

Montgomery County Public Schools Facilities Guide
DIVISION 0 - CONDITIONS OF THE CONTRACT

SECTION 00020 - NOTICE TO CONTRACTORS

Division of Construction
MONTGOMERY COUNTY PUBLIC SCHOOLS
2096 GAITHER ROAD
SUITE 203
ROCKVILLE, MARYLAND 20850

**NOTICE TO SUBCONTRACTORS / PRIME TRADE CONTRACTORS
PRE-QUALIFICATION FOR ALL MAJOR CONSTRUCTION PROJECTS**

The Technical Offer to pre-qualify Subcontractors/Prime Trade Contractors will be received on a continuous basis, by the Montgomery County Board of Education, Division of Construction, 2096 Gaither Road, Suite 203, Rockville, Maryland 20850, for all major construction projects anticipated to be bid during FY2012.

All Technical Offers will be delivered to the Division of Construction, 2096 Gaither Road, Suite 203, Rockville, Maryland 20850, after which they will be reviewed and scored. It is the intent of Montgomery County Public Schools (MCPS) to technically qualify subcontractors/prime trade contractors for all projects equal to or less than the largest scope of projects they have successfully completed. **Only Technical Offerors receiving a minimum technical offer score of 75 points will be considered qualified to bid projects.**

*All Subcontractors/Prime Trade Contractors are advised to read the technical offer in its entirety. The technical offer outlines documentation required in addition to the list of references. **Technical offers submitted prior to January 1, 2011 for pre-qualification are expired and all subcontractors/prime trade contractors must submit a Technical Offer in order to be considered.***

Prime Trade Contractors who are not pre-qualified by Montgomery County Public Schools **must** submit a technical offer for pre-qualification to MCPS not less than 30 days before a given bid date. Subcontractors bidding on general construction projects must have their pre-qualification technical offer on file with the Division of Construction prior to the bid date.

Montgomery County Public Schools retains a list of existing pre-qualified energy management systems controls, roofing, and asbestos abatement/removal contractors. Those trades are excluded from this solicitation and no technical offers will be accepted for these categories.

The technical offer package for Subcontractor/Prime Trade Contractors is available online through the Division of Construction homepage at: www.montgomeryschoolsmd.org/departments/construction/bids/bidnotice.shtm. Once on the Construction homepage, click on Notice to Contractors under the Bid Process heading on the left and scroll down to "Announcements".

NEW for 2011 - There are 2 parts to this submission: (1) Follow directions for Technical Offer and mail entire package to Donna Hanson, Division of Construction, 2096 Gaither Road, Suite 203, Rockville, MD 20850; (2) Enter project references in web-based Rating Source Program per instructions in this Technical Offer.

Subcontractors/Prime Trade Contractors for the school projects contemplated by this Notice will only be approved if Montgomery County Public Schools deems them to be fully qualified and responsible. Montgomery County Public

Schools considers the ability and reliability to timely complete projects to be a critical aspect of being fully qualified and responsible. Accordingly, subcontractors/prime trade contractors will be required to submit a listing of all projects completed in the past 24 months, one of which must be a K-12 school.

The Technical Offer shall be enclosed in a sealed envelope. The Offeror shall be responsible for clearly marking the following data on the envelope: 1. Technical Offer, 2. Name and address of firm submitting the offer, 3. Name and address of project and package name, and 4. Addressed to Division of Construction, 2096 Gaither Road, Suite 203, Rockville, Maryland 20850.

Questions regarding the Technical Offer should be referred to **Donna Hanson** at **Donna_E_Hanson@mcpsmd.org**, Division of Construction, 2096 Gaither Road, Suite 203, Rockville, Maryland 20850. **Contact shall be by email.**

Minority business enterprises are encouraged to respond to this Notice.

The Contractor who provides materials, supplies, equipment, and/or services for this construction project shall attempt to achieve the overall Minority Business Enterprises (MBE) goal for public school construction established for this project. All prime trade contractors, including Maryland Department of Transportation (MDOT)-certified MBE firms, when submitting bids or proposals as general or prime trade contractors, are required to attempt to achieve the set goal from MDOT-certified MBE firms. Specific goals established per package will be as stated in Section 00801 of the bidding documents.

