A.**
  - c. *All Forms must be completed and signed. FORM C and FORM D MUST be completed and properly signed by both the Prime AND the MBE/WBE subcontractor(s).*

**NOTE:** The MBE/WBE **subcontracting** goal applies to **ALL** prime/general contractors including certified and non-certified minority and women owned firms. **However, a Minority-owned or a Women-owned prime may self-perform up to 50% of MBE/WBE subcontracting goal set in the solicitation. The MBE/WBE primes that wish to count towards the goal must list themselves on all appropriate forms.**

## BALTIMORE COUNTY, MARYLAND MBE/WBE PARTICIPATION SUMMARY

Executive Order: Minority business enterprises and women business enterprises (MBE/WBE) shall have the maximum opportunity to participate in the performance of contracts financed in whole, or in certain circumstances, in part with County funds. Accordingly, on July 27, 2017, the County Executive adopted the EXECUTIVE ORDER No. 2017-003 addressing MBE/WBE participation in County contracts. The July 27, 2017 Executive Order may be found on the Baltimore County website at [www.baltimorecountymd.gov/go/mwbe](http://www.baltimorecountymd.gov/go/mwbe).

Each Contract: The County shall establish a minimum MBE/WBE participation amount for each contract, as applicable.

Bidder/Offeror Responsibility: The bidder/offeror shall ensure that MBE/WBE participation occurs in accordance with the contract requirements and the County Executive's Executive Order. All bidder/offerors shall ensure that MBE/WBE have the maximum opportunity to compete for and perform County contracts, as applicable. Baltimore County, Maryland, and/or its bidder/offerors and contractors shall not discriminate on the basis of race, color, national origin, disability or sex in the award and performance of any County contract.

### APPROVED MBE/WBE LISTINGS

Published compilations of approved and certified MBE/WBE, contractors, subcontractors, material suppliers, etc. include:

1. DIRECTORY OF MINORITY BUSINESS ENTERPRISE (MDOT):  
[http://mbe.mdot.state.md.us/directory/search\\_select.asp](http://mbe.mdot.state.md.us/directory/search_select.asp)
2. MINORITY BUSINESS DIRECTORY OF THE CITY OF BALTIMORE:  
<http://cityservices.baltimorecity.gov/mwboo/>

### BIDDER/OFFEROR'S ACTIONS

Seeking Firms: The bidder/offeror will seek commitments by subcontract or otherwise from MBE/WBE firms for supplies and/or services, any combined value of which equals or exceeds the required percentage of MBE/WBE participation goal for the County contract. However a MBE/WBE Prime that affirms its MBE/WBE status on the Minority and/or Women Prime Participation Affidavit may count up to 50% of the goal.

Expenditures for Materials and Supplies: A bidder/offeror may count toward its MBE/WBE contract requirements, all expenditures for materials and supplies obtained from MBE/WBE suppliers and manufacturers, provided that the MBE/WBE assumes the actual and contractual responsibility for the provision of the materials and supplies.

Information to be supplied: All bidder/offerors shall submit the following information to the County at the time of bid submission:

1. The name of an employee designated as the bidder/offeror's liaison to the County's Minority Business Enterprise Unit.
2. The following forms shall be completed and submitted
  - Certified MBE/WBE Utilization and Fair Solicitation Affidavit (**Form A**); from among those names appearing in the Approved MBE/WBE Listings (excepting Federal Highway Administration projects, which exclusively require DBE approved and certified by the Maryland Department of Transportation Certification Committee);
  - A MBE/WBE Participation (**Form B**) completed and signed by the prime contractor and MBE/WBE for each MBE/WBE listed on the Form.

