



**TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES**

(REVISED) OTHS/OTHS-15-026-S

CATS+TORFP NO: (N00B3400402-Technical Operations Support Services-TOSS)

Amendment No. 1

October 24, 2014

Dear Master Contractors:

This Amendment is being issued to clarify certain information contained in the above named TORFP. All information contained herein is binding on all Master Contractors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in **bold (i.e. word)** and language that has been deleted has been marked with a strikethrough (i.e. ~~word~~).

1. Delete Attachment titled "HMS FY2013 DHR IT EQUIPMENT LIST.xls" provided on October 8, 2014.

2. Revise page 6 "Key Information Summary Sheet" as follows:

VSBE Goal: ~~05-~~ **0.5%** (~~one half of 1%~~)

3. Revise Section 2.8.1 B. as follows:

Be ISO/**IEC 20000** Certified.

Should you require clarification of the information provided in this Amendment, please contact me by email at joe.reese@maryland.gov or by phone at 410-238-1463.

By:
Joe Reese
Procurement Officer
Issued: October 22, 2014



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

OTHS/OTHS-15-026-S

CATS+TORFP NO: (N00B3400402-Technical Operations Support Services-TOSS)

AMENDMENT NO. 2

November 12, 2014

Dear Master Contractors:

This amendment is being issued to amend certain information in the above-named TORFP. All information contained herein is binding on all Offerors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in bold (i.e. word), and language that has been deleted has been marked with a strikethrough (i.e. ~~word~~).

1. Revise Section 2.1 as follows:

2.1 PURPOSE

DHR is issuing this CATS+ TORFP to one (1) Master Contractor in order to obtain staff resources that possess specialized Information Technology (IT) skills. The staff provided by the TO Contractor shall work with OTHS personnel and other contractors engaged by the Department to collectively develop, enhance, maintain, and support DHR's IT needs. Some examples of the Department's needs include enhancing existing services, securing DHR's computing environment, implementing new technology, upgrading existing systems, and improving end user efficiency.

TO Contractors shall propose exactly three (3) named resources, listed as Key Personnel below, that DHR will evaluate for purposes of TO award. DHR anticipates issuing a Work Order immediately upon TO award for sixteen (16) additional resources (see ~~D-O~~ C - N below) following the Work Order Process in Section 2.12. During the term of the Contract, DHR will have the option of adding up to twenty-seven (27) other resources to this TO, using the Work Order Process, for a maximum of forty-six (46) resources (see ~~P-PP~~ O-OO below). The list below contains CATS+ Labor Categories for the 46 resources:

- A. Engineer, Network (Senior) (Key Personnel)
B. Project Manager (Key Personnel)
C. Telecommunications Engineer (~~Key personnel~~) (3 total, 1 is Key)
D. Application Developer, Advanced Technology (available as of NTP)
E. Architect, Information Technology (Senior) (3 available as of NTP)
F. Business Process Consultant (Senior) (available as of NTP)
G. Database Management Specialist (Senior) (available as of NTP)
H. Documentation Specialist (available as of NTP)
I. Engineer Facility Operations (available as of NTP)
J. Engineer Information Security (available as of NTP)



- K. Engineer Systems (2 available as of NTP)
- L. Helpdesk Specialist (Junior) (available as of NTP)
- M. Network Technician (Junior) (available as of NTP)
- N. Technical Writer/Editor (available as of NTP)
- O. ~~Telecommunications Engineer (2 additional available as of NTP)~~
- P. Q. Administrator, Systems
- Q. P. Analyst, Computer Software/Integration (Senior)
- R. Q. Analyst, Computer Systems (Senior)
- S. R. Analyst, Systems (Senior)
- T. S. Applications Development Expert
- U. T. Applications Programmer
- V. U. Architect, Application (Senior)
- W. V. Auditor, IT (Senior)
- X. W. Computer Operations Center Specialist
- Y. X. Computer Programmer (Senior)
- Z. Y. Computer Specialist
- AA. Z. Computer Specialist (Senior)
- BB. AA. Database Management Specialist (Junior)
- CC. BB. Engineer, Network Security
- DD. CC. Engineer, Systems Design
- EE. DD. Internet/Intranet Site Developer (Junior)
- FF. EE. Internet/Intranet Site Developer (Senior)
- GG. FF. Network Administrator
- HH. GG. Network Technician (Senior)
- I. HH. Program Manager
- JJ. II. Quality Assurance Specialist
- KK. JJ. Security, Data Specialist
- LL. KK. Subject Matter Expert
- MM. LL. Systems Analyst, Wireless
- NN. MM. System Security Specialist
- OO. NN. Telecommunications Engineer (Senior)
- PP. OO. Training Specialist/Instructor

