

Request for Resume (RFR) for Project Manager (Senior)

CATS+ #J01B5400028

All Master Contract Provisions Apply

Section 1 – General Information			
RFR Number: (Reference BPO Number)	J01B5400028		
Functional Area (Enter One Only)	FA 10 – IT Management Consulting Services		
Labor Category/s			
<i>A single support staff or support groups of up to five members may be engaged for up to six months without renewal options. Awards for Major IT Development Project (MITDP)/Program Manager/Deputy PMs may have tenure of one base year with up to two optional years, or through the end of the project within the Master Contract term. An RFR is limited to only labor categories defined in the CATS+ RFP.</i>			
<i>Enter the labor category/s to be provided:</i>			
1. Project Manager (Senior)			
Anticipated Start Date	June 1, 2015		
Duration of Assignment	Three (3) years base term with two (2), one-(1) year renewal options – not to exceed five (5) years		
Designated Small Business Reserve?(SBR): (Enter “Yes” or “No”)	No		
State Furnished Work Site and/or Access to Equipment, Facilities or Personnel	(The Master Contractor Personnel shall have their own laptop equipment compatible with MDOT desktop computing standards, (current version of MS Office, anti-virus software, MS Project version 2010 or 2013).		
MBE Goal, if applicable			0%
Issue Date: mm/dd/yyyy	March 11, 2015	Due Date: mm/dd/yyyy	April 2, 2015
		Time (EST): 00:00 am/pm	2:00 P.M. (EST) Local Time
Place of Performance:	Maryland Department of Transportation (MDOT) 7201 Corporate Drive, Hanover, MD 21076		
Special Instructions: (e.g. interview information, attachments, etc.)	<p>Candidates must meet all the minimum qualifications. In person interviews will be conducted by a panel using a standard set of questions.</p> <p>Offeror and subcontractor(s) awarded this Contract may NOT submit proposal(s) in response to any subsequent new capital programming management system solicitation(s) associated with the acquisition or implementation of the new capital programming management system.</p> <p>The date and time of submission is determined by the date and <u>time of arrival in the TO Procurement Officer’s e-mail inbox.</u></p>		
Security Requirements (if applicable):	Selected personnel shall pass a background check and obtain a State ID badge. Criminal Background Check Affidavit due 30 days from Notice to Proceed.		

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Invoicing Instructions

1. After the end of each month, the Master Contractor shall complete the top portion of the Performance Evaluation Form (PEF) (Attachment 4) and send it to the Agency Task Order (TO) Manager. Supporting timesheets and activity reports may also be required in conjunction with the PEF.
2. The Agency TO Manager shall enter performance ratings and return the PEF to the Master Contractor.
3. Upon receipt of a PEF containing an "Average / Overall Rating" of 3 or higher (out of 5), the Master Contractor shall send a copy of the PEF with an invoice to the Agency TO Manager.
4. If the PEF contains an Average / Overall Rating below 3, invoicing by the Master Contractor is not authorized and shall not resume until performance issues are mitigated to the Agency TO Manager's satisfaction.
5. The Master Contractor shall invoice as follows:
 - Annual Labor Rate: Task Orders awarded at the Annual Labor Rate shall be invoiced monthly for 1/12 the Annual Labor Rate.
 - Hourly Labor Rate: Task Orders awarded at the Hourly Labor Rate shall be invoiced monthly for actual hours x Labor Rate.

Special Invoicing Instructions:	All Invoices shall be sent to Brian Martin, Office of Planning and Capital Programming, Maryland Department of Transportation, 7201 Corporate Center Drive, Hanover, Maryland, 21076 Telephone 410-865-1290
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Section 2 – Agency Procurement Officer (PO) Information

Agency / Division Name:	Maryland Department of Transportation (MDOT) Office of Planning and Capital Programming (OPCP)		
Agency PO Name:	Joseph Palechek	Agency PO Phone Number:	410-865-1129
Agency PO Email Address:	jpalechek@mdot.state.md.us	Agency PO Fax:	410-865-1388
Agency PO Mailing Address:	7201 Corporate Center Drive, Hanover MD 21076		

Section 3 – Scope of Work

Agency / Project Background

MDOT and its modal administrations/authorities – Maryland Aviation Administration, Maryland Port Administration, Motor Vehicle Administration, Maryland Transit Administration, State Highway Administration and the Maryland Transportation Authority - currently utilize the MDOT Capital Programming Management System (CPMS) to manage, budget, forecast and report on the capital program. CPMS was developed in 1998 on a Microsoft (MS) Access Database Management System (DBMS) that is nearing the end of its useful life. Recent system failures and maintenance challenges have also brought to light the need for a more modern and robust replacement system with increased capability and reliability.

MDOT began the process of replacing MDOT CPMS with the development of a Business Requirements Document (BRD) in the Spring of 2014 (See Attachment 5). The BRD was an exhaustive study documenting the unique capital programming processes that MDOT and each modal administration / authority completes, and the corresponding business requirements.

MDOT is now seeking a Project Manager to counsel and provide project management services to MDOT

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through the remainder of the project; which includes the procurement, development and implementation of a new capital programming management system.

Job Description/s

Labor Category/s (From Section 1 Above)	Duties / Responsibilities
1. Senior Project Manager (SPM)	<p>This position reports to MDOT’s Office of Regional Planning and Capital Programming, with full in coordination with the Office of Transportation and Technology Services’ Project Management unit. Responsibilities include overall project planning and management of the development of a new MDOT capital program management system. The position shall ensure the appropriate application of the Project Management Institute’s (PMI) Project Management Body of Knowledge (PMBOK) and the State’s Systems Development Lifecycle (SDLC) in managing the project.</p> <p>Duties include, but are not limited to:</p> <ol style="list-style-type: none"> a. Assisting in the development of procurement documents, which may include Request for Expressions of Interest (REOI) and Request for Proposals (RFP). b. Provide counsel and expertise during the evaluation of bid proposals. c. Facilitate, support and liaison with the system development vendor as well MDOT project leadership and system users. d. Create and regularly update project schedules, staff task work plans, issues lists, risk lists and other documents. e. Review, manage and verify invoices and progress reports from system development vendor. Monitor, evaluate and report on project quality and performance. f. Provide oversight over the development of system requirements and testing to ensure MDOT leadership and the unique modal administration user needs are satisfied. Advocate on behalf of MDOT users and user needs. Work cross-functionally to solve problems and issues. g. Assist in the development of a training and implementation plan for system deployment. h. Provide continued support and expertise during the deployment and initial maintenance period by tracking and facilitating the resolution of system issues. <p><i>See Attachment 3 for a detailed description of duties, responsibilities and deliverables.</i></p>

Minimum Qualifications

For minimum qualifications, see the labor category description in the CATS+ RFP for the subject RFR labor category. In addition, qualified candidates must meet the minimum qualifications specified below. **Candidates that do not meet minimum qualifications will be deemed not reasonably susceptible for award and will not progress to full evaluation.**

Labor Category/s (From Section 1 Above)	Minimum Qualifications
1. Senior Project Manager	<p>Education:</p> <ul style="list-style-type: none"> • Bachelor’s Degree from an accredited college or university in Engineering, Computer Science, Information Systems, Business or other related discipline. <p>General Experience:</p>

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	<ul style="list-style-type: none"> • At least ten (10) years of experience in project management. • At least 1 year experience of Agile Project Management experience • PMI certification as a PMP <p>Specialized Experience:</p> <ul style="list-style-type: none"> • At least ten (10) years of experience in managing IT related projects. • Must demonstrate a leadership role in at least three successful projects that were delivered on time and on budget. • AND at least two (2) years of experience with a financial planning system, preferably related to transportation capital programming.
<p>Preferred Qualifications</p> <p>The additional Experience/Knowledge/Skills listed below are preferred by the State.</p>	
<p>1. Senior Project Manager</p>	<p>General Experience:</p> <ul style="list-style-type: none"> • Candidate demonstrates knowledge and understanding of common challenges related to the integration of a COTS solution and development of a custom software solution. • Candidate demonstrates an understanding of how to manage application configurations to meet requirements for reports, interfaces, data conversions and added functionality. • Strong understanding of the complete systems development lifecycle from project inception through operations and maintenance. • Experience managing project scope and business requirements change. • Experience monitoring, evaluating and reporting on project quality and performance. • Project management and leadership skills in leading a very diverse user population through project development and delivery. • Preference of experience in transportation capital program management systems. • Strong communication and business analysis skills.

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Section 4 - Required Submissions

NOTE:

- Master Contractors may propose only one (1) candidate for each position requested.
- Master Contractors electing not to propose in response to the RFR must submit a “Master Contractor Feedback Form” via the “Master Contractor Login” on the CATS+ web site.
- Master Contractors proposing in response to the RFR must submit the documents below as separate files contained in two (2) separate emails as follows:

Email 1 of 2 with “Technical”: Master Contractor Name, RFR number, & candidate name in the subject line

1. Resume for each labor category described in the RFR (Attachment 1)
2. Copy of current PMI certificate(s)
3. Minority Business Enterprise Forms A and B (Attachment 6) **IF APPLICIBLE**
4. Conflict of Interest Affidavit (Attachment 8)
5. Non-Disclosure Agreement (Offeror) (Attachment 10)
6. Living Wage Affidavit (Attachment 12)
7. Certification Regarding Investments in Iran (Attachment 13)
8. Criminal Background Check Affidavit (Attachment 14)
9. Three (3) current references that can be contacted for performance verification of the submitted consultant’s work experience and skills. Telephone number and email address of reference is needed.

Email 2 of 2 with “Financial”: Master Contractor Name, RFR number, & candidate name in the subject line

- Price Proposal (Attachment 2)

1. Copy of current PMI certificate(s)

2. Resume showing evidence of all skills listed in Section 3 – Scope of Work – Completed in Attachment 1.

3. Statement within the Price Proposal that rate is all inclusive – Use Attachment 2 for the Price Proposal. Submit in PDF format.

4. Three (3) references that can be contacted for performance verification of the submitted consultants work experience and skills. References must be accessible and knowledgeable regarding consultant’s work.

Section 5 – Evaluation Criteria

Candidates meeting the Minimum Qualifications listed in Section 3 above will be evaluated for overall best value, as follows:

1. Qualifications & Experience

2. References

3. Price

Basis for Award Recommendation

The Agency PO will recommend award to the Master Contractor whose proposal is determined to be the most advantageous to the State, considering price and the evaluation factors set forth in the RFR. The Agency PO will initiate and deliver a Task Order Agreement to the selected Master Contractor. **Master Contractors should be aware that if selected, State law regarding conflict of interest may prevent future participation in procurements related to the RFR Scope of Work, depending upon specific circumstances.**

Offeror and subcontractor(s) awarded this Contract may NOT submit proposal(s) in response to any subsequent new capital programming management system solicitation(s) associated with the acquisition or implementation of the new capital programming management system.

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**ATTACHMENT 1
RFR RESUME FORM
RFR #J01B5400028**

Instructions: Enter resume information in the fields below; do not submit other resume formats. Submit only one resume per Labor Category described in Section 1 of the RFR. If the RFR requests multiple Labor Categories, use a separate resume form for

Labor Category **Project Manager (Senior)**
(from Section 1 of the RFR)

Candidate Name:

Master Contractor:

A. Education / Training

Institution Name / City / State	Degree / Certification	Year Completed	Field Of Study
<add lines as needed>			

B. Relevant Work Experience

Describe work experience relevant to the Duties / Responsibilities and Minimum Experience / Knowledge / Skill described in Section 3 of the RFR. Starts with the most recent experience first; do not include non-relevant experience.