**BALTIMORE COUNTY, MARYLAND**  
**MBE/WBE PARTICIPATION SUMMARY**

- A MBE/WBE Disclosure and Participation Statement (**Form C**) completed and signed by the prime contractor and MBE/WBE firms for each MBE/WBE listed on the Form. Form C must match what is stated on Form B.
  - If applicable, MBE/WBE Subcontractor Unavailable Certificate (**Form D**) completed and signed by the prime contractor and MBE/WBE for each MBE/WBE listed on the Form.
3. If applicable, MBE/WBE Outreach Efforts - Compliance Statement (**Form E**) completed and signed by the Bidder/Offeror. The prime shall submit a list of all subcontractors.
  4. For DPW contracts, if the bidder/offeror intends to fulfill the MBE/WBE requirements by use of a joint venture, he/she must submit a Joint Venture Disclosure Affidavit (**Form D-EEO-006-A** and **B** showing the extent of MBE/WBE participation. If a bidder/offeror intends to use a MBE/WBE joint venture as a subcontractor to meet its MBE/WBE requirements, the affidavit must be submitted through the bidder/offeror by the proposed subcontractors and signed by all parties.
  5. If the bidder/offeror's proposed MBE/WBE participation does not meet the MBE/WBE contract requirements, information sufficient to demonstrate that the bidder/offeror has made every effort to meet the requirements must be submitted. (See DETERMINATION OF BID RESPONSIVENESS hereafter)

**RECORDS AND REPORTS**

Returning Records: The bidder/offeror must keep such records as are necessary to determine compliance with its MBE/WBE utilization requirements:

1. The MBE/WBE and non-minority contractors, type of work being performed, actual values of work and services.
2. Documentation of all correspondence, contacts, telephone calls, etc., to obtain MBE/WBE services for the contract.
3. All prime contractors and MBE/WBE sub-contractors are required to report monthly to the County through an online system called PRISM. If the contractor cannot submit his/her report on time, he/she will notify the County MBE/WBE office and request additional time to submit the report. Failure of the contractor to report in a timely manner may result in a finding of noncompliance. The County in its sole discretion and/or upon written request may require additional reports regarding MBE/WBE.

Retaining Records: All MBE/WBE records must be retained for 3 years following the expiration or any earlier termination of the contract and shall be available for inspection and photocopying by the County.

Investigation and Notification: Whenever the County believes the bidder/offeror, contractor, or any subcontractor may not be operating in compliance with the MBE/WBE requirements, the County may, in its sole discretion, conduct an investigation. If the County finds the bidder/offeror, contractor, or any subcontractor is not in compliance with the MBE/WBE requirements, the County may exercise any and all rights and remedies available to the County, under the contract, at law or equity, as deemed applicable and appropriate by the County in its sole discretion.

**DETERMINATION OF BID RESPONSIVENESS**

Request for Deviation: If the bidder/offeror is unable to procure from MBE/WBE firms (by subcontract or otherwise), supplies and services, any combined value of which equals the required percentage of the total value of the contract, the bidder/offeror may request, in writing, a deviation or waiver of the contract requirements. To obtain such a waiver, the bidder/offeror must submit the following information at the time bids are due:



**BALTIMORE COUNTY, MARYLAND**  
**MBE/WBE PARTICIPATION SUMMARY**

The request for waiver request shall include (1) a signed unavailability statement (Form D) executed by all MBEs and WBEs that the bidder/offeror solicited for participation and (2) Outreach Efforts/Compliance Statement (Form E) that demonstrates the bidder/offeror's good faith efforts to comply with the contract requirements, including copies of solicitation documentation to all potential subcontractors:

Emails, letters, facsimile transmittals and confirmations containing plans, specifications, and anticipated time schedule for portions of the work to be performed and meeting notes and agendas clearly identifying the certified MBE or WBE classification and dates that the bidder/offeror contacted each MBE/WBE; and

Telephone logs containing names, addresses, dates, telephone numbers, work to be performed, anticipated time schedule and classification of certified MBEs and WBEs contacted.

Bid Rejection: The failure of any bidder/offeror (including the apparent low bidder/offeror) to provide a responsive MBE/WBE Plan as required by the solicitation may result in the bidder/offeror being deemed non-responsive and the County's rejection of the bid.

Liquidated Damages If the County issues a notice of intent to awards contract to the apparent low bidder/offeror who provided a responsive MBE/WBE Plan, but, if after said notice and before execution of Contract Documents, it is determined by the County that the apparent low bidder/offeror has failed to comply with the MBE/WBE Plan, such failure may result in the recommendation by the appropriate Procurement Official to annul the award and forfeit the bidder/offeror's Proposal Guaranty to the County, not as a penalty, but as liquidated damages, it being acknowledged that actual damages will be difficult if not impossible to accurately measure. In addition, the County may proceed as it determines to be in its best interest, including but not limited to, the Notice of Award may be made to the next lowest responsive and responsible bidder/offeror or the work may be re-advertised.

