



BUREAU OF ENGINEERING & CONSTRUCTION
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
111 WEST CHESAPEAKE AVENUE, ROOM 205
TOWSON MD 21204

REQUEST for Expression of Interest

**Project No. 2024-01
On-Call Stormwater Design Services**

**Due Date: September 30, 2024
Time: 2:00 PM E.S.T.**

**ADDENDUM NO. 1
09/04/2024**

**Lisa Eicholtz, Acting Deputy Director
Department of Public Works & Transportation
410-887-3730
leicholtz@baltimorecountymd.gov**

**PLEASE SIGN BELOW ACKNOWLEDGING RECEIPT OF THIS ADDENDUM AND RETURN WITH
YOUR REQUEST FOR Expression of Interest PACKAGE**

Company Name

Signature

REQUEST for Expression of Interest

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1. On page 5-9, ADD:

SAMPLE CONTRACT

A sample contract can be found online at the link below.

<http://www.baltimorecountymd.gov/Agencies/publicworks/engineering/pssc/projectstobeassigned.html>

SUBMITTALS

Firms to be considered for award must submit a separate Standard Form 255 in response to each project by the Request for Expression of Interest deadline.

All sub-consultant specialties must be clearly indicated in the 255 form, Part 6.

A prime cannot subcontract to another prime in this project.

MINORITY BUSINESS ENTERPRISE AND WOMEN BUSINESS ENTERPRISE REQUIREMENTS (MBE/WBE): The resulting minority and women business participation requirement for this contract is 20%.

1. Each Prime Contractor must comply with all Minority Business Enterprise and Women Business Enterprises (MBE/WBE) participation requirements. Included with this solicitation package are copies of the County's MBE/WBE policy and provisions and MBE/WBE participation schedule forms. All MBE/WBE participation forms must be completed, executed, and **returned with the bid, proposal or qualifications** if a goal has been assigned. MBE/WBE participation forms are available online at www.baltimorecountymd.gov/go/mwbe or you may contact the buyer on the solicitation.
2. The Prime Contractor shall comply with the required participation levels on a cumulative basis for the full term of the contract. The Prime Contractor shall estimate the participation level (for the full term of the contract) for each subcontractor and/or supplier listed on the participation schedule.
3. If no minimum participation level has been assigned, the Prime Contractor shall nevertheless make a genuine good faith effort to comply with the County's MBE/WBE minimum participation goal even if the Prime Contractor has the capability to complete the work with its own workforce. The Prime Contractor shall make a good faith effort to obtain MBE/WBE subcontractor participation. The selected MBE/WBE subcontractor(s) must perform a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

Certified Minority-owned or Certified Women-owned Prime Contractors may count their participation for up to 50% of the solicitation goal. Certified firms must make a good faith effort to obtain MBE/WBE subcontractor participation for the remaining portion of the goal. Example: 20% MBE/WBE participation goal. Certified Minority-owned or Certified Women-owned firm bidding as the prime may count for 10% of the goal provided, they are self-performing the work. The remaining 10% must be subcontracted to an MDOT and/or City of Baltimore certified firm.

If the materials or supplies are purchased from an MBE/WBE supplier, 60% of the cost of the materials or supplies from the certified MBE/WBE supplier will be counted toward the MBE/WBE goal.

The failure of a Bidder/Offeror to properly complete and submit the appropriate MBE/WBE plan forms and, if applicable, required Good Faith Effort (GFE) documentation shall result in the bid/proposal being deemed as nonresponsive and not susceptible of being selected for award.

x.x Within 10 working days of receiving notification that the Bidder/Offeror is the apparent awardee, the Bidder/Offeror shall provide the following documentation to the Buyer:

a. BCG FORM C-Subcontractor MBE-WBE SUBCONTRACTOR PARTICIPATION NOTICE OF INTENT TO AWARD accompanied by a fully executed copy of the subcontract for each subcontractor.

b. Any other documentation required by the Buyer to ascertain Bidder's/Offeror's susceptibility of being selected for award in connection with the certified MBE/WBE participation goal.

NOTE: If the apparent awardee fails to return each completed document within the required time, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE APPARENT AWARDEE IS NOT RESPONSIBLE AND THEREFORE NOT SUSPECTIBLE FOR CONTRACT AWARD.

x.x Prospective Bidders/Offerors are advised to carefully review the Minority and Disadvantage Business Enterprise Package regarding MBE/WBE or DBE participation.

x.x **All MBE/WBE** subcontractors must be MDOT or Baltimore City certified at the time of bid/proposals submission to count towards the MBE/WBE solicitation subcontract goal.

x.x If the Bidder/Offeror is a certified Minority or Women Business Enterprise, it should be so indicated with the certification number in the Bid or Technical Proposal.

4. Under circumstances where mobilization payments are issued to the Prime Contractor, the subcontractor shall be paid an amount equal to their participation percentage no later than five (5) business days before they are required to mobilize to perform the contracted work.

The Prime Contractor shall submit proof of mobilization payment to subcontractors when the subcontractor performs their initial item of work in the MBE/WBE Compliance portal.

5. **Prompt Payment**

The Prime Contractor agrees to pay each subcontractor under this contract for satisfactory performance of its responsibilities under the applicable subcontract within 30 days of the subcontractor's satisfactory completion of the work as accepted by Baltimore County, Maryland. The Prime Contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's satisfactory completion of work. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Baltimore County, Maryland. This clause applies to both MBE/WBE and non-MBE/WBE subcontracts.

- The Prime Contractor shall report the subcontractor's mobilization cost as the initial payment in the PRISM Compliance Portal found under Compliance Reporting for Prime and Sub-Contractors at www.baltimorecountymd.gov/go/MBE/WBE.
- The Prime Contractor must include in its subcontract's language providing that the Prime Contractor and the subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes.
- The Prime Contractor will not be reimbursed for work performed by subcontractors unless and until the Prime Contractor ensures that the subcontractors are promptly paid for the work they have performed.
- Prime Contractors may be subject to liquidated damages pursuant to Maryland and/or Baltimore County law, to ensure that MBE/WBEs and other contractors are fully and promptly paid.

6. All Prime Contractors and MBE/WBE and/or DBE subcontractors are required to report monthly to the County through the online Compliance Portal (PRISM). The portal can be found under *Compliance Reporting for Prime and Sub-Contractors* at www.baltimorecountymd.gov/go/MBE/WBE. Prime Contractors must provide a contact person and contact information for the MBE/WBE compliance reporting. If the Prime Contractor cannot submit its report on time, it must notify the County MBE/WBE Office and request additional time to submit the report. Failure to report in a timely manner may result in a finding of noncompliance, and may result in a finding of default under the terms of the contract. The County, in its sole discretion, may require additional reports regarding MBE/WBE. Questions regarding the use of this system can be directed to the MBE/WBE Office at mwbe@baltimorecountymd.gov or call 410-887-3407.

UTILIZATION OF BALTIMORE COUNTY'S DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT

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.

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/vendor] may notify the Department of Economic and Workforce Development of employment opportunities to present qualified candidates to the [Contractor/vendor] for consideration. The [Contractor/vendor] 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>

CONFIDENTIALITY

Offerors must specifically identify any portions of their proposals deemed to contain confidential information, proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not be conclusive, and offerors may be required to justify why such material should not, upon written request, be disclosed by the County under the Public Information Act, State Government Article, Title 10, Sub-Title 6, of the Annotated Code of Maryland, as amended. The County may disclose such information if required by law, court order or subpoena.

SUBMITTAL DUE DATE

All required forms must be received electronically on or before, but not later than **2:00 p.m. E.S.T. on September 30, 2024**. Late or incomplete submittals will not be considered. Material submitted will not be returned. Do not bind or fax submittals.

Send to the attention of: hpanowicz@baltimorecountymd.gov

Engineering Design Division Chief
Bureau of Engineering and Construction
County Office Building Room 205
111 West Chesapeake Avenue
Towson, Maryland 21204

**Lauren Buckler, Acting Director
Department of Public Works and Transportation**