[Organization] *Description of Work...*
[Title / Role]
[Period of Employment / Work]
[Location]
[Contact Person (Optional if current employer)]

[Organization] *Description of Work...*
[Title / Role]
[Period of Employment / Work]
[Location]

<add lines as needed>

C. Employment History

List employment history, starting with the most recent employment first

Start and End Dates	Job Title or Position	Organization Name	Reason for Leaving
<add lines as needed>			

D. References

List persons the State may contact as employment references

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Reference Name	Job Title or Position	Organization Name	Telephone / Email
<add lines as needed>			

LABOR CATEGORY PERSONNEL RESUME SUMMARY

(ATTACHMENT 1 CONTINUED)

**Candidate Relevant Experience" section must be filled out. Do not enter "see resume" as a response.

Proposed Individual's Name/Company:	How does the proposed individual meet each requirement?
CATS+ LABOR CATEGORY TITLE – PROJECT MANAGER (SENIOR)	
Requirement	Candidate Relevant Experience *
Education: <ul style="list-style-type: none"> • Bachelor's Degree from an accredited college or university in Engineering, Computer Science, Information Systems, Business or other related discipline. 	Education:
General Experience: <ul style="list-style-type: none"> • At least ten (10) years of experience in project management • PMI certification as a PMP. • PMI Agile Certification as a PMI-ACP (desired). 	General Experience:
Specialized Experience: <ul style="list-style-type: none"> • At least five (5) years of experience in managing IT related projects. • Must demonstrate a leadership role in at least three successful projects that were delivered on time and on budget. • AND at least two (2) years of experience with a financial planning system, preferably related to transportation capital programming. 	Specialized Experience:

The information provided on this form for this labor category is true and correct to the best of my knowledge:

Master Contractor Representative:

Print Name

Signature

Date

Proposed Individual:

Signature

Date

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ATTACHMENT 2

PRICE PROPOSAL

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(This form is to be filled out by Master Contractors - Submit with the Financial Response)

Year 1				
CATS+ Labor Category	A	B	C	D
	Fully Loaded Annual Labor Rate*	Fully Loaded Hourly Labor Rate	Evaluation Hours	PERIOD 1 Evaluation Price (B x C)
Project Manager (Senior)	\$	\$	1000	\$
Total Year 1 Evaluation Price:				
Year 2				
CATS+ Labor Category	A	B	C	D
	Fully Loaded Annual Labor Rate*	Fully Loaded Hourly Labor Rate	Evaluation Hours	PERIOD 2 Evaluation Price (B x C)
Project Manager (Senior)	\$	\$	2000	\$
Total Year 2 Evaluation Price:				
Year 3				
CATS+ Labor Category	A	B	C	D
	Fully Loaded Annual Labor Rate*	Fully Loaded Hourly Labor Rate	Evaluation Hours	PERIOD 3 Evaluation Price (B x C)
Project Manager (Senior)	\$	\$	1000	\$
Total Year 3 Evaluation Price:				
Year 4				
CATS+ Labor Category	A	B	C	D
	Fully Loaded Annual Labor Rate*	Fully Loaded Hourly Labor Rate	Evaluation Hours	PERIOD 3 Evaluation Price (B x C)
Project Manager (Senior)	\$	\$	1000	\$
Total Year 4 Evaluation Price:				
Year 5				
CATS+ Labor Category	A	B	C	D
	Fully Loaded Annual Labor Rate*	Fully Loaded Hourly Labor Rate	Evaluation Hours	PERIOD 3 Evaluation Price (B x C)
Project Manager (Senior)	\$	\$	1000	\$
Total Year 5 Evaluation Price:				

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Total RFR Price 5 year total:		\$
_____		_____
Authorized Individual Name		Company Name
_____		_____
Title		Company Tax ID #
<p>*The Agency reserves the right to award each individual position at either the proposed Annual Labor Rate or proposed Hourly Labor Rate. The Annual Labor Rate requires a minimum of 1920 hours worked annually. The Hourly Labor Rate cannot exceed the Master Contract rate, but may be lower. Both rates must be fully loaded, all inclusive, and shall include all direct and indirect costs for the Master Contractor to perform under the TOA. Evaluation Hours are for evaluation purposes only and do not represent actual hours to be worked or invoiced. All pricing valid for 120 days.</p>		

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ATTACHMENT 3

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SENIOR PROJECT MANAGER (SPM)

DUTIES & RESPONSIBILITIES

1. ROLE DEFINITIONS

The purpose of this section is to distinguish among the roles interacting with the SPM obtained through this RFR.

A.	Task Order (TO) Procurement Officer – State staff person responsible for managing the RFR process up to the point of TO award.
B.	TO Manager – State staff person who oversees the SPM’s work performance and administers the TO once it is awarded.
C.	TO Contractor – The CATS+ Master Contractor awarded a TO as a result of this RFR. The TO Contractor shall provide the SPM resource and be accountable for SPM work performance under the TO.
D.	Senior Project Manager (SPM) – The person provided by the TO Contractor as a result of this RFR. The SPM is responsible for overall project planning and execution. The SPM is responsible for performing the duties and responsibilities described in Attachment 3, and for completing all assigned tasks and deliverables under the TO. The SPM reports directly to the TO Manager and shall oversee and direct the Project Team made up of State and contractual personnel.
E.	Other Project Contractors – The Contractors responsible for project implementation, including their PM and other personnel assigned to the project. The Contractors report to the PM for project purposes with oversight by the TO Manager.

2. SENIOR PROJECT MANAGER DUTIES AND RESPONSIBILITIES

The SPM shall oversee the overall project governance and direction, and risk management as needed. Duties shall focus on project monitoring, control, team integration, change integration, and corrective action as needed. The position shall ensure the application of PMI and State SDLC standards in managing the project.

The SPM shall report to the TO Manager and perform the tasks described in the table below. The SPM shall be capable of performing all assigned tasks with self-sufficiency and minimal guidance from the TO Manager. SPM performance shall be rated by the State each month, based on performance in the nine PMBOK knowledge areas as applied to the Project, and the quality of the written deliverables described in Section 7 below (See Exhibit 1 – Deliverable Product Acceptance Form for performance rating criteria).

The SPM shall be accountable for the creation of any and all written deliverables that do not exist for the project and for the updating of those that do exist. The SPM shall ensure that all deliverables are consistent with standards in the Project Management Institute (PMI) Project Management Body of Knowledge (PMBOK) and State of Maryland System Development Life Cycle (SDLC) (see Section 3 below).

SPM Project Management Duties

An asterisk (*) by the section number below and bold italics identifies a deliverable associated with the duty / responsibility. Refer to Section 7 for full descriptions of all deliverables and time of performance.

2.1	Become thoroughly knowledgeable on all aspects of the Project.
2.2	Provide Project Management consistent with PMI and PMBOK principles of project management and the State of Maryland SDLC. Manage and integrate project resources including oversight of the system

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	<p>development vendor. Exercise PM best practices for the Project and oversee project activities consistent with the ten knowledge areas including:</p> <ul style="list-style-type: none"> • Procurement Management - consisting of procurement planning, contracts planning, authoring solicitations, evaluation, requesting solicitation responses, selecting contractor(s), administering contract(s), and contract(s) closing activities. • Schedule Management - consisting of activity definition and sequencing, resource estimating, duration estimating, schedule development, and schedule control activities. • Integration Management - consisting of project plan development, project plan execution, and integrated change control activities. • Scope Management - consisting of project initiation, scope planning, scope definition and scope change control activities. • Cost Management - consisting of resource planning, cost estimating, budgeting, and cost control activities. • Human Resources Management - consisting of organizational planning, project team acquisition and staff development activities. • Risk Management - consisting of risk management planning, risk identification, risk quantitative and qualitative analysis, response planning, monitoring, and control activities. • Quality Management - consisting of quality planning, quality assurance and quality control activities. • Communications Management - consisting of communications planning, information distribution, progress and performance reporting, and stakeholder communications management activities. • Stakeholder Management – process of developing appropriate management strategies to effectively engage stakeholders throughout the project life circle, based on the analysis of their needs, interests, and potential impact on project success.
2.3 *	<p>Create (if necessary) and manage updating of the <i>Project Management Plan (Deliverable 7.1)</i>.</p> <ul style="list-style-type: none"> • Ensure that plan components adequately document how the project will be executed, monitored and controlled. • Ensure that the plan adequately defines the managerial, technical, and supporting processes and activities necessary for sound project development. • Ensure that the plan adequately covers topics such as Scope Management, Schedule Management, Quality Management, Resource Management, Communications Management, Project Change Management, Risk Management, Procurement Management and others as deemed necessary to manage the project.
2.4 *	<p>Create (if necessary) and manage updating of the <i>Work Breakdown Structure (WBS) (Deliverable 7.2)</i> consistent with PMBOK standards for all project work.</p>
2.5 *	<p>Create (if necessary) and manage updating of the <i>Integrated Master Schedule (Deliverable 7.3)</i> based on the WBS (see 2.4 above) and usable for tracking project activities.</p> <ul style="list-style-type: none"> • This schedule should include all project management, agency and contractor activities in sufficient detail to manage the project. • The schedule should include milestones, deliverables, periods of performance, degrees of completion, and assigned resources for all project activities. • The activities duration in the master schedule should be at appropriate level of granularity to

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	<p>manage and track project progress.</p> <ul style="list-style-type: none"> Oversee appropriate updates to the Project Management Plan (see 2.3 above) and related project components as outlined in the SDLC.
2.6	<p>Oversee integration of other Project Contractors' schedules and methodologies into the <i>Integrated Master Schedule</i> (see 2.5 above) to track all project progress.</p> <ul style="list-style-type: none"> Ensure appropriate updates to the Project Management Plan (see 2.3 above) and related project components as outlined in the SDLC.
2.7 *	<p>Create (if necessary) and manage updating of the Communications Management Plan (Deliverable 7.4) for all project stakeholders.</p> <ul style="list-style-type: none"> Include stakeholder contact list, distribution structure, description of information to be disseminated, schedule listing when information will be produced and method for updating the communications plan. Ensure all appropriate stakeholders have been identified and their requirements and expectations have been documented and managed within the scope of the project.
2.8 *	<p>Create (if necessary) and manage updating of the Risk Management Plan (RMP) and Risk Registry (Deliverable 7.5).</p> <p>At a minimum the RMP shall:</p> <ul style="list-style-type: none"> Identify and prioritize potential risks to successful completion of the SDLC Phases. Incorporate pertinent risk information found in the Master Project Status Report (see 2.14 below). Include a Risk Registry of all project risks that will be updated throughout the project.
2.9	<p>Develop, document and implement escalation and resolution processes for the project and communicate the process to all stakeholders.</p>
2.10 *	<p>Ensure the Project Team has created and is updating a Deliverable Comments Matrix (DCM) (Deliverable 7.6) for each deliverable or SDLC product provided by each Project Contractor's primary point of contact.</p> <ul style="list-style-type: none"> Ensure that the Project Team reviews, and coordinates the review among appropriate stakeholders, of Project deliverables for completeness and conformance to requirements. Ensure the Project Team documents resulting issues and questions in the DCM to be resolved by the Development Contractor prior to deliverable acceptance. Ensure the Project Team reviews subsequent updated versions of deliverables to confirm all issues and questions have been resolved satisfactorily. The DCM process is part of the Quality Assurance Plan (see 2.13 below).
2.11 *	<p>Create (if necessary) and manage updating of the Change Management Plan (Deliverable 7.7) that describes the process for making changes to project scope, requirements, or cost as necessary.</p> <p>At a minimum, the Change Management Plan shall:</p> <ul style="list-style-type: none"> Describe the change management and approval processes to include: <ul style="list-style-type: none"> Coordination with the TO Procurement Officer to define change order scope, cost, and project impact of proposed changes to the project; Coordination with the TO Manager for review and approval of proposed changes to the project;