Contract Breach: If, after execution of a County contract, the contractor becomes aware it may or will fail to fulfill the applicable MBE/WBE requirements and/or may or will deviate from the contractor's bid response/contract terms, the contractor shall promptly advise the County of this in writing. Thereafter, the County will determine what action or remedy is appropriate on a case-by-case basis, in the County's sole discretion.

Approval Required for Changes: Any and all changes to the MBE/WBE subcontractors or the type or amount of work to be performed by such subcontractors during the contract term must be mutually agreeable to the County and the contractor and shall be documented via a contract amendment, executed by legally authorized representatives of the County and the contractor.

Cooperation in Reviews: The bidder/offeror will cooperate with the County in any reviews of the contractor's procedures and practices with respect to MBE or WBE firms, which the County may from time to time conduct in its sole discretion.

Other: If the documents used to determine the contractor's efforts, achievement of, and/or the status of an MBE/WBE requirement or fulfillment thereof contain false, misleading or misrepresented information, the contractor may be declared in breach of the contract and the County may take any and all actions and/or remedies available to the County under the contract, at law, or in equity. If an MBE/WBE is disqualified by any public entity, including but not limited to, Baltimore City, the State or MDOT, at any time after award or during the term of the contract, the County may, in its sole discretion, require the prime contractor to promptly submit for County approval, the contractor's plans for fulfilling the required MBE/WBE participation under the contract, and/or request such detail and additional information as the County, in its discretion deems appropriate.



**PRIME CONTRACTOR MINORITY AND WOMEN PARTICIPATION AFFIDAVIT**

**A. AUTHORIZED REPRESENTATIVE**

I HEREBY AFFIRM THAT:

I am the [title]\_\_\_\_\_ and the duly authorized representative of [business] \_\_\_\_\_ (the "Business") and that I possess the legal authority to make this Affidavit on behalf of myself and the Business for which I am acting.

**B. AFFIRMATION REGARDING MINORITY AND WOMEN PARTICIPATION**

I FURTHER AFFIRM THAT:

I am aware that, pursuant to the July 27, 2017 Executive Order of Baltimore County, Maryland, the following words have the meanings indicated.

(A) "Minority Business Enterprise" or "MBE" means a business enterprise that is owned, operated and controlled by one or more minority group members (African American, Hispanic American, Asian American, or Native American) who have at least 51% ownership and in which the minority group members have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

(B) "Women's Business Enterprise" or "WBE" means a business enterprise that is owned, operated and controlled by one or more women who have at least 51% ownership and in which the women have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership.

\_\_\_ The Prime is a MBE  or WBE

Maryland State Department of Transportation (MDOT) # \_\_\_\_\_

City of Baltimore # \_\_\_\_\_

Name Other Jurisdiction: \_\_\_\_\_ # \_\_\_\_\_

The ownership of the Noncertified MBE/WBE business consists of \_\_\_\_% minorities and \_\_\_\_% women (for a total of \_\_\_\_ %), each of which has operational and managerial control, interest in capital and earnings commensurate with their percent ownership.

\_\_\_\_\_ % African American    \_\_\_\_\_ % Hispanic American    \_\_\_\_\_ % Women  
\_\_\_\_\_ % Asian American    \_\_\_\_\_ % Native American    \_\_\_\_\_ % Disadvantaged (DBE)

\_\_\_ The MBE/WBE prime anticipates meeting up to 50% of the stated participation goal with its own workforce. **MBE/WBE primes percentage must be stated on the MBE/WBE PRIME PARTICIPATION SCHEDULE (FORM B) to count towards the goal.**

\_\_\_ The prime  anticipates  does not anticipate utilizing subcontractors for \_\_\_\_% of the work of the contract requirements, of which it anticipates \_\_\_% will be MBEs and \_\_\_% will be WBEs.

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: \_\_\_\_\_

By: \_\_\_\_\_

(Authorized Representative and Affiant's Name and Title)

**BALTIMORE COUNTY, MARYLAND**  
**Certified MBE/WBE Utilization and Fair Solicitation Affidavit**  
**(FORM A)**

*\*This document must be completed and submitted with Bid/Proposal to Baltimore County.*

**NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

\* \* \* \* \*

I acknowledge the goal for solicitation #\_\_\_\_\_ is a minimum of \_\_\_\_\_%. This goal must be met by any combination of the MBE/WBE subcontractors. However, for instances where the Prime is counting up to 50% of the goal, the remaining goal balance must be met by any combination of the MBE/WBE subcontractors.