The Offeror shall submit the required MBE forms contained in the solicitation with the proposal, and failure to submit these forms may result in the bid being determined as non-responsive.

Instructions pertaining to the bid bond, performance, and materials payment bond requirements are set forth in Section 00100, "Technical Offeror Instructions", and compliance with same shall be the responsibility of the Contractor submitting the bid.

The conditions contained in this "Notice to Contractors," by their issuance, become a part of the Contract requirements. The Board of Education reserves the right to waive any informalities or immaterial deviations in the bids, or to reject, any or all bids.

BY ORDER OF THE BOARD OF EDUCATION

(Original signed by)

R. CRAIG SHUMAN, DIRECTOR
DIVISION OF CONSTRUCTION

END OF SECTION
00020

INSTRUCTIONS TO POTENTIAL OFFERORS FOR CONSTRUCTION TRADE CONTRACTS FOR MCPS PROJECTS TO BE BID DURING FY2012

PART 1 - OBJECTIVES

1.1 The objective of this Request is for Montgomery County Public Schools (herein referred to as the Owner or MCPS) to independently evaluate and qualify Trade Contractors to submit bids for the major construction projects to be funded in the FY2012 Capital Budget. All construction is contingent upon FY2012 funding approval for the individual projects by the Montgomery County Council. Offerors are to submit only their qualifications to MCPS at this time. The evaluation will be done through Rating Source, 465 South Orlando Avenue, #401, Maitland, FL 32751.

PROJECT	DATE
Weller Road Elementary School Modernization	August 2011
Bradley Hills Elementary School Addition	November 2011
Glenallan Elementary School Modernization	November 2011
Georgian Forest Elementary School Addition	November 2011
Westbrook Elementary School Addition	December 2011
Wyngate Elementary School Addition	December 2011
Viers Mill Elementary School Addition	December 2011
Darnestown Elementary School Addition	January 2012

- 1.2 The Multi-Step Bid process is being used to identify and pre-qualify those companies with the relevant quantitative experience, requisite skills, and successful work history necessary to perform the required work. Companies are invited to submit their technical qualifications in accordance with the requirements set forth herein.
- 1.3 Those companies achieving the minimum requisite score on their technical proposals will be deemed qualified to submit bids for both Construction Management and General Construction project delivery methods. Bids received from companies that have not been qualified to submit will not be considered.
- 1.4 It is imperative that the instructions in this technical offer be followed. Incomplete submissions will be returned.
- 1.5 All work performed under this contract shall be in accordance with the MCPS "General Conditions of the Contract for Construction" AIA A201-2007 as modified or supplemented by any amendments, the Contract Drawings, the Technical Specifications, any Addenda, and other components of the Contract.
- 1.6 It is the intent of MCPS to technically qualify Subcontractors/Prime Trade Contractors for all projects equal to or less than the largest scope of projects they have successfully completed. A Notice to approved Subcontractors/Prime Trade Contractors will be posted on the MCPS Division of Construction website when bidding documents become available.
- 1.7 Upon completion of the evaluation of all Technical Offers submitted in response to this solicitation, Subcontractors/Prime Trade Contractors achieving the minimum or better technical score of **75** will be

approved. Scoring of proposals is weighted as follows:

Average Ratings Provided By References	75 points
Overall Qualification and Project Capacity	25 points

- 1.8 A debriefing of an unsuccessful Offeror will be conducted upon written request submitted to the Division of Construction, Montgomery County Public Schools, 2096 Gaither Road, Suite 203, Rockville, Maryland 20850, within 30 days of status notification. A debriefing shall be scheduled at the earliest feasible time. The debriefing shall be limited to a discussion of the unsuccessful Offeror's technical qualifications only and shall provide information on areas in which it was deemed weak or deficient.