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	<ul style="list-style-type: none"> – Coordination with the Project Team and any Contractors for review and agreement on proposed changes; – Coordination with the TO Manager and any Contractors for documentation and implementation of change orders; and – Project integration management consistent with the PMBOK for approved changes. <ul style="list-style-type: none"> • Describe the tools used (i.e. change request form)
2.12 *	<p>Create (if necessary) and manage updating of the Requirements Traceability Matrix (RTM) (Deliverable 7.8) that describes and provides a numbering system for all project requirements for traceability through testing. The RTM process is part of the Quality Assurance Plan (see 2.13 below).</p> <ul style="list-style-type: none"> • The RTM shall include test scenarios and acceptance criteria for all technical and functional requirements. • Ensure that the Project Team participates in requirements development as needed and traces requirements through testing and implementation via updates to the RTM. • Ensure that RTM updates are in conjunction with weekly requirements / design reviews (see 2.14 below). • Work closely with the Project Team and any Contractors to develop or review and update detailed project requirements. Requirements activities may include: <ul style="list-style-type: none"> – Stakeholder interviews; – Documenting before and after business processes; – Review of existing requirements documentation; – Joint Application Development (JAD) sessions; – COTS software “gap fit analysis”; – Demonstrations of existing similar systems (benchmarking); and – Requirements walkthroughs
2.13 *	<p>Create (if necessary) and manage updating of the Quality Management Plan (Deliverable 7.9). At a minimum the QMP shall:</p> <ul style="list-style-type: none"> • Describe the process for quality management of project deliverables via the DCM process (see 2.10 above). • Describe the process for quality management of requirements using the RTM (see 2.12 above). • Describe the processes for quality management of testing, software development and configuration management, as applicable. • Develop a written procedure for configuration control for application code promotion.
2.14	<p>Ensure creation and ongoing updating of the PM Status Report and Timesheet (Deliverable 7.10). At a minimum, the PM Status Report and Timesheet shall:</p> <ul style="list-style-type: none"> • Report on completed and planned project activities for the reporting period, • Highlight schedule deviation from baseline, • Provide schedule updates, progress of work being performed, milestones attained, resources expended, • Document risks, and issues encountered and corrective actions taken • Track project cost and expenditures

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2.15 *	<p>Ensure creation and ongoing updating of the Master Status Report (Deliverable 7.11). Oversee weekly Project Team meetings, to include any Contractors when appropriate.</p> <p>At a minimum the Master Status Report shall contain sections for the following:</p> <ul style="list-style-type: none"> • Lessons learned from the project and any other pertinent status information. • Design / requirements reviews and discussions on project status. • Project status, risk and issue dispositions for the past week, and planned activities for the week upcoming. • PM activities and needed updates to the Integrated Master Schedule (see 2.5 above), Master RMP (see 2.8 above), and RTM (see 2.12 above). • Performance as measured against the Project Schedule.
2.16	<p>Ensure project governance and control according to the Project Management Plan (see 2.3 above).</p> <ul style="list-style-type: none"> • Work with the Project Team and any Contractors to address schedule variances. • Ensure the documentation of schedule variances in the Integrated Master Schedule (see 2.5 above) and Master Status Report (see 2.15 above).
2.17	<p>Ensure that the Project Team will collect, organize, store, and manage project documents in a central repository. This includes:</p> <ul style="list-style-type: none"> • Maintaining current and archival files (electronic and paper) • Collecting and distributing information to and from stakeholders • Entering updates into project tracking systems
2.18	<p>Function as a liaison between Agency personnel, project stakeholders and any Contractors.</p>
2.19	<p>Assign other minor duties related to project management support to the Project Team. Minor duties may include:</p> <ul style="list-style-type: none"> • Responding to phone calls and email • Making photo copies • Scheduling and attending ad hoc meetings • Engaging in TO performance discussions • Coordinating Development Contractor invoicing • Participating in Independent Verification & Validation (IV&V) assessments.
2.20 *	<p>Ensure the creation/updating of a Human Resource Management Plan (Deliverable 7.12).</p> <p>At a minimum, the Human Resource Management Plan shall:</p> <ul style="list-style-type: none"> • Identify project tasks and assignments and work with Agency and any Contractors to resolve workload conflicts. • Define roles and responsibilities needed for each resource on the project. • Provide projections for resource and resource utilization. • Define staff acquisition strategy including backfilling of State resources if applicable. • Document staff training plan if required. • Define organizational structure based on resources.
2.21 *	<p>Ensure the creation/updating of a Schedule Management Plan (Deliverable 7.13).</p>

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	<p>At a minimum, the Schedule Management Plan shall:</p> <ul style="list-style-type: none"> • Document tools the project will use to manage the schedule and frequency of updates. • Define process for how schedule shall be tracked and reported including metrics used to report overall schedule performance. • Define process for schedule change process, including the process for baselining schedule and approving schedule changes.
2.22 *	<p>Ensure the creation/updating of a Cost Management Plan (Deliverable 7.14).</p> <p>At a minimum, the Cost Management Plan shall:</p> <ul style="list-style-type: none"> • Establish the activities and criteria for planning, structuring, and controlling project costs. • Establish the project cost baseline through cost estimation and budget determination. • Define cost estimating and cost controls for the project. • Define and document how costs and cost variances will be reported regularly.
2.23 *	<p>Ensure the creation/updating of a Procurement Management Plan (Deliverable 7.15).</p> <p>At a minimum, the Procurement Management Plan shall:</p> <ul style="list-style-type: none"> • Define the procedures for how the project will purchase or acquire all products and services needed from outside the team to perform project tasks • Document procurement management activities for the project. • Document contract management activities for the project.
2.24	<p>All project documentation will be maintained in MDOT's SharePoint environment, using version control. The SPM will make the project visible to all stakeholders.</p>
2.25	<p>Other project related duties as assigned by the TO Manager</p>
<p>3. REQUIRED PROJECT POLICIES, GUIDELINES AND METHODOLOGIES</p>	
<p>The SPM shall keep informed of and comply with all applicable laws, regulations, policies, standards and guidelines affecting information technology projects applicable to activities and obligations under the TO Agreement, as those laws, policies, standards and guidelines may be amended from time to time. The SPM shall adhere to and remain abreast of current, new, and revised laws, regulations, policies, standards and guidelines affecting project execution and it shall obtain and maintain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under the TO Agreement. These may include, but are not limited to:</p>	
A.	<p>The ten project management knowledge areas in the PMI's PMBOK.</p>
B.	<p>The State's SDLC methodology at: www.doit.maryland.gov - keyword: SDLC.</p>
C.	<p>The State's IT Security Policy and Standards at: www.DoIT.maryland.gov - keyword: Security Policy.</p>
D.	<p>The State's IT Project Oversight at: www.DoIT.maryland.gov - keyword: IT Project Oversight.</p>
E.	<p>The State of Maryland Enterprise Architecture at www.DoIT.maryland.gov - keyword: MTAF (Maryland Technical Architecture Framework).</p>
<p>4. MONTHLY SPM PROJECT OVERSIGHT PERFORMANCE RATINGS</p>	
<p>Each month the TO Contractor shall submit a Performance Evaluation Form (PEF) to the TO Manager. The TO</p>	

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<p>Manager will rate the SPM’s performance based on the criteria described in the PEF.</p> <p>In the event of poor or non-performance by the SPM resulting in a rating of “unacceptable,” payment shall be withheld pending the outcome of the procedures described in Section 5.</p>			
<p>5. MITIGATION PROCEDURES FOR POOR OR NON-PERFORMANCE</p> <p>As warranted by poor or non-performance by the SPM, the Agency shall pursue the following mitigation procedures prior to requesting a replacement SPM:</p>			
A.	The TO Manager shall document performance issues and give written notice to the TO Contractor clearly describing problems and delineating remediation requirement(s).		
B.	The TO Contractor shall respond with a written remediation plan within three business days and implement the plan immediately upon written acceptance by the TO Manager.		
C.	Should performance issues persist, the TO Manager may give written notice or request the immediate removal of the SPM and determine whether a substitution is required.		
<p>6. WORK HOURS</p>			
A.	The SPM will work an eight-hour day between the hours of 7:00 AM and 6:00 PM, Monday through Friday except for State holidays and Service Reduction days or other office closures.		
B.	Duties also may require some evening and/or weekend hours billed on actual time worked at the proposed hourly rate.		
<p>7. SENIOR PROJECT MANAGER DELIVERABLES AND TIME OF PERFORMANCE</p>			
<p><i>Note – for each of the written deliverables below, ongoing quality will be a factor in the Monthly Performance Rating described in Section 4 above.</i></p>			
ID #	Deliverable Description	Acceptance Criteria	Time of Performance
7.1	Project Management Plan	MS Word document (or mutually agreed upon document) that defines how the project will be executed, monitored and controlled. The document will be developed with input from the project team and key stakeholders. The plan should address topics including Scope Management, Schedule Management, Financial Management, Quality Management, Resource Management, Communications Management, Project Change Management, Risk Management, and Procurement Management as defined in the PMBOK. The Project Management Plan shall comply with Maryland’s SDLC and Attachment 2, Section 2 requirements for the deliverable.	Updated as directed by the TO Manager
7.2	Work Breakdown Structure (WBS)	MS Word or Excel document (or mutually agreed upon document) that contains tiers showing project milestones or phases in the top level with a breakdown of major project tasks into manageable “work packages” underneath. Work packages at the bottom level should have no smaller than two-week durations and have measurable, testable, or observable outputs suitable for tracking project progress. The WBS shall comply with Maryland’s SDLC and Attachment 2, Section 2 requirements for the deliverable.	Updated quarterly or as directed by the TO Manager

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7.3	<i>Integrated Master Schedule</i>	MS Project document (or mutually agreed upon document) that is based on the WBS (see 7.2 above) and suitable for tracking project activities. At a minimum, the Master Schedule shall show milestones, deliverables, times of performance, degrees of completion and resources for all project activities during the SDLC. The activities durations in the master schedule should have the appropriate degree of granularity to manage and track project progress. This is a single, base-lined and periodically updated deliverable encompassing all project activities. The Integrated Master Schedule shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	Update bi-weekly or as directed by the TO Manager
7.4	<i>Communications Management Plan</i>	MS Word document (or mutually agreed upon document) that captures the stakeholder contact list, the types of information to be disseminated, the format for each type, a schedule of when information will be produced and disseminated, and the method for updating the communications plan. This is a single deliverable maintained throughout the life of project. The Communications Plan shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	Updated quarterly or as directed by the TO Manager
7.5	<i>Risk Management Plan (RMP) and Risk Registry</i>	MS Word or Excel document (or mutually agreed upon document) that describes the risk management procedures for the project. The RMP will include a table of potential risks and recommended risk responses, and will incorporate risk information found in deliverables provided by the Development Contractor. This is a single, periodically updated deliverable encompassing all project risks. A <i>Risk Registry</i> will be created for logging all project risk using MS Excel or other appropriate table format. The Risk Management Plan shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	Update bi-weekly or as directed by the TO Manager
7.6	<i>Deliverable Comments Matrix (DCM)</i>	MS Word or Excel document (or mutually agreed upon document) that is used to capture comments and recommended changes to each Project deliverable prior to acceptance. A separate DCM is required for each deliverable or SDLC product. The DCM shall comply with Attachment 2, Section 2 requirements for the deliverable.	Project deliverable due date + 5 working days
7.7	<i>Change Management Plan</i>	MS Word document (or mutually agreed upon document) that describes the procedure for proposing, evaluating, approving, and documenting changes to project scope, schedule, and cost. This Plan should include any tools or templates used for change management, for example, change request form. The Change Management Plan shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	Updated quarterly or as directed by the TO Manager
7.8	<i>Requirements Traceability Matrix</i>	MS Word or Excel document (or mutually agreed upon document) that describes technical and functional requirements. At a minimum, requirements should be numbered for traceability,	Updated bi-weekly or as directed by

