



**Amendment #3**  
**Request for Proposals**  
**Cable and Wiring Materials & Services- Outside Plant # 060B1400067**

Ladies/Gentlemen:

This Amendment #3 is being issued to amend and clarify certain information contained in the above referenced RFP. All information contained herein is binding on all Offerors who respond to this RFP. Specific parts of the RFP have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (i.e., **word**) and language deleted has been marked with a strikethrough (i.e., ~~word~~).

**1. Proposal due date change**

**The proposal due date has been extended to NO LATER THAN 2:00 PM Thursday, SEPTEMBER 22, 2011.**

**2. Revise RFP Section 4.4.3 page 51 as follows:**

Inside a sealed package described in Section ~~3.3~~ **4.2**, above, an unbound original, to be so labeled, two (2) copies and the electronic version shall be provided. Section 2 of this RFP provides requirements and Section 3 provides reply instructions. The paragraphs in these RFP sections are numbered for ease of reference. In addition to the instructions below, each Offeror's Technical Proposal shall be organized and numbered in the same order as this RFP. This Proposal organization will allow State officials and the Evaluation Committee to "map" Offeror responses directly to RFP requirements by paragraph number.

**3. Revise RFP Section 4.5 page 54 as follows:**

Under separate sealed cover from the Technical Proposal and clearly identified in the format requirements identified in Section ~~3.4~~ **4.2**, the Offeror shall submit an original unbound copy, two (2) copies, and an electronic version of the Financial Proposal as follows:

**4. Revise RFP Section 2.2.5.2 page 26 as follows:**

For any work performed outside of normal hours (overtime, weekends and holidays), Master Contractors shall be allowed to charge prices for no more than the ~~premium~~ **fully-loaded labor** rates in Attachment E-3 as submitted in their Financial Proposals. Work performed within normal working hours shall be charged at no more than the ~~standard~~ **fully-loaded labor** rates submitted in their Financial Proposals.

**5. Revise RFP Attachment A, Section 36.1 C page 69 as follows:**

C. For all other claims, damages, losses, costs, expenses, suits or actions in any way related to this Contract, regardless of the form, Contractor's liability shall be limited to three (3) times the total dollar amount of ~~the~~ **TORFP out of which the claim arises; provided however, the State may, in its sole discretion, decrease the ceiling established hereunder in any TORFP issued pursuant to this RFP** ~~the Contract value up to the date of settlement or final award of any such claim.~~ Third party claims arising under Section ~~28.10~~, "Indemnification", of

this Contract are included in this limitation of liability only if the State is immune from liability. Contractor's liability for third party claims arising under Section ~~28.10~~ of this Contract shall be unlimited if the State is not immune from liability for claims arising under Section ~~28.10~~.

6. **Revise RFP Section 2.9 page 35 as follows:**

The State reserves the right to procure material from other sources when it is in the best interest of the State to do so and without notice to the Master Contractor(s). Any material charges incurred by a Master Contractor shall be with prior approval of the Requesting Agency. Consumable and ancillary materials shall be billed on a straight pass-through basis. No additional fees or mark-ups shall be allowed. Manufacturer's invoice must accompany any billing to the State to document the cost of replacement parts. **The State may require submission of the original supplier's invoice in support of the applicable monthly invoice.**

7. **Revise RFP Section 2.18.2 page 48 as follows:**

Any materials, as previously noted, are provided only on a straight pass-through basis. No additional fees or markups shall be allowed. ~~All material invoices must be signed and dated by the Master Contractor and the original suppliers invoice shall be submitted and attached along with the applicable monthly invoice.~~ **All material invoices must be signed and dated by the Master Contractor. The State may require submission of the original supplier's invoice in support of the applicable monthly invoice.**

Issued by  
Alayna Mande,  
Procurement Officer

**Attachment D-1A: Certified MBE Utilization and Fair Solicitation**

**AFFIDAVIT**

**This document shall be included with the submittal of proposals including Functional Area II (Installation) and/or Functional Area III (Testing & Maintenance). If the Offeror fails to submit this form with their proposal, the Procurement Officer shall deem the proposal non-responsive. (COMAR 21.11.03.09C(5)).**  
In response to Solicitation No. 060B1400067, I affirm the following:

1. I acknowledge the overall certified Minority Business Enterprise (MBE) participation goal of \_\_\_\_\_% percent and, if specified in the TORFP, sub-goals of \_\_\_\_ % percent for MBEs classified as Women-owned, \_\_\_\_ % percent for MBEs classified as African American-owned, and \_\_\_\_% percent for MBEs classified as Hispanic American-owned. I have made a good faith effort to achieve this goal.

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 an MBE goal of \_\_\_\_\_% and request a waiver of the remainder of the goal. If I submit the apparent low bid or am selected as the apparent awardee (competitive sealed proposals), I will submit written waiver documentation that complies with COMAR 21.11.03.11 within 10 business days of receiving notification that our firm is the apparent low bidder or the apparent awardee.*

2. I have identified the specific commitment of certified Minority Business Enterprises by completing and submitting an MBE Participation Schedule (Attachment D-2) with the TORFP.

3. I acknowledge that the MBE subcontractors/suppliers listed in the MBE Participation Schedule will be used to accomplish the percentage of MBE participation that I intend to achieve.

4. I understand that if I am notified that I am the apparent awardee, I must submit the following documentation within 10 working days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier.

- (a) Outreach Efforts Compliance Statement (Attachment D-3)
- (b) Subcontractor Project Participation Statement (Attachment D-4)
- (c) MBE Waiver Documentation per COMAR 21.11.03.11 (if applicable) Project #060B1400067 Cable and Wiring Materials and Services- Outside Plant.
- (d) Any other documentation required by the Procurement Officer to ascertain Master Contractor responsibility in connection with the certified MBE participation goal.

If I am the apparent awardee, 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.

5. In the solicitation of subcontract quotations or offers, MBE subcontractors were provided not less than the same information and amount of time to respond as were 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, Title
	Date

**SUBMIT THIS AFFIDAVIT WITH PROPOSALS THAT INCLUDE  
FUNCTIONAL AREA II AND/OR III**