PART 2 - PRE-QUALIFICATION

- 2.1 Offerors shall submit qualification information in accordance with the requirements identified herein. The MCPS Procurement Officer or his representative may, at his discretion, contact one or more offerors during the evaluation process for clarification of any entries submitted by the offeror and may request additional information. Such additional information must be submitted to MCPS no later than five (5) days after the request.
- 2.2 The decision to pre-qualify an Offeror shall be based primarily on the information submitted as part of the Technical Offer. The pre-qualification shall not be construed to constitute a determination that the Offeror has met the requirements of the contract bid proposal. Furthermore, MCPS reserves the right to reevaluate or change pre-qualification requirements or decisions based on information received at any time up to the final construction bid award. Previous project experience with Montgomery County Public Schools will be considered even if those projects are not submitted for evaluation.
- 2.3 In a **general contracting bid**, pre-qualification of a subcontractor by MCPS does not bind the Owner or the general contractor. When a Notice to Subcontractors is published and a contractor has not been pre-qualified by MCPS, pre-qualification forms must be received by MCPS prior to the bid date.
- 2.4 MCPS retains a list of existing pre-qualified energy management systems controls, roofing, and asbestos abatement/removal contractors. Those trades are excluded from this solicitation and no technical offers will be accepted for these categories.

PART 3 - ISSUING OFFICE

- 3.1 The Issuing Office is:

Montgomery County Public Schools
Division of Construction
2096 Gaither Road, Suite 203
Rockville, Maryland 20850
Attn: Donna Hanson
Fax: (240) 314-1036
Email: Donna_E_Hanson@mcpsmd.org **Contact shall be by e-mail.**

- 3.2 The Issuing Office shall be the sole point of contact for purposes of preparing this Technical Offer.

PART 4 - PRE-BID MEETING

- 4.1 Pre-bid meetings for specific projects will be held at dates, times, and locations to be determined following notification of those firms deemed "qualified to bid." Attendance is not mandatory, but is strongly recommended as additional information may result.

PART 5 - TERMINOLOGY

- 5.1 All references in this Request for Multi-Step Bid to Subcontractor, Proposer, Offeror, and other person or

persons are made relative to the singular person, male gender (e.g., "he", "him", "his", etc.). These are intended only as generic terms relative to number and gender, and are employed solely to simplify text and to conform to commonly used construction specifications language.

PART 6 - QUESTIONS AND INQUIRIES

- 6.1 Questions and inquiries shall be directed by e-mail to the individual referenced with the Issuing Office above. The Issuing Office will be open from 8:30 a.m. to 5:00 p.m. weekdays, excluding holidays.
- 6.2 Items affecting the scope of work or conditions of the contract shall be subject to the conditions of any Addenda issued.

PART 7 - DUE DATE AND TIME

- 7.1 One original of the Technical Offer must be delivered to Montgomery County Public Schools, Division of Construction, 2096 Gaither Road, Suite 203, Rockville, MD 20850, in order to be considered.
- 7.2 The due date for bid prices of those Contractors achieving the required minimum or better technical score will be announced with the issuance of the 100% bid documents.
- 7.3 Firms mailing Technical Offers shall allow sufficient mail delivery time to insure timely receipt by Montgomery County Public Schools, Division of Construction, 2096 Gaither Road, Suite 203, Rockville, MD 20850. Submissions shall be stapled or bound in a folder. No notebooks, binders, or photos please. Technical Offers must be submitted in a sealed envelope. The envelope shall have the Firm's name and address prominently displayed, along with the words "TECHNICAL OFFER" and INDICATE THE TRADE CATEGORY.
- 7.4 ***Bids received from those who have not been pre-qualified will not be considered.***