- The goal breakdown is as follow::
  - \_\_\_\_\_% Minority/Women Prime
  - \_\_\_\_\_% for certified MBE-owned businesses and/or
  - \_\_\_\_\_% for certified WBE-owned businesses.

**I have made a good-faith effort to achieve this MBE/WBE solicitation requirement. If awarded the contract, I will comply with this MBE/WBE contract requirement and will continue to use my best efforts to increase MBE/WBE participation during the contract term.**

**PLEASE CHECK ONE BOX (EITHER 1, 2, OR 3)**

1  Prime has met the MBE/WBE contract requirements for this solicitation and contract. I submit the Subcontractor Participation Form B and Form C, along with this Affidavit, which details how the Prime will achieve the contract requirements. Submit a complete list of all additional subcontractors

**Or**

2  After having made a good-faith effort to achieve the MBE/WBE requirements, the Prime can only achieve partial success. I submit the Subcontractor Participation Form B, Form C, Form D and Form E along with this Affidavit, which details how the Prime will partially achieve the contract requirements. Submit a complete list of all additional subcontractors

I request a partial waiver and will meet the following MBE/WBE participation goals:

- Partial waiver of MBE/WBE subcontract participation::
  - \_\_\_\_\_% Minority/Women Prime
  - \_\_\_\_\_% for certified MBE-owned businesses and/or
  - \_\_\_\_\_% for certified WBE-owned businesses.

**Or**

3  After having made a good faith effort to achieve the MBE/WBE requirements for this contract, the Prime is unable to achieve the requirements and/or sub requirements for this contract. I submit the MBE/WBE Participation Form D and Form E, along with this Affidavit, which details the steps the Prime has taken in an attempt to achieve the contract requirements. Therefore, I request a full waiver.

**IF YOU HAVE CHECKED BOX 2 OR 3, THE FOLLOWING IS APPLICABLE:**

- 1) If a bidder is unable to comply with the goals established in a bid for a project, the bidder may submit a request for a waiver at the time of bid submission. However, occasions for granting waivers will be limited.

**BALTIMORE COUNTY, MARYLAND**  
**Certified MBE/WBE Utilization and Fair Solicitation Affidavit**  
**(FORM A)**

- 2) The request for waiver shall include documentation that demonstrates the bidder’s good faith efforts to comply with the goals, including:
- (I) Signed unavailability statements from all MBEs and WBEs that the bidder solicited for participation; and
  - (II) Copies of solicitation documentation to include the scope of services to be performed by the subcontractors accompanied with the following:
    - (a) Emails, letters, facsimile transmittals and confirmations containing plans, specifications, and anticipated time schedule for portions of the work to be performed and meeting notes and agendas clearly identifying the certified MBE or WBE classification and dates that the bidder contacted each; and
    - (b) Telephone logs containing names, addresses, dates, telephone numbers, work to be performed, anticipated time schedule and classification of certified MBEs and WBEs contacted.
    - (c) Responses from MBE/WBE firms contacted to fulfill the goal.

**As I have checked Box 2 or 3 of this Affidavit, I understand I must submit the following supporting documentation with the bid:**

- *Subcontractor Participation Schedule* (Form B)
- *Subcontractor Disclosure and Participation Statement* (Form C)
- *MBE/WBE Subcontractors Unavailable Certificate* (Form D) (if applicable)
- *MBE/WBE Outreach Efforts – Compliance Statement* (Form E) (if applicable)

I acknowledge that the MBE/WBE subcontractors/suppliers listed on the *Subcontractor Participation Schedule* (Form B) will be used to accomplish the percentage of MBE/WBE participation that the Prime shall achieve. A fully executed Form C must match Form B.

In the solicitation of subcontract quotations or offers, MBE/WBE subcontractors were provided the same information and amount of time to respond, as were non-MBE/WBE subcontractors.

The solicitation process was conducted in such a manner so as to not place MBE/WBE subcontractors at a competitive disadvantage to non-MBE/WBE subcontractors.