2. Revise Section 2.6.5 as follows:

O. Telecommunications Engineer

The TO Contractor shall provide two (2) Telecommunications Engineers who shall:

1. Be responsible for engineering and/or analytical tasks and activities associated with technical areas within the telecom function (e.g., network design, engineering, implementation, diagnostics or operations/user support).
2. Perform complex tasks relating to network monitoring, operations, installation, and/or maintenance for local, off site, and/or remote locations.
3. Be responsible for quality assurance and testing of transmission mediums and infrastructure components.



- 4. ~~Be responsible for the configuration, deployment, testing, maintenance, monitoring, and trouble-shooting of network components to provide a secure, high performance network.~~

Note: General responsibilities for the potential resources listed in Section 2.1(~~P~~)-(PP) (~~O~~)-(OO) may be found in the CATS+ RFP. If DHR requests these resources, it will provide specific duties/responsibilities with its Work Order.

3. Revise Section 2.8.2, OFFEROR'S PERSONNEL MINIMUM QUALIFICATIONS, as follows:

Table 1: TO Contractor Key Personnel Specific Minimum Qualifications		
SECT. ID#	CATS+ LABOR CATEGORY	MINIMUM QUALIFICATIONS
2.6.5.C	Telecommunications Engineer (KEY)	<ul style="list-style-type: none"> • At least one (1) current industry standard certification(s) such as PMP, ITIL, or State approved equal • At least three (3) years' experience managing, guiding, and overseeing multiple technical projects in an enterprise, service provider, federal or state government environment. • <u>5 -10 years of telecommunications experience</u> • <u>Broad knowledge of I.T. & Telephony Infrastructure including Cabling, routers, switches, servers, desktops, security, firewalls, T1s, and PBX systems.</u> • <u>3-5 years performing analysis and design of PBX and telephony systems</u> • <u>Full understanding of installing, troubleshooting, configuring, and repairing PBX and other telephony platforms.</u> • <u>3-5 years of experience implementing and installing NEC Voice/Telecom systems, Voice Messaging system and deploy new phone and voice mail extensions.</u>

4. Revise Section 2.9 as follows:

2.9 TO CONTRACTOR AND OTHER PERSONNEL REQUIREMENTS

For the ~~15~~ **16** resources DHR will add via a Work Order (see Section 2.1 and the labor categories listed in Section 2.1(~~D~~)-(O) (~~C~~)- (~~N~~)), the Master Contractor shall ensure the individuals, in addition to meeting the minimum qualifications for the position described in Section 2.10 of the CATS+ Master Contract, meet the qualifications listed below:



Table 2: Additional Labor Categories (to be added via Work Order as described in Section 2.1):

SECT. ID#	CATS+ LABOR CATEGORY	MINIMUM QUALIFICATIONS
2.6.5 Q	Telecommunications Engineer (2 Minimum)	<ul style="list-style-type: none"> • 5-10 years of telecommunications experience • Broad knowledge of I.T. & Telephony Infrastructure including Cabling, routers, switches, servers, desktops, security, firewalls, T1s, and PBX systems. • 3-5 years performing analysis and design of PBX and telephony systems • Full understanding of installing, troubleshooting, configuring, and repairing PBX and other telephony platforms. • 3-5 years of experience implementing and installing NEC Voice/Telecom systems, Voice Messaging system and deploy new phone and voice mail extensions.

Note: For all other labor categories (see Section 2.1 ~~(P)-(PP)~~ (O)-(OO)), the Master Contractor shall ensure the resources meet the minimum qualifications listed in the CATS+ RFP.

