

OBJECTIVES

- ▶ Highlight the key components of the bid process
 - ▶ Common mistakes
 - ▶ Minor Irregularities
 - ▶ Fatal flaws
- 

PREFERRED PROCUREMENT METHOD

Competitive Sealed Bidding:

The award is made to the responsible bidder with a responsive bid that is the:

Lowest price

A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

COMPETITIVE SEALED BIDDING

- ▶ Procurement Review Group - MBE Goal/SBR
- ▶ Advertisement
- ▶ Pre-bid meeting
- ▶ Bid opening
- ▶ Successful bidder evaluation
 - ▶ Multi-Step
 - ▶ Multiple Award
- ▶ Board of Public Works Approval
- ▶ Notice to Proceed

INVITATION TO BIDDERS

- ▶ Procurement Officer
 - ▶ Bid Due Date
 - ▶ Pre-bid Meeting/Site Inspection
 - ▶ Registered Emarylandmarketplace
 - ▶ MBE Goal
 - ▶ Bond Requirement
- 
- A decorative graphic consisting of several parallel white lines of varying lengths, slanted upwards from left to right, located in the bottom right corner of the slide.

MBE/DBE PROGRAM REQUIREMENTS

MBE/DBE participation credit will only be given when the participating MBE/DBEs perform a commercially useful function.

MBE PRIME SELF-PERFORMANCE

- ▶ When a certified MBE firm participates as a prime or as a joint venture, the work may be counted up to fifty-percent (50%) of the overall goal;
- ▶ Up to one hundred percent (100%) of not more than one of the subgoals may be counted.
- ▶ Liquidated Damages

BID BOND

- ▶ Penal Sum
- ▶ Signatures
 - Surety and Prime
- ▶ Power of Attorney

SECTION 2

NOTE: THIS BID BOND IS NOT REQUIRED IF TOTAL CONTRACT PRICE IS LESS THAN \$100,000.

Bond No. _____

We, _____ as Principal, hereinafter called the Principal, and
Bidding Company

Fidelity and Deposit Company of Maryland, a corporation duly organized under the laws of the
Bonding Company

State of Maryland, or an individual surety qualified in accordance with State Finance and Procurement Article, §13-207 or §17-104, Annotated Code of Maryland, as Surety, hereinafter called the Surety, are held and firmly bound unto the State of Maryland, hereinafter called "State", for the sum of:

5% of BASE BID TOTAL

Dollars and Written Words
for the payment of which sum, the Principal and the Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for MAA-CO-15-014
Contract Number
Checked Baggage Inspection System at BWI Marshall International Terminal Bid Date: 05/28/2015
Contract Title

NOW THEREFORE, if the Principal, upon acceptance by the State of its bid identified above, within the period specified therein for acceptance (ninety (90) days, if no period is specified), shall execute such further contractual documents, if any, and give such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms, or in the event of failure so to execute such further contractual documents and give such bonds, if the Principal shall pay the State the difference not to exceed the penalty hereof between the amount specified in Principal's bid and such larger amount for which the State may in good faith contract with another party to perform the work covered by said bid, then the above obligation shall be void and of no effect.

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

In Presence of:

Individual Principal

MAA-CO-15-014
Checked Baggage Inspection System
at BWI Marshall International Terminal

Technical Provisions
Bid Forms - Section 2 - Bid/Proposal Affidavit
March 2015

SECTION M

BID/PROPOSAL AFFIDAVIT

A. Authority

I HEREBY AFFIRM THAT:

I (print name) Elena Leneski possess the legal authority to make this Affidavit.

B. CERTIFICATION REGARDING COMMERCIAL NONDISCRIMINATION

The undersigned bidder hereby certifies and agrees that the following information is correct: In preparing its bid on this project, the bidder has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in "discrimination" as defined in §19-103 of the State Finance and Procurement Article of the Annotated Code of Maryland. "Discrimination" means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or commercial treatment of a vendor, subcontractor, or commercial customer on the basis of race, color, religion, ancestry, or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or any otherwise unlawful use of characteristics regarding the vendor's, supplier's, or commercial customer's employees or owners. "Discrimination" also includes retaliating against any person or other entity for reporting any incident of "discrimination". Without limiting any other provision of the solicitation on this project, it is understood that, if the certification is false, such false certification constitutes grounds for the State to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid. As part of its bid or proposal, the bidder herewith submits a list of all instances within the past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Maryland that the bidder discriminated against subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that determination, including any remedial action taken. Bidder agrees to comply in all respects with the State's Commercial Nondiscrimination Policy as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland.