**I solemnly affirm under the penalties of perjury that this Affidavit is true to the best of my knowledge, information, and belief.**

\_\_\_\_\_  
Bidder/Offeror Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Affiant Signature

\_\_\_\_\_  
Address (continued)

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
E-mail address

\_\_\_\_\_  
Date

**BALTIMORE COUNTY, MARYLAND  
SUBCONTRACTOR PARTICIPATION SCHEDULE  
(FORM B)**

*\*This document must be completed and submitted with Bid/Proposal to Baltimore County.*

**NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

Prime Name	Prime Address, Telephone Number and Email
Bid/Proposal Name and Number	Project Location
	Base Bid \$ _____
1. Subcontractor Name and Tax ID	Subcontractor Address
Telephone Number _____ Fax Number _____ Select One: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> N/A Provide if Applicable: <input type="checkbox"/> MDOT <input type="checkbox"/> Baltimore City # _____	Minority Status (If applicable): <input type="checkbox"/> African American <input type="checkbox"/> Disabled <input type="checkbox"/> Alaska Native <input type="checkbox"/> Disadvantaged <input type="checkbox"/> Corporation <input type="checkbox"/> Female <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Pacific <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian American Sub- <input type="checkbox"/> Native American continent <input type="checkbox"/> Small Business <input type="checkbox"/> Other
NAICS Code(s), Work to be Performed and Dollar Amount	Percent of Total Contract
2. Subcontractor Name and Tax ID	Subcontractor Address
Telephone Number _____ Fax Number _____ Select Once: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> N/A Provide if Applicable; <input type="checkbox"/> MDOT <input type="checkbox"/> Baltimore City # _____	Minority Status <input type="checkbox"/> African American <input type="checkbox"/> Disabled <input type="checkbox"/> Alaska Native <input type="checkbox"/> Disadvantaged <input type="checkbox"/> Corporation <input type="checkbox"/> Female American Indian <input type="checkbox"/> Asian American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Pacific <input type="checkbox"/> Native American <input type="checkbox"/> Asian American Sub- <input type="checkbox"/> Small Business continent <input type="checkbox"/> Other
NAICS Code(s), Work to be Performed and Subcontract Dollar Amount	Percent of Total Contract
3. Subcontractor Name and Tax ID	Subcontractor Address
Telephone Number _____ Fax Number _____ Select Once: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SBE <input type="checkbox"/> N/A Provide if Applicable: <input type="checkbox"/> MDOT <input type="checkbox"/> Baltimore City # _____	Minority Status <input type="checkbox"/> African American <input type="checkbox"/> Disabled <input type="checkbox"/> Alaska Native <input type="checkbox"/> Disadvantaged <input type="checkbox"/> Corporation <input type="checkbox"/> Female <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Pacific <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian American Sub- <input type="checkbox"/> Native American continent <input type="checkbox"/> Small Business <input type="checkbox"/> Other
NAICS Code(s), Work to be Performed and Subcontract Dollar Amount	Percent of Total Contract
Subcontractor Total Dollar Amount	Total Subcontractor Percent of Entire Contract
Form Prepared by: Name/Date: _____ Title: _____ Email: _____	Reviewed and Accepted by Baltimore County Minority Business Enterprise Office Name _____ Title _____ Date _____

<input type="checkbox"/> MBE or <input type="checkbox"/> WBE Prime Participation	%		\$	
Total MBE Subcontracting Participation	%		\$	
Total WBE Subcontracting Participation	%		\$	
Total MBE/WBE Participation	%		\$	
Total SB/SBE Participation	%		\$	

**BALTIMORE COUNTY, MARYLAND**  
**MBE/WBE PRIME PARTICIPATION SCHEDULE**  
**(Form B-Prime)**

**PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE/WBE PRIME FIRM WILL PERFORM USING ITS OWN WORKFORCE PERTAINING TO THE PERCENTAGE STATED MBE/WBE PARTICIPATION SCHEDULE (FORM B) FOR PURPOSES OF MEETING THE MBE/WBE PARTICIPATION GOALS.**

*\*This document must be completed and submitted with Bid/Proposal to Baltimore County.*

**NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

Provided that \_\_\_\_\_ (Prime Contractor's Name) with Certification Number \_\_\_\_\_ is awarded the County contract in conjunction with Solicitation No. \_\_\_\_\_, such MBE Prime Contractor intends to perform with its own forces at least \$\_\_\_\_\_ which equals to \_\_\_% of the Total Contract Amount for performing the following products/services for the Contract:

<b>NAICS CODE</b>	<b>WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE). FOR CONSTRUCTION PROJECTS, GENERAL CONDITIONS MUST BE LISTED SEPARATELY.</b>	<b>DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES</b>	<b>VALUE OF THE WORK</b>

**MBE PRIME CONTRACTOR**

Signature of Representative: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Firm's Name: \_\_\_\_\_

Federal Identification Number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

Certified  Yes  No

Certifying Jurisdiction \_\_\_\_\_

**MBE PRIME CONTRACTOR**

Minority Status:

African American

Hispanic American

Women

Asian American

Native American

Disadvantaged

**BALTIMORE COUNTY, MARYLAND  
SUBCONTRACTOR DISCLOSURE AND PARTICIPATION STATEMENT  
(FORM C)**

*\*This document must be completed and submitted with Bid/Proposal to Baltimore County.*

*NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.*

**NOTE: ANY INCONSISTENCY BETWEEN THIS FORM AND FORM B MBE/WBE PARTICIPATION MAY RENDER A BID/PROPOSAL NON-RESPONSIVE AND THE COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

Contract Name, Bid/Proposal Number: \_\_\_\_\_

Name of Prime: \_\_\_\_\_

Name of MBE/WBE Subcontractor: \_\_\_\_\_

\_\_\_\_\_

Print Representative Name, Title	Best Contact Information
----------------------------------	--------------------------

MDOT    Baltimore City   \_\_\_\_\_

Certification Number

MBE    WBE    SBE    N/A

1. NAICS Code(s), Work/Services to be performed by MBE/WBE Subcontractor: \_\_\_\_\_

\_\_\_\_\_

2. Subcontract Amount: \$ \_\_\_\_\_ or \_\_\_\_\_% of the County contract cost.

3. Bonds - Amount and type required of Subcontractor if any: \_\_\_\_\_

4. MBE/WBE Anticipated Commencement Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

5. This is a MBE-Owned Business Firm: Yes \_\_\_\_\_ No \_\_\_\_\_

6. This is a WBE-Owned Business Firm: Yes \_\_\_\_\_ No \_\_\_\_\_

\*\*\*\*\*

NOTE: If the Prime is notified that it will be awarded the above referenced contract, the undersigned MBE/WBE subcontractor and Prime must enter into a subcontract for the work/service indicated above upon the Prime's execution of a contract for the above referenced project with the Baltimore County, and provide a copy of the fully executed MBE/WBE SUBCONTRACTOR PARTICIPATION NOTICE OF INTENT TO AWARD (FORM C-Subcontractor) accompanied with the anticipated Work Breakdown Schedule (providing the subcontractor's mobilization timeframe) to [mwbe@baltimorecountymd.gov](mailto:mwbe@baltimorecountymd.gov) within 10 calendar days of receipt by the Prime of FORM C-Subcontractor from the County. The undersigned subcontractor is a MDOT or Baltimore City certified MBE/WBE firm. The terms and conditions stated above are consistent with our agreements.

Signature of MBE/WBE Subcontractor: \_\_\_\_\_ Date: \_\_\_\_\_

MBE/WBE Subcontractor's Printed Name and Title: \_\_\_\_\_

The terms and conditions stated above are consistent with our agreements.

Signature of Prime: \_\_\_\_\_ Date: \_\_\_\_\_

Prime's Printed Name and Title: \_\_\_\_\_

**BALTIMORE COUNTY, MARYLAND  
MBE/WBE –UNAVAILABILITY CERTIFICATE  
(FORM D)**

*\*If applicable, this document must be completed and submitted with Bid/Proposal to Baltimore County.*

**NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

1. It is hereby certified that the firm of \_\_\_\_\_  
(Name of Minority firm)

located at \_\_\_\_\_  
(Number) (Street)  
\_\_\_\_\_  
(City) (State) (Zip)

was offered an opportunity to bid on the \_\_\_\_\_ contract.