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	(RTM)	testable and the descriptions unambiguous. The RTM should contain acceptance criteria for each requirement and a test method for verifying completion based on the criteria. The RTM shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	the TO Manager
7.9	Quality Assurance (QA) Plan	MS Word document (or mutually agreed upon document) that describes how quality, meaning conformance to project requirements, will be monitored throughout the project life cycle. The QA Plan should describe the steps for deliverable review and updating via the DCM process (see 7.6 above). The QA Plan should describe the requirements tracking process via the requirements traceability process (see 7.8 above). The QA plan should define signoff procedures for project milestones and deliverables. The Quality Assurance Plan shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	Updated quarterly or as directed by the TO Manager
7.10	Project Manager Status Report and Timesheet	MS Word document (or mutually agreed upon document) that captures and tracks ongoing PM activities and status. The report will capture activities completed in the past reporting period, activities planned for the following reporting period, and the completion status of project deliverables. The report will describe issues identified on the project and the status of efforts to resolve issues.	At least weekly or as directed by the TO Manager
7.11	Master Status Report	MS Word document (or mutually agreed upon document) that captures and tracks ongoing project activities and status. The report will capture activities completed in the past reporting period, activities planned for the following reporting period, the completion status of project deliverables and status of Project costs (planned vs. actual). The report will describe issues identified on the project and the status of efforts to resolve issues and mitigate risks. The report will have sections describing necessary updates to the Integrated Master Schedule (Deliverable 7.3) and Risk Registry (Deliverable 7.5). The report will document lessons learned from the project and any other pertinent status information.	At least bi-weekly or as directed by the TO Manager
7.12	Human Resource Management Plan	MS Word or Excel document (or mutually agreed upon document) that describing how and when human resource requirements will be met on the project. The plan shall consider resource needs for the full life of the system including operations and maintenance and address staff acquisition, timing and training needs. The Human Resource Management Plan shall comply with Maryland's SDLC and Attachment 2, Section 2 requirements for the deliverable.	To be determined by the Senior Project Manager
7.13	Schedule Management Plan	MS Word document (or mutually agreed upon document) that establishes the specific procedures for how the project schedule will be managed and controlled and is as detailed as necessary to	To be determined by the Senior

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		control the schedule through the life cycle based on the size, risk profile, and complexity of the project. The Schedule Management Plan shall comply with Maryland’s SDLC and Attachment 2, Section 2 requirements for the deliverable.	Project Manager
7.14	<i>Cost Management Plan</i>	MS Word document (or mutually agreed upon document) that establishes the activities and criteria for planning, structuring, and controlling project costs. The Cost Management Plan shall comply with Maryland’s SDLC and Attachment 2, Section 2 requirements for the deliverable.	To be determined by the Senior Project Manager
7.15	<i>Procurement Management Plan</i>	MS Word document (or mutually agreed upon document) that define the procedures to purchase or acquire all products and services needed from outside the team to perform project tasks. The document shall define processes for plan purchases and acquisitions including acquisition strategy, contract administration, and contract closure. The Procurement Management Plan shall comply with Maryland’s SDLC and Attachment 2, Section 2 requirements for the deliverable.	To be determined by the Senior Project Manager

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**ATTACHMENT 4
PERFORMANCE EVALUATION FORM (PEF)
FOR SENIOR PROJECT MANAGER (SPM)**

(Submitted monthly by the TO Contractor to initiate invoicing)

TO Contractor:

Name of SPM Being Evaluated:

Date Submitted:

Performance Period (Month / Year):

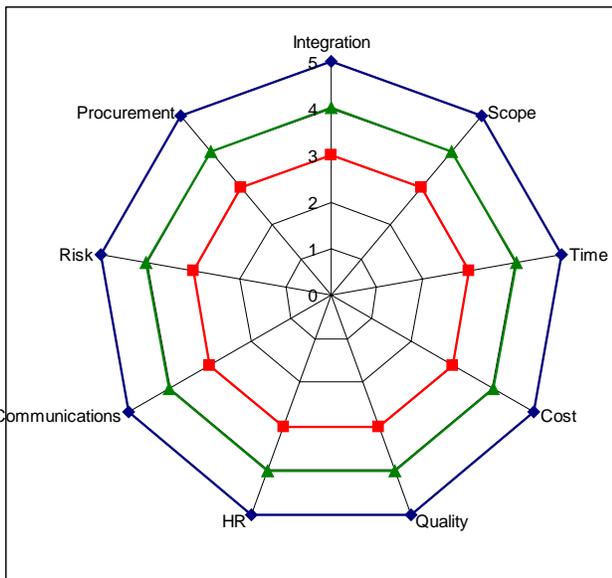
Agency Name:

TO Manager / Agency Contact:

RFR / Reference BPO #

The Information Below Shall Be Filled-In by the Agency

PROJECT MANAGEMENT PERFORMANCE RATING DISPOSITION:



PM Processes	Rating**
Procurement Management	
Schedule Management	
Scope Management	
Cost Management	
Risk Management	
Human Resources Management	
Quality Management	
Communications Management	
Integration Management	
Total Average Score	

Rating is based on *Project Management Performance Rating Criteria Sheet***. The Project Team should maintain score of 3 or higher for each process area and/or average score of 3. Scores below 3 may trigger the Mitigation Procedures defined in Section 5 above.

Performance is acceptable

Performance is unacceptable
(for reasons indicated below).

REASON(S) FOR UNACCEPTABLE PERFORMANCE RATING (List Deliverables or PM Process Areas):

TO Manager Signature

Date Signed

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Project Management Performance Rating Criteria

The TO Manager will evaluate and rate the FPM's management performance based on the overall Project Team's performance in each of the nine Knowledge Areas below. Applicable processes should score at 3 or higher.

Project Integration Management

0	Not applicable for project.	<u>Indicators of Process</u>
1	Project Team has not established practices, standards, or processes for project. Work performed in ad hoc fashion and does not include integration management.	<ul style="list-style-type: none"> • Project Charter • Project Management Plan (PMP) • Integrated Project Plan • Updated Project Schedule
2	Project Team has established basic, documented processes for project planning and reporting exist. Management only involved on high-visibility projects.	
3	Project Team has institutionalized the Project integration efforts with documented procedures and standards. PM is beginning to integrate all project data.	
4	Project Team utilizes processes/standards for project on a regular basis and integrated with other processes/systems. Decisions on project based on performance metrics.	
5	Project Team has established best practices including project integration improvement procedures utilized. Lessons learned are regularly examined and used to improve documented processes.	

Project Scope Management

0	Not applicable for project.	<u>Indicators of Process</u>
1	Project has general statement of functional requirements. Little or no scope management or documentation for project. Management and stakeholders are aware of key milestones only.	<ul style="list-style-type: none"> • Project Scope Statement • Change Request and Approval Process • Requirements Traceability Matrix (RTM) • Change Control Board
2	Project Team has put basic scope management process in place. Scope management is meeting techniques irregularly.	
3	Project Team has implemented full project management process documented and is actively utilizing process on regular basis. Stakeholders are engaged and actively participating in scope decisions.	
4	Project Team is utilizing full project management processes for the project. Projects managed and evaluated in light of other competing requirements.	
5	Project Team's effectiveness and efficiency metrics drive project scope decisions by appropriate levels of management.	

Project Time/Schedule Management

0	Not applicable for project.	<u>Indicators of Process</u>
1	Project Team has not established planning or scheduling standards. Lack of documentation makes it difficult to achieve repeatable project success.	<ul style="list-style-type: none"> • WBS • Schedule Management Plan • Activities duration based on historic data
2	Project Team has established basic processes, but is not performing planning and scheduling on a regular basis.	
3	Project Team has established document time management processes and utilizes on a regular basis. Project-wide integration includes project dependencies.	
4	Project Team has established good practices in time management including utilization of historical data to forecast future performance. Project	

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	management decisions based on efficiency and effectiveness metrics.	
5	Project Team has additionally incorporated improvement procedures utilized for time management processes. Lessons learned are examined and used to improve documented processes.	
Project Cost Management		
0	Not applicable for project.	Indicators of Process
1	Project Team has not established practices or standards. Cost process documentation is ad hoc and individual project members follow informal practices.	<ul style="list-style-type: none"> • Cost Estimates Activity • Project Cost Baseline • Cost Management Plan • Cost Control
2	Project Team has established processes exist for cost estimating, reporting, and performance measurement. Cost management processes are used for the project.	
3	Project Team has standardized cost management practices for project team. Costs are fully integrated and reflect the true cost of the project.	
4	Project Team has integrated cost planning and tracking with Project Office, financial, and human resources systems. Standards tied to agency processes.	
5	Project Team leverages lessons learned to improve documented processes. Project Team and management are actively using efficiency and effectiveness metrics for decision making.	
Project Quality Management		
0	Not applicable for project.	Indicators of Process
1	Project Team has not established project quality practices or standards. Management is considering how they should define "quality".	<ul style="list-style-type: none"> • Quality Assurance Plan • Deliverables Acceptance Criteria defined • User Acceptance Criteria (UAC) per SDLC phases • Formal Deliverable Acceptance Process
2	Project Team has established basic organizational project quality policy has been adopted. Project Management and Team encourage quality processes and policy for project.	
3	Project Team has established well documented quality management process and instituted standards for the project. Regular quality management activities are being executed including deliverables acceptance.	
4	Project Team has best practices for standard quality management processes. Management is actively involved in coordinating quality standards and assurance. Some metrics are developed.	
5	Project Team has implemented guidelines for implementing improvements back into the process. Metrics are key to product quality decisions throughout the SDLC.	
Project Human Resource Management		
0	Not applicable for project.	Indicators of Process
1	Project Team has not performed planning and staffing activities for project. Project teams are ad hoc. Human resource time and cost is not measured.	<ul style="list-style-type: none"> • Organization Chart • Roles and responsibilities matrix • Staffing Management Plan • Team Training Plan • Team performance
2	Project Team has put processes in place that defines how to plan and manage human resources. Resource tracking is loosely performed for project.	
3	Project Team has established a regularly resource management process. Professional development program activities for team and organization have been established for successful implementation of project.	

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4	Project Team has implemented resource management best practices including resource forecasts used for project planning and prioritization. Project team performance measured and integrated with team development.	assessment
5	Project Team includes HR processes which engage teams to document project lessons learned. Improvements are incorporated into human resources management process.	
Project Communication Management		
0	Not applicable for project.	<u>Indicators of Process</u>
1	Project Team performing communications management on an ad hoc basis with informal status reports to management.	<ul style="list-style-type: none"> • Communication Management Plan • Project Performance Reports • Stakeholder Contact • Processes for communication of Risk, Issues and Decisions
2	Project Team has established basic communications process including Communications Management Plan. Project progress reporting is occurring on a more regular basis.	
3	Project Team has active involvement by executing a formal project communications plan. All stakeholders and project team members are aware of communications process.	
4	Project Team has implemented best practices for communications management plan for the project.	
5	Project Team has put additional improvement process in place to continuously improve project communications management. Lessons learned are captured and incorporated.	
Project Risk Management		
0	Not applicable for project.	<u>Indicators of Process</u>
1	Project Team has not established any risk management practices or standards for project. Documentation is minimal and results are not shared. Risk response is reactive.	<ul style="list-style-type: none"> • Risk Management Plan • Risk Register • Process for Risk Register updates and communication of risk • Contingency plans for risk
2	Project Team has established basic risk management processes and have documented for the project. Team members are involved with risks process and risks are shared for project.	
3	Project Team has established regular risk management processes and risk activities, including identification and mitigation planning, are actively utilized for project.	
4	Project Team has integrated risk processes with all aspect of project reporting including time, cost, and resource systems. Metrics are used to support risk decisions for the project.	
5	Project Team has established best practices in risk management including continuous improvement processes to ensure project is continually measured and managed against performance metrics.	
Project Procurement Management		
0	Not applicable for project.	<u>Indicators of Process</u>
1	Project Team has not established procurement process for project. Processes are ad hoc at best with no clear plan defined.	<ul style="list-style-type: none"> • Procurement Management Plan • Contract Statement Of Work
2	Project Team has established basic process for procurement of goods and services for project. Procurement Management Plan has been developed for procurement of all project goods and services.	