PART 8 - BID SECURITY

- 8.1 If the Technical Offeror achieves the minimum score of **75** and they are issued the contract drawings and specifications for pricing, Bidders shall furnish with his bid price, if applicable, a Bid Bond on AIA Document A-310 issued by a surety company acceptable to the Owner and licensed to issue bonds in the State of Maryland, properly executed in favor of the Owner. The bond must be in an amount not less than ten percent (10%) of the amount of the largest possible total of bids submitted and shall be in the form specified.
- 8.2 Should the Bidder to whom the contract is awarded fail or be unable to execute the contract, for any reason, within ten (10) days after notification of award, then an amount equal to the difference between the accepted price, and that of the Bidder to whom the award subsequently is made shall be paid to MCPS as liquidated damages.
- 8.3 The Bidder to whom a contract is awarded also must furnish Performance and Payment Bonds, if applicable, each in the amount of one hundred percent (100%) of the contract price, including executed Change Orders, in the form specified. These must be provided at the time of the signing of the contract and prior to the start of any work. The Performance and Payment Bonds shall be submitted on AIA Document A312 as amended by MCPS on 4/28/08. The surety company must be acceptable to the Owner, licensed to transact business in the State of Maryland, and have at least an A Minus rating with A. M. Best.
- 8.4 If the Technical Offeror experiences a material change in its bonding status, corporate structure, or personnel after submission of its qualifications and prior to the award of the contract for the Project, the Technical Offeror shall notify MCPS of the change in writing at the time the change occurs or as soon thereafter as it is reasonably practicable.
- 8.5 Failure to notify MCPS of any material change in bonding status, corporate structure, or personnel shall constitute grounds for rescinding a "qualified to bid" rating or for rejection of a bid.

PART 9 - RIGHT TO REJECT BIDS AND TO WAIVE INFORMALITIES

- 9.1 The Board of Education reserves the right to waive any informalities or immaterial deviations in the Multi-Step Bid, or to reject, any or all bids.

PART 10 - APPLICATION REQUIREMENTS

- 10.1 The following information must be furnished in the Technical Offer portion of the Multi-Step bid. Failure to include any of the items listed below will disqualify a firm's response. Technical Offerors should describe in detail and provide evidence supporting the qualifications requested below. A qualifying score of **75** or better must be achieved by the Offeror to be allowed to proceed to the bidding phase in this procurement process.
- 10.2 MCPS reserves the right to require that the subcontractor demonstrate that it has the skills, competence, responsibility, equipment, and other resources to satisfactorily perform the nature and magnitude of work necessary to complete the project within the proposed contract schedule.
- 10.3 Application forms and supplemental information must be typed or printed. Information presented therein shall be clear, complete, accurate, and concise. The following forms and attachments comprise the Technical Offer:
- A. Technical Offeror is to submit a **letter on company letterhead signed by an authorized person verifying compliance** with the following mandatory requirements:
1. A firm must have a minimum of ten (10) years' experience for the trade in which they are applying in order for his Technical Offer to be considered; this is a mandatory requirement. If the Technical Offeror is a joint venture firm, each joint venture party must have ten (10) years' contracting experience; if, however, one (1) joint venture party is responsible for seventy percent (70%) or more of the scope of services, that joint venture party must have ten (10) years' experience and the other joint venture party(ies) must each have five (5) years' experience.
 2. The firm must disclose whether it or its' principals have done business and/or have been licensed in the State of Maryland to do business under any other name in the last 10 years. Failure to do so will result in disqualification of the Technical Offer.
 3. Firms must be licensed as a Construction Firm as required by the State of Maryland (Business Regulation Article, Annotated Code of Maryland) and shall submit proof of current business and professional trade licensing with their Technical Offer.
 4. Firms must provide a "Good Standing Certificate" from the General Accounting Division, Comptroller of Maryland. Information may be obtained at:
http://compnet.comp.state.md.us/General_Accounting_Division/default.shtml.
 5. General Company Background: Brief but informative history of your firm. Include information as to type of work done, number of years in business, number of employees with breakdown between supervisory and non-supervisory and annual dollar volume. **Specify a primary contact to include name, title, telephone number and e-mail address.**
 6. Project Specific Background: Provide information on your firm's specific background by submitting a list of the ten largest projects completed during the past 24 months, one of which must be a K-12 school.
 7. The Technical Offeror must confirm that the firm has no judgments identified in Paragraphs 14.2.C, D, E, and F against it.

