# Construction & Architecture & Engineering (A&E) Supplemental

This supplemental contains additional requirements under Section 2 of the solicitation.

[[This supplemental is an additional requirement within Section 2 of your base solicitation template, titled "Supplemental Category of Work Requirements and Responsibilities". A supplemental is unique and specific to the procurement and its respective category of work. Complete this supplemental by following the instructions herein and referencing it accordingly within your solicitation before finalizing the document for publication.]]

[[PRIOR TO PUBLICATION: Delete an instruction (found in red text) as it is only for the purposes of providing instructions to the Procurement Officer.]]

### Security Requirements

[[Review this section for applicability and tailor as appropriate:]]

The following requirements are applicable to the Contract:

## Employee Identification

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

## Security Clearance / Criminal Background Check

The State reserves the right to refuse any individual Contractor Personnel to work on State premises, based upon certain specified criminal convictions, as specified by the State.

[[Use only one of the Criminal Background Check paragraphs below, as applicable; delete the others. If no background check is required insert the following sentence:]]

A criminal background check is not required for Contractor Personnel.

A security clearance is not required for Contractor Personnel.

[[Otherwise adjust the paragraphs to meet IFB needs.

Contractor Is Responsible for Background Checks. Note: If only certain functions to be performed under the Contract necessitate a background check, the following background check requirement may be changed to designate those functions and limit background checks to Contractor and subcontractor personnel performing those designated functions, e.g., personnel in contact with vulnerable populations, personnel handling State funds, personnel conducting bookkeeping functions, personnel with access to Sensitive Data.]]

1. A criminal background check for each << Pick one: for any Contractor Personnel providing <<on-site OR any OR list specific services/roles impacted>> shall be completed << Pick one: prior to each Contractor Personnel providing any services under the Contract OR within four (4) months of Contract award OR describe what is appropriate.>>.
2. The Contractor shall obtain at its own expense a Criminal Justice Information System (CJIS) State and federal criminal background check, including fingerprinting, for all Contractor Personnel listed in sub-paragraph A. This check may be performed by a public or private entity.

[[OR]]

[[Department Is Responsible for Background Checks.]]

1. The Contractor shall obtain from each individual assigned to work on the Contract a statement permitting a criminal background check. The State will obtain a criminal background check for each individual using a source of its choosing. The Contract Monitor reserves the right to reject any individual based upon the results of the background check.

[[OR (for Temporary Personnel Contracts)]]

1. The Contractor shall obtain criminal background checks on candidates it sends for employment under the Contract. At a minimum, these checks must contain convictions and probation before judgment (PBJ) pleadings within the State of Maryland. This check may be performed by a public or private entity.

[[Keep when Contractor Performs the check, otherwise delete this paragraph:]]The Contractor shall provide the Contract Monitor with certification of completion of the required criminal background check described in this IFB for each required Contractor Personnel prior to assignment, and that the Contractor Personnel have successfully passed this check.

1. Persons with a criminal record may not perform services under the Contract unless prior written approval is obtained from the Contract Monitor. The Contract Monitor reserves the right to reject any individual based upon the results of the background check. Decisions of the Contract Monitor as to acceptability of a candidate are final.
2. The CJIS criminal record check of each Contractor Personnel who will work on State premises shall be reviewed and documented by the Contractor for convictions of any of the following crimes described in the Annotated Code of Maryland, Criminal Law Article:
   1. §§ 6-101 through 6-104, 6-201 through 6-205, 6-409 (various crimes against property);
   2. any crime within Title 7, Subtitle 1 (various crimes involving theft);
   3. §§ 7-301 through 7-303, 7-313 through 7-317 (various crimes involving telecommunications and electronics);
   4. §§ 8-201 through 8-302, 8-501 through 8-523 (various crimes involving fraud);
   5. §§9-101 through 9-417, 9-601 through 9-604, 9-701 through 9-706.1 (various crimes against public administration); or
   6. a crime of violence as defined in CL § 14-101(a).
3. Contractor Personnel that would have **access to systems supporting the State or to State data** who have been **convicted of a felony** or **convicted of a crime involving telecommunications and electronics** or **convicted within the past five (5) years of a misdemeanor from the above list of crimes** shall not be permitted to work on the Contract.
4. A particular on-site location covered by the Contract may require more restrictive conditions regarding the nature of prior criminal convictions that would result in Contractor Personnel not being permitted to work on those premises. Upon receipt of a location’s more restrictive conditions regarding criminal convictions, the Contractor shall provide an updated certification regarding the Contractor Personnel working at or assigned to those premises.

## On-Site Security Requirement(s)

[[If this section is inapplicable to this IFB, insert the following sentence:]]

THIS SECTION IS INAPPLICABLE TO THIS IFB.

[[If this section is applicable to this IFB, adjust as appropriate for this IFB:]]

1. For the conditions noted below, Contractor Personnel may be barred from entrance or leaving any site until such time that the State’s conditions and queries are satisfied.
   1. Contractor Personnel may be subject to random security checks when entering and leaving State secured areas and may be barred from entrance or exit until such time that the State’s conditions and queries are satisfied. The State reserves the right to require Contractor Personnel to be accompanied while in secured premises.
   2. Some State sites, especially those premises of the Department of Public Safety and Correctional Services, require each person entering the premises to document and inventory items (such as tools and equipment) brought onto the site, and to submit to a physical search of his or her person. Therefore, Contractor Personnel shall always have an inventory of tools being brought onto a site and be prepared to present the inventory, as well as the tools or equipment, to the State staff or an officer for review and inspection. Before leaving the site, the Contractor Personnel may again be required to present the inventory list and the tools or equipment for inspection. Upon both entering and exiting the site, State staff or a correctional or police officer may search Contractor Personnel. Depending upon facility rules, specific tools or personal items may be prohibited from being brought into the facility.
2. Any Contractor Personnel who enter the premises of a facility under the jurisdiction of the <<typeofAgency>> may be searched, fingerprinted (for the purpose of a criminal history background check), photographed and required to wear an identification card issued by the <<typeofAgency>>.
3. Further, Contractor Personnel shall not violate Md. Code Ann., Criminal Law Art. Section 9-410 through 9-417 and such other security policies of the agency that control the facility to which the Contractor Personnel seeks access. The failure of any of the Contractor Personnel to comply with any provision of the Contract is sufficient grounds for the State to immediately terminate the Contract for default.

### Bid/Proposal Bond Notice.

1. Solicitations for construction contracts reasonably expected by the procurement officer to exceed the small procurement threshold for construction in Md. Code Ann., State Fin. & Proc. (SFP) § 13-109 ($200,000 as of October 1, 2025) shall contain notice of bid/proposal security requirements (See COMAR 21.06.07).
2. Solicitations for all other contracts reasonably expected by the procurement officer to exceed the small procurement threshold in SFP § 13-109 ($100,000 as of October 1, 2025) and for which the Bid/Proposal Bond Attachment is included, shall contain notice of the bid/proposal security requirements.
3. Notwithstanding A and B of this section, notice of bid/proposal security is required if a federal law or a condition of federal assistance for the contract requires it.

### Construction Contract Retainage

[[If this solicitation does not require retainage, delete the entire section INCLUDING the section heading. If this solicitation does require retainage, (See COMAR 21.06.06.01) consult your oversight analyst and AAG.]]

See COMAR 21.06.06.01.