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3	Project Team has established standards for procurement management on project and integrated with Agency processes.	<ul style="list-style-type: none"> • Evaluation Criteria • Cost Benefit Analysis • Make/Buy Decisions 	
4	Project Team has leverage procurement management best practices such as make/buy decisions for the agency and project. Project procurement practices are integrated with project management mechanisms.		
5	Project Team has instituted on-going process improvements focus on procurement efficiency and effective metrics.		

The remainder of this page left blank intentionally.

Attachment 5 – Business Requirements Document (BRD)

THE BDR IS A SEPARATE ATTACHMENT.

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ATTACHMENT 6 – MINORITY BUSINESS ENTERPRISE FORMS

**TO CONTRACTOR MINORITY BUSINESS ENTERPRISE REPORTING
REQUIREMENTS**

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These instructions are meant to accompany the customized reporting forms sent to you by the TO Manager. If, after reading these instructions, you have additional questions or need further clarification, please contact the TO Manager immediately.

1. As the TO Contractor, you have entered into a TO Agreement with the State of Maryland. As such, your company/firm is responsible for successful completion of all deliverables under the contract, including your commitment to making a good faith effort to meet the MBE participation goal(s) established for RFR. Part of that effort, as outlined in the RFR, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms D-5 (TO Contractor Paid/Unpaid MBE Invoice Report) and D-6 (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
2. The TO Contractor must complete a separate Form D-5 (TO Contractor Paid/Unpaid MBE Invoice Report) for each MBE subcontractor for each month of the contract and submit one copy to each of the locations indicated at the bottom of the form. The report is due no later than the 15th of the month following the month that is being reported. For example, the report for January's activity is due no later than the 15th of February. With the approval of the TO Manager, the report may be submitted electronically. Note: Reports are required to be submitted each month, regardless of whether there was any MBE payment activity for the reporting month.
3. The TO Contractor is responsible for ensuring that each subcontractor receives a copy (e-copy of and/or hard copy) of Form D-6 (Subcontractor Paid/Unpaid MBE Invoice Report). The TO Contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, i.e., all of the information located in the upper right corner of the form. It may be wise to customize Form D-6 (upper right corner of the form) for the subcontractor the same as the Form D-5 was customized by the TO Manager for the benefit of the TO Contractor. This will help to minimize any confusion for those who receive and review the reports.
4. It is the responsibility of the TO Contractor to make sure that all subcontractors submit reports no later than the 15th of each month, regardless of whether there was any MBE payment activity for the reporting month. Actual payment data is verified and entered into the State's financial management tracking system from the subcontractor's D-6 report only. Therefore, if the subcontractor(s) do not submit their D-6 payment reports, the TO Contractor cannot and will not be given credit for subcontractor payments, regardless of the TO Contractor's proper submission of Form D-5. The TO Manager will contact the TO Contractor if reports are not received each month from either the prime contractor or any of the identified subcontractors. The TO Contractor must promptly notify the TO Manager if, during the course of the contract, a new MBE subcontractor is utilized. Failure to comply with the MBE contract provisions and reporting requirements may result in sanctions, as provided by COMAR 21.11.03.13.

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MDOT MBE FORM A

STATE-FUNDED CONTRACTS

CERTIFIED MBE 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 not susceptible of being selected for award.

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

1. MBE Participation (PLEASE CHECK ONLY ONE)

I have met the overall certified Minority Business Enterprise (MBE) participation goal of _____ percent (_____ %) and the following subgoals, if applicable:

_____ percent (_____ %) for African American-owned MBE firms

_____ percent (_____ %) for Hispanic American-owned MBE firms

_____ percent (_____ %) for Asian American-owned MBE firms

_____ percent (_____ %) for Women-owned MBE firms

I agree that these percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), will be performed by certified MBE firms as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

OR

I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals. 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 MBE firms will be used to accomplish the percentages of the total dollar amount of the Contract, for the MBE goal and subgoals (if any), as set forth in the MBE Participation Schedule - Part 2 of the MDOT MBE Form B (State-Funded Contracts).

2. Additional MBE 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 MBE Form C - State-Funded Contracts);

(b) Subcontractor Project Participation Statement (MDOT MBE Form D - State-Funded Contracts);

(c) If waiver requested, MBE Waiver Request Documentation and Forms (MDOT MBE/DBE Form E – Good Faith Efforts Guidance and Documentation) per COMAR 21.11.03.11; 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 MBE participation goal and subgoals, if any.

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 that the proposal is not susceptible of being selected for award.

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MDOT MBE FORM A

STATE-FUNDED CONTRACTS

CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT

PAGE 2 OF 2

3. Information Provided to MBE firms

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

4. Products and Services Provided by MBE firms

I hereby affirm that the MBEs 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

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ATTACHMENT 6 - MDOT MBE FORM B STATE-FUNDED CONTRACTS

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

PAGE 1 OF 3

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.

PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE 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 prime or subcontractor is a certified MBE in the MDOT Directory can be used for purposes of achieving the MBE participation goals.
2. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm (whether a prime or subcontractor) must be certified for that specific NAICS Code (“MBE” for State-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 MBE 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 an MBE firm is certified and eligible to receive MBE 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 MBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the MBE participation goals. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT’s Office of Minority Business Enterprise at 1-800-544-6056 or via email at mbe@mdot.state.md.us.
4. Complete the Part 2 – MBE Participation Schedule for all certified MBE firms (including primes and subcontractors) being used to achieve the MBE participation goal and subgoals, if any.
5. **MBE Prime Self-Performance.** When a certified MBE firm participates as a prime (independently or as part of a joint venture) on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. In order to receive credit for self-performance, an MBE prime must be (a) a certified MBE (see 1-3 above) and (b) listed in the Part 2 – MBE Participation Schedule with its certification number, the certification classification under which it will self-perform, and the percentage of the contract that can be counted as MBE self-performance. For the remaining portion of the overall goal and any subgoals, the MBE prime must also list, in the Part 2 – MBE Participation Schedule, other certified MBE firms used to meet those goals or, after making good faith efforts to obtain the participation of additional MBE firms, request a waiver. Note: A dually-certified MBE firm can use its own forces toward fulfilling ONLY ONE of the MBE subgoals for which it can be counted.
6. The Contractor’s subcontractors are considered second-tier subcontractors. Third-tier contracting used to meet an MBE 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

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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 MBE Participation Schedule.

7. For each MBE firm that is being used as a supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the **amount of the subcontract for purposes of achieving the MBE participation goals:**
 - 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 MBE 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 MBE participation credit will be given for the supply of these products.

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MDOT MBE FORM B

STATE-FUNDED CONTRACTS

PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

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- C. For purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE 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 MBE Participation Schedule, please divide the amount of any reasonable fee that the MBE 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 description 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 MBE participation goal, you may count the total amount of the subcontract. For Column 3 of the MBE Participation Schedule, please divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.
- E. Is the firm certified as a supplier, wholesaler and/or regular dealer? If the answer is YES and the MBE 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 MBE 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 MBE 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.
8. For each MBE 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 MBE participation goals, 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%

9. **WARNING:** The percentage of MBE participation, computed using the percentage amounts determined per Column 3 for all of the MBE firms listed in Part 2, MUST at least equal the MBE participation goal and subgoals (if applicable) as set forth in MDOT MBE Form A – State-Funded Contracts for this solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), 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 attached Goal/Subgoal Worksheet to assist you in calculating the percentages and confirming that you have met the applicable MBE participation goal and subgoals (if any).

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MDOT MBE FORM B

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PART 1 – INSTRUCTIONS FOR MBE PARTICIPATION SCHEDULE

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GOAL/SUBGOAL PARTICIPATION WORKSHEET

1. Complete the Part 2 – MBE Participation Schedule for each MBE being used to meet the MBE goal and any subgoals.
2. After completion of the Part 2 – MBE Participation Schedule, you may use the Goal/Subgoal Worksheet to calculate the total MBE participation commitment for the overall goal and any subgoals.
3. **MBE Overall Goal Participation Boxes:** Calculate the total percentage of MBE participation for each MBE classification by adding the percentages determined per Column 3 of the Part 2 – MBE Participation Schedule. Add the percentages determined in Lines 3.1 and 3.2 for the MBE subcontractor (subs) total. Add the overall participation percentages determined in Line 3.3 for the MBE prime total.
4. **MBE Subgoal Participation Boxes:** Calculate the total percentage of MBE participation for each MBE classification by adding the percentages determined per Column 3 of the Part 2 – MBE Participation Schedule. Add the percentages determined in Lines 3.1 and 3.2 for the MBE subcontractor (subs) total. Add the subgoal participation percentages determined in Line 3.3 for the MBE prime total.
5. The percentage amount for the MBE overall participation in the Total MBE Firm Participation Box F1 should be equal to the sum of the percentage amounts in Boxes A through E of the MBE Overall Goal Participation Column of the Worksheet.
6. The percentage amount for the MBE subgoal participation in the Total MBE Firm Participation Box L should be equal to the sum of the percentage amounts in Boxes A through E of the MBE Subgoal Participation Column of the Worksheet.

GOAL/SUBGOAL WORKSHEET		
MBE Classification	MBE Overall Goal Participation	MBE Subgoal Participation
(A) Total African American Firm Participation (Add percentages determined for African American-Owned Firms per Column 3 of MBE Participation Schedule)	_____ %subs _____ %prime	_____ %subs _____ %prime
(B) Total Hispanic American Firm Participation (Add percentages determined for Hispanic American-Owned Firms per Column 3 of MBE Participation Schedule)	_____ %subs _____ %prime	_____ %subs _____ %prime
(C) Total Asian American Firm Participation (Add percentages listed for Asian American-Owned Firms per Column 3 of MBE Participation Schedule)	_____ %subs _____ %prime	_____ %subs _____ %prime
(D) Total Women-Owned Firm Participation (Add percentages determined for Women-Owned Firms per Column 3 of MBE Participation Schedule)	_____ %subs _____ %prime	_____ %subs _____ %prime
(E) Total for all other MBE Firms (Add percentages for firms listed as Other MBE Classification per Column 3 of the MBE Participation Schedule)	_____ %subs _____ %prime	_____ %subs _____ %prime
Total MBE Firm Participation (Add total percentages determined for all MBE Firms in each column of the Worksheet)	(F1) _____ %	(F2) _____ %

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**MDOT MBE FORM B
STATE-FUNDED CONTRACTS
PART 2 – MBE PARTICIPATION SCHEDULE**

PAGE ___ OF ___

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.

Prime Contractor	Project Description	SOLICITATION NUMBER

LIST INFORMATION FOR EACH CERTIFIED MBE PRIME OR MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. NOTE INSTRUCTIONS IN EACH COLUMN.

