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February 18, 2016

Wharves at Choptank Crossing
Contract No. CO4125125
FAP No. STP-3(434)E

Addendum #2

To all Pre-Bid Meeting Attendees:

Meeting minutes and attendance sign in sheets from both pre-bid meetings are included with this addendum. Please note that the bid due date has been changed to Friday February 26, 2016 @ 2:00 pm. Please be sure to acknowledge receipt of this addendum on your completed bid form.

Questions regarding this addendum should be directed to:

Mr. Don Mulrine
Town Administrator
4 North 2nd Street
Denton, MD
(410) 479-2050 (p)
(410) 479-3534 (f)
DMulrine@dentonmaryland.com

Your attention is directed to the following revisions to the 02/05/2016 Pre Bid Meeting Notes

1. Item 12 should read "Change Orders and Qualified Bids: The lowest responsive responsible bidder will be selected. Town will not accept Change Orders."

Your attention is directed to the following revisions to the building plans.

1. Pile Specifications and Connection Details Sheet 1 of 1 by Sustainable Science, LLC dated 8/8/06 as referred to on Sheet 6 of the Choptank Design plans has been added to the plan set and is included with this addendum.

Your attention is directed to the following revisions to the Invitation for Bids Book. The following items are included with this addendum.

1. The Notice to Contractors regarding the Cargo Preference Act has been added.
2. The Affirmative Action Requirements Utilization of Disadvantaged Business Enterprises for Federal-Aid Contracts – Contract Goals has been updated.
3. Updated wage rates for Caroline County have been included.
4. The Town of Denton Proposal and Bid Forms have been added.
5. The Federal Proposal Form Packet has been updated.
6. The Notice to Contractor regarding requests for information, etc. has been updated.
7. Category 900 Materials, Section 901 – Aggregates has been updated.

Below are Requests for Information that have been received to date including responses provided by the Town.

1) The Wage Scale provided in the documents is for Cecil County, not Caroline. Please advise if this will be revised.

   A) The wage scale for Cecil County was mistakenly included in the IFB. The revised IFB included with this addendum includes updated wage rates for Caroline County.

2) Who will be responsible for submitting and obtaining building permits?

   A) Town will provide all Permits

3) Will the building permit fee and any related Town or County impact fees be waived for this project?

   A) Yes

4) Has the State Fire Marshall reviewed and commented on the building drawings?

   A) Currently under review.

5) Referring to the Pre-Bid Minutes, specifically which elements of the building will be design-build?

   A) All including Value Engineering principals

6) What form of proposal is to be used for submitting the bid?

   A) Provided in the Invitation for Bid Manual.

7) What form of contract will be signed?

   A) AIA

8) The building drawings do not appear to comply with either the IBC 2015 or IECC 2015. Who will be responsible for updating them, and the cost of compliance from the existing drawings?

   A) See the front page of the Building Drawing Package first line is about the IBC used for the Building

9) If the builder will be responsible to completing an IBC code-compliant set of drawings, will a Design-Build contract be signed?

   A) As Builds only

10) Will the contractor be required to complete a traffic control plan for this project?

   A) Completed is in the Bid Manual

11) Who will be responsible for a structural drawing and specification for the timber piles and installation, including depth and spacing? The Geo-technical report indicates recommendations, but we typically see a structural engineer design the specific foundation.

   A) Page 6 Rev. 4 includes pilling spacing, Missing Drawing for cross section of Pilling's will be provided.

12) Who will be responsible for the cost of the "Additional Services" recommended by GTA in page 13 of the Geotechnical Report?

   A) Not required

13) How is the building to be insulated (R-values and insulation types/methods?)

   A) Energy Code, with Town assistance in Value Engineering, suggest blow foaming technique.

14) The Town details on Sheets D1 - D3 cannot be read. Please provide clearer copies.

   A) Stop in, will provide a second copy (Email)

15) Please indicate the "basis of design" manufacturer and model for the wheelchair lift.

   A) Value Engineering, Design Build, as I explained to you.

16) The decking is indicated as pressure treated on the cover sheet, but as "man-made" in one of the details. Please clarify.

    A) Value Engineering, Design Build choose

17) Please provide a light fixture schedule to accompany the fixture designations on the Electrical plan.

    A) Design Build, your choice,

18) Is this building to be fire sprinkled? If so, please provide pressure and flow data from the nearest Town hydrant.

    A) No Sprinklers.

19) Who will be responsible for HVAC Design? For fresh air ventilation requirements?

    A) Design Build Methodology, minimum energy efficiency of 30 SEER required.

20) Where is the electrical service connection point?

    A) TBD, Your choice

21) Is the electrical service for this building provided by Choptank Electric or Delmarva Power?

    A) Delmarva Power

22) Will designed drawings be required by the Owner/Town for Mechanical/Electrical/Plumbing?

    A) NO, use supplied Drawings

23) Pre-Bid meeting minutes state that site demolition is complete, but a site visit indicates that there are still many items to be demolished. Please clarify what, if any, site demolition should be excluded from the bid.

    A) The removal of the asphalt from the former basketball court is included in the "Site Work" portion of the project.

24) Several of the site-work related permits appear to have expired. Please advise if there are updated permit documents, or permit extensions. (State Wetland License exp. Sept 2014; MDE Authorization to Proceed expired December 2015)

A) They are up to date (as I explained to you last week),

25) What is the last Day for submission of questions

A) February 26th @ 2:00

26) Will the visitor's center be treated as a commercial building with commercial code requirements, such as panic doors, central alarm for sprinkler system, separate fire service line,etc.?

A) Yes / No sprinkler

27) Plans by Choptank Design, sheet 6 states "For pile foundation information, specifications and connection details see Drawing 1 of 1 by Sustainable Science LLC, Denton, MD dated 8 Aug 2006." This referenced drawing is not found in the bid documents, can this be provided for review?

A) A copy of the plan is included in this addendum

28) Proposal form sheet 2 of 45 states to insert schedule of prices sheets, but there is no schedule of prices sheet included for submitting bid pricing. Can the schedule of pricing sheets be provided.

A) The bid form was mistakenly left out of the IFB. The revised IFB included with this addendum contains the bid form.

29) Geotechnical report calls for removing peat moss and any unsuitable materials as required to meet compaction requirements. Will this be handled under separate unit price contingency items for a) disposal of unacceptable materials; b) placement of select fill dirt to meet required compaction; c) placement of stone aggregate to meet required compaction; d) installation of geo-grid fabric as required to meet required compaction?

A) Will review as we find.

30) Piling installation required method is not shown on the plans, which would indicate what the requirements of pile driving will be with regards to required tip elevation, blow counts per foot (if hammer installation), or depth of embedment (if vibratory installation). A) Are there any restriction on the method of pile installation? B) Is there any specific details of pile driving requirements? C) Who will be responsible for geo-technical observations of pile driving, or will the project be subject to State inspector for observations?

A) Value engineering. Design build. We have a consultant on call if there is a soil problem. Note to place a notice of possible pockets we do not anticipate soil issue. Pilings to be installed as you propose.

31) The listed permits are regarding environmental permits for site work, what permits will be required from contractor for the visitor's center building, if any on government property?

A) Town will supply all permits

32) Have permits in the bid documents showing as expired been renewed, or will these be renewed by the bid date?

A) They are not expired

33) Is there a list of must have features for the visitor's center?

A) No

34) How long must the pricing proposal be valid for?

A) 60 days, we hope to select and approve by March 4th

PLANNING AND CODES
TOWN OF DENTON

TO: ALL BIDDERS

DATE: 02/05/2016

RE: 02/05/2016 Pre Bid Meeting Notes

Encl: Bid Sign In Sheet listing attendees

CC: Donald H. Mulrine, Jr., Town Administrator
e-copy Lisa Orendorf, Zoning Administrator
File

Meeting Start Time: 10.00 AM
Date: 02/05/2016
Presenter: D. Mulrine, Town Administrator and Project Manager

Discussion – Edited for Brevity –

1. Design: *the building is a new visitor center. Some elements of Design-Build process is required for the building.*

2. Bid Extension: *Anticipate Bid Due date addendum. New due date is 02/26/2016 at 2 PM.*

3. Additional Pre-Bid Meeting: *another pre-bid meeting scheduled for 02/12/2016 at 10 AM, same time to accommodate late entries.*

4. Town Council Approval: *Anticipate Town Council acceptance of bid proposal for 03/04/2016 regular Town Council Meeting.*

5. Groundbreaking: *Groundbreaking Ceremony is to occur at the end of March 2016 with dignitaries.*

6. Phases of Work: *Phase I, is the building pilings and building. Phase II is the road and site work. Crouse park is to remain open during construction. During Phase II, temporary closures may be required.*

7. Percentage Bid Bond (Question): *Per specifications, Bid Bond is 5% as required by the State.*

8. Start Date: *Anticipated start date is end of March 2016.*

4 N. Second Street, Denton, MD 21629 410-479-3625 410-479-3534 (fax)

9. Funding: *$500,000 immediately available (in bank), $400,000 readily available from the State. $900,000 is Federal and State reimbursement and should expect additional processing times.*

10. Request for Information: *email all RFI's to D. Mulrine, dmulrine@dentonmaryland.com and copy T. Batchelor at tbatchelor@dentonmaryland.com and the Town will coordinate with consultants.*

11. Demolition: *demolition is removed from the contract since the Work is completed.*

12. Change Orders and Qualified Bids: *most qualified bid to be selected. Town will not accept Change Orders.*

Notes by: Thomas E. Batchelor, Acting Director / Senior Code Official

TOWN OF DENTON

4 North 2nd Street, Denton MD 21629 (410) 479-3625 phone(410) 479-3534 fax www.dentonmaryland.com

BID / CONSTRUCTION MEETING SIGN UP LOG

Please Sign In below as record of your attendance

NO.	NAME / COMPANY	PHONE CONTACT	EMAIL ADDRESS
1	Bridges Site Utilities	410-310-0866	bridgessu@gmail.com
2	Rick Shorter / J.W. Tiedler Inc	410-228-5262	jb@tiedler controls.com
3	Don Murray / Gillis Gilkerson	410-249-4821	dmurray@gillisgilkerson.com
4	Craig Hawkins f.k. Peter Schlosser / W.M. Schlosser	301-773-1300	pschlosser@wmschlosser.com
5	WAYNE MYERS / ABCI	410-763-9681	wmyers@ABCI.biz
6	Justin Hiner / Willow Construction LLC	410-922-6000	justin@willowconstruction.com
7	Mike Boiocco / Kercher Eng	302-894-1098 x113	MTB@KERCHEREI.com
8	Jim Lober	302-994-1098 x308	jlober@kercherei.com
9	Choptank Excavating / David Blough	410-829-2558	davidblough@choptanksupply.com

BID SIGN UP SHEET
FORM C-14-01 Last Update 02-04-2016)

NO.	NAME / COMPANY	PHONE CONTACT	EMAIL ADDRESS
10	Joshua Schnitz / Rick Breeding Exc	410 479 0145	jcbei @ verizon.net
11	MIKE KUECHLER CHESAPEAKE TURF	410 708 9711	MICHAELK@CHESAPEAKETURF.COM
12	T. BATCHELOR, TOD.	410 479.3625	T. BATCHELOR @ DENTONMARYLAND.COM
13	D MULRINE, TOD	410 479.2050	DMULRINE @ DENTONMARYLAND.COM
14	L. OLENDOLF, TOD.		
15	G. SLATER, SHA		
16	B. Deane, SHA	410 545 5595	BDeane@sha.state.md.us
17	Benson Harper / Harper & Sons Inc	410 820 2000	bharper@harperandson.com
18			
19			
20			

Davis-Bacon Wage Act may apply. Minority business owners are encouraged to submit a proposal. No Bidder may withdraw their bid for sixty (60) days after the actual opening. The Town of Denton reserves the right to reject any and all bids, and/or waive informalities or irregularities, and/or to accept or reject any items of any bid, as it may deem best for its interest. The bids will be evaluated and award will be made to the lowest responsive, responsible bidder.

PLANNING AND CODES
TOWN OF DENTON

TO: ALL BIDDERS

DATE: 02/16/2016

RE: 02/12/2016 Second Pre Bid Meeting Notes

Encl: Bid Sign In Sheet listing attendees at the 2nd Meeting

CC: Jim Lober / Mike Bacca
e-copy Donald H. Mulrine, Jr., Town Administrator
Lisa Orendorf, Zoning Administrator
File

Meeting Start Time: 10.00 AM
Date: 02/12/2016
Presenter: D. Mulrine, Town Administrator and Project Manager

Discussion – Edited for Brevity –

1. *EDITOR'S Note – Project Scope of Work substantially followed the same as the first Pre-Bid meeting.*

2. Design: *the building is a new visitor center. Some elements of Design-Build process is required for the building.*

3. Bid Extension: *Anticipate Bid Due date addendum. New due date is 02/26/2016 at 2 PM.*

4. Town Council Approval: *Anticipate Town Council acceptance of bid proposal for 03/04/2016 regular Town Council Meeting.*

5. Ceremonial Groundbreaking: *Sometime at the end of March, a groundbreaking is to be held with dignitaries from local and State government. Date of ceremonial groundbreaking is latter part of March. Exact date will be provided by Owner.*

6. Phases of Work: *Phase I, is the building pilings and building. Phase II is the road and site work. Crouse park is to remain open during construction. During Phase II, temporary closures may be required.*

7. Permit requirement: *ACOE, DNR, and other agency permits are current. Town will submit and obtain local permit approvals. Contractor will need to coordinate*

surveyor for As Built and completion of Elevation Certificate (Floodplain Management requirement).

8. Start Date: *Anticipated start date is end of March 2016.*

9. Funding: *$500,000 immediately available (in bank), $400,000 readily available from the State. $900,000 is Federal and State reimbursement and should expect additional processing times.*

10. Request for Information: *email all RFI's to D. Mulrine, dmulrine@dentonmaryland.com and copy T. Batchelor at tbatchelor@dentonmaryland.com and the Town will coordinate with consultants.*

11. Storage: *State Highway Administration has approved storage under the bridge (if required) for staging. Town has and may provide location for stockpiling of fill and site materials if needed.*

12. Change Orders and Qualified Bids: *most qualified bid to be selected. Town will not accept Change Orders. The project is Value-Engineered / Design Build to mitigate cost increase.*

13. Infrastructure (Other): *Water and sewer is existing onsite (Editor Note: Town owns pump station at the park).*

Notes by: Thomas E. Batchelor, Acting Director / Senior Code Official

Paul Curren, LEED AP BD+C
Project Manager

THE WHITING-TURNER CONTRACTING COMPANY
www.whiting-turner.com

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Salisbury, Maryland 21801
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Email: paul.curren@whiting-turner.com

TOWN OF DENTON

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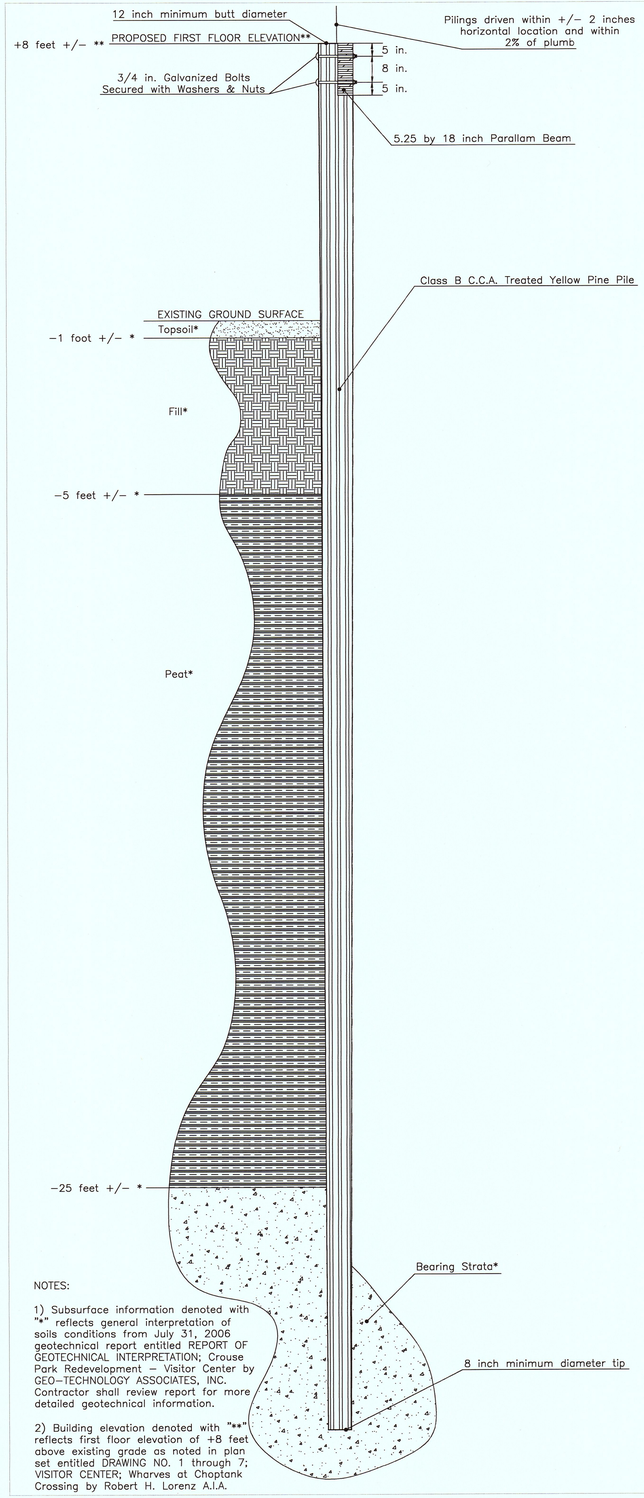
BID / CONSTRUCTION MEETING SIGN UP LOG

Please Sign In below as record of your attendance

NO.	NAME / COMPANY	PHONE CONTACT	EMAIL ADDRESS
1	Rick DeFonte H&H Builders	302-735-9900	rick@ H&H Builders inc.com
2	RAY STRAUSS "	"	RAY @ H-H BUILDERS INC.COM
3	Lee Beauchamp Delmarva Veteran Builders	443-880-2301	Lee @delmarvaveteranbuilders.com
4	Benson Harper Harper & Sons Inc	410-820-2000	bharper@harpersandson.com
5	DON MULRINE TOD	410.479 2050	DMULRINE @ DENTONMARYLAND.COM
6	TOM BATCHELOR TOD	410 · 479 3625	TBATCHELOR @ DENTONMARYLAND.CO
7	LISA ORENDORF TOD.	- CONTACT ABOVE -	
8	J.M LOBER KEI.		
9	PAUL CURREN	WHITING TURNER - SEE CARD. -	

BID SIGN UP SHEET
FORM C-14-01 Last Update 02-04-2016)



NOTES:

1) Subsurface information denoted with "*" reflects general interpretation of soils conditions from July 31, 2006 geotechnical report entitled REPORT OF GEOTECHNICAL INTERPRETATION; Crouse Park Redevelopment – Visitor Center by GEO-TECHNOLOGY ASSOCIATES, INC. Contractor shall review report for more detailed geotechnical information.

2) Building elevation denoted with "**" reflects first floor elevation of +8 feet above existing grade as noted in plan set entitled DRAWING NO. 1 through 7; VISITOR CENTER; Wharves at Choptank Crossing by Robert H. Lorenz A.I.A.

TIMBER PILING SPECIFICATIONS

GENERAL

1.1 DESCRIPTION

The Contractor shall furnish all labor, materials and equipment necessary to construct pile foundations as shown on the Drawings, as described in this specification and as directed by the Engineer including:

A. Timber Piling and Hardware

B. Protective Pile Caps

1.2 MATERIALS

A. Timber: All timber shall be Southern Yellow Pine unless otherwise approved by the Engineer. Virginia Pine is not acceptable. Timber shall be free from all defects, that will impair its strength and durability. All timber shall comply with the following specifications.

1. Round Timber Piles:

a. General Quality: Piles shall be Class B and meet the requirements of the ASTM D-25 "Standard Specifications for Round Timber Piles", except as modified by the Drawings and Specifications. Piles shall be cut from sound, live trees and shall be free from decay and insect attack. Piles shall be cut above the ground swell and have a gradual taper from the butt to the tip. Piles shall be free from defects as holes, scars, checks, shakes, splits, twist of grain, compression wood and knots as required by ASTM D-25.
b. Sizes: Pile length shall be sufficient to achieve the minimum bearing on each as noted. PRIOR TO ORDERING OF PILES, TWO (2) FIFTY (50) FOOT LONG TEST PILES (12 inch minimum butt, 8 inch minimum tip) SHALL BE DRIVEN AT THE PERMANENT POSITION OF THE PILES. These piles are to verify the estimated pile lengths prior to ordering piling. The test piling shall be driven in locations as directed by the Engineer. In the event that the pile lengths are changed, the contract price shall be changed in accordance with the "ADD/DEDUCT Bid Items" shown in the proposal. PILE LENGTHS FOR THE PURPOSES OF THE BID PROPOSAL ARE TO BE ESTIMATED AS 40-FOOT LENGTHS FOR ALL BUILDING PILINGS.
c. Sapwood: Piles shall have a minimum sapwood thickness of three (3) inches. The sapwood shall be measured continuously along the radius at the butt of the pile.
d. Straightness: Piles shall be within a straightness requirement where a line drawn from the center of the tip to the center of the butt does not fall outside the center of tthe pile at any point by more than 2% of the length of the pile.
e. Peeling and Cutting: Prior to treatment, piles shall be clean peeled of all outer bark and at least a minimum of 80% of the inner bark. The butts and tips of piles shall be sawed square with the axis of the pile. The allowable tolerance shall be 10% from square.

2. Bolts and Nuts: All bolts and nuts shall conform to ASTM Specification A-307 for Grade-A Steel and shall have hexagonal heads.

3. NYDD and Standard Cut Washers: Washers shall be fabricated from a commercial grade steel and conform to ASTM Specification Designation F 844-83 with the exception that galvanizing shall be as specified below.

4. Threads: Threaded fasteners shall be of the cut type with the shank and outside thread diameters being at least equal to the nominal diameter of the fastener. All threads shall be cut prior to galvanizing. All bolts shall show a minimum of 1/4 inch of thread on the outside face of the nuts.

5. Galvanizing: All of the above hardware shall be hot-dipped galvanized in accordance with ASTM D A-153. The zinc coating shall be Class A, one (1) ounce of zinc per square foot of hardware surface.

B. Miscellaneous Materials:

1. Spot Treatment: All field cuts, trimmed areas and holes shall be treated with two (2) coats of copper napthanante or approved equivalent.

2. Coal Tar Epoxy: Coal tar coating for pile tops shall be a trowel grade, coal tar epoxy spread by trowel to a minimum 1/4 inch thickness.

1.3 TREATMENT

A. C.C.A. Treatment: All piles shall be pressure treated with C.C.A. – Type C in accordance with the requirements of the American Wood Preservers Association Standard P5 to a final net retention of not less than 2.5 pounds of chromated copper arsenate per cubic foot of wood as determined by chemical assay according to AWPA Standard A2.

B. Branding and Tagging: Treated materials shall be branded or tagged after treatment for identification. Branding of piles shall be accomplished three (3) feet from the butt by burning on the surface with legible lettering the supplier's brand, plant designation, date of treatment, species of timber, type of preservative and retention of preservative. Lumber shall be tagged with the appropriate information.

1.4 CERTIFICATION:

Prior to delivery of materials to the construction site, the Contractor shall supply to the Engineer the following certifications:

A. Timber Certificate: A notarized certificate attesting to the fact that all timber meets the requirements of the drawings as to species, grade strength and size.

B. Certificate of Treatment: A notarized certificate from the supplier indicating that all timber meets the specifications as to type of C.C.A. Treatment used, method of application and final net retention by assay in pounds per cubic foot of wood. The certificate shall include the number of pieces involved and their description. Accompanying the certificate shall be a copy of the Charge Report and a copy of the chart obtained from the combination recorder were certified by a particular inspection agency.

C. Hardware Certificate: A notarized certificate indicating that all hardware meets these specifications as to galvanizing and steel type. The certificate shall list all materials in detail.

1.5 INSPECTION AND TESTING:

A. All materials shall be inspected and tested by an independent inspection agency/laboratory acceptable to the Engineer in order to insure compliance with th specifications, AWPA Standards and other specified standards. MATERIAL INSPECTION MUST BE PERFORMED BY AN SHA APPROVED LABORATORY OR TESTING AGENCY.

B. Inspection and testing of timber materials from approved treatment plants shall be performed by an independent firm retained by the Contractor at his expense.

C. The inspection and testing of timber materials shall be carried out in accordance with the Grading Rules of the Southern Pine Inspection Bureau and the AWPA Standard M2. These inspections shall be performed before treatment and after treatment, preferably on complete orders and only at the treating plants.

D. Before ordering any materials, the Contractor is required to notify the Engineer of the source from which he proposes to obtain all timber and hardware materials and shall make available to the material supplier (and independent firm, if applicable) copies of the project drawings and specifications.

E. Acceptance or rejection of materials shall be made on the basis of adherence to the specified standards. Rejected materials shall be replaced and/or retreated. The treating plant shall incur the cost of inspecting replaced or retreated materials. An independent inspection agency acceptable to the Engineer shall be retained for this purpose at the Contractor's expense.

F. The Engineer reserves the right to reject any individual timber pieces not meeting the specified requirements. The Contractor shall be responsible for the replacement of any materials rejected at the project site.

G. Accepted timber materials shall be identified by hammering with an identifiable mark as evidence of inspection and testing. All required paperwork including certificates and test reports shall be made available to the Engineer prior to the release of the materials from the treating plant. Materials shall not be delivered to the project site without prior notification and approval of the Engineer.

1.6 STORAGE OF MATERIALS:

A. The method of storing and handling materials at the construction site shall be such as to avoid injury and to protect them against the weather. Piles shall be arranged so that they are not subjected to unequal forces, that will tend to twist or warp them. Lumber shall be stored a minimum of twelve (12) inches above the ground to provide ventilation, piled and covered to shed water and to prevent warp. The Contractor will be required to provide suitable covering to protect the materials from the weather.

B. Because of the proximity of public recreation facilities and limited work area, the Contractor shall exercise extreme care in his construction operations. The Contractor shall secure the written approval of the Engineer at the preconstruction conference for the particular method of ingress and egress, work execution strategy and storage of materials prior to beginning work.

1.7 METHOD OF CONSTRUCTION (TIMBER PILING):

A. The Contractor shall notify "MISS UTILITY" ((1-800-257-7777) 48 hours in advance of working in the area. The notification of "MISS UTILITY" is required whenever any pile driving, excavating or similar work is to be performed. The Contractor will be responsible for maintaining all required minimum distances of his equipment from the adjacent aerial electrical facilities and/or coordinating the shielding of his equipment (if required) from the aerial electrical lines with the power company. Pile driving operations shall be monitored by the Contractor to ensure that no damage from the pile driving operations is caused to adjacent utilities of nearby structures. Contractor will be responsible for repairing any damages caused by his driving operations.

B. A pile-driving schedule and layout plan shall be developed by the Contractor indicating the type, location, proposed method of driving and estimated driving lengths and capacities. Minimum capacity shall be for a driving resistance of twenty-three (23) tons for Class B piles. All changes in the approved pile layout or driving procedure shall be submitted to the Engineer for approval. THE ENGINEER OR HIS DESIGNATED REPRESENTATIVE SHALL BE PRESENT DURING ALL PILE DRIVING OPERATIONS AND WILL KEEP A RECORD LOG OF THE DRIVING OPERATIONS INCLUDING PILE LOCATION, EQUIPMENT, HAMMER TYPE, BLOW COUNTS PER FOOT AND TOTAL INSTALLED LENGTH.

C. All field cuts, trimmed areas and holes shall be given two coats of copper napthanate wood preservative treatment or approved equivalent in accordance with the manufacturer's instructions.

D. ALL PILES SHOWN IN THE DRAWING SHALL BE DRIVEN BY GRAVITY, STEAM OR DIESEL HAMMER AS APPROVED BY THE ENGINEER. The same hammer used to drive the test piles shall be used for the production pile installation. Driving criteria shall be established by means of the Modified Engineering News Formula or the Gates Equation based upon the hammer used. Driving shall be continuous without intermission until the pile has been driven to the required penetration.

E. All piles shall be driven to a minimum tip elevation of -25 feet MSL and deeper as required to achieve the driving resistance of twenty-three (23) tons per pile. Total pile lengths with ten (10) foot stick up is currently estimated to correspond to lengths of 40 to 45 feet. It is possible that piles may be up to twenty percent (20%) shorter or longer than the currently estimated lengths.

F. Any obstructions encountered during the pile driving operation shall be excavated and removed prior to continuing driving operations.

G. Broken or shattered piles shall not be accepted. Piles shall not be more than two (2) inches horizontally out of place and not more than two (2) percent out of plumb. Piles damaged by overdriving or which do not conform to the above tolerances shall be removed and replaced with new piles at the Contractor's expense.

H. During driving, the top of the piles shall be protected from damage by using a head or cap. The head or cap shall cover the entire surface of the top of the pile. Trimming of the top of the pile to fit the cap shall be kept to a minimum. Damage to the top of the pile shall be restricted to the top six (6) inches.

I. After driving, the length of pile remaining above the elevation of cutoff shall not be more than six (6) inches for damaged piles. The top of piles shall be sawed to a true plane of elevation as indicated on the drawings. Cut off of piles shall not take place without the approval of the Engineer. Pile cutoffs shall be stockpiled by the Contractor as directed by the Engineer.

J. Pile connections to the building shall be as shown on the connection details on this plan sheet.

STATE OF MARYLAND
ROBERT McCULLOUGH III
No. 19916
REGISTERED
PROFESSIONAL ENGINEER

DATE:	August 8th, 2006	SCALE:	As Shown
REVISION DATE:	NONE	DESIGN BY:	A. McCullough
REVISION TYPE:		DRAWN BY:	A. McCullough
REVISION DATE:	NONE	CHECKED BY:	A. McCullough
REVISION TYPE:		SS PROJECT NO:	06001
REVISION DATE:	NONE	SHEET NUMBER	7 OF 7
REVISION TYPE:			

SUSTAINABLE SCIENCE LLC
Ecological Engineering Services
405 Second Street
Denton, Maryland 21629
Phone: (410)924-4916
www.sustainablescience.com

PILE SPECIFICATIONS & CONNECTION DETAILS

VISITORS CENTER
Wharves at Choptank Crossing / Crouse Memorial Park
Caroline County, Maryland
Denton, Maryland

NOTICE TO CONTRACTORS

CARGO PREFERENCE ACT (CPA)

All Contractors and Sub-Contractors are to be in compliance with the requirements of 46 CFR Part 381 and incorporate by reference the recommended clauses in 46 CFR 381.7(a)-(b) - ("Contractor and Subcontractor Clauses. "Use of United States-flag vessels")

(a) Agreement Clauses. "Use of United States-flag vessels:

"(1) Pursuant to Pub. L. 664 (43 U.S.C. 1241(b)) at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds granted, guaranteed, loaned, or advanced by the U.S. Government under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned United States-flag commercial vessels, if available.

"(2) Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (a)(1) of this section shall be furnished to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development. Maritime Administration, Washington, DC 20590."

(b) Contractor and Subcontractor Clauses. "Use of United States-flag vessels: The contractor agrees-

"(1) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment. material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

"(2) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States. a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

"(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract”.

Guidance documents for this requirement, including the 12/11/2015 policy memo, the 12/8/2015 legal opinion and a page of Q&A's are available on the CPA construction Program Guidance page:

https://www.fhwa.dot.gov/construction/cqit/cargo.cfm

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

AFFIRMATIVE ACTION REQUIREMENTS
UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES
FOR FEDERAL-AID CONTRACTS

CONTRACT GOALS

FOR THE PURPOSE OF THIS CONTRACT, A GOAL OF **Eleven** PERCENT (11%) HAS BEEN ESTABLISHED FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES THAT ARE OWNED AND CONTROLLED BY – THOSE INDIVIDUALS WHO ARE BLACK AMERICANS, HISPANIC AMERICANS, ASIAN-PACIFIC AMERICANS, SUBCONTINENT ASIAN AMERICANS, NATIVE AMERICANS, OR WOMEN PURSUANT TO THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT) MINORITY BUSINESS ENTERPRISE PROGRAM:

It is the policy of the Maryland Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 26 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) shall have an equal opportunity to participate in the performance of the contracts financed in whole or in part with Federal funds under these agreements. Consequently, the disadvantaged business enterprise requirements of 49 CFR Part 26 and SAFETEA-LU apply to this agreement.

The bidder agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 and SAFETEA-LU have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all bidders shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 and SAFETEA-LU to ensure that disadvantaged business enterprises have an equal opportunity to compete for and perform on Federally funded contracts.

The Maryland State Highway Administration, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. "

A. GENERAL

For the purpose of these requirements, the following terms as defined below shall apply:

Administration Representative – A DBE/MBE Officer or employee of an Administration who enforces the laws and regulations pertaining to disadvantaged and minority business enterprise and contract compliance.

Affirmative Actions – Specific steps taken to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve disadvantaged and minority business enterprises fully in contracts and programs.

Business Enterprises – Any legal entity which is organized in any form other than as a joint venture (e.g., sole proprietorship, partnership, corporation, etc.) to engage in lawful commercial transactions.

Certified Business – A business which by order of the Chair/MBE Advisory Council or his/hers designee, has been certified as a bona fide DBE/MBE. MDOT certification does not equate to a pre-qualification status.

DBE – Disadvantaged Business Enterprise – Reference 49 CFR, Part 26, Subpart A) a small business concern: (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals. Where stock ownership is involved, the disadvantaged owner(s) shall own at least 51 percent of each class of voting stock and at least 51 percent of the aggregate of all classes of stock that have been issued (also applies to publicly owned businesses); and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who have ownership. In this specification the terms MBE and DBE have the same meaning.

DBE/MBE Directory – A compilation of businesses certified by MDOT as disadvantaged, minority, or socially and economically disadvantaged businesses. The directory will be published annually with quarterly supplements. It will also be provided in automated format and on the Internet to be updated as changes are made.

DBE/MBE Participation Packet – The documents submitted by the bidder or proposer pursuant to the appropriate special bid provisions. The DBE/MBE Participation Packet consists of the Certified DBE Utilization and Fair Solicitation Affidavit and the DBE Participation Schedule, both of which must be submitted with your bid or initial price proposal. The DBE Participation Packet also includes the following documents, which shall be submitted after bids or proposals are opened: Outreach Efforts Compliance Statement (MDOT-OP-018-2), DBE Subcontractor Project Participation Affidavit (MDOT-OP-019-2), MDOT Joint Venture Disclosure Affidavit (D-EEO-006), and Minority Contractor Unavailability Certificate (OOC46).

DBE/MBE Program – A program developed by MDOT to implement the requirements of Title 14, Subtitle 3 of the State Finance and Procurement Article, Annotated Code of Maryland; Title 10, Subtitle 3 of the State Finance and Procurement Article of the Annotated Code of Maryland for Leases of State-Owned Property; and 49 CFR, Part 26, Subparts A and C for all Federal Department of Transportation Financial Assistance Programs.

Director, Office of Equal Opportunity – The individual designated for the Administration's overall MBE compliance.

Joint Venture – An association of a DBE/MBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills, and knowledge, and in which the DBE/MBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Small Business Administration (SBA) 8(a) Certification – The SBA 8(a) Certification Program is a Federal Program which establishes firms as disadvantaged and eligible for participation in the Federal SBA Program.

Socially and Economically Disadvantaged Individual Pursuant to 49 CFR, Part 26 – Those individuals who are citizens of the United States (or lawfully admitted permanent residents). For convenience, these individuals and groups are referred to as "minorities" in this document and who are:

1. Found by the MDOT to be socially and economically disadvantaged on a case-by-case basis;

2. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged.

   a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

   b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

   c. "Native Americans," which includes persons who are American Indian, Eskimos, Aleuts, or Native Hawaiians;

   d. "Asian-Pacific Americans," which included persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

   e. "Subcontinent Asian American," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

   f. Women;

3. Only those persons whose personal net worth does not exceed $750,000 may be found to be economically disadvantaged.

B. DBE/MBE and Good Faith Effort Requirements

1. This contract includes a DBE participation goal for subcontracting and/or procurement of materials and/or services. Bidders (or offerors) must make a good faith effort to meet the DBE participation goal **before bids or proposals are due**, including outreach efforts. A bid or initial proposal must include both a completed and executed Certified DBE Utilization and Fair Solicitation Affidavit and DBE Participation Schedule. The failure of a bidder to complete and submit these documents shall result in a determination that the bid is not responsive. The failure of an offeror to complete and submit these documents shall result in a determination that the proposal is not susceptible of being selected for award.

2. In making a good faith effort to achieve the DBE goal, prior to completing the Certified DBE Utilization and Fair Solicitation Affidavit and the DBE Participation Schedule and

prior to submitting a bid or initial proposal the bidders (or offerors) including those bidders or offerors that are certified DBEs must:

a. Identify specific work categories within the scope of the procurement appropriate for subcontracting and/or procurement of materials and/or services;

b. **Solicit DBEs in writing at least 10 days before bids or initial proposals are due,** describing the identified work categories and providing instructions on how to bid on the subcontracts and/or procurement of materials and/or services;

c. Attempt to make personal contact with the DBEs solicited and to document these attempts;

d. Assist DBEs to fulfill, or to seek waiver of, bonding requirements; and

e. Attend prebid or other meetings the procurement agency schedules to publicize contracting opportunities to DBEs.

3. All firms bidding on a Federal-Aid Contract shall submit the name and address of all subcontractors, service providers and suppliers that submitted quotes on the Contract. All subcontractors, service providers and suppliers shall complete and submit the form entitled Contractor Information, to the Administration.

4. The bidder shall seek commitments from disadvantaged business enterprises by subcontracting and/or procurement of materials and/or services, the combined value of which equals or exceeds the appropriate percent (goal) of the total value of the prime contract. A bidder may count toward its DBE goals expenditures for materials and supplies obtained from DBE regular dealers and/or manufacturers provided that the DBEs assume the actual and contractual responsibility for the provision of the materials and supplies. The bidder may count its entire expenditure to a DBE manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale). The bidder may count sixty (60) percent of its expenditures to a DBE regular dealer that is not a manufacturer, provided that the DBE supplier performs a commercially useful function in the supply process. The apparent low bidder shall submit to the Administration, within ten (10) business days after notification that it is the apparent low bidder, an acceptable Affirmative Action Plan for the utilization of Disadvantaged Business Enterprises in this Contract. The Contract will not be awarded without the Bidder's AAP being approved by the Administration.

The Affirmative Action Plan shall include as a minimum:

a. The name of an employee designated as the bidder's liaison officer for minority affairs.

b. A complete DBE Subcontractor Project Participation Affidavit (MDOT-OP-019-2), using contractors whose names appear in the DBE/MBE directory or who are otherwise certified by MDOT as being a disadvantaged business enterprise. Except as permitted by law and approved by the Administration, this affidavit shall include all DBE firms identified on the DBE Participation Schedule with a percentage of participation that meets or exceeds the percentage of participation indicated in the bid or initial proposal.

c. A completed Outreach Efforts Compliance Statement (MDOT-OP 018-2).

5. When a bidder intends to attain the appropriate goal for disadvantaged business enterprise participation by use of a joint venture, the bidder shall submit a Joint Venture Disclosure Affidavit (Form D-EEO-006-A) showing the extent of disadvantaged business participation. If a bidder intends to use a joint venture as a subcontractor to meet its goal, the affidavit shall be submitted through the bidder by the proposed subcontractor and be signed by all parties. A DBE, even in a joint venture arrangement shall be certified as a DBE by MDOT prior to being included in the Affirmative Action Plan.

6. Where the proposed DBE participation does not meet the DBE contract goals, sufficient evidence to demonstrate that the bidder has taken all necessary and reasonable steps to make a good faith effort to meet these goals shall be required.

7. Determination of Bid Responsiveness for Federal-Aid Contracts

If the bidder is unable to secure from DBEs by subcontracting and/or by procurement of materials and/or services, commitments which at least equal the appropriate percent (goal) of the values of the prime Contract at the time of bid, he shall request, in writing, a waiver of the unmet portion of the goal. This request must be initiated by checking the appropriate box on the Certified DBE Utilization and Fair Solicitation Affidavit submitted with the bid or initial proposal.

The waiver may be granted by the Administrator. To obtain approval of a waiver, the bidder shall submit the following information:

a. A detailed statement of efforts made prior to bid to contact and negotiate with DBEs including: (i) the dates, names, addresses, and telephone numbers of DBEs who were contacted; (ii) a description of the information provided to DBEs requesting the plans, specifications, and anticipated time schedule for portions of the work to be performed and (iii) a detailed statement of the reasons why additional prospective agreements with DBEs were not reached;

b. A detailed statement of the efforts made to select portions of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the stated goals;

c. For each DBE that the Contractor considers not qualified, but from which a bid has been received, a detailed statement of the reasons for the bidder's conclusion; and

d. For each DBE contacted but unavailable, (i) a Minority Contractor Unavailability Certificate (Form OOC46) signed by the disadvantaged business enterprise, or (ii) a statement from the bidder shall be submitted that states that the DBE refused to sign the Certificate.

8. Guidance concerning good faith efforts. The following is a list of the types of actions and factors that will be used to determine the bidder's or offeror's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

(1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid

meetings, advertising and/or written notices) the interest of certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

(2) Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the bidder or offeror might otherwise prefer to perform these work items with its own forces.

(3) Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

(4) **(a)** Negotiating in good faith with interested DBEs. It is the bidder's or offeror's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation.

(b) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders and offerors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

(5) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

(6) Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

(7) Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

(8) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

(9) In determining whether a bidder or offeror has made good faith efforts, you may take into account the performance of other bidders or offerors in meeting the contract goal. For example, when the apparent successful bidder or offeror fails to meet the contract goal, but others meet it, the Administration may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder or offeror could have met the goal. If the apparent successful bidder or offeror fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders or offerors, the Administration may view this, in conjunction with other factors, as evidence of the apparent successful bidder or offeror having made good faith efforts.

9. Bidder Use of DBE Special Services

The bidder shall consider, whenever possible, utilizing the services of minority-owned banks. Most minority banks are full-service corporations that can provide an array of financial services such as Treasury and Tax Loan fund accounts, time and demand deposit accounts, payroll services, and if needed, organization investment counseling.

10. Bidder Records

The bidder shall maintain records showing actions which have been taken to comply with procedures set forth herein.

11. Bidder Cooperation

The bidder shall cooperate with the Administration Representative in any reviews of the Contractor's procedures and practices with respect to DBEs which the Administration Representative may from time to time conduct.

12. Bidder DBE Modifications

During the life of the Contract, all plans to modify the approved DBE participation program will require the approval of the Administrator or his authorized representative. This shall include any changes to the items of work to be sublet or materials and services to be obtained which differ for those in the original DBE participation program. Any such request for revisions shall be directed to the appropriate District Engineer for their disposition.

C. RECORDS AND REPORTS

1. The Contractor shall keep such records as are necessary to determine compliance with its Minority Business Enterprise utilization obligations. The records kept by the Contractor shall be designed to indicate:

a. The name of disadvantaged and non-disadvantaged subcontractors and suppliers, the type of work materials or services being performed on or incorporated in this project, and the monetary value of such work materials or services.

b. Documentation of all correspondence, contacts, telephone calls, etc., to obtain the services of disadvantaged business enterprises on this project.

c. The progress and efforts made in seeking out disadvantaged contractor organizations and individual disadvantaged contractors for work on this project.

2. Information required to be submitted for Federally Assisted contracts in accordance with 49 CFR Part 26:

a. All bidders (not only the apparent successful bidder) shall provide the following information:

(1) The age of the bidding firm; and

(2) The annual gross receipts of the bidding firm.

b. All bidders (not only the apparent successful bidder) shall provide the following information for each firm quoting or considered as subcontractors:

(1) The name of firm; and

(2) The address of firm.

c. The Administration will contact each of the firms quoting or considered as subcontractors to obtain:

(1) The age of the firm; and

(2) The annual gross receipts of the firm

If this information already has been gathered by the Administration on a firm and it is current, it will not be requested.

3. The Contractor shall submit reports on a monthly basis of those contracts and other business transactions executed with disadvantaged business enterprises with respect to the records referred to in Subparagraph 1.a above, in such form, manner, and content as prescribed by the Administration. The reports shall be due monthly on the 15th calendar day of each month. If the Contractor cannot submit their report on time, they shall notify the Administration's Representative 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. Additional reports may be required by the Administration upon written request.

4. To ensure compliance with the certified DBE contract participation goals, the Contractor shall:

a. Submit monthly, a report listing unpaid invoices, over 30 days, from all certified DBE subcontractors and the reason payment has not been made;

b. Include in its agreement with certified DBE subcontractors a requirement that the DBE subcontractors are to submit monthly to the Administration, a report identifying the prime Contractor and listing the following:

1. Payment received from the Contractor in the preceding 30 days; and

2. Invoices for which the subcontractor has not been paid.

5. All such records shall be retained for a period of three years following acceptance of final payment and shall be available for inspection by the U.S. Department of Transportation, the Maryland Department of Transportation, and the Administration.

D. ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT

1. Whenever the Administration believes the prime Contractor or any subcontractor may not be operating in compliance with the terms of these provisions, the Administration Representative will conduct an investigation. If the Administration Representative finds the prime Contractor or any subcontractor not in compliance with these provisions, he will make a report of non-compliance and notify such Contractor in writing of the steps that will, in the judgment of the Administration, bring the Contractor into compliance. If the Contractor fails or refuses to comply fully with such steps, the Administration Representative will make a final report of noncompliance to the Administrator, who may direct the imposition of one or more of the sanctions listed below:

a. Suspension of work on a project, pending correction;

b. Withholding payment or a percentage thereof, pending correction;

c. Referral of DBE/MBE to MDOT Office of MBE for review for decertification or minority business fraud investigation;

d. Referral to MDOT Office of MBE for review/referral to the Attorney General's Office for review for initiation of debarment;

e. Referral to the Attorney General's Office for review for debarment or for criminal prosecution through the MDOT Office of General Counsel; or

f. Any other action as appropriate.

The Administrator will determine which sanction(s) should be imposed in order to promote the purpose of the MDOT DBE/MBE Program.

2. If the documents used to determine the status of a DBE contain false, misleading, or misrepresenting information, the matter may be referred to the MDOT Office of MBE for appropriate action.

3. Loss of DBE Certification

a. When a prime Contractor has made a commitment to use a DBE who has lost its certification but the subcontract has not been executed prior to the notice of loss of

certification, the prime Contractor is required to obtain an eligible, certified DBE for the contract or demonstrate to MDOT that it has made a good faith effort to do so.

b. When a prime Contractor has executed a contract with a DBE subcontractor before the notice of loss of certification, the prime Contractor may continue to use the firm on the contract and may continue to receive credit towards its DBE goal, i.e., contract goal, for the work of that subcontractor.

c. The work carried out by a DBE Prime Contractor would be counted by MDOT up to the loss of certification. The work performed after the loss of certification would not be considered DBE participation.

d. When a DBE subcontractor has lost its certification, MDOT may not continue to count the DBE participation which takes place after the loss of certification as DBE work when counting participation towards the overall goal of the modal administration or the Department.

e. If a DBEs loss of certification is the result of exceeding the size standards while performing on a contract, the DBE participation may be counted for both the contract goal and the overall goal.

E. SUBCONTRACTING.

Subcontracting by the Prime Contractor. Form B Request for Approval of Subcontractor shall be used by the Prime Contractor to request approval of a Subcontractor and also to ensure that a formal Subcontract has been or will be written and kept on file by the Prime Contractor. Completion and submittal of the form by the Prime Contractor acknowledges that the Administration's Contracting Officer may require the submission of the written Subcontract for review by the Administration and/or FHWA.

Lower Tier Subcontracting by an Approved Subcontractor. Form B Subcontractor's Request for Approval of Lower Tier Subcontractor shall be used by an Approved Subcontractor to request approval of a Lower Tier Subcontractor and also to ensure that a formal Subcontract has been or will be written and kept on file by the Subcontractor. Completion and submittal of the form by the Subcontractor acknowledges that the Administration's Contracting Officer may require the submission of the written Subcontract for review by the Administration and/or FHWA.

Form Acquisitions. Maryland State Highway Administration Form B may be acquired through the Administration's Contracts Award Team or District Office. All questions should be directed to the Office of Construction, Contracts Award Team.

It is the Administration's intention to randomly select during each calendar quarter a representative sample of written Subcontracts for review. This review will be conducted by the Office of Construction's Contracts Award Team.

General Decision Number: MD160005 01/08/2016 MD5

Superseded General Decision Number: MD20150005

State: Maryland

Construction Type: Highway

Counties: Caroline, Dorchester, Kent and Talbot Counties in Maryland.

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.15 for calendar year 2016 applies to all contracts subject to the Davis-Bacon Act for which the solicitation was issued on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.15 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2016. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/08/2016

SUMD2015-002 09/15/2015

	Rates	Fringes
CARPENTER	$ 25.86	15.01
Laborer: Common or General, Including Asphalt Raking, Shoveling and Spreading, Luteman, and Flagger	$ 17.04	16.35
OPERATOR: Backhoe/Excavator/Trackhoe	$ 24.06	8.45
OPERATOR: Bobcat/Skid Steer/Skid Loader	$ 15.88	3.17
OPERATOR: Milling Machine	$ 22.32	7.36
OPERATOR: Paver (Asphalt, Aggregate, and Concrete)	$ 18.36	3.22
OPERATOR: Roller	$ 16.53	3.49
TRUCK DRIVER: Dump Truck	$ 19.38	10.31

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or "UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion

date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator

U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

General Decision Number: MD160020 01/08/2016 MD20

Superseded General Decision Number: MD20150020

State: Maryland

Construction Type: Building

County: Caroline County in Maryland.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.15 for calendar year 2016 applies to all contracts subject to the Davis-Bacon Act for which the solicitation was issued on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.15 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2016. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/08/2016

* ASBE0024-007 10/01/2015

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR	$ 34.33	13.92

Includes the application of all insulating materials, protective coverings, coatings and finishes to all types of mechanical systems

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CARP0626-006 05/01/2015

	Rates	Fringes
CARPENTER (Drywall Hanging and Form Work ONLY)	$ 30.87	21.69

ELEC0024-011 11/30/2014

	Rates	Fringes
ELECTRICIAN	$ 24.20	5%+11.99

IRON0016-009 04/01/2015

	Rates	Fringes
IRONWORKER STRUCTURAL (Metal		

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Building Erection Only)..........$ 27.98            18.70
----------------------------------------------------------------
 PAIN0051-016 06/01/2014

                                   Rates          Fringes

PAINTER (Brush, Roller,
Drywall Finisher/Taper)..........$ 24.89             9.05
----------------------------------------------------------------
 PLUM0782-004 02/01/2013

                                   Rates          Fringes

PIPEFITTER (HVAC Pipe
Installation Only)...............$ 33.52            13.25
----------------------------------------------------------------
 SHEE0100-019 11/01/2015

                                   Rates          Fringes

SHEETMETAL WORKER, Including
HVAC Duct Installation...........$ 31.76            19.05
----------------------------------------------------------------
  SUMD2010-043 04/20/2010

                                   Rates          Fringes

BRICKLAYER (Excluding
Pointing, Caulking, Cleaning)....$ 21.38             3.68

CARPENTER (Excludes Drywall
Hanging and Form Work)...........$ 19.66             3.20

IRONWORKER, REINFORCING..........$ 17.69             2.02

LABORER: Common or General.......$ 12.84             2.76

LABORER: Mason Tender (For
Pointing, Caulking and
Cleaning)........................$ 12.56             0.00

MASON TENDER, BRICK..............$ 12.84             2.76

OPERATOR:  Backhoe...............$ 17.39             4.76

OPERATOR:  Forklift..............$ 18.95             0.00

PIPEFITTER (Excluding HVAC
Pipe Installation)...............$ 24.75             7.63

PLUMBER..........................$ 24.59             8.49

POINTER, CAULKER, CLEANER,
Includes pointing, caulking,
cleaning of existing masonry,
brick, stone and cement
structures (restoration
work); excludes pointing,
caulking, cleaning of new or
replacement
masonry, brick, stone or
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cement.....$ 19.79 0.00

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or "UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the

wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

CONTRACT PROVISIONS
PROPOSAL FORM

CONTRACT NO. CO4125125
FAP NO. STP-3(434)E

TOWN OF DENTON
PROPOSAL FORM

Proposal by _____
Name

_____
Address (Street and/or P.O. Box)

_____
City State Zip

( ) ( )
A.C. Phone No. A.C. Fax No.

to furnish and deliver all materials and to do and perform all work, in conformance with the Standard Specifications, revisions thereto, General Provisions and the Special Provisions in this contract to Mr. Donald H. Mulrine, Jr. located in, Caroline County, Maryland, for which Invitation for Bids will be received until 2:00 pm on the 26th day of February 2016, this work being situated as follows:

To the Town of Denton
Town Administrator
4 North 2nd Street
Denton, Maryland 21629

In response to the advertisement by the Administration, inviting bids for the work in conformance with the Contract Documents, now on file in the office of the Administration. I/We hereby certify that I/we am/are the only person, or persons, interested in this bid proposal as principals, and that an examination has been made of the work site, the Specifications, the Plans, and Invitation for Bids, including the Special Provisions contained herein. I/We propose to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials required to complete the project at the following unit price or lump sum price.

SCHEDULE OF PRICES
TOWN OF DENTON, MARYLAND
DEPARTMENT OF PUBLIC WORKS

CONSTRUCTION OF THE
WHARVES AT CHOPTANK CROSSING
DENTON, MARYLAND

PRICE BID FORM

Gentlemen:

We hereby submit our Price Bid for: Providing Construction Services to the Town of Denton, Maryland for the construction of the Wharves at Choptank Crossing, Denton. Maryland. Submitted with this bid is a fully executed Bid Bond in the amount of 5% of the total bid.

Having carefully examined the Request for Bids for the above referenced project and General Conditions, and having received clarification on all items of conflict or upon which any doubt arose, the undersigned proposes to furnish construction services called for by the said document, stipulated lump sum of:

A. UNIT PRICES: All unit prices called for in the bid documents shall be submitted herewith. A dollar amount shall be indicated for each bid unit price. Failure to put in a dollar amount for each unit price shall result in the bid being declared nonresponsive.

Item No.	Item Description	Quantity	Unit	Item Cost
1	Site Work	1	Lump Sum	$ _____
2	Building Construction	1	Lump Sum	$ _____

B. TOTAL BID PRICE: The total cost to complete all work as described in the Request for Bids and the Instruction to Bidders including Section A (Unit Prices 1-2) of this Bid Form.

_____ ($_____)
(Written) (Dollars/Cents)

It is understood that the proposal shall be firm for a time period of ninety (90) calendar days from the deadline for receipt of bids and that if the undersigned be notified of acceptance of this price within this time period, the firm shall execute a contract for the above stated compensation and shall complete the work within 330 calendar days from the date of the Notice to Proceed and agrees that if the work is not completed within the time period specified in the "General Conditions" liquidated damages shall be assessed. Failure to properly and completely fill in all blanks may be cause for rejection of this Price Bid.

_____ _____ _____
Construction Firm License Number Date Issued Place of Issuance

_____ _____
Federal Employer Identification No.
(or social Security No. if no F.E.I.N.)

Firm Name

INDIVIDUAL PRINCIPAL

In the presence of witness

_____

FIRM NAME_____

SIGNED_____

ADDRESS_____

_____

PARTNERSHIP PRINCIPAL

In the Presence of Witness

_____

_____
(Name of Co-Partner)

ADDRESS_____

_____

PHONE NUMBER_____

_____as to By_____
(Partner)

_____as to By_____
(Partner)

CORPORATE PRINCIPAL

_____
(Name of Corporation)

ATTEST:

_____
(Corporate Secretary)

ADDRESS_____

_____

PHONE NUMBER_____

By_____
(Signed Officers Name and Title)

By_____
(Signed Officers Name and Title)

_____

(AFFIX CORPORATE SEAL) Firm Name

ADDENDA ACKNOWLEDGEMENT FORM
(include with bid submission)

OFFEROR: _____

SOLICITATION NO: _____

PROJECT TITLE: _____

ACKNOWLEDGEMENT

I hereby acknowledge receipt of the following addenda which have been issued regarding the above referenced solicitation.

Addenda No. 1 Issued Date _____

Addenda No. 2 Issued Date _____

Addenda No. 3 Issued Date _____

Addenda No. 4 Issued Date _____

Addenda No. 5 Issued Date _____

Addenda No. 6 Issued Date _____

Addenda No. 7 Issued Date _____

Addenda No. 8 Issued Date _____

_____	_____
NAME OF COMPANY	REPRESENATATIVE/TITLE (SIGNATURE)
_____	_____
ADDRESS	REPRESENATATIVE/TITLE (PRINT/TYPE)
_____	_____
TELEPHONE NUMBER	DATE

GENERAL MATERIAL REQUIREMENTS

CONVICT PRODUCED MATERIALS

Section 1019 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) clarifies that materials produced by convict labor after July 1, 1991 may not be used for Federal-aid highway construction projects unless produced at a prison facility producing convict made materials for Federal-aid construction projects prior to July 1, 1987.

CONTRACT PROVISION BUY AMERICA

This section only applies to projects partially or totally financed with Federal funds. The Contractor shall comply with Section 165 of the Surface Transportation Assistance Act of 1982 as amended by Section 1041(a) and 1048(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (codified by SAFETEA-LU, §1903 as 23 U.S.C 313) with regard to the furnishing and coating of iron and steel products.

The Contract, if awarded, will be awarded to the responsive and responsible bidder who submits the lowest total bid for the Contract based on furnishing Domestic Products unless such bid exceeds the lowest total bid based on furnishing Foreign Products by more than twenty five percent (25%). Foreign Products will not be permitted to be used as a substitution for Domestic ones after the bid has been awarded.

Furnish steel or iron construction materials, including coating, for permanently incorporated work according to 23 CFR 635.410 and as follows:

(a) All manufacturing processes of steel or iron materials in a product, including coating; and any subsequent process that alters the steel or iron material's physical form or shape, changes its chemical composition, or the final finish; are to occur within the United States (One of the 50 States, the District of Columbia, Puerto Rico, or in territories and possessions of the U.S.). Manufacturing begins with the initial melting and mixing, and continues through the coating stage. The processes include rolling, extruding, machining, bending, grinding, drilling, welding, and coating. The action of applying a coating to steel or iron is deemed a manufacturing process. Coating includes epoxy coating, galvanizing, aluminizing, painting, and any other coating that protects or enhances the value of steel or iron. Any process from the original reduction from ore to the finished product constitutes a manufacturing process for iron.

(b) The following are considered to be steel manufacturing processes:

(1) Production of steel by any of the following processes:

(a) Open hearth furnace.
(b) Basic oxygen.
(c) Electric furnace.
(d) Direct reduction.

(2) Rolling, heat treating, and any other similar processing.

(3) Fabrication of the products:

(a) Spinning wire into cable or strand.
(b) Corrugating and rolling into culverts.
(c) Shop fabrication.

(c) The manufacturing process for a steel/iron product is considered complete when the product is ready for use as an item (e.g., fencing, posts, girders, pipe, manhole cover, etc.) or could be incorporated as a component of a more complex product through a further manufacturing process (e.g., prestressed concrete girders, reinforced concrete pipe, traffic control devices, bearing pads, etc.). A product containing both steel and/or iron components, may be assembled outside the United States and meet Buy America requirements if the constituent steel and iron components (in excess of the minimal amounts permitted) were manufactured domestically and are not modified at the assembly location prior to final assembly.

(d) If domestically produced steel billets or iron ingots are exported outside of the U.S., as defined above, for any manufacturing process then the resulting product does not conform to the Buy America requirements. Additionally, products manufactured domestically from foreign source steel billets or iron ingots do not conform to the Buy America requirements because the initial melting and mixing of alloys to create the material occurred in a foreign country.

(e) Due to a nationwide waiver, Buy America does not apply to raw materials (iron ore and alloys), scrap (recycled steel or iron), and pig iron or processed, pelletized, and reduced iron ore.

(f) For the Buy America provisions to apply, the steel or iron product must be permanently incorporated into the project. If an item is rendered as a "donated material" in accordance with 23 U.S.C. 323 – Donations and Credits, it will have to comply with Buy America requirements. While States and local governments may receive a credit for donated material, this material must generally comply with Buy America requirements. Buy America does not apply to temporary steel items, e.g., temporary sheet piling, temporary

bridges, steel scaffolding and falsework. Further, Buy America does not apply to materials which remain in place at the contractor convenience.

(g) Certifications which document that steel and iron have been manufactured and that coatings for iron or steel have been applied in the United States shall be provided to the Contractor by the manufacturer. The Contractor shall provide the required certifications to the Engineer prior to such items being incorporated into the permanent work. Certifications shall extend to materials utilized in manufactured and fabricated products purchased by the Contractor.

(h) Products manufactured of foreign steel or iron materials may be used, provided the cost of such products as they are delivered to the project does not exceed 0.1% of the total contract amount, or $2,500, whichever is greater. If a supplier or fabricator wishes to use a partial fabrication process where domestic and foreign source components are assembled at a domestic location, the "as delivered cost" of the foreign components should include any transportation, assembly and testing costs required to install them in the final product.

ALTERNATE BID
USING FOREIGN PRODUCTS

When a bidder elects to utilize Foreign Products on one or more items, the following summation indicating the Total Bid using Foreign Products must be completed in addition to the individual item bid tabulations.

The following instructions are given to the bidder in completing the Total Bid summation using Foreign Products:

1 - The "Bid Total" for the initial bid using Domestic Products shall be shown on line (1).

2 - The subtotal for Item Amounts using Domestic Products shall be shown on line (2), for those items which the Contractor elects to use Foreign Products.

3 - The subtotal for Item Amounts using Foreign Products shall be shown on line (3).

4 - The total Bid, utilizing Foreign Products shall be shown on line (4). The value is obtained by subtracting subtotal (2) from the Total Bid (1) and then adding subtotal (3).

Bid Total for Bid 1 using Domestic items	Line (1)_____
Total of Domestic Items	Line (2) -_____
Total of Foreign Items	Line (3) +_____
Bid Total using Foreign Items	Line (4)_____

ALTERNATE BID - USING FOREIGN PRODUCTS
BIDDER'S INSTRUCTIONS

When the bidder elects to submit a bid for one or more items using Foreign Products, the following form must be used. For each item that Foreign Products are contemplated, the appropriate "Item Numbers", "Approximate Quantities", "Description of Items", "Unit Price or Lump Sum Price", "Item Amount Domestic" and "Item Amount Foreign" shall be tabulated below as specified in the initial bid. The bidder shall indicate the unit price in dollars and cents and show the total cost of the item for each item that utilizes Foreign Products. When all items utilizing Foreign Products have been listed, the bidder shall indicate on Page 4 of 20 the subtotals of the Item Amounts for Domestic Products in Line (2) and for Foreign Products in Line (3).

Item Nos.	Approximate Quantities	Description of Items	Unit Price or Lump Sum Dollars.Cts.	Items Amount Domestic Dollars.Cts.	Items Amount Foreign Dollars.Cts.

BID/PROPOSAL AFFIDAVIT

A. AUTHORIZED REPRESENTATIVE AND AFFIANT

I HEREBY AFFIRM THAT:

I am the (title) _____ and the duly authorized representative of (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. CERTIFICATION REGARDING COMMERCIAL NONDISCRIMINATION

The undersigned bidder or offeror hereby certifies and agrees that the following information is correct:

In preparing its bid on this project, the bidder or offeror 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 vendors, 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 or offeror on this project, and terminate any contract awarded based on the bid. As part of its bid or proposal, the bidder or offeror 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 or offeror 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 or Offeror 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.

C. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has been convicted of, or has had probation before judgment imposed pursuant to Criminal Procedure Article, §6-220, Annotated Code of Maryland, or has pleaded nolo contendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, except as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):

_____
_____
_____.

D. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies, has:

1. Been convicted under state or federal statute of:
   (a) a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or

   (b) fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;

2. Been convicted of any criminal violation of a state or federal antitrust statute;

3. Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961, et seq., or the Mail

Fraud Act, 18 U.S.C. §1341, et seq., for acts in connection with the submission of bids or proposals for a public or private contract;

4. Been convicted of a violation of the State Minority Business Enterprise Law, Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;

5. Been convicted of a violation of the Section 11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland;

6. Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsection (1) through (5) above;

7. Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;

8. Been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland with regard to a public or private contract; or

9. Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in Section B – C and subsections (1) through (8) above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

_____
_____
_____.

E. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status

of the proceedings, the name(s) of the person(s) involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension): _____

F. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

1. The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland; and

2. The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, except as follows (you must indicate the reasons why the affirmations cannot be given without qualification):
_____
_____
_____.

G. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, has knowingly entered into a contract with a public body under which a person debarred or suspended under Title 16 of the State Finance and Procurement Article of the Annotated Code of Maryland will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

H. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business has:

1. Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;

2. In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or Offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

I. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, the provisions of Section 13-221 of the State Finance and Procurement Article of the Annotated Code of Maryland, which require that every business that enters into contracts, leases, or other agreements with the State of Maryland or its agencies during a calendar year under which the business is to receive in the aggregate $100,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases, or other agreements reaches $100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

J. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, Election Law Article, §§14-101—14-108, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate $100,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of $500 made during the reporting period to a candidate for elective office in any primary or general election.

K. DRUG AND ALCOHOL FREE WORKPLACE

(Applicable to all contracts unless the contract is for a law enforcement agency and the agency head or the agency head's designee has determined that application of COMAR 21.11.08 and this certification would be inappropriate in connection with the law enforcement agency's undercover operations.)

I CERTIFY THAT:

1. Terms defined in COMAR 21.11.08 shall have the same meanings when used in this certification.

2. By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:

(a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;

(b)Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business' workplace and specifying the actions that will be taken against employees for violation of these prohibitions;

(c) Prohibit its employees from working under the influence of drugs or alcohol;

(d) Not hire or assign to work on the contract anyone whom the business knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;

(e) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if the business has observed the violation or otherwise has reliable information that a violation has occurred;

(f) Establish drug and alcohol abuse awareness programs to inform its employees about:

(i) The dangers of drug and alcohol abuse in the workplace;
(ii) The business' policy of maintaining a drug and alcohol free workplace;
(iii) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
(iv) The penalties that may be imposed upon employees who abuse drugs and alcohol in the workplace;

(g) Provide all employees engaged in the performance of the contract with a copy of the statement required by §K(2)(b), above;

(h) Notify its employees in the statement required by §K(2)(b), above, that as a condition of continued employment on the contract, the employee shall:

(i) Abide by the terms of the statement; and
(ii) Notify the employer of any criminal drug or alcohol abuse conviction for an offense occurring in the workplace not later than 5 days after a conviction;

(i) Notify the procurement officer within 10 days after receiving notice under §K(2)(h)(ii), above, or otherwise receiving actual notice of a conviction;

(j) Within 30 days after receiving notice under §K(2)(h)(ii), above, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:

(i) Take appropriate personnel action against an employee, up to and including termination; or
(ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program; and

(k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of §K(2)(a)—(j), above.

3. If the business is an individual, the individual shall certify and agree as set forth in §K(4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.

4. I acknowledge and agree that:

(a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;

(b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

(c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.03.

L. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

1 The business named above is a (domestic ___) (foreign __) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and address of its resident agent filed with the State Department of Assessments and Taxation is (IF NOT APPLICABLE, SO STATE):

Name: _____
Address: _____
_____
_____

2. Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Department of Labor, Licensing, and Regulation, as applicable, and will have paid all withholding taxes due the State of Maryland prior to final settlement.

M. CONTINGENT FEES

I FURTHER AFFIRM THAT:

The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency, any fee or any other consideration contingent on the making of the Contract.

N. REPEALED

O. 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 convenants 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: _____ By: _____
(Authorized Representative and Affiant)

COMPREHENSIVE SIGNATURE PAGE 1 OF 2

THE BIDDER IS HEREBY NOTIFIED THAT THIS DOCUMENT SHALL BE SIGNED IN INK IN ORDER FOR THE BID TO BE ACCEPTED. BY SIGNING, THE BIDDER CERTIFIES THAT HE/SHE WILL COMPLY IN EVERY ASPECT WITH THESE SPECIFICATIONS.

FURTHER, I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT (PARAGRAPHS A-N) ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

This bid form shall be filled out legibly in ink or typed. The bid, if submitted by an individual, shall be signed by an individual; if submitted by a partnership, shall be signed by such member or members of the partnership as have authority to bind the partnership; if submitted by a corporation the same shall be signed by the President and attested by the Secretary or an Assistant Secretary. If not signed by the President as aforesaid, there must be attached a copy of that portion of the By-Laws, or a copy of a Board resolution, duly certified by the Secretary, showing the authority of the person so signing on behalf of the corporation. In lieu thereof, the corporation may file such evidence with the Administration, duly certified by the Secretary, together with a list of the names of those officers having authority to execute documents on behalf of the corporation, duly certified by the Secretary, which listing shall remain in full force and effect until such time as the Administration is advised in writing to the contrary. In any case where a bid is signed by an Attorney in Fact the same must be accompanied by a copy of the appointing document, duly certified.

IF AN INDIVIDUAL:

NAME:_____

_____
Street and/or P.O. Box

_____ _____
City State Zip Code Fed ID or SSN

_____(SEAL)_____
Signature Date

_____
Print Signature

WITNESS:_____
Signature

_____
Print Signature

COMPREHENSIVE SIGNATURE PAGE 2 OF 2

IF A PARTNERSHIP:

NAME OF PARTNERSHIP:_____

_____
Street and/or P.O. Box

_____ _____
City State Zip Code Fed ID or SSN

BY:_____(SEAL) _____
Member Signature Date

_____
Print Signature

TITLE:_____ WITNESS:_____
Signature

_____
Print Signature

IF A CORPORATION:

NAME OF CORPORATION:_____

_____
Street and/or P.O. Box

_____ _____
City State Zip Code Fed ID or SSN

STATE OF INCORPORATION:_____

BY:_____(SEAL) _____
Signature Date

_____
Print Signature

TITLE:_____ WITNESS:_____
Secretary's Signature

_____
Print Signature

MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE 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 not responsive or the proposal shall be deemed not susceptible of being selected for award.

In connection with the bid/proposal submitted in response to Solicitation No. , I affirm the following:

1. DBE Participation (PLEASE CHECK ONLY ONE)

☐ I have met the overall certified Disadvantaged Business Enterprise (DBE) participation goal of Eleven percent (11%). I agree that this percentage of the total dollar amount of the Contract for the DBE goal will be performed by certified DBE firms as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

OR

☐ I conclude that I am unable to achieve the DBE participation goal. I hereby request a waiver, in whole or in part, of the goal. 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 DBE firms will be used to accomplish the percentages of the total dollar amount of the Contract as set forth in the DBE Participation Schedule - Part 2 of the MDOT DBE Form B (Federally-Funded Contracts).

2. Additional DBE 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 DBE Form C - Federally-Funded Contracts); (b) Subcontractor Project Participation Statement (MDOT DBE Form D - Federally-Funded Contracts); (c) DBE 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 DBE participation goal.

MDOT DBE FORM A
FEDERALLY-FUNDED CONTRACTS
CERTIFIED DBE 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 not susceptible of being selected for award.

3. Information Provided to DBE firms

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

4. Products and Services Provided by DBE firms

I hereby affirm that the DBEs 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.

_____	_____
Company Name	Signature of Representative
_____	_____
Address	Printed Name and Title
_____	_____
City, State and Zip Code	Date

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE

PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE

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 NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

***** STOP *****
FORM INSTRUCTIONS
PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) DBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the DBE participation goal.

2. In order to be counted for purposes of achieving the DBE participation goal, the firm `must be certified for that specific NAICS ("DBE" for Federally-funded projects designation after NAICS Code). **WARNING:** If the firm's NAICS Code is in **graduated status**, such services/products **will not be counted** for purposes of achieving the DBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).

3. Examining the NAICS Code is the **first step** in determining whether a DBE firm is certified and eligible to receive DBE participation credit for the specific products/services to be supplied or performed under the contract. The **second step** is to determine whether a firm's Products/Services Description in the DBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the DBE participation goal.

4. If you have any questions as to whether a firm is MDOT DBE certified, or if it is certified to perform specific services or provide specific products, please call MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or send an email to mbe@mdot.state.md.us.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE
PAGE 2 OF 4

5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet a DBE goal is to be considered the exception and not the rule. The following two conditions must be met before MDOT, its Modal Administrations and the Maryland Transportation Authority may approve a third-tier contracting agreement: (a) the bidder/offeror must request in writing approval of each third-tier contract arrangement, and (b) the request must contain specifics as to why a third-tier contracting arrangement should be approved. These documents must be submitted with the bid/proposal in Part 2 of this DBE Participation Schedule.

6. For each DBE firm that is being used as supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the **amount of the subcontract for purposes of achieving the DBE participation goal**:

   A. Is the firm certified as a broker of the products/supplies? If the answer is YES, please continue to Item C. If the answer is NO, please continue to Item B.

   B. Is the firm certified as a supplier, wholesaler, regular dealer, or manufacturer of such products/supplies? If the answer is YES, continue to Item D. If the answer is NO, continue to Item C only if the DBE firm is certified to perform trucking/hauling services under NAICS Codes 484110, 484121, 484122, 484210, 484220 and 484230. If the answer is NO and the firm is not certified under these NAICS Codes, then no DBE participation credit will be given for the supply of these products.

   C. For purposes of achieving the DBE participation goal, you may count only the amount of any reasonable fee that the DBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the DBE Participation Schedule, please divide the amount of any reasonable fee that the DBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.

   D. Is the firm certified as a manufacturer (refer to the firm's NAICS Code and specific descrition of products/services) of the products/supplies to be provided? If the answer is NO please continue to Item E If the answer is YES, for purposes of achieving the DBE participation goal, you may count the total amount of the subcontract. For Column 3 of the DBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE
PAGE 3 OF 4

E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the DBE firm is furnishing and installing the materials and is certified to perform these services, please divide the total subcontract amount (including full value of supplies) by the total Contract value and insert the percentage in Line 3.1. If the answer is YES and the DBE firm is only being used as a supplier, wholesaler and/or regular dealer or is not certified to install the supplies/materials, for purposes of achieving the DBE participation goal, you may only count sixty percent (60%) of the value of the subcontract for these supplies/products (60% Rule). To apply the 60% Rule, first divide the amount of the subcontract for these supplies/products only (not installation) by the total Contract value. Then, multiply the result by sixty percent (60%) and insert the percentage in Line 3.2.

7. For each DBE firm that **is not** being used as a supplier/wholesaler/regular dealer/broker/manufacturer, to calculate the **amount of the subcontract for purposes of achieving the DBE participation goal**, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.

   Example: $ 2,500 (Total Subcontract Amount) ÷ $10,000 (Total Contract Value) x 100 = 25%.

8. Please note that for USDOT-funded projects, a DBE prime may count towards its DBE participation goal work performed by its own forces. Include information about the DBE prime in Part 2.

9. **WARNING:** The percentage of DBE participation, computed using the dollar amounts in Column 3 for all of the DBE firms listed in Part 2, MUST at least equal the DBE participation goal as set forth in MDOT DBE Form A – Federally-Funded Contracts for this solicitation. If the bidder/offeror is unable to achieve the DBE participation goals, then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award. You may wish to use the Goal Worksheet shown below to assist you in calculating the percentage and confirming that you have met the applicable DBE participation goal.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
PART 1 – INSTRUCTIONS FOR DBE PARTICIPATION SCHEDULE
PAGE 4 OF 4

GOAL WORKSHEET	
Total DBE Firm Participation (Add percentages in Column 3 for all DBE firms listed in DBE Participation Schedule)	(A) _____%
The percentage amount in Box A above should be equal to the percentage amount in Box E below.	
Add *Countable* Subcontract Amounts (see 6 through 8 of Instructions) for all DBE firms listed in DBE Participation Schedule, and insert in Box B	(B) $_____
Insert the Total Contract Amount in Box C	(C) $_____
Divide Box B by Box C and Insert in Box D	(D) =_____
Multiply Box D by 100 and insert in Box E	(E) =_____%

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
PART 2 – DBE PARTICIPATION SCHEDULE

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 NOT RESPONSIVE OR THE PROPOSAL SHALL BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number
	#####	

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	COLUMN 2	COLUMN 3 Unless the bidder/offeror requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	**CERTIFICATION NO. AND DBE CLASSIFICATION**	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 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 DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
☐ Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	**Certification Number:** _____ **(If dually certified, check only one box.)** ☐ African American-Owned ☐ Hispanic American- Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other DBE 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). _____% (Percentage for purposes of calculating achievement of DBE Participation goal) 3.2 **TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE 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 6(E) IN PART 1 - INSTRUCTIONS). _____% Total percentage of Supplies/Products x _____60% (60% Rule) _____% (Percentage for purposes of calculating achievement of DBE Participation goal)

☐ Please check if Continuation Sheets are attached.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE
CONTINUATION SHEET

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number
	#####	

LIST INFORMATION FOR EACH CERTIFIED DBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE DBE PARTICIPATION GOAL.

COLUMN 1	**COLUMN 2**	COLUMN 3 Unless the bidder/offeror requested a waiver in MDOT DBE Form A – Federally Funded Contracts for this solicitation, the cumulative DBE participation for all DBE firms listed herein must equal at least the DBE participation goal set forth in Form A.
NAME OF DBE SUBCONTRACTOR AND TIER	**CERTIFICATION NO. AND DBE CLASSIFICATION**	FOR PURPOSES OF ACHIEVING THE DBE PARTICIPATION GOAL, refer to sections 6, 7 and 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 DBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the DBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule.
☐ Please check if DBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 5 of Part 1 - Instructions	**Certification Number:** _____ **(If dually certified, check only one box.)** ☐ African American-Owned ☐ Hispanic American-Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other DBE 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). _____% (Percentage for purposes of calculating achievement of DBE Participation goal) 3.2 **TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE DBE 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 6(E) IN PART 1 - INSTRUCTIONS). _____% Total percentage of Supplies/Products x _____60% (60% Rule) _____% (Percentage for purposes of calculating achievement of DBE Participation goal)

☐Please check if Continuation Sheets are attached.

MDOT DBE FORM B
FEDERALLY-FUNDED CONTRACTS
DBE PARTICIPATION SCHEDULE

PART 3 – CERTIFICATION FOR DBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL AS DIRECTED IN THE SOLICITATION.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT DBE Directory for each of the DBE firms listed in Part 2 of this DBE Form B for purposes of achieving the DBE participation goal that was identified in the DBE Form A that I submitted with this solicitation, and that the DBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this DBE Form B.

The undersigned Prime Contractor 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 business enterprise in its bid or proposal;

(2) fail to notify the certified minority business enterprise before execution of the contract of its inclusion of 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.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MDOT DBE Form B are true to the best of my knowledge, information and belief.

Company Name	Signature of Representative
Address	Printed Name and Title
City, State and Zip Code	Date

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 1 – GUIDANCE FOR DEMONSTRATING GOOD FAITH EFFORTS TO MEET MBE/DBE PARTICIPATION GOALS

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE)/Disadvantaged Business Enterprise (DBE) participation goal (including any MBE subgoals) on a contract, the bidder/offeror must either (1) meet the MBE/DBE Goal(s) and document its commitments for participation of MBE/DBE Firms, or (2) when it does not meet the MBE/DBE Goal(s), document its Good Faith Efforts to meet the goal(s).

I. Definitions

MBE/DBE Goal(s) – "MBE/DBE Goal(s)" refers to the MBE participation goal and MBE participation subgoal(s) on a State-funded procurement and the DBE participation goal on a federally-funded procurement.

Good Faith Efforts – The "Good Faith Efforts" requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE/DBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE/DBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements. The determination concerning the sufficiency of the bidder's/offeror's good faith efforts is a judgment call; meeting quantitative formulas is not required.

Identified Firms – "Identified Firms" means a list of the DBEs identified by the procuring agency during the goal setting process and listed in the federally-funded procurement as available to perform the Identified Items of Work. It also may include additional DBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as DBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms or is a State-funded procurement, this term refers to all of the MBE Firms (if State-funded) or DBE Firms (if federally-funded) the bidder/offeror identified as available to perform the Identified Items of Work and should include all appropriately certified firms that are reasonably identifiable.

Identified Items of Work – "Identified Items of Work" means the bid items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE/DBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE/DBE Firms to increase the likelihood that the MBE/DBE Goal(s) will be achieved. If the procurement does not include a list of Identified Items of Work, this term refers to all of the items of work the bidder/offeror identified as possible items of work for performance by MBE/DBE Firms and should include all reasonably identifiable work opportunities.

MBE/DBE Firms – For State-funded contracts, "MBE/DBE Firms" refers to certified **MBE** Firms. Certified MBE Firms can participate in the State's MBE Program. For federally-funded contracts, "MBE/DBE Firms" refers to certified **DBE** Firms. Certified DBE Firms can participate in the federal DBE Program.

II. Types of Actions MDOT will Consider

The bidder/offeror is responsible for making relevant portions of the work available to MBE/DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/DBE subcontractors and suppliers, so as to facilitate MBE/DBE participation. The following is a list of types of actions MDOT will consider as part of the bidder's/offeror's Good Faith Efforts when the bidder/offeror fails to meet the MBE/DBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Identify Bid Items as Work for MBE/DBE Firms

1. Identified Items of Work in Procurements

(a) Certain procurements will include a list of bid items identified during the goal setting process as possible work for performance by MBE/DBE Firms. If the procurement provides a list of Identified Items of Work, the bidder/offeror shall make all reasonable efforts to solicit quotes from MBE Firms or DBE Firms, whichever is appropriate, to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE/DBE Firms to increase the likelihood that the MBEDBE Goal(s) will be achieved.

2. Identified Items of Work by Bidders/Offerors

(a) When the procurement does not include a list of Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE/DBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE/DBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make Good Faith Efforts.

B. Identify MBE Firms or DBE Firms to Solicit

1. DBE Firms Identified in Procurements

(a) Certain procurements will include a list of the DBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides

a list of Identified DBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those DBE firms.

(b) Bidders/offerors may, and are encouraged to, search the MBE/DBE Directory to identify additional DBEs who may be available to perform the items of work, such as DBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE/DBE Firms Identified by Bidders/Offerors

(a) When the procurement does not include a list of Identified MBE/DBE Firms, bidders/offerors should reasonably identify the MBE Firms or DBE Firms, whichever is appropriate, that are available to perform the Identified Items of Work.

(b) Any MBE/DBE Firms identified as available by the bidder/offeror should be certified in the appropriate program (MBE for State-funded procurements or DBE for federally-funded procurements)

(c) Any MBE/DBE Firms identified as available by the bidder/offeror should be certified to perform the Identified Items of Work.

C. Solicit MBE/DBEs

1. Solicit all Identified Firms for all Identified Items of Work by providing written notice. The bidder/offeror should:

(a) provide the written solicitation at least 10 days prior to bid opening to allow sufficient time for the MBE/DBE Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE/DBE Directory, unless the bidder/offeror has a valid basis for using different contact information; and

(c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE/DBE, and other requirements of the contract to assist MBE/DBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. "All" Identified Firms includes the DBEs listed in the procurement and any MBE/DBE Firms you identify as potentially available to perform the Identified Items of Work, but it does

not include MBE/DBE Firms who are no longer certified to perform the work as of the date the bidder/offeror provides written solicitations.

3. "Electronic Means" includes, for example, information provided *via* a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE/DBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible by the interested MBE/DBE.

4. Follow up on initial written solicitations by contacting DBEs to determine if they are interested. The follow up contact may be made:

(a) by telephone using the contact information in the MBE/DBE Directory, unless the bidder/offeror has a valid basis for using different contact information; or

(b) in writing *via* a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, use all other reasonable and available means to solicit the interest of MBE/DBE Firms certified to perform the work of the contract. Examples of other means include:

(a) attending any pre-bid meetings at which MBE/DBE Firms could be informed of contracting and subcontracting opportunities;

(b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/women community organizations, minority/women contractors' groups, and local, state, and federal minority/women business assistance offices listed on the MDOT Office of Minority Business Enterprise website; and

(c) effectively using the services of other organizations, as allowed on a case-by-case basis and authorized in the procurement, to provide assistance in the recruitment and placement of MBE/DBE Firms.

D. Negotiate With Interested MBE/DBE Firms

Bidders/Offerors must negotiate in good faith with interested MBE/DBE Firms.

1. Evidence of negotiation includes, without limitation, the following:

(a) the names, addresses, and telephone numbers of MBE/DBE Firms that were considered;

(b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

(c) evidence as to why additional agreements could not be reached for MBE/DBE Firms to perform the work.

2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.

3. The fact that there may be some additional costs involved in finding and using MBE/DBE Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract DBE goal, as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE/DBE Firm's quote is excessive or unreasonable include, without limitation, the following:

(a) the dollar difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

(b) the percentage difference between the MBE/DBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

(c) the percentage that the DBE subcontractor's quote represents of the overall contract amount;

(d) the number of MBE/DBE firms that the bidder/offeror solicited for that portion of the work;

(e) whether the work described in the MBE/DBE and Non-MBE/DBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and

(f) the number of quotes received by the bidder/offeror for that portion of the work.

4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.

5. The bidder/offeror may not use its price for self-performing work as a basis for rejecting a MBE/DBE Firm's quote as excessive or unreasonable.

6. The "average of the other subcontractors' quotes received by the" bidder/offeror refers to the average of the quotes received from all subcontractors, except that there should be quotes from at least three subcontractors, and there must be at least one quote from a MBE/DBE and one quote from a Non-MBE/DBE.

7. A bidder/offeror shall not reject a MBE/DBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE/DBE that is rejected as unqualified or that placed a subcontract quotation or offer that the bidder/offeror concludes is not acceptable, the bidder/offeror must provide a written detailed statement listing the reasons for this conclusion. The bidder/offeror also must document the steps taken to verify the capabilities of the MBE/DBE and Non-MBE/DBE Firms quoting similar work.

(a) The factors to take into consideration when assessing the capabilities of a MBE/DBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.

(b) The MBE/DBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the efforts to meet the project goal.

E. Assisting Interested MBE/DBE Firms

When appropriate under the circumstances, the decision-maker will consider whether the bidder/offeror:

1. made reasonable efforts to assist interested MBE/DBE Firms in obtaining the bonding, lines of credit, or insurance required by MDOT or the bidder/offeror; and

2. made reasonable efforts to assist interested MBE/DBE Firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

III. Other Considerations

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE/DBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between certified MBE/DBE and Non-MBE/DBE

costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether a bidder/offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. The decision-maker also may take into account the

performance of other bidders/offerors in meeting the contract. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful bidder/offeror could have met the goal. If the apparent successful bidder/offeror fails to meet the goal, but meets or exceeds the average MBE/DBE participation obtained by other bidders/offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful bidder/offeror having made Good Faith Efforts.

IV. Documenting Good Faith Efforts

At a minimum, a bidder/offeror seeking a waiver of the MBE/DBE Goal(s) or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 business days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

A. Items of Work (Complete Good Faith Efforts Documentation Form E, Part 2)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE/DBE Firms in order to increase the likelihood of achieving the stated MBE/DBE Goal(s).

B. Outreach/Solicitation/Negotiation

1. The record of the bidder's/offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a) through (e) and 49 C.F.R. Part 26, Appendix A. **(Complete Outreach Efforts Compliance Statement)**

2. A detailed statement of the efforts made to contact and negotiate with MBE/DBE Firms including:

(a) the names, addresses, and telephone numbers of the MBE/DBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) **(Complete Good Faith Efforts Form E, Part 3, and submit letters, fax cover sheets, emails, etc. documenting solicitations)**; and

(b) a description of the information provided to MBE/DBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE/DBE Firms (Complete Good Faith Efforts Form E, Part 4)

1. For each MBE/DBE Firm that the bidder/offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the steps taken to verify the capabilities of the MBE/DBE and Non-MBE/DBE Firms quoting similar work.

2. For each certified MBE/DBE Firm that the bidder/offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the quotes received from all MBE/DBE and Non-MBE/DBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**

3. A list of MBE/DBE Firms contacted but found to be unavailable. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE/DBE contractor or a statement from the bidder/offeror that the MBE/DBE contractor refused to sign the Minority Contractor Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the bidder's/offeror's Good Faith Efforts.

2. Submit any other documentation the bidder/offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 2 – CERTIFICATION REGARDING GOOD FAITH EFFORTS DOCUMENTATION

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number

PARTS 3, 4, AND 5 MUST BE INCLUDED WITH THIS CERTIFICATE ALONG WITH ALL DOCUMENTS SUPPORTING YOUR WAIVER REQUEST.

I hereby request a waiver of (1) the Minority Business Enterprise (MBE) participation goal and/or subgoal(s), (2) the Disadvantaged Business Enterprise (DBE) participation goal, or (3) a portion of the pertinent MBE/DBE participation goal and/or MBE subgoal(s) for this procurement.[1] I affirm that I have reviewed the Good Faith Efforts Guidance MBE/DBE Form E. I further affirm under penalties of perjury that the contents of Parts 3, 4, and 5 of MDOT MBE/DBE Form E are true to the best of my knowledge, information and belief.

Company Name	Signature of Representative
Address	Printed Name and Title
City, State and Zip Code	Date

[1] MBE participation goals and subgoals apply to State-funded procurements. DBE participation goals apply to federally-funded procurements. Federally-funded contracts do not have subgoals.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 3 – IDENTIFIED ITEMS OF WORK BIDDER/OFFEROR MADE AVAILABLE TO MBE/DBE FIRMS

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number

Identify those items of work that the bidder/offeror made available to MBE/DBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE/DBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the bidder's/offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE/DBE Firms, and the total percentage of the items of work identified for MBE/DBE participation equals or exceeds the percentage MBE/DBE goal set for the procurement. Note: If the procurement includes a list of bid items identified during the goal setting process as possible items of work for performance by MBE/DBE Firms, the bidder/offeror should make all of those items of work available to MBE/DBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE/DBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement?	Does bidder/offeror normally self-perform this work?	Was this work made available to MBE/DBE Firms? If no, explain why?
	□ Yes □ No	□ Yes □ No	□ Yes □ No
	□ Yes □ No	□ Yes □ No	□ Yes □ No
	□ Yes □ No	□ Yes □ No	□ Yes □ No
	□ Yes □ No	□ Yes □ No	□ Yes □ No
	□ Yes □ No	□ Yes □ No	□ Yes □ No
	□ Yes □ No	□ Yes □ No	□ Yes □ No

☐ Please check if Additional Sheets are attached.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 4 – IDENTIFIED MBE/DBE FIRMS AND RECORD OF SOLICITATIONS

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number

Identify the MBE/DBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE/DBE participation. Include the name of the MBE/DBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE/DBE provided a quote, and whether the MBE/DBE is being used to meet the MBE/DBE participation goal. MBE/DBE Firms used to meet the participation goal must be included on the MBE/DBE Participation Schedule, Form B. Note: If the procurement includes a list of the MBE/DBE Firms identified during the goal setting process as potentially available to perform the items of work, the bidder/offeror should solicit all of those MBE/DBE Firms or explain why a specific MBE/DBE was not solicited. If the bidder/offeror identifies additional MBE/DBE Firms who may be available to perform Identified Items of Work, those additional MBE/DBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE/DBE Firms must be attached to this form. If the bidder/offeror used a Non-MBE/DBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE/DBE Firm & MBE Classification	**Describe Item of Work Solicited**	**Initial Solicitation Date & Method**	**Follow-up Solicitation Date & Method**	**Details for Follow-up Calls**	**Quote Rec'd**	**Quote Used**	**Reason Quote Rejected**
Firm Name: _____ **MBE Classification (Check only if requesting waiver of MBE subgoal.)** ☐ African American-Owned ☐ Hispanic American-Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other MBE Classification _____		Date: □ Mail □ Facsimile □ Email	Date: □ Phone □ Mail □ Facsimile □ Email	Time of Call: Spoke With: □ Left Message	□ Yes □ No	□ Yes □ No	□ Used Other MBE/DBE □ Used Non-MBE/DBE □ Self-performing
Firm Name: _____ **MBE Classification (Check only if requesting waiver of MBE subgoal.)** ☐ African American-Owned ☐ Hispanic American-Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other MBE Classification _____		Date: □ Mail □ Facsimile □ Email	Date: □ Phone □ Mail □ Facsimile □ Email	Time of Call: Spoke With: □ Left Message	□ Yes □ No	□ Yes □ No	□ Used Other MBE/DBE □ Used Non-MBE/DBE □ Self-performing

☐Please check if Additional Sheets are attached.

MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

PART 5 – ADDITIONAL INFORMATION REGARDING REJECTED MBE/DBE QUOTES

PAGE __ OF ___

Prime Contractor	Project Description	Solicitation Number

This form must be completed if Part 3 indicates that a MBE/DBE quote was rejected because the bidder/offeror is using a Non-MBE/DBE or is self-performing the Identified Items of Work. Provide the Identified Items Work, indicate whether the work will be self-performed or performed by a Non-MBE/DBE, and if applicable, state the name of the Non-MBE/DBE. Also include the names of all MBE/DBE and Non-MBE/DBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE/DBE (Include spec/section number from bid)	Self-performing or Using Non-MBE/DBE (Provide name)	Amount of Non-MBE/DBE Quote	Name of Other Firms who Provided Quotes & Whether MBE/DBE or Non-MBE/DBE	Amount Quoted	Indicate Reason Why MBE/DBE Quote Rejected & Briefly Explain
	□ Self-performing □ Using Non-MBE/DBE _____	$_____	_____ □ MBE/DBE □ Non-MBE/DBE	$_____	□ Price □ Capabilities □ Other
	□ Self-performing □ Using Non-MBE/DBE _____	$_____	_____ □ MBE/DBE □ Non- MBE/DBE	$_____	□ Price □ Capabilities □ Other
	□ Self-performing □ Using Non-MBE/DBE _____	$_____	_____ □ MBE/DBE □ Non- MBE/DBE	$_____	□ Price □ Capabilities □ Other

☐ Please check if Additional Sheets are attached.

INFORMATION REQUIRED TO BE SUBMITTED FOR FEDERALLY ASSISTED CONTRACTS:

(a) Each bidder shall provide the following information:

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____>$10,000,000

(b) Each bidder shall provide the following information for each firm quoting or considered as subcontractors and/or suppliers:

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____> $10,000,000

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____> $10,000,000

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____> $10,000,000

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____> $10,000,000

NAME OF FIRM:_____

_____
Street and/or P.O. Box

_____
City State Zip Code

____ DBE ____ Non-DBE Age of the firm ____ years
Annual gross receipts per last calendar year _____<$500,000 ____$500,000-1,000,000
____$1,000,000-3,000,000 ____$3,000,000-5,000,000 ____$5,000,000-10,000,000
____> $10,000,000

Submit additional copies of this page as page 43A of 45, 43B of 45, etc. as necessary, and place them as the last pages in the Invitation for Bids. Place an "X" for "NO" on the last copy. Any additional Copies: _____ NO _____ YES

EXTRA WORK, CONTRACT TIME, BONDING, LIQUIDATED DAMAGES, AND PROPOSAL GUARANTY

EXTRA WORK. It is further proposed to do all "Extra Work" which may be required to complete the work contemplated at unit prices or lump sum prices to be agreed upon in writing prior to starting such extra work, or if such prices or sums cannot be agreed upon, to perform such work on a Force Account basis as specified in TC-7.03.

CONTRACT TIME. To commence work as specified in the "Notice to Proceed" and to prosecute the work to complete the contract within/or before

330 (calendar days)

Any delay in awarding or the execution of this contract will not be considered as a basis for any monetary claim, however, an extension of time may be considered by the Administration, if warranted.

BONDING. When the Contractor's bid is $100,000 or more, the Contractor shall furnish a Payment Bond and a Performance Bond in the full amount of the Contract Award as security for the construction and completion of the contract in conformance with the Plans, Standard Specifications, revisions thereto, General Provisions and Special Provisions.

To guarantee all of the work performed under this contract to be done in conformance with the Standard Specifications, revisions thereto, General Provisions and Special Provisions in a good workmanlike manner and to renew or repair any work which may be rejected due to defective materials or workmanship, prior to final completion and acceptance of the work, also we have the equipment, labor, supervision and financial capacity to perform this contract either with our organization or with Subcontractors.

LIQUIDATED DAMAGES. The Contractor is hereby advised that liquidated damages in the amount of

$1,100.00 dollars per calendar day

will be assessed for unauthorized extensions beyond the contracted time of completion.

PROPOSAL GUARANTY. A bid security is not required on Contract Proposals under $100,000.

A bid security totaling at least five percent (5%) of the bid amount will be required on contracts of $100,000 or over.

Acceptable forms of security for bid guaranty shall be:

(1) A bond in a form satisfactory to the State underwritten by a company licensed to issue bonds in this State;

(2) A bank certified check, bank cashier's check, bank treasurer's check, or cash;

(3) Pledge of security backed by the full faith and full credit of the United States government or bonds issued by the State of Maryland.

Enclosed herewith, find bid security based on at least five percent (5%) of the aggregate amount of the bid submitted, and made payable to the "Town of Denton". This bid security is a Proposal Guarantee (which is understood will be forfeited in the event the contract is not executed, if awarded to the signer of this affidavit).

NOTICE TO CONTRACTOR

PROJECT SCHEDULE. Section 109 shall only apply when a CPM Project Schedule item is included in the Schedule of Prices. Otherwise, all Project Schedules shall conform to Section 110.

NOTICE TO BIDDERS. The Proposal Form Packet in this Invitation for Bids requires the following information be submitted for the Bidder and each firm quoting or considered as subcontractors:

(a) Name of firm.

(b) Address of firm.

(c) MBE, Non-MBE, DBE, or Non-DBE.

(d) Age of firm.

(e) Annual gross receipts per last calendar year.

Note that there are provisions for submitting copies for additional subcontractors, and that an "X" is required to indicate whether or not additional copies have been submitted.

AFFIRMATIVE ACTION PLAN (AAP) CONTRACT GOALS. In order to be in compliance with the revised MBE/DBE laws effective September 27, 2011 or later, the bidder is required to complete the AAP information on pages 19, 20, 24–27, and 37-41 of 45 of the Contract Provisions, Proposal Form Packet—Federal, or complete the AAP information on pages 15-25, and 34-38 of 43 of the Contract Provisions, Proposal Form Packet—State, or complete the AAP information on pages 16-26 and 35-39 of 44 of the Contract Provisions, Proposal Form Packet—State Small Business Reserve Procurement. Failure to complete the information may be grounds for the bid to be declared non-responsive.

BOOK OF STANDARDS. The Book of Standards for Highway and Incidental Structures is only available on the Administration's Internet Site at www.roads.maryland.gov. The Book of Standards can be located by clicking on Business, Business Center, Business Standards and Specifications; and Book of Standards for Highway and Incidental Structures.

2008 STANDARD SPECIFICATION FOR CONSTRUCTION AND MATERIALS BOOK. The 2008 Standard Specifications for Construction and Materials Book is now only available on the Administration's Internet Site at www.roads.maryland.gov. The 2008 Specification Book can be located by clicking on Business, Business Center, Business Standards and Specifications; and 2008 Standard Specification for Construction and Materials which is available for download in .pdf format.

INSURANCE REQUIREMENTS. The Contractor shall include the State of Maryland as an additional named insured on all insurance policies required by this Contract, or otherwise required by law, including, but not limited to, commercial general liability (CGL), Workers' Compensation, and automobile liability.

All insurance policies, as described above, shall be kept in full force and effect until all work has been satisfactorily completed and accepted. All insurance policies, as described above, shall be endorsed to require thirty (30) days notice of cancellation or nonrenewal to:

Maryland State Highway Administration
Director, Office of Construction
7450 Traffic Drive
Hanover, MD 21076

Evidence of insurance required by this Contract, or otherwise required by law, shall be provided to the Administration at the address listed above prior to the award of the Contract by means of a Certificate of Insurance with copies of all cancellation endorsements attached. Any policy exclusions shall be shown on the face of the Certificate of Insurance.

Certificates of Insurance shall comply with all requirements of the Maryland Annotated Code, Insurance Article, Section 19-116. Certificates of Insurance shall be on a form approved by the Maryland Insurance Commissioner (Commissioner). Standard Certificate of Insurance forms currently adopted for use by the Association for Cooperative Operations Research (ACORD) or the Insurance Services Office (ISO) are deemed approved by the Commissioner and are acceptable. Outdated ACORD or ISO forms (those with a revision date prior to the date of the form currently adopted for current use by ACORD or ISO) are not acceptable. The Contractor shall ensure that all required Certificates of Insurance satisfy all requirements of Section 19-116 of the Insurance Article, including the prohibition against the issuance of any certificate of insurance that contains false or misleading information or that purports to amend, alter, or extend the coverage provided by the policies referenced in the certificate.

BRIDGE UNDERCLEARANCE. The minimum underclearances shall be maintained whenever resurfacing a roadway. This may require grinding the existing pavement prior to placing the resurfacing material. Immediately after completing the resurfacing operation and when the lane closures are still in the effect, the Contractor, in the presence of the Engineer, shall measure the minimum vertical underclearance. The Engineer will submit results to the Office of Structures. The cost of these measurements will be incidental to other pertinent items specified in the Contract Documents.

REQUEST FOR INFORMATION. Any information regarding the requirements or the interpretation of any provision of the Contract Documents shall be requested, in writing, per the requirement of GP-2.09. Responses to questions or inquiries having any material effect on the bids shall be made by written addenda sent to all prospective bidders. The Administration will not respond to telephone requests for information concerning this invitation for bids that would materially affect the bid.

Written requests for information or questions shall be addressed to:

Mr. Donald H. Mulrine, Jr.
Town Administrator
4 North 2nd Streeet
Denton, MD 21629
or
FAX to 410-479-3534
Or
DMulrine@dentonmaryland.com

Each request for information or questions shall include the Contract number and the name and address of the originator.

RIGHT-OF-WAY STATUS.

There is no right-of-way required for this project. A permit has been granted (SHA permit 2-CO-2761-13) to permit the temporary placement and storage of materials and equipment under SHA bridge #0501600 MD 404 Business over the Choptank River, for the duration of this project.

The Town of Denton possesses all right-of-way and rights of way including but not limited to all easements and permits, required to construct and maintain the project.

RAILROAD STATEMENT. Federal Aid Contracts Only. Federal Aid Contract No. IFB_FAPNo

For this project, Maryland SHA is providing the following statement of coordination (check one):

☒ No Railroad coordination required (no RR facilities are affected) (check this box when there is no railroad facility within or near the terminus of the project limits)

☐ All Railroad work has been completed prior to the project (check this box if traffic control devices within or near the terminus of the Federal-Aid project limits comply with the current edition of the Manual on Uniform Traffic Control Devices)

☐ The necessary arrangements have been made for all railroad work to be undertaken and completed as required for proper coordination with physical construction schedules. (Appropriate notification shall be provided in the PS&E for railroad coordination concurrent with the project construction)

☐ For AREAWIDE Contracts, Maryland SHA will provide a Statement of Coordination when the Modification to the 25C is submitted, prior to NTP. (Check this box for all AREAWIDE Projects)

REQUIRED ENVIRONMENTAL PERMITS, APPROVALS AND AUTHORIZATIONS.
The Administration will obtain all required permits, approvals, or authorizations which are within the project scope and limits set forth in the contract documents and listed in the below table. The Contractor shall comply with the requirements of all permits, approvals, or authorizations required for this project. All permits received by advertisement are included in the IFB. Permits received after advertisement and prior to bid opening will be added to the IFB via an addendum.

All of the indicated permits, approvals, and authorizations should be kept on-site unless indicated otherwise. Proposed changes to the project may require additional permits, approvals, and authorizations and/or modifications.

Permit/ Approval/Authorization Description	Required for this project?	Approval/ Permit/ Authorization Included in IFB?[1]	Permit, Approval, Or Auth. Number	Expiration Date
WETLANDS, WATERWAYS, CRITICAL AREA				
MDE Non-tidal Wetland & Waterway Permit	☒Yes ☐No	☒Yes ☐Draft ☐ No		
MDE Authorization to Proceed	☒Yes ☐No	☒Yes ☐Draft ☐ No		
MDE Letter of Authorization	☐Yes ☐No	☐Yes ☐Draft ☐ No		
MDE General Waterway Construction Permit	☐Yes ☐No	☐Yes ☐Draft ☐ No		
MDE Water Quality Certification	☐Yes ☐No	☐Yes ☐Draft ☐ No		
MDE Tidal License	☒Yes ☐No	☒Yes ☐Draft ☐ No		
MDE Tidal Permit	☐Yes ☐No	☐Yes ☐Draft ☐ No		
MDE Tidal No-License	☐Yes ☐No	☐Yes ☐Draft ☐ No		
Maryland State Programmatic General Permit	☐Yes ☐No	☐Yes ☐Draft ☐ No		
COE Individual Permit	☒Yes ☐No	☒Yes ☐Draft ☐ No		
U.S. Coast Guard Permit	☐Yes ☐No	☐Yes ☐Draft ☐ No		
Critical Area Commission Approval	☒Yes ☐No	☒Yes ☐Draft ☐ No		
MDE Water Appropriations Permit for Ground Water	☐Yes ☐No	☐Yes ☐Draft ☐ No		
Other	☐Yes ☐No	☐Yes ☐Draft ☐ No		
EROSION/SEDIMENT CONTROL & STORMWATER MANAGEMENT				
Stormwater Management and Erosion & Sediment Control Approval	☒Yes ☐No	☐Yes ☐Draft ☒ No		
NPDES Permit for	☐Yes ☐No	☐Yes ☐Draft ☐ No		

Permit/ Approval/Authorization Description	**Required for this project?**	**Approval/ Permit/ Authorization Included in IFB?[1]**	**Permit, Approval, Or Auth. Number**	**Expiration Date**
Stormwater Associated with Construction Activity[2]				
AASCD Approval	☐Yes ☐No	☐Yes ☐Draft ☐ No		
TREES				
MD Roadside Tree Permit	☐Yes ☐No	☐Yes ☐Draft ☐ No		
Maryland Reforestation Law Approval	☐Yes ☐No	☐Yes ☐Draft ☐ No		
Maryland Forest Conservation Act Approval	☐Yes ☐No	☐Yes ☐Draft ☐ No		

[1] 'Draft' indicates the formal permit has not been obtained but draft permit conditions are included.
[2] See website listed below for complete NPDES Permit requirements:
http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/2014MDRC-GeneralPermit.pdf

Abbreviations:

AASCD - Anne Arundel Soil Conservation District
COE – U.S. Army Corps of Engineers
MDE – Maryland Department of the Environment
NPDES – National Pollutant Discharge Elimination System

CATEGORY 900
MATERIALS

SECTION 901 — AGGREGATES

655 **DELETE: 901.01 -** Tables 901 A, 901 B, 901 C, and 901 D in their entirety.

INSERT: The following.

TABLE 901 A
AGGREGATE GRADING REQUIREMENTS
TEST METHOD T 27

MATERIAL		SIEVE SIZE															
		2-1/2" 63 mm	2" 50 mm	1-1/2" 37.5 mm	1" 25 mm	3/4" 19 mm	1/2" 12.5 mm	3/8" 9.5 mm	No. 4 4.75 mm	No. 8 2.36 mm	No. 10 2.0 mm	No. 16 1.18 mm	No. 30 600 µm	No. 40 425 µm	No. 50 300 µm	No. 100 150 µm	No. 200 75 µm
CRUSHER RUN AGGREGATE CR -6 (f)(g)		—	100	90–100	—	60–90	—	—	30–60	—	—	—	—	—	—	—	0–15
BANK RUN GRAVEL — SUB-BASE		100	—	—	90–100	—	60–100	—	—	—	35–90	—	—	20–55	—	—	5–25
GRADED AGGREGATE — BASE DESIGN RANGE (a)		—	100	95–100	—	70–92	—	50–70	35–55	—	—	—	12–25	—	—	—	0–8
TOLERANCE (b)		—	–2	±5	—	±8	—	±8	±8	—	—	—	±5	—	—	—	±3(c)
BANK RUN GRAVEL — BASE		100	—	—	85–100	—	60–100	—	—	—	35–75	—	—	20–50	—	—	3–20
COARSE AGGREGATE - PORTLAND CEMENT CONCRETE	57 and UNDERDRAIN (h)	—	—	100	95–100	—	25–60	—	0–10	0–5	—	—	—	—	—	—	—
	67	—	—	—	100	90–100	—	20–55	0–10	0–5	—	—	—	—	—	—	—
	7	—	—	—	—	100	90–100	40–70	0–15	0–5	—	—	—	—	—	—	—
FINE AGGREGATE — PORT-LAND CEMENT CONCRETE, UNDERDRAIN, and PNEUMATIC MORTAR (d)		—	—	—	—	—	—	100	95–100	—	—	45–85	—	—	5–30	0–10	—
COARSE AGGREGATE — LIGHTWEIGHT PORTLAND CEMENT CONCRETE		—	—	—	100	90–100	—	10–50	0–15	—	—	—	—	—	—	—	—
FINE AGGREGATE — LIGHTWEIGHT PORTLAND CEMENT CONCRETE (d)		—	—	—	—	—	—	100	85–100	—	—	40–80	—	—	10–35	5–25	—
FINE AGGREGATE/SAND MORTAR and EPOXIES (d)		—	—	—	—	—	—	—	100	95–100	—	—	—	—	—	0–25	0–10
MINERAL FILLER		—	—	—	—	—	—	—	—	—	—	—	100	—	95–100	—	70–100

(a) To establish target values for design.
(b) Production tolerance.
(c) ±2 for field grading (omitting T 11).
(d) Fine aggregate includes natural or manufactured sand.
(e) Crushed glass shall not contain more than one percent contaminants by weight.
(f) Not to be used in the structural part of any Administration project.
(g) Recycled asphalt pavement may be used as a component not to exceed 15 percent and is not subject to aggregate physical property requirements in TABLE 901 B.
(h) Recycled concrete is prohibited in drainage applications.

TABLE 901 B

AGGREGATE PHYSICAL PROPERTY REQUIREMENTS

MATERIAL	TEST METHOD				
	SPECIFICATION	T 90	T 11	T 96	T 104
		PI	MATERIAL FINER THAN No. 200 SIEVE	LOS ANGELES ABRASION	SODIUM SULFATE SOUNDNESS
		max	% max	% max	% max
CRUSHER RUN AGGREGATE CR-6	D 1241(a)	6	—	50	—
BANK RUN GRAVEL — SUBBASE	D 1241	6	—	50	—
GRADED AGGREGATE — BASE	D 1241	6	—	50	—
BANK RUN GRAVEL — BASE	D 1241	6	—	50	—
COARSE AGGREGATE — PCC (b)	M 80 CLASS A	—	1.0(c)	50	12
FINE AGGREGATE — PCC (b)(d)	M 6 CLASS B	—	4.0(e)	—	10
COARSE AGGREGATE — LIGHTWEIGHT PCC	M 195	—	—	—	—
FINE AGGREGATE — LIGHTWEIGHT PCC (f)	M 195	—	—	—	—
FINE AGGREGATE/SAND MORTAR and EPOXIES	M 45	—	—	—	10
MINERAL FILLER (g)	M 17	4	—	—	—
GLASS CULLET (h)	M 318	—	—	—	—

(a) Other approved inert materials of similar characteristics may be used provided they meet these provisions. For crushed reclaimed concrete, the soundness loss shall not exceed 18 percent after magnesium sulfate testing as specified in T 104.
(b) Test coarse and fine aggregate for PCC for alkali silica reactivity (ASR) per MSMT 212.
(c) 1.5 if material passing No. 200 sieve is dust of fracture, free of clay or shale.
(d) In areas exposed to traffic, manufactured sand shall have a minimum ultimate Dynamic Friction Value (DFV) of 40, based on the parent rock.
(e) 5.0 for concrete not subject to surface abrasion.
(f) Fine aggregate meeting M 6 may be used if the lightweight concrete does not exceed the maximum unit weight specified in the Contract Documents.
(g) Fly ash shall not exceed 12 percent loss on ignition.
(h) For use as a granular road base material. Not intended for use in locations where surfacing will not be placed over the base.

TABLE 901 C

ASPHALT MIXES

AGGREGATE GRADING REQUIREMENTS, % PASSING FOR MIX DESIGN

TEST METHOD T 27

MATERIAL		SIEVE SIZE									
		3/4in.	1/2in.	3/8in.	No. 4	No. 8	No. 16	No. 30	No. 50	No. 100	No. 200
		19.0 mm	12.5 mm	9.5 mm	4.75 mm	2.36 mm	1.18 mm	600 µm	300 µm	150 µm	75 µm
GAP GRADED STONE MATRIX ASPHALT MIX - 9.5mm		100	100	75–90	30–50	20–30	—	—	—	—	8–13
GAP GRADED STONE MATRIX ASPHALT MIX - 12.5mm		100	90–99	70–85	28–40	18–30	—	—	—	—	8–11
GAP GRADED STONE MATRIX ASPHALT MIX - 19.0mm		100	82–88	60 max	22–30	14–20	—	—	—	—	9–11
OPEN GRADED FRICTION COURSE – 9.5mm (a)		—	100	85–100	20–40	5–10	—	—	—	—	2–4
OPEN GRADED FRICTION COURSE – 12.5 mm (a)		100	85–100	55–75	15–25	5–10	—	—	—	—	2–4
OPEN GRADED FRICTION COURSE – 12.5mm (b)		100	80–100	35–60	10–25	5–10	—	—	—	—	1–4
SLURRY SEAL (SS) AND MICRO -SURFACING (MS)	TYPE II	—	—	100	90–100	65–90	45–70	30–50	18–30	10–21	5–15
	TYPE III	—	—	100	70–95	45–70	28–50	19–34	12–25	7–18	5–15
CHIP SEAL SURFACE TREATMENT	7	100	90–100	40–70	0–15	0–5	—	—	—	—	—
	8	—	100	85–100	10–30	0–10	0–5	—	—	—	—

(a) Less than Design Level 4 (ESAL)
(b) Porous European Mix (PEM) – Design Level 4 (ESAL)

TABLE 901 D

AGGREGATE PHYSICAL PROPERTY REQUIREMENTS FOR ASPHALT MIXES

MATERIAL	SPECIFICATION	TEST METHOD					
		T 11	T 96	T 104	D 4791	MSMT 216	T 279
		MATERIAL FINER THAN No. 200 SIEVE % max	LOS ANGELES ABRASION (LA) % max	SODIUM SULFATE SOUNDNESS % max	FLAT and ELONGATED (a) % max	DYNAMIC FRICTION VALUE (DFV) (b) (c) min	BRITISH PENDULUM NUMBER (BPN) (c) min
SURFACE COURSE 4.75mm, 9.5mm, 12.5mm, and 19.0mm	M323	—	45	12	10	25	—
SURFACE COURSE — HIGH DFV 4.75mm, 9.5mm, 12.5mm, and 19.0mm	M323	—	45	12	10	40 (e)	—
BASE COURSE 19.0mm, 25.0mm and 37.5mm	M323	—	45	12	10	—	—
GAP GRADED STONE MATRIX ASPHALT 9.5mm, 12.5mm, and 19.0mm	M323	—	30	12	20/5 (g)	40 (e)	—
OPEN GRADED FRICTION COURSE 9.5 mm, 12.5 mm, 12.5 mm PEM (h)	MSMT 409	0.5	30	12	20/5 (g)	40 (e)	—
SLURRY SEAL (SS) and MICRO-SURFACING (MS)	—	—	—	12	—	40 (f)	30
CHIP SEAL SURFACE TREATMENT	M 80, CLASS A	1.0 (d)	45	—	—	—	—

(a) Testing for flat and elongated particles shall be conducted on the blended aggregates. Dimensional ratio of calipers shall be 5:1.
(b) The minimum Dynamic Friction Value (DFV) shall be based on a single aggregate source or a blend of aggregates used. Determine proportions of blended aggregates using MSMT 416.
(c) DFV and British Pendulum Number (BPN) determined on parent rock. Reclaimed asphalt pavement (RAP) shall have a DFV of 30.0.
(d) 1.0 for samples taken at the point of production. Samples taken at any point after shipment shall have no more than 1.5 percent finer than 0.075 mm sieve.
(e) Carbonate rock shall have a minimum of 25 percent insoluble residue retained on the 0.075 mm sieve.
(f) No blending allowed.
(g) Testing conducted on particles retained on the 4.75 mm sieve. . Dimensional ratio of calipers shall be 3:1/5:1.
(h) Porous European Mix