5. Revise Section 4.4, COMMENCEMENT OF WORK UNDER A TO AGREEMENT, as follows:

Commencement of work in response to a TO Agreement shall be initiated only upon issuance of a fully executed TO Agreement, a Non-Disclosure Agreement (TO Contractor), a Purchase Order, and by a Notice to Proceed authorized by the TO Procurement Officer. See Attachment 6 - Notice to Proceed (sample). The TO Contractor shall submit a Criminal Background affidavit for each resource prior to that resource's commencement of work (see Attachment ~~18~~ 19).

6. Remove Attachments 1A "Price Sheet" and 1B "Work Order Pricing" provided on October 8, 2014 and replace them with Attachments 1A "Price Sheet" and 1B "Work Order Pricing" provided on November 12, 2014.

7. Revise Attachment 5 - "Labor Classification Personnel Resume Summary (Instructions)" as follows:

2) Job Titles:

- a) ~~Architect, Information Technology (Senior);~~
- b) a) Engineer, Network (Senior);
- c) b) Project Manager; and



Ⓓ c) Telecommunications Engineer.

8. Remove Attachment 18 – “Performance Evaluation Form” provided on October 8, 2014 and replace it with Attachment 18 – “Performance Evaluation Form” provided on November 12, 2014.

Should you require clarification of the information provided in this Amendment, please contact me by email at joe.reese@maryland.gov or by phone at 410-238-1463.

By:
Joe Reese
Procurement Officer
Issued: November 12, 2014

AMENDMENT ACKNOWLEDGEMENT FORM

**CATS+ TORFP # OTHS/OTHS-15-026-S
Blanket Purchase Order #: N00B3400402
Technical Operations Support Services**

Addendum Acknowledgement:

The Offeror: _____ acknowledges receipt of Amendment No. 3 and is made aware of the changes contained therein. By signing this form the Offeror accepts the changes as part of the contract requirement.

Authorized Signature

Date

Note: This form must be signed and returned to the Procurement Officer by 2:00 p.m. on December 17, 2014.



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

(REVISED) OTHS/OTHS-15-026-S

CATS+TORFP NO: (N00B3400402-Technical Operations Support Services-(TOSS))

Amendment No. 3

November 25, 2014

Dear Master Contractors:

This Amendment is being issued to clarify certain information contained in the above-named TORFP. All information contained herein is binding on all Master Contractors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in bold (i.e. word) and language that has been deleted has been marked with a strikethrough (i.e. word).

1. Revise the Key Information Summary Sheet (page 6), as follows:

Table with 2 columns: Closing Date and Time, TO Type. Values: December 17, 2014 at 2:00 PM Local Time; Fixed Price and/or Time and Materials

2. Revise TORFP Section 1.12, MINORITY BUSINESS ENTERPRISE, as follows:

This TORFP has MBE goals and sub-goals as stated in the Key Information Summary Sheet above. A Master Contractor that responds to this TORFP shall complete, sign, and submit all required MBE documentation at the time of TO Proposal submission (See Attachment 2 Minority Business Enterprise Forms and Section 3 Task Order Proposal Format and Submission Requirements). Failure of the Master Contractor to complete, sign, and submit all required MBE documentation at the time of TO Proposal submission will result in the State's rejection of the Master Contractor's TO Proposal.

1.14.1 MBE PARTICIPATION REPORTS

DHR will monitor both the TO Contractor's efforts to achieve the MBE participation goal and compliance with reporting requirements.

- A. Monthly reporting of MBE participation is required in accordance with the terms and conditions of the CATS+ Master Contract by the 15th day of each month.
B. The TO Contractor shall provide a completed MBE Prime Contractor Paid/Unpaid MBE Invoice Report (Attachment 2, Form D-5) to DHR at the same time the invoice copy is sent.

- ~~C. The TO Contractor shall ensure that each MBE subcontractor provides a completed Subcontractor Paid/Unpaid MBE Invoice Report (Attachment 2, Form D-6).~~
- D. Subcontractor reporting shall be sent directly from the subcontractor to DHR. The TO Contractor shall email all completed forms, copies of invoices and checks paid to the MBE directly to the TO Manager.