8. Please note: If the Technical Offeror is a local office of a parent company, the information is to be provided on the **local office only that will be managing this contract**, not the parent organization, unless the parent organization is the Offeror.
- B. **Subcontractor Experience Form**: The Applicant shall provide the information required on the form identified as **Attachment A**. The form shall be completed in its entirety. Failure to submit a response in the format requested on the official MCPS form provided for this purpose will be considered just cause for rejection of the response.
1. Provide a list of the 10 largest projects completed in the 24 months prior to the date of submission. On the Subcontractor/Prime Trade Contractor's Experience form (Attachment A), provide reference contact names, addresses, telephone numbers, fax numbers, and e-mail addresses for each project. **One of the references listed must be from a K-12 school project.** If no K-12 projects have been completed in the past 24 months, Offeror must list the K-12 project most recently completed. Projects submitted as references must be verifiable. Failure to provide project references that can be verified will result in a disqualification of the firm's response. **See Item # 4 below for instructions on entering references into Rating Source. The references submitted by hard copy in the Technical Offer must be the same references entered into Rating Source.**
 2. MCPS reserves the right to verify all information given if it so chooses, as well as to check any other sources available.
 3. Please be sure that accurate information is provided and that the person listed as "Reference Contact" should be the person in charge of administering the contract with the Offeror or a person with sufficient personal knowledge about the project to be able to answer detailed questions about the Offeror's professional performance on the project for which a reference is being requested. References will be held in the strictest of confidence.
 4. Montgomery County Public Schools uses an internet and e-mail based system to collect evaluations from previous clients about work performed by the Offeror. Please follow the instructions below to enter your references into Rating Source:
 1. E-mail your company name, address, trade category, and one primary company contact name and e-mail address to Donna_E_Hanson@mcpsmd.org.
 2. After receipt of information by MCPS, you will receive an invitation with a **login** and a **passcode** which are required to enter your company's references into Rating Source. Enter the project information and references listed on Attachment A for the 10 largest projects completed in the past 24 months, one of which **must** be a K-12 project, into Rating Source.
 3. A minimum of 70% of your references must respond to the "Request for Ratings" described below in order for the evaluation to be completed.
 5. Montgomery County Public Schools will send an e-mail entitled "Request for Ratings" to each listed "Reference Contact" supplied by the offeror as a reference. For this reason, the accuracy and completeness of these e-mail addresses is critical. It is suggested that the offerors notify each of these contact persons in advance, by e-mail, to inform them about the expected "Request for Ratings" e-mail, and to encourage them to complete the survey when it arrives via e-mail. If these requests for ratings are not completed by the requested rater, Montgomery County Public Schools will notify the offeror by e-mail to an e-mail address supplied by offeror. The offeror will notify Montgomery County Public Schools of any known changes to the "Reference Contact E-mail Address." Montgomery County Public Schools reserves the right to consider any offeror non-qualified if the number of ratings completed by the listed "Reference Contacts" is insufficient, or for any other gross irregularities in the reference-checking process.
- C. **Firm Safety Record**: Provide the information requested on **Attachment B**.

- D. **Minority Business Enterprise (MBE) Utilization Experience:** Please sign the acknowledgement on **Attachment C**. MBE forms included in the project specifications will be required at the time of bid submission.
- E. **Affidavit of Accuracy:** Certification that all the information submitted in this Technical Offer is true and accurate. The form identified as **Attachment D** shall be used.
- F. **Surety Statement:** Applicant's ability to acquire bid, performance, and payment bonds for these FY2012 projects.

PART 11 - CONFIDENTIALITY/PROPRIETARY INFORMATION

- 11.1 Firms should give specific attention to the identification of those portions of their Technical Offer which they deem to be confidential, proprietary information or trade secrets, and provide any justification of why such materials, upon request, should not be disclosed by MCPS under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6 of the Annotated Code of Maryland. Subcontractors must clearly indicate each and every section that is deemed to be confidential, proprietary or a trade secret. It is not sufficient to preface your Multi-Step Bid with a proprietary statement.

PART 12 - MISREPRESENTATION

- 12.1 If any Offeror knowingly makes a misrepresentation in submitting information to MCPS, or fails to provide all required information, such misrepresentation or omission will be sufficient grounds for rescinding a "qualified to bid" rating or for rejection of a bid submitted as a result of this Technical Offer.

PART 13 - SMALL BUSINESS

- 13.1 Small Business preference does not apply to this solicitation.

PART 14 - EVALUATION OF APPLICATIONS

- 14.1 In evaluating each Technical Offer, the Rating Source surveys will include, by way of illustration and not limitation, the following criteria:
 - A. The Subcontractor/Prime Trade Contractor shall have successfully completed projects in similar size and scope for which they will be approved to bid; at least one of which must be a K-12 school. More weight will be given to K-12 school experience.
 - B. Current client references for the above-cited projects that can be contacted to determine the Subcontractor's performance, workmanship quality and ability to meet scheduled completion dates.
 - C. Ability to obtain Bid, Performance and Payment Bonds, if applicable.
 - D. Possession of a valid Maryland Contractor's license and applicable trade licenses prior to bid submission.
 - E. Subcontractor/Prime Trade Contractor's safety record.
- 14.2 MCPS will deny technical qualification to any offeror if MCPS finds any of the following:
 - A. The Offeror fails to provide a signed Surety Statement that indicates that the Surety knows of no reason at this time that the Surety would not be able to provide bid, performance and payment bonds in connection with the projects to be bid this year for amounts up to (XXXXXXX) Dollars (\$XXXXXX), if applicable.

- B. The Offeror does not have the appropriate experience to perform an MCPS project.
- C. The Offeror or any officer, director or owner thereof has had judgments entered against him/her within the past ten (10) years for the breach of contracts for governmental or non-governmental projects.
- D. The Offeror has been in substantial noncompliance with the terms and conditions of prior construction projects with MCPS. If MCPS has not contracted with an Offeror in any prior construction projects, the MCPS Procurement Officer will deny technical qualification if the Offeror has been in substantial noncompliance with the terms and conditions of comparable projects with another public body.
- E. The Offeror or any owner, officer, director, project manager, procurement manager or chief financial officer thereof has been convicted within the past ten (10) years.
- F. The Offeror or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency or another state or agency of the federal government.
- G. The Offeror failed to provide to MCPS within the established time frame, any information requested in this Notice to Subcontractors relevant to Items A through F above.

ATTACHMENT A

**Project Information and References:
Report all projects completed during the prior 24 months: K-12, Other Educational Facilities, and Other Projects.**

Project Title:	
Project Street Address City, State, Zip	
Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	

Reference Contact E-Mail:	
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Project Title:	
Project Street Address City, State, Zip	
Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	
Reference Contact E-Mail:	

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Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	

Reference Contact E-Mail:	
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Project Title:	
Project Street Address City, State, Zip	
Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	
Reference Contact E-Mail:	

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Project Street Address City, State, Zip	
Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	
Reference Contact E-Mail:	

Project Title:	
Project Street Address City, State, Zip	
Project Completion Date:	
Contract Amount:	
Percentage of work completed with your own forces	
MBE Percentage on Project:	
Project Type:	
Reference Contact Name and Title:	
Reference Contact Company/Agency Name	
Reference Contact Street Address City, State, Zip	
Reference Contact Telephone	
Reference Contact E-Mail:	

ATTACHMENT B
FIRM SAFETY RECORD (FOR LAST THREE YEARS)

OFFEROR: _____

1. Do you have a written safety program? Yes No

If Yes, briefly describe scope of your program.

2. Any work related employee deaths in the last three years? Yes No

If Yes, explain the circumstances.

3. Any OSHA or MOSH citations in the last three years? Yes No

If Yes, explain the circumstances.

4. What is your EMR (experience modification rate) for the last three years?

2008 _____ 2009 _____ 2010 _____

Attachment C

CERTIFIED MINORITY BUSINESS ENTERPRISE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT

This document shall be included with the submittal of the Technical Offer. If the Offeror fails to submit the form with the Technical Offer as required, the procurement officer shall deem the offer as not reasonably susceptible of being selected for award.

In conjunction with the offer submitted for Technical Qualifications, I affirm the following:

1. I acknowledge the overall certified Minority Business Enterprise (MBE) participation goal of 25 percent and, if specified in the solicitation, subgoals of 7 percent for MBEs classified as African American-owned and 10 percent for MBEs classified as women-owned. I will make a good faith-effort to achieve this goal.

I will check the appropriate box at project bid time.

I have met the MBE participation goal of 25 percent as indicated on my MBE Participation Schedule.

or

After having made a good-faith effort to achieve the MBE participation goal, I conclude I am unable to achieve it. Instead, I intend to achieve MBE participation of _____% as indicated on the MBE Participation Schedule (Attachment B). Within 10 business days of receiving notice that our firm is the apparent low bidder or awardee (competitive sealed proposal), I will submit a written MBE Request for Waiver (Attachment F page 1 and 2) per COMAR 21.11.03.11.

or

After having made a good faith effort to achieve the MBE participation goal, I conclude I am unable to achieve **any of the goals**. I am, therefore, submitting with the bid, the MBE Participation Schedule indicating "**No Participation**", and within 10 business days of receiving notice that our firm is the apparent low bidder or awardee (competitive sealed proposal), will submit a written MBE Request for Waiver per COMAR 21.11.03.11.

2. I understand that if I am notified that I am the apparent awardee, I must submit the Subcontractor Project Participation Statement (Attachment D), the Outreach Efforts Compliance Statement (Attachment C), the Minority Subcontractors Unavailability Certificate (Attachment E) (if applicable) ,and the MBE Request for Waiver (if applicable), within 10 working days of receiving notice of the potential award or from the date of conditional award per COMAR 21.11.03.10 and 11, whichever is earlier, and any other documentation required by the Procurement Officer to ascertain bidder or Offeror responsibility in connection with the certified MBE participation goal.

I acknowledge that if I fail to return each completed document within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

3. I acknowledge that the MBE subcontractors/suppliers listed in the MBE Participation Schedule and any additional MBE subcontractor/suppliers identified in the Subcontractor Project Participation Statement will be used to accomplish the percentage of MBE participation that I intend to achieve.
4. In the solicitation of subcontract quotations or offers, MBE subcontractors will be provided not less than the same information and amount of time to respond as were non-MBE subcontractors.
5. The solicitation process will be conducted in such a manner so as to not place MBE subcontractors at a competitive disadvantage to non-MBE subcontractors.

I solemnly affirm under the penalties of perjury that the contents of this paper are true to the best of my knowledge, information, and belief.

Bidder/Offeror Name

Signature of Affiant

Address

Printed Name and Title

Date

Date

**ATTACHMENT D
AFFIDAVIT OF ACCURACY**

OFFEROR: _____

The undersigned swears or affirms under penalty of perjury and upon personal knowledge that the contents of the Technical Offer are true and correct.

The undersigned swears or affirms under penalty of perjury that the Subcontractor, its agents, servants and/or employees, to the best of his/her knowledge and belief, have not in any way colluded with anyone for and on behalf of the Subcontractor/Prime Trade Contractor an unfair advantage over others, nor have they colluded with anyone for and on behalf of the Subcontractor/Prime Trade Contractor, or themselves, to gain any favoritism in the award of any contract resulting from this bid.

Signature

Date

Print Name

Print Title

Telephone Number

ATTACHMENT E
SURETY STATEMENT

The surety agent for the Offeror shall provide on his letterhead a letter addressed to Montgomery County Public Schools signed by an authorized representative of the bonding company, stating:

(Name of Applicant) has been a client of (name of surety company) for over ____ years. During that time, we have supported this firm in their pursuit of projects in the \$_____ range and total programs in excess of \$_____.

We are prepared to provide Bid, Performance, and Payment Bonds on MCPS projects bid between February 2011 and February 2012, provided (name of applicant) makes application to us at the time of the Bid, and we are satisfied with the prevailing underwriting conditions, including but not limited to, acceptable contract terms, job specifications and acceptable bond forms.

END OF SECTION
00100