B-1. Certification Regarding Minority Business Enterprises

The undersigned bidder hereby certifies and agrees that it has fully complied with the State Minority Business Enterprise Law, State Finance and Procurement Article, §14-308(a)(2), Annotated Code of Maryland, which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

- (1) Fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority proposal;
- (2) Fail to notify the certified minority business enterprise before execution of the contract of its inclusion in the bid or proposal;
- (3) Fail to use the certified minority business enterprise in the performance of the contract; or
- (4) Pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

(a) It is not identified on the list created by the Board of Public Works as a person engaging in investment activities in Iran as described in State Finance and Procurement Article, §17-702, Annotated Code of Maryland; and

(b) It is not engaging in investment activities in Iran as described in State Finance and Procurement Article, §17-702, Annotated Code of Maryland.

2. The undersigned is unable to make the above certification regarding its investment activities in Iran due to the following activities: None

L. CONFLICT MINERALS ORIGINATED IN THE DEMOCRATIC REPUBLIC OF CONGO (FOR SUPPLIES AND SERVICES CONTRACTS)

I FURTHER AFFIRM THAT:

The business has complied with the provisions of State Finance and Procurement Article, §14-413, Annotated Code of Maryland governing proper disclosure of certain information regarding conflict minerals originating in the Democratic Republic of Congo or its neighboring countries as required by federal law.

M. ACKNOWLEDGEMENT

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

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

Date: 9/1/15

By: Elena Leneski (print name of Authorized Representative and Affiant)

Elena Leneski (signature of Authorized Representative and Affiant)

MBE AFFIDAVIT

- ▶ Select Meet or Request Waiver
- ▶ Signatures

EXCEED GOAL/SUPPLIES/SELF PERFORM

OVERALL GOAL
MDOT MBE FORM A
STATE-FUNDED CONTRACTS
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 1 OF 2

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID SHALL BE DEEMED NON- RESPONSIVE OR THE PROPOSAL NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

In connection with the bid/proposal submitted in response to Solicitation No. MAA-CO-16-003, Overall MBE Goal, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Minority Business Enterprise (MBE) participation goal of Thirty percent **30%** of **\$40,000,000.00** and the following subgoals (if applicable):
Seven percent **7%** for African American-owned MBE firms
Zero percent **0%** for Hispanic American-owned MBE firms
Four percent **4%** for Asian American-owned MBE firms
Zero percent **0%** for Women-owned MBE firms

I agree that these percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), will be performed by certified MBE firms as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request and all required documentation in accordance with COMAR 21.11.03.11. For a partial waiver request, I agree that certified MBE firms will be used to accomplish the percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

2. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:
(a) Outreach Efforts Compliance Statement (MDOT MBE Form C - State-Funded Contracts);
(b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts);
(c) MBE Waiver Request documentation per COMAR 21.11.03.11 (if waiver was requested); and
(d) Any other documentation required by the Procurement Officer to ascertain bidder's responsibility/ offeror's susceptibility of being selected for award in connection with the certified MBE participation goal and subgoals, if any.

OVERALL GOAL
MDOT MBE FORM A
STATE-FUNDED CONTRACTS
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
PAGE 2 OF 2

I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award or that the proposal is not susceptible of being selected for award.

3. Information Provided to MBE firms

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


4. Products and Services Provided by MBE firms

I hereby affirm that the MBEs are only providing those products and services for which they are MDOT certified.

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

ABE Rental

Company Name



Signature of Representative

123 Blue Street

Address

Linda Dangerfield

Printed Name and Title

Baltimore MD 21212

City, State and Zip Code

August 25, 2015

Date

OVERALL GOAL
MDOT MBE FORM B
STATE-FUNDED CONTRACTS
PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE
 PAGE 3 OF 3

GOAL/SUBGOAL PARTICIPATION WORKSHEET

1. Complete the Part 2 – MBE Participation Schedule for each MBE being used to meet the MBE goal and any subgoals.
2. After completion of the Part 2 – MBE Participation Schedule, you may use the Goal/Subgoal Worksheet to calculate the total MBE participation commitment for the overall goal and any subgoals.
3. **MBE Overall Goal Participation Boxes:** Calculate the total percentage of MBE participation for each MBE classification by adding the percentages determined per Column 3 of the Part 2 – MBE Participation Schedule. Add the percentages determined in Lines 3.1 and 3.2 for the MBE subcontractor (subs) total. Add the overall participation percentages determined in Line 3.3 for the MBE prime total.
4. **MBE Subgoal Participation Boxes:** Calculate the total percentage of MBE participation for each MBE classification by adding the percentages determined per Column 3 of the Part 2 – MBE Participation Schedule. Add the percentages determined in Lines 3.1 and 3.2 for the MBE subcontractor (subs) total. Add the subgoal participation percentages determined in Line 3.3 for the MBE prime total.
5. The percentage amount for the MBE overall participation in the Total MBE Firm Participation Box F1 should be equal to the sum of the percentage amounts in Boxes A through E of the MBE Overall Goal Participation Column of the Worksheet.
6. The percentage amount for the MBE subgoal participation in the Total MBE Firm Participation Box L should be equal to the sum of the percentage amounts in Boxes A through E of the MBE Subgoal Participation Column of the Worksheet.