This TORFP has MBE goals and sub-goals as stated in the Key Information Summary Sheet above.

A Master Contractor that responds to this TORFP shall complete, sign, and submit all required MBE documentation at the time of TO Proposal submission (See Attachment 2 Minority Business Enterprise Forms and Section 3 Task Order Proposal Format and Submission Requirements). Failure of the Master Contractor to complete, sign, and submit all required MBE documentation at the time of TO Proposal submission will result in the State's rejection of the Master Contractor's TO Proposal.

In 2014, Maryland adopted new regulations as part of its Minority Business Enterprise (MBE) program concerning MBE primes. Those new regulations, which became effective June 9, 2014 and are being applied to this task order, provide that when a certified MBE firm participates as a prime contractor on a contract, an 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. Please see the attached MBE forms and instructions.

1.14.1 MBE PARTICIPATION REPORTS

DHR will monitor both the TO Contractor's efforts to achieve the MBE participation goal and compliance with reporting requirements.

- A) Monthly reporting of MBE participation is required in accordance with the terms and conditions of the CATS+ Master Contract by the 15th day of each month.
- B) The TO Contractor shall provide a completed MBE Prime Contractor Paid/Unpaid MBE Invoice Report (Attachments 2-4A and 2-4B) to the TO Requesting Agency at the same time the invoice copy is sent.
- C) The TO Contractor shall ensure that each MBE subcontractor provides a completed Subcontractor Paid/Unpaid MBE Invoice Report (Attachment 2-5).
- D) Subcontractor reporting shall be sent directly from the subcontractor to the TO Requesting Agency. The TO Contractor shall e-mail all completed forms, copies of invoices and checks paid to the MBE directly to the TO Manager.



3. Revise TORFP Section 3.3, SUMMARY OF ATTACHMENTS, as follows:

No attachment forms shall be altered and signatures shall be clearly visible.

A. The following attachments shall be included with the TO Technical Proposal:

- Minority Business Enterprise Participation (~~Attachments D-1—D-2~~); **(Attachment 2-1A)**;
- Attachment 4 – Conflict of Interest Affidavit and Disclosure - Signed
- Attachment 5 - Labor Classification Personnel Resume Summary (Form LC1) - Signed
- Attachment 13 – Living Wage Affidavit of Agreement - Signed
- Attachment 15 – Veteran-Owned Small Business Enterprise Utilization– Signed
- Attachment 16 - Certification Regarding Investments in Iran - Signed

4. Revise TORFP LIST OF ATTACHMENTS, page 63, as follows:

Attachment 2	Minority Business Enterprise Participation (Attachments D-1—D-2- <u>1A</u>)	Applicable	Submit D1 & D2 with TO Technical Proposal
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5. Remove Attachment 2, Minority Business Enterprise Forms, provided on October 8, 2014 and replace it with Attachment 2, Minority Business Enterprise Forms, provided on November 25, 2014.

6. Insert new Section 2.11.3 with following language:

2.11.3 FIXED PRICE INVOICE SUBMISSION PROCEDURE

This procedure consists of the following requirements and steps:

- A) **A proper invoice shall identify “DHR” as the recipient and contain the following information: date of invoice, TO Agreement number, deliverable description (if applicable), deliverable number (e.g., “2.7.5.1.”), period of performance covered by the invoice, a total invoice amount, and a TO Contractor point of contact with telephone number.**
- B) **The TO Contractor shall e-mail the original of each invoice and signed DPAF (Attachment 9), for each resource and/or deliverable being invoiced to the TO Requesting Agency at e-mail address: Tanya.Williams@maryland.gov, with a copy to the TO Manager.**
- C) **Invoices for final payment shall be clearly marked as “FINAL” and submitted when all work requirements have been completed and no further charges are to be incurred under the TO Agreement. In no event shall any invoice be submitted later than 60 calendar days from the TO Agreement termination date.**
- D) **Payment will only be made upon completion and acceptance of the DPAF.**

7. **Replace Attachment 1