COLUMN 1	COLUMN 2	COLUMN 3 Unless the bidder/offeror requested a waiver in MDOT MBE Form A – State Funded Contracts for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal <u>and</u> subgoals (if applicable) set forth in Form A.
<p>NAME OF MBE PRIME OR MBE SUBCONTRACTOR AND TIER</p>	<p>CERTIFICATION NO. AND MBE CLASSIFICATION</p>	<p>FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, refer to Sections 5 through 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 MBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule. For items of work where the MBE firm is the prime, complete Line 3.3.</p>
<p>MBE Name:</p> <hr/> <p><input type="checkbox"/> Check here if MBE firm is a subcontractor and complete in accordance with Sections 6, 7, & 8 of Part 1 - Instructions. If this box is checked, complete 3.1 or 3.2 in Column C, whichever is appropriate.</p> <p><input type="checkbox"/> Check here if MBE firm is the prime contractor, including a participant in a joint venture, and self-performance is being counted pursuant to Section 5 of Part 1 - Instructions. If this box is checked, complete 3.3 in Column C.</p> <p><input type="checkbox"/> Check here if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 6 of Part 1 - Instructions</p>	<p>Certification Number:</p> <hr/> <p>(If dually certified, check only one box.)</p> <p><input type="checkbox"/> African American-Owned</p> <p><input type="checkbox"/> Hispanic American-Owned</p> <p><input type="checkbox"/> Asian American-Owned</p> <p><input type="checkbox"/> Women-Owned</p> <p><input type="checkbox"/> Other MBE Classification</p> <hr/>	<p>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).</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p> <p>3.2 TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE 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 7(E) IN PART 1 - INSTRUCTIONS).</p> <p>_____ % Total percentage of Supplies/Products</p> <p>x _____ 60% (60% Rule)</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p> <p>3.3. TOTAL PERCENTAGE TO BE PAID TO MBE PRIME FOR WORK THAT CAN BE COUNTED AS MBE SELF-PERFORMANCE (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE).</p> <p>(a) _____ % Total percentage for self-performed items of work in which MBE is certified)</p> <p>(b) _____ % (Insert 50% of MBE overall goal)</p> <p>(c) _____ % (Insert subgoal for classification checked in Column 2, if applicable)</p> <p>Percentages for purposes of calculating achievement of MBE Participation goals:</p> <p>➔ For MBE Overall goal – Use lesser of (a) or (b)</p> <p>➔ For MBE Subgoal – Use lesser of (a) or (c)</p> <p>➔ If MBE Prime is supplier, wholesaler and/or regular dealer, apply the 60% rule.</p>

Check here if Continuation Sheets are attached.

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MDOT MBE FORM B STATE-FUNDED CONTRACTS PART 2 – MBE PARTICIPATION SCHEDULE CONTINUATION SHEET

PAGE ___ OF ___

Prime Contractor	Project Description	SECTION ISOLICITATION NUMBER

LIST INFORMATION FOR EACH CERTIFIED MBE PRIME OR MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. NOTE INSTRUCTIONS IN EACH COLUMN.

COLUMN 1	COLUMN 2	COLUMN 3 Unless the bidder/offeror requested a waiver in MDOT MBE Form A – State Funded Contracts for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal and subgoals (if applicable) set forth in Form A.
<p>NAME OF MBE PRIME OR MBE SUBCONTRACTOR AND TIER</p>	<p>CERTIFICATION NO. AND MBE CLASSIFICATION</p>	<p>FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL AND SUBGOALS, refer to Sections 5 through 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 MBE firm is being used as a wholesaler, supplier, or regular dealer. For items of work where the MBE firm is being used as a supplier, wholesaler and/or regular dealer, complete Line 3.2 using the 60% Rule. For items of work where the MBE firm is the prime, complete Line 3.3.</p>
<p>MBE Name:</p> <hr/> <p><input type="checkbox"/> Check here if MBE firm is a subcontractor and complete in accordance with Sections 6, 7, & 8 of Part 1 - Instructions. If this box is checked, complete 3.1 or 3.2 in Column C, whichever is appropriate.</p> <p><input type="checkbox"/> Check here if MBE firm is the prime contractor, including a participant in a joint venture, and self-performance is being counted pursuant to Section 5 of Part 1 - Instructions. If this box is checked, complete 3.3 in Column C.</p> <p><input type="checkbox"/> Check here if MBE firm is a third-tier contractor (if applicable). Please submit written documents in accordance with Section 6 of Part 1 - Instructions</p>	<p>Certification Number:</p> <hr/> <p>(If dually certified, check only one box.)</p> <p><input type="checkbox"/> African American-Owned</p> <p><input type="checkbox"/> Hispanic American-Owned</p> <p><input type="checkbox"/> Asian American-Owned</p> <p><input type="checkbox"/> Women-Owned</p> <p><input type="checkbox"/> Other MBE Classification</p> <hr/>	<p>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).</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p> <p>3.2 TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR FOR ITEMS OF WORK WHERE THE MBE 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 7(E) IN PART 1 - INSTRUCTIONS).</p> <p>_____ % Total percentage of Supplies/Products</p> <p>x _____ 60% (60% Rule)</p> <p>_____ % (Percentage for purposes of calculating achievement of MBE Participation goal and subgoals, if any)</p> <p>3.3. TOTAL PERCENTAGE TO BE PAID TO MBE PRIME FOR WORK THAT CAN BE COUNTED AS MBE SELF-PERFORMANCE (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE)..</p> <p>(a) _____ % Total percentage for self-performed items of work in which MBE is certified)</p> <p>(b) _____ % (Insert 50% of MBE overall goal)</p> <p>(c) _____ % (Insert subgoal for classification checked in Column 2, if applicable)</p> <p>Percentages for purposes of calculating achievement of MBE Participation goals:</p> <p>➔ For MBE Overall goal – Use lesser of (a) or (b)</p> <p>➔ For MBE Subgoal – Use lesser of (a) or (c)</p> <p>➔ If MBE Prime is supplier, wholesaler and/or regular dealer, apply the 60% rule.</p>

Check here if Continuation Sheets are attached.

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MDOT MBE FORM B

STATE-FUNDED CONTRACTS

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

SECTION 2

**PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL
AS DIRECTED IN THE INVITATION TO BID/ REQUEST FOR PROPOSALS.**

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 MBE Directory for each of the MBE firms listed in Part 2 of this MBE Form B for purposes of achieving the MBE participation goals and subgoals that were identified in the MBE Form A that I submitted with this solicitation, and that the MBE 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 MBE Form B.

The undersigned Prime Contractor hereby certifies and agrees that they have 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 MBE 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

Request for Resume (RFR) for Project Manager (Senior)

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ATTACHMENT 6 - MDOT MBE FORM C

STATE-FUNDED CONTRACTS

OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the offer/proposal submitted in response to Solicitation No. _____, I state the following:

1. Bidder/Offeror took the following efforts to identify subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to personally contact the solicited MBE firms:

4. Please Check One:

- This project does not involve bonding requirements.
- Bidder/Offeror assisted MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS)

5. Please Check One:

- Bidder/Offeror did attend the pre-bid/pre-proposal meeting/conference.
- No pre-bid/pre-proposal meeting/conference was held.
- Bidder/Offeror did not attend the pre-bid/pre-proposal meeting/conference.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

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**ATTACHMENT 6 - MDOT MBE FORM D
STATE-FUNDED CONTRACTS**

MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT

IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD OR THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE. BIDDERS/OFFERORS ARE HIGHLY ENCOURAGED TO SUBMIT FORM D PRIOR TO THE TEN (10) DAY DEADLINE.

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a subcontract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) which will receive at least \$ _____ or ____% (Total Subcontract Amount/ Percentage) for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)	SUBCONTRACTOR (THIRD-TIER)
Signature of Representative: _____	Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____	Federal Identification Number: _____
Address: _____	Address: _____	Address: _____
Telephone: _____	Telephone: _____	Telephone: _____
Date: _____	Date: _____	Date: _____

IF MBE FIRM IS A THIRD-TIER SUBCONTRACTOR, THIS FORM MUST ALSO BE EXECUTED BY THE SECOND-TIER SUBCONTRACTOR THAT HAS THE SUBCONTRACT AGREEMENT WITH THE MBE FIRM.

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This form is to be completed monthly by the prime contractor.

Attachment D-5

Maryland Department of Information Technology
Minority Business Enterprise Participation

Prime Contractor Paid/Unpaid MBE Invoice Report

Report #: _____ Reporting Period (Month/Year): _____ Report is due to the MBE Officer by the 10th of the month following the month the services were provided. Note: Please number reports in sequence	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ MBE Subcontract Amt: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
--	--

Prime Contractor:	Contact Person:																																					
Address:																																						
City:	State:	ZIP:																																				
Phone:	FAX:	Email:																																				
Subcontractor Name:		Contact Person:																																				
Phone:	FAX:																																					
Subcontractor Services Provided:																																						
List all payments made to MBE subcontractor named above during this reporting period: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 40%; text-align: center;"><u>Invoice#</u></th> <th style="width: 55%; text-align: center;"><u>Amount</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr> <td colspan="3">Total Dollars Paid: \$ _____</td> </tr> </tbody> </table>		<u>Invoice#</u>	<u>Amount</u>	1.			2.			3.			4.			Total Dollars Paid: \$ _____			List dates and amounts of any outstanding invoices: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 40%; text-align: center;"><u>Invoice #</u></th> <th style="width: 55%; text-align: center;"><u>Amount</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> <tr> <td colspan="3">Total Dollars Unpaid: \$ _____</td> </tr> </tbody> </table>			<u>Invoice #</u>	<u>Amount</u>	1.			2.			3.			4.			Total Dollars Unpaid: \$ _____		
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Total Dollars Unpaid: \$ _____																																						

**If more than one MBE subcontractor is used for this contract, you must use separate D-5 forms.

****Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**

(TO MANAGER OF APPLICABLE POC NAME, TITLE) (AGENCY NAME) (ADDRESS, ROOM NUMBER) (CITY, STATE ZIP) (EMAIL ADDRESS)	(TO PROCUREMENT OFFICER OR APPLICABLE POC NAME, TITLE) (AGENCY NAME) (ADDRESS, ROOM NUMBER) (CITY, STATE ZIP) (EMAIL ADDRESS)
---	---

Request for Resume (RFR) for Project Manager (Senior)

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This form must be completed by
MBE subcontractor

**ATTACHMENT D-6
Minority Business Enterprise Participation
Subcontractor Paid/Unpaid MBE Invoice Report**

Report#: _____ Reporting Period (Month/Year): _____ Report is due by the 10th of the month following the month the services were performed.	Contract # _____ Contracting Unit: _____ MBE Subcontract Amount: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
---	--

MBE Subcontractor Name: _____		
MDOT Certification #: _____		
Contact Person: _____	Email: _____	
Address: _____		
City: Baltimore	State: _____	ZIP: _____
Phone: _____	FAX: _____	
Subcontractor Services Provided:		
List all payments received from Prime Contractor during reporting period indicated above.		List dates and amounts of any unpaid invoices over 30 days old.
<u>Invoice Amt</u>	<u>Date</u>	<u>Invoice Amt</u>
1.		1.
2.		2.
3.		3.
Total Dollars Paid: \$ _____		Total Dollars Unpaid: \$ _____
Prime Contractor: _____		Contact Person: _____

****Return one copy of this form to the following address (electronic copy with signature & date is preferred):**

(TO MANAGER OF APPLICABLE POC NAME, TITLE) (AGENCY NAME) (ADDRESS, ROOM NUMBER) (CITY, STATE ZIP) (EMAIL ADDRESS)	(TO PROCUREMENT OFFICER OR APPLICABLE POC NAME, TITLE) (AGENCY NAME) (ADDRESS, ROOM NUMBER) (CITY, STATE ZIP) (EMAIL ADDRESS)
---	---

Signature: _____ Date: _____
(Required)

Request for Resume (RFR) for Project Manager (Senior)

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ATTACHMENT 6 - 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

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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;

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(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.