2. The \_\_\_\_\_ (MBE/WBE Firm), is either unavailable for the work/service or unable to prepare a bid for this project for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Minority Firms MBE/WBE Representative Title Date

\_\_\_\_\_  
MDOT/Baltimore City Certification # Telephone #

**3. PRIME'S SIGNATURE AND CERTIFICATION**

I certify under oath that I contacted the Certified MBE/WBE and they advised me that they are unavailable, unable to perform the work/services for the above-contract or failed to respond to repeated requests for a price proposal for the above-contract.

\_\_\_\_\_  
Signature of Prime Title Date



**BALTIMORE COUNTY, MARYLAND**  
**MBE/WBE - OUTREACH EFFORTS - COMPLIANCE STATEMENT**  
**(FORM E)**

*\*This document must be completed and submitted with Bid/Proposal to Baltimore County.*

**NOTE: If you do not complete and submit this form with your bid or offer to the County, the County may, in its sole discretion, deem your bid or offer NON-RESPONSIVE and accordingly the COUNTY WILL NOT CONSIDER YOU FOR CONTRACT AWARD.**

In conjunction with the bid or offer submitted in response to Solicitation Number \_\_\_\_\_, I state the following:

1. Bidder/Offeror identified opportunities to subcontract in these specific work categories:
  
  
  
  
  
  
  
  
  
  
2. Attached to this form are copies of the solicitation documentation in accordance with Section 6 (E) Bid Requirements of the Executive Order, used to solicit certified MBE/WBEs for the subcontract opportunities accompanied with the signed MBE/WBE Subcontractor Unavailability Certificate (Form D).
  
  
  
  
  
  
  
  
  
  
3. Bidder/Offeror made the following attempts to solicit MBE/WBEs:

\_\_\_\_\_  
Signature – Bidder Offeror

\_\_\_\_\_  
Print or Type Name of Firm

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City                      State      Zip Code

\_\_\_\_\_  
Date



**JOHN A. OLSZEWSKI, JR.**  
*County Executive*

**EDWARD P. BLADES**  
*Director*  
*Office of Budget and Finance*

To: Contractors/Consultants

From: Minority and Women Business Enterprise Office

Date: January 17, 2020

Subject: Compliance Reporting - Penalties

Baltimore County, Maryland (the "County") requires all Prime Contractors and all Subcontractors to submit monthly reports through an online MBE/WBE Compliance Portal (PRISM). The Portal can be found under Compliance Reporting for Primes and Subcontractors at [www.baltimorecountymd.gov/go/mwbe](http://www.baltimorecountymd.gov/go/mwbe).

The County has found that a number of companies are failing to file reports in a timely manner, which makes it difficult for the County to verify compliance. As a result, the County has determined to assess penalties for non-compliance, effective September 1, 2018, as follows:

- (a) For failure to file timely monthly reports:
  - a. Assessment of a late fee of \$10 per day per task, up to a maximum of \$1,500 per task; and/or
  - b. For multiple violations, termination of the contract for convenience or for default, with the contractor suspended from participating in County contracts for five (5) years.
- (b) For failure to meet MBE/WBE requirements:
  - a. Assessment of a penalty of up to 10% of the contract value; and/or
  - b. Termination of the contract for convenience, with the contractor suspended from participating in County contracts for five (5) years together with assessment of a penalty of up to 10% of the contract value; and/or
  - c. Termination of the contract for default together with assessment of a penalty of 10% of the contract value.

Each action and/or remedy described above is at the sole discretion of the County, and is in addition to any damages which the County may be entitled to under the contract.

This short video can be used as guidance on submitting the Prime to Subcontractor Payment Reporting:

[http://stage.prismcompliance.com/etc/movies/vendor\\_contractpayment\\_tutorial.htm](http://stage.prismcompliance.com/etc/movies/vendor_contractpayment_tutorial.htm)

If after contract expiration, it has been determined the MBE/WBE firms named were not used or were under used, by the contractor and supporting documentation was not provided and approved by the County the contractor may be assessed a penalty of up to 10% of the contract value and/or suspended from participating in County contracts for 5 years.

Questions regarding this correspondence and/or the use of this system can be directed to the MBE Office at [mwbe@baltimorecountymd.gov](mailto:mwbe@baltimorecountymd.gov) or call (410) 887-3407.

Cc: File