GOAL/SUBGOAL WORKSHEET		
MBE Classification	MBE Overall Goal Participation	MBE Subgoal Participation
(A) Total African American Firm Participation (Add percentages determined for African American-Owned Firms per Column 3 of MBE Participation Schedule)	7 %subs 15 %prime	7 %subs %prime
(B) Total Hispanic American Firm Participation (Add percentages determined for Hispanic American-Owned Firms per Column 3 of MBE Participation Schedule)	3 %subs %prime	%subs %prime
(C) Total Asian American Firm Participation (Add percentages listed for Asian American-Owned Firms per Column 3 of MBE Participation Schedule)	4 %subs %prime	4 %subs %prime
(D) Total Women-Owned Firm Participation (Add percentages determined for Women-Owned Firms per Column 3 of MBE Participation Schedule)	2.8 %subs %prime	%subs %prime
(E) Total for all other MBE Firms (Add percentages for firms listed as Other MBE Classification per Column 3 of the MBE Participation Schedule)	%subs %prime	%subs %prime
Total MBE Firm Participation (Add total percentages determined for all MBE Firms in each column of the Worksheet)	31.8 %	11 %

**OVERALL GOAL - MDOT MBE FORM B
STATE-FUNDED CONTRACTS
PART 2 – MBE PARTICIPATION SCHEDULE
PAGE ___ OF ___**

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 WITH THE BID/PROPOSAL AS REQUIRED, THE BID SHALL BE DEEMED NON-RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

Prime Contractor ABE, <i>Rental</i>	Project Description Comprehensive Interior/Exterior Modification 2016	Solicitation Number MAA-CO-16-003 Overall Goal
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LIST INFORMATION FOR EACH CERTIFIED MBE PRIME OR MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. NOTE INSTRUCTIONS IN EACH COLUMN.

COLUMN 1	COLUMN 2	COLUMN 3 Unless the bidder/offeror requested a waiver in MDOT MBE Form A – State Funded Contracts for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals (if applicable) set forth in Form A.
NAME OF MBE PRIME OR MBE SUBCONTRACTOR AND TIER	CERTIFICATION NO. AND MBE CLASSIFICATION	FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, refer to Sections 5 through 8 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1, except for those products or services where the MBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule. For items of work where the MBE firm is the prime, complete Line 3.3.
MBE Name: Let's Go, Inc. <input checked="" type="checkbox"/> Check here if MBE firm is a subcontractor and complete in accordance with Sections 6, 7, & 8 of Part 1 - Instructions. If this box is checked, complete 3.1 or 3.2 in Column C, whichever is appropriate. <input type="checkbox"/> Check here if MBE firm is the prime contractor, including a participant in a joint venture, and self-performance is being counted pursuant to Section 5 of Part 1 - Instructions. If this box is checked, complete 3.3 in Column C. <input type="checkbox"/> Check here if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 6 of Part 1 - Instructions	Certification Number: 01-230 (If dually certified, check only one box.) <input checked="" type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	3.1. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE, EXCLUDING PRODUCTS/SERVICES FROM SUPPLIERS, WHOLESALERS OR REGULAR DEALERS). 3 % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any) 3.2 TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE FIRM IS BEING USED AS A SUPPLIER, WHOLESALER AND/OR REGULAR DEALER (STATE THE PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE AND THEN APPLY THE 60% RULE PER SECTION 7(E) IN PART 1 - INSTRUCTIONS). _____ % Total percentage of Supplies/Products x _____ 60% (60% Rule) _____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any) 3.3. TOTAL PERCENTAGE TO BE PAID TO MBE PRIME FOR WORK THAT CAN BE COUNTED AS MBE SELF-PERFORMANCE (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE). (a) _____ % Total percentage for self-performed items of work in which MBE is certified) (b) _____ % (Insert 50% of MBE overall goal) (c) _____ % (Insert subgoal for classification checked in Column 2, if applicable) Percentages for purposes of calculating achievement of MBE Participation goals: ♦ For MBE Overall goal – Use lesser of (a) or (b) ♦ For MBE Subgoal – Use lesser of (a) or (c) ♦ If MBE Prime is supplier, wholesaler and/or regular dealer, apply the 60% rule.

Check here if Continuation Sheets are attached.

MAA-CO-16-003
Comprehensive Interior/Exterior Modification 2016
At Baltimore/Washington International Thurgood Marshall Airport and Martin State Airport

Bid Documents
MBE Forms
August 18, 2015

BID PROPOSAL

- ▶ Complete Every Bid Item unless otherwise specifically noted
- ▶ Signatures

SECTION P

BID

BID OF ABC Company
ADDRESS 1 Anywhere Street City, MD, 21111
TELEPHONE NUMBER 723-456-7890
FACSIMILE NUMBER 123-456-7891
E-MAIL ADDRESS ABC@Company.Com
MADE THIS 16th DAY OF June
BID GUARANTY Not required if total bid price is less than \$100,000 ✓
TIME OF COMPLETION 5 years See TP-1.04 Duration ✓
LIQUIDATED DAMAGES PER CALENDAR DAY N/A

BIDS ARE IRREVOCABLE FOR 90 DAYS FOLLOWING BID OPENING

TO THE MARYLAND AVIATION ADMINISTRATION
BALTIMORE/WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT

GENTLEMEN:

The undersigned hereby declares to have carefully examined the Specifications entitled: Maryland Department of Transportation, Maryland Aviation Administration, **Contract No. MAA-MC-16-006, Interior Plantscape Maintenance at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall)** dated April 2015.

The undersigned proposes and agrees to furnish all necessary supervision, labor, equipment, tools, materials, replacement plants, artificial plants, and expertise to perform interior plantscape maintenance to the live and artificial plants located in the terminal at Baltimore/Washington International Thurgood Marshall (BWI Marshall) Airport for the above-said project for the Maryland Aviation Administration in accordance with the Specifications and Plant Lists and Locations as detailed in Exhibits A and B of the Technical Provisions, and Addenda issued by the Maryland Aviation Administration, number(s) 1, 2, 3, 4 + 5 at and for the following price(s):

\$126,949.95 per 5 years

Bidders shall submit positive unit price amounts or a bid of zero on the Bid form only. No negative unit price amounts shall be accepted as responsive bids.

Section VI - Extra Work and Replacement Allowance (Five Years)

\$ 100,000.00

The Extra Work Allowance is per TP-1.12, Extra Work and Replacement Allowance. The dollar amounts for the Extra Work and Replacement Allowance are not guaranteed payments to the Contractor. The funds are intended to give the Administration spending flexibility for work over and above the routine scope of work outlined in the technical provisions of the contract for non-routine, unexpected and emergency expenses.

Section VII - Total Contract Cost

\$ 126,949.95

Sum of Section I plus Section II plus Section III plus Section IV plus Section V plus Section VI

TOTAL CONTRACT COST One hundred twenty six thousand, nine hundred forty nine
del DOLLARS AND ninety five CENTS. (\$ 126,949.95).

Award of this contract will be based on the lowest responsive and responsible bid meeting specifications.

The foregoing prices include and cover the furnishing of all vendor/subcontractor labor and material, mark-up, overhead, profit, delivery, storage, burden, installation, equipment, tools, insurance, and all similar incidental costs to complete each individual task, as set forth, described, and shown in the Specifications and other Contract Documents. Total Contract Cost listed above is the maximum spending authority for this contract and is subject to approval by the Maryland Board of Public Works. It should be noted, however, Administration spending authority for the contract is subject to fiscal year appropriations as approved by the Governor and the State Legislature and may be funded at less than the full contract value.

Each and every person bidding and named above must sign here. In case of firm, give the first and last name of each member in full with residence.

JANE Smith
ANYWHERE ST
CITY, ST 21111
John Smith
ANYWHERE ST
CITY, ST 21111

In case a bid shall be submitted by or on behalf of any corporation it must be signed in the name of such corporation by an authorized officer, or agent thereof, who shall also subscribe his name and office. The seal of the corporation shall be fixed.

IN WITNESS WHEREOF:

John Smith
Witness

ABC Company
Contractor

6/16/15
Date

By: [Signature]
Signature

JANE Smith
Printed or Typed

..... President
Title

08-123456
Federal Tax Identification Number
or Social Security Number

OTHER PROCUREMENT METHODS

- ▶ A/E Act
 - ▶ Specifically used for the Procurement of Professional Architectural and Engineering Services.
- ▶ Small Procurement
 - ▶ Category 1 - \$0 - \$5,000
 - ▶ Category 2 - \$5,000.01 - \$15,000
 - ▶ Category 3 - \$15,000.01 - \$25,000
- ▶ Competitive Sealed Proposals
 - ▶ The award is made to the responsible offeror whose proposal is most advantageous to the state, considering price and the evaluation factors set forth in the RFP