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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:

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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.

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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.

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**ATTACHMENT 6 - MDOT MBE/DBE FORM E
GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION**

Part 2 – Certification Regarding Good Faith Efforts and 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.

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**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

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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?
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
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	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please check if Additional Sheets are attached.

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Part 4 – Identified MBE/DBE Firms and Record of Solicitations

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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: <hr/> MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing
Firm Name: <hr/> MBE Classification (Check only if requesting waiver of MBE subgoal.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date: <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date: <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call: Spoke With: <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE/DBE <input type="checkbox"/> Used Non-MBE/DBE <input type="checkbox"/> Self-performing

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MDOT MBE/DBE FORM E

GOOD FAITH EFFORTS GUIDANCE AND DOCUMENTATION

Part 5 – Additional Information Regarding Rejected MBE/DBE Quotes

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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
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE/DBE	\$ _____	_____ <input type="checkbox"/> MBE/DBE <input type="checkbox"/> Non-MBE/DBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Please check if Additional Sheets are attached.

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ATTACHMENT 7 - TASK ORDER AGREEMENT

CATS+ RFR #J01B5400028 OF MASTER CONTRACT #060B2490023

This Task Order Agreement (“TO Agreement”) is made this ____ day of _____, 2015 by and between _____ (TO Contractor) and the STATE OF MARYLAND, Maryland Department of Transportation (MDOT), Office of Planning and Capital Programming (OPCP)

IN CONSIDERATION of the mutual promises and the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Definitions. In this TO Agreement, the following words have the meanings indicated:

- a) “Agency” means Maryland Department of Transportation, Office of Planning and Capital Programming; as identified in the CATS+ RFR #J01B5400028.
- b) “CATS+ RFR” means the Task Order Request for Proposals #J01B5400028, dated _____, 2015, including any addenda and amendments.
- c) “Master Contract” means the CATS+ Master Contract between the Maryland Department of Information Technology and TO Contractor dated April 22, 2013.
- d) “TO Procurement Officer” means Joseph Palechek. The Agency may change the TO Procurement Officer at any time by written notice.
- e) “TO Agreement” means this signed TO Agreement between MDOT, OPCP and **TO Contractor**.
- f) “TO Contractor” means the CATS+ Master Contractor awarded this TO Agreement, whose principal business address is _____.
- g) “TO Manager” means Brian Martin of the Agency may change the TO Manager at any time by written notice to the TO Contractor.
- h) “TO Technical Proposal” means the TO Contractor’s technical response to the CATS+ RFR dated date of TO Technical Proposal.
- i) “TO Financial Proposal” means the TO Contractor’s financial response to the CATS+ RFR dated date of TO Financial Proposal.
- j) “TO Proposal” collectively refers to the TO Technical Proposal and TO Financial Proposal.

2. Scope of Work

2.1 This TO Agreement incorporates all of the terms and conditions of the Master Contract and shall not in any way amend, conflict with or supersede the Master Contract.

2.2 The TO Contractor shall, in full satisfaction of the specific requirements of this TO Agreement, provide the services set forth in Section 2 of the CATS+ RFR. These services shall be provided in accordance with the Master Contract, this TO Agreement, and the following Exhibits, which are attached and incorporated herein by reference. If there is any conflict among the Master Contract, this TO Agreement, and these Exhibits, the terms of the Master Contract shall govern. If there is any conflict between this TO Agreement and any of these Exhibits, the following order of precedence shall determine the prevailing provision:

- a. The TO Agreement,
- b. Exhibit A – CATS+ RFR
- c. Exhibit B – TO Technical Proposal
- d. Exhibit C – TO Financial Proposal

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2.3 The TO Procurement Officer may, at any time, by written order, make changes in the work within the general scope of the TO Agreement. No other order, statement or conduct of the TO Procurement Officer or any other person shall be treated as a change or entitle the TO Contractor to an equitable adjustment under this Section. Except as otherwise provided in this TO Agreement, if any change under this Section causes an increase or decrease in the TO Contractor's cost of, or the time required for, the performance of any part of the work, whether or not changed by the order, an equitable adjustment in the TO Agreement price shall be made and the TO Agreement modified in writing accordingly. The TO Contractor must assert in writing its right to an adjustment under this Section within thirty (30) days of receipt of written change order and shall include a written statement setting forth the nature and cost of such claim. No claim by the TO Contractor shall be allowed if asserted after final payment under this TO Agreement. Failure to agree to an adjustment under this Section shall be a dispute under the Disputes clause of the Master Contract. Nothing in this Section shall excuse the TO Contractor from proceeding with the TO Agreement as changed.

3. Time for Performance

Unless terminated earlier as provided in the Master Contract, the TO Contractor shall provide the services described in the TO Proposal and in accordance with the CATS+ RFR on receipt of a Notice to Proceed from the TO Manager. The term of this TO Agreement is for a period of three (3) years, commencing on the date of Notice to Proceed and terminating three (3) years from Notice to Proceed. Unless, At the sole option of the State, this TO Agreement may be extended for two (2) additional, one (1) year periods for a total TO Agreement period ending four (4) or five (5) years from Notice to Proceed.

4. Consideration and Payment

4.1 The consideration to be paid the TO Contractor shall be done so in accordance with the CATS+ RFR and shall not exceed \$ [REDACTED]. Any work performed by the TO Contractor in excess of the not-to-exceed ceiling amount of the TO Agreement without the prior written approval of the TO Manager is at the TO Contractor's risk of non-payment.

4.2 Payments to the TO Contractor shall be made as outlined Section 2 of the CATS+ RFR, but no later than thirty (30) days after the Agency's receipt of a proper invoice for services provided by the TO Contractor, acceptance by the Agency of services provided by the TO Contractor, and pursuant to the conditions outlined in Section 4 of this Agreement.

4.3 Each invoice for services rendered must include the TO Contractor's Federal Tax Identification Number which is [REDACTED]. Charges for late payment of invoices other than as prescribed by Title 15, Subtitle 1, of the State Finance and Procurement Article, Annotated Code of Maryland, as from time-to-time amended, are prohibited. Invoices must be submitted to the Agency TO Manager unless otherwise specified herein.

4.4 In addition to any other available remedies, if, in the opinion of the TO Procurement Officer, the TO Contractor fails to perform in a satisfactory and timely manner, the TO Procurement Officer may refuse or limit approval of any invoice for payment, and may cause payments to the TO Contractor to be reduced or withheld until such time as the TO Contractor meets performance standards as established by the TO Procurement Officer.

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IN WITNESS THEREOF, the parties have executed this TO Agreement as of the date hereinabove set forth.

TO Contractor Name

By: Type or Print TO Contractor POC

Date

Witness: _____

STATE OF MARYLAND, MDOT, OPCP

By: Thomas Hickey, Director

TSO, Office of Procurement

Date

Witness: _____

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ATTACHMENT 8 - CONFLICT OF INTEREST AFFIDAVIT AND DISCLOSURE

- A. "Conflict of interest" means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the State, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.
- B. "Person" has the meaning stated in COMAR 21.01.02.01 B (64) and includes a bidder, offeror, contractor, consultant, or subcontractor or subconsultant at any tier, and also includes an employee or agent of any of them if the employee or agent has or will have the authority to control or supervise all or a portion of the work for which a bid or offer is made.
- C. The bidder or offeror warrants that, except as disclosed in §D, below, there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a conflict of interest.
- D. The following facts or circumstances give rise or could in the future give rise to a conflict of interest (explain in detail—attach additional sheets if necessary):
- E. The bidder or offeror agrees that if an actual or potential conflict of interest arises after the date of this affidavit, the bidder or offeror shall immediately make a full disclosure in writing to the procurement officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the bidder or offeror has taken and proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest. If the contract has been awarded and performance of the contract has begun, the Contractor shall continue performance until notified by the procurement officer of any contrary action to be taken.

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)

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ATTACHMENT 9 - NOTICE TO PROCEED (SAMPLE)

Month Day, Year

TO Contractor Name

TO Contractor Mailing Address

Re: CATS+ Solicitation Number (RFR #): J01B5400028

Dear TO Contractor Contact:

This letter is your official Notice to Proceed as of Month Day, Year, for the above-referenced Task Order Agreement. Mr. / Ms. _____ of Maryland Department of Transportation, Office of Planning and Capitol Programming will serve as the TO Manager and your contact person on this Task Order. He / She can be reached at telephone _____.

Enclosed is an original, fully executed Task Order Agreement and purchase order.

Sincerely,

<<TO Manager>>

Task Order Manager

Enclosures (2)

cc: <<TO Procurement Officer>>

Procurement Liaison Office, Department of Information Technology

Project Oversight Office, Department of Information Technology

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ATTACHMENT 10 - NON-DISCLOSURE AGREEMENT (OFFEROR)

This Non-Disclosure Agreement (the "Agreement") is made this ___ day of _____ 20___, by and between _____ (hereinafter referred to as "the OFFEROR ") and the State of Maryland (hereinafter referred to as "the State").

OFFEROR warrants and represents that it intends to submit a TO Proposal in response to CATS+ RFR #J01B5400028 for MDOT, OPCP – Project Manager. In order for the OFFEROR to submit a TO Proposal, it will be necessary for the State to provide the OFFEROR with access to certain confidential information including, but not limited, to _____.

All such information provided by the State shall be considered Confidential Information regardless of the form, format, or media upon which or in which such information is contained or provided, regardless of whether it is oral, written, electronic, or any other form, and regardless of whether the information is marked as "Confidential Information". As a condition for its receipt and access to the Confidential Information described above, the OFFEROR agrees as follows:

1. OFFEROR will not copy, disclose, publish, release, transfer, disseminate or use for any purpose in any form any Confidential Information received, except in connection with the preparation of it's TO Proposal.
2. Each employee or agent of the OFFEROR who receives or has access to the Confidential Information shall execute a copy of this Agreement and the OFFEROR shall provide originals of such executed Agreements to the State. Each employee or agent of the OFFEROR who signs this Agreement shall be subject to the same terms, conditions, requirements and liabilities set forth herein that are applicable to the OFFEROR.
3. OFFEROR shall return the Confidential Information to the State within five business days of the State's Notice of recommended award. If the OFFEROR does not submit a Proposal, the OFFEROR shall return the Confidential Information to Brian Martin, MDOT, OPCP on or before the due date for Proposals.
4. OFFEROR acknowledges that the disclosure of the Confidential Information may cause irreparable harm to the State and agrees that the State may obtain an injunction to prevent the disclosure, copying, or other impermissible use of the Confidential Information. The State's rights and remedies hereunder are cumulative and the State expressly reserves any and all rights, remedies, claims and actions that it may have now or in the future to protect the Confidential Information and/or to seek damages for the OFFEROR'S failure to comply with the requirements of this Agreement. The OFFEROR consents to personal jurisdiction in the Maryland State Courts.
5. In the event the State suffers any losses, damages, liabilities, expenses, or costs (including, by way of example only, attorneys' fees and disbursements) that are attributable, in whole or in part to any failure by the OFFEROR or any employee or agent of the OFFEROR to comply with the requirements of this Agreement, OFFEROR and such employees and agents of OFFEROR shall hold harmless and indemnify the State from and against any such losses, damages, liabilities, expenses, and/or costs.
6. This Agreement shall be governed by the laws of the State of Maryland.
7. OFFEROR acknowledges that pursuant to Section 11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland, a person may not willfully make a false or fraudulent statement or representation of a material fact in connection with a procurement contract. Persons making such statements are guilty of a felony and on conviction subject to a fine of not more than \$20,000 and/or imprisonment not exceeding 5 years or both. OFFEROR further acknowledges that this Agreement is a statement made in connection with a procurement contract.
8. The individual signing below warrants and represents that they are fully authorized to bind the OFFEROR to the terms and conditions specified in this Agreement. If signed below by an individual employee or agent of the OFFEROR under Section 2 of this Agreement, such individual acknowledges that a failure to comply with the requirements specified in this Agreement may result in personal liability.

OFFEROR: _____

BY: _____

NAME: _____

TITLE: _____

ADDRESS: _____

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ATTACHMENT 11 - NON-DISCLOSURE AGREEMENT (TO CONTRACTOR)

THIS NON-DISCLOSURE AGREEMENT (“Agreement”) is made as of this ____ day of _____, 20 ____, by and between the State of Maryland ("the State"), acting by and through its Maryland Department of Transportation (MDOT), Office of Planning and Capitol Programming (OPCP), (the “Department or Agency”), and _____ (“TO Contractor”), a corporation with its principal business office located at _____ and its principal office in Maryland located at _____.

RECITALS

WHEREAS, the TO Contractor has been awarded a Task Order Agreement (the “TO Agreement”) for MDOT, OPCP – Project Manager RFR No. J01B5400028 dated _____, (the “RFR”) issued under the Consulting and Technical Services procurement issued by the Department or Agency, Project Number 060B2490023; and WHEREAS, in order for the TO Contractor to perform the work required under the TO Agreement, it will be necessary for the State to provide the TO Contractor and the TO Contractor’s employees and agents (collectively the “TO Contractor’s Personnel”) with access to certain confidential information regarding _____ (the “Confidential Information”).

NOW, THEREFORE, in consideration of being given access to the Confidential Information in connection with the RFR and the TO Agreement, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties do hereby agree as follows:

1. Confidential Information means any and all information provided by or made available by the State to the TO Contractor in connection with the TO Agreement, regardless of the form, format, or media on or in which the Confidential Information is provided and regardless of whether any such Confidential Information is marked as such. Confidential Information includes, by way of example only, information that the TO Contractor views, takes notes from, copies (if the State agrees in writing to permit copying), possesses or is otherwise provided access to and use of by the State in relation to the TO Agreement.
2. TO Contractor shall not, without the State’s prior written consent, copy, disclose, publish, release, transfer, disseminate, use, or allow access for any purpose or in any form, any Confidential Information provided by the State except for the sole and exclusive purpose of performing under the TO Agreement. TO Contractor shall limit access to the Confidential Information to the TO Contractor’s Personnel who have a demonstrable need to know such Confidential Information in order to perform under the TO Agreement and who have agreed in writing to be bound by the disclosure and use limitations pertaining to the Confidential Information. The names of the TO Contractor’s Personnel are attached hereto and made a part hereof as Exhibit A. Each individual whose name appears on Exhibit A shall execute a copy of this Agreement and thereby be subject to the terms and conditions of this Agreement to the same extent as the TO Contractor. TO Contractor shall update Exhibit A by adding additional names as needed, from time to time.
3. If the TO Contractor intends to disseminate any portion of the Confidential Information to non-employee agents who are assisting in the TO Contractor’s performance of the RFR or who will otherwise have a role in performing any aspect of the RFR, the TO Contractor shall first obtain the written consent of the State to any such dissemination. The State may grant, deny, or condition any such consent, as it may deem appropriate in its sole and absolute subjective discretion.
4. TO Contractor hereby agrees to hold the Confidential Information in trust and in strictest confidence, to adopt or establish operating procedures and physical security measures, and to take all other measures necessary to protect the Confidential Information from inadvertent release or disclosure to unauthorized third parties and to prevent all or any portion of the Confidential Information from falling into the public domain or into the possession of persons not bound to maintain the confidentiality of the Confidential Information.
5. TO Contractor shall promptly advise the State in writing if it learns of any unauthorized use, misappropriation, or disclosure of the Confidential Information by any of the TO Contractor’s Personnel or the TO Contractor’s former Personnel. TO Contractor shall, at its own expense, cooperate with the State in seeking injunctive or other equitable relief against any such person(s).

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6. TO Contractor shall, at its own expense, return to the Department or Agency, all copies of the Confidential Information in its care, custody, control or possession upon request of the Department or Agency or on termination of the TO Agreement.
7. A breach of this Agreement by the TO Contractor or by the TO Contractor's Personnel shall constitute a breach of the Master Contract Agreement between the TO Contractor and the State.
8. TO Contractor acknowledges that any failure by the TO Contractor or the TO Contractor's Personnel to abide by the terms and conditions of use of the Confidential Information may cause irreparable harm to the State and that monetary damages may be inadequate to compensate the State for such breach. Accordingly, the TO Contractor agrees that the State may obtain an injunction to prevent the disclosure, copying or improper use of the Confidential Information. The TO Contractor consents to personal jurisdiction in the Maryland State Courts. The State's rights and remedies hereunder are cumulative and the State expressly reserves any and all rights, remedies, claims and actions that it may have now or in the future to protect the Confidential Information and/or to seek damages from the TO Contractor and the TO Contractor's Personnel for a failure to comply with the requirements of this Agreement. In the event the State suffers any losses, damages, liabilities, expenses, or costs (including, by way of example only, attorneys' fees and disbursements) that are attributable, in whole or in part to any failure by the TO Contractor or any of the TO Contractor's Personnel to comply with the requirements of this Agreement, the TO Contractor shall hold harmless and indemnify the State from and against any such losses, damages, liabilities, expenses, and/or costs.
9. TO Contractor and each of the TO Contractor's Personnel who receive or have access to any Confidential Information shall execute a copy of an agreement substantially similar to this Agreement and the TO Contractor shall provide originals of such executed Agreements to the State.
10. The parties further agree that:
 - This Agreement shall be governed by the laws of the State of Maryland;
 - The rights and obligations of the TO Contractor under this Agreement may not be assigned or delegated, by operation of law or otherwise, without the prior written consent of the State;
 - The State makes no representations or warranties as to the accuracy or completeness of any Confidential Information;
 - The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement;
 - Signatures exchanged by facsimile are effective for all purposes hereunder to the same extent as original signatures; and
 - The Recitals are not merely prefatory but are an integral part hereof.

TO Contractor/TO Contractor's Personnel: Office of Planning and Capitol Programming:

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

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EXHIBIT A – FOR THE NONDISCLOSURE AGREEMENT (TO CONTRACTOR)

**TO CONTRACTOR’S EMPLOYEES AND AGENTS WHO WILL BE GIVEN ACCESS TO
THE CONFIDENTIAL INFORMATION**

Printed Name and Address
of Employee or Agent

Signature

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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ATTACHMENT 12 - LIVING WAGE AFFIDAVIT OF AGREEMENT

Contract No. _____
Name of Contractor _____
Address _____
City _____ State _____ Zip Code _____

If the Contract is Exempt from the Living Wage Law

The Undersigned, being an authorized representative of the above named Contractor, hereby affirms that the Contract is exempt from Maryland's Living Wage Law for the following reasons: (check all that apply)

- Bidder/Offeror is a nonprofit organization
- Bidder/Offeror is a public service company
- Bidder/Offeror employs 10 or fewer employees and the proposed contract value is less than \$500,000
- Bidder/Offeror employs more than 10 employees and the proposed contract value is less than \$100,000

If the Contract is a Living Wage Contract

A. The Undersigned, being an authorized representative of the above named Contractor, hereby affirms our commitment to comply with Title 18, State Finance and Procurement Article, Annotated Code of Maryland and, if required, to submit all payroll reports to the Commissioner of Labor and Industry with regard to the above stated contract. The Bidder/Offeror agrees to pay covered employees who are subject to living wage at least the living wage rate in effect at the time service is provided for hours spent on State contract activities, and to ensure that its Subcontractors who are not exempt also pay the required living wage rate to their covered employees who are subject to the living wage for hours spent on a State contract for services. The Contractor agrees to comply with, and ensure its Subcontractors comply with, the rate requirements during the initial term of the contract and all subsequent renewal periods, including any increases in the wage rate established by the Commissioner of Labor and Industry, automatically upon the effective date of the revised wage rate.

B. _____ (initial here if applicable) The Bidder/Offeror affirms it has no covered employees for the following reasons (check all that apply):

- All employee(s) proposed to work on the State contract will spend less than one-half of the employee's time during every work week on the State contract;
- All employee(s) proposed to work on the State contract will be 17 years of age or younger during the duration of the State contract; or
- All employee(s) proposed to work on the State contract will work less than 13 consecutive weeks on the State contract.

The Commissioner of Labor and Industry reserves the right to request payroll records and other data that the Commissioner deems sufficient to confirm these affirmations at any time.

Name of Authorized Representative: _____

Signature of Authorized Representative _____

Date: _____ Title: _____

Witness Name (Typed or Printed): _____

Witness Signature and Date: _____

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ATTACHMENT 13 - CERTIFICATION REGARDING INVESTMENTS IN IRAN

Authority: State Finance & Procurement, §§17-701 – 17-707, Annotated Code of Maryland [Chapter 447, Laws of 2012.]

List: The Investment Activities in Iran list identifies companies that the Board of Public Works has found to engage in investment activities in Iran; those companies may not participate in procurements with a public body in the State. “Engaging in investment activities in Iran” means:

- Providing goods or services of at least \$20 million in the energy sector of Iran; or
- For financial institutions, extending credit of at least \$20 million to another person for at least 45 days if the person is on the Investment Activities In Iran list and will use the credit to provide goods or services in the energy of Iran.

The Investment Activities in Iran list is located at: www.bpw.state.md.us

Rule: A company listed on the Investment Activities In Iran list is ineligible to bid on, submit a proposal for, or renew a contract for goods and services with a State Agency or any public body of the State. Also ineligible are any parent, successor, subunit, direct or indirect subsidiary of, or any entity under common ownership or control of, any listed company.

NOTE: This law applies only to new contracts and to contract renewals. The law does not require an Agency to terminate an existing contract with a listed company.

CERTIFICATION REGARDING INVESTMENTS IN IRAN

The undersigned certifies that, in accordance with State Finance & Procurement Article, §17-705:

- (i) it is not identified on the list created by the Board of Public Works as a person engaging in investment activities in Iran as described in §17-702 of State Finance & Procurement; and
- (ii) it is not engaging in investment activities in Iran as described in State Finance & Procurement Article, §17-702.

The undersigned is unable make the above certification regarding its investment activities in Iran due to the following activities:

Name of Authorized Representative: _____

Signature of Authorized Representative: _____

Date: _____ Title: _____

Witness Name (Typed or Printed): _____

Witness Signature and Date: _____

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ATTACHMENT 14 - CRIMINAL BACKGROUND CHECK AFFIDAVIT

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the _____ (Title) _____ and the duly authorized representative of _____ (Master Contractor) _____ and that I possess the legal authority to make this Affidavit on behalf of myself and the business for which I am acting.

I hereby affirm that _____ (Master Contractor) _____ has complied with Section 2.7.5 Premises and Operational Security of RFR # J01B5400028.

I hereby affirm that the _____ (Master Contractor) _____ has provided Maryland State Highway Administration with a summary of the security clearance results for all of the candidates that will be working on Task Order MDOT, OPCP – Project Manager #J01B5400028 and all of these candidates have successfully passed all of the background checks required under Section 2.4.3.2 of the CATS + Master Contract and Section 2.7.5 of this RFR. Master Contractors hereby agrees to provide security clearance results for any additional candidates at least seven (7) days prior to the date the candidate commences work on this Task Order.

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.

Master Contractor

Typed Name

Signature

Date

Must be Submitted within 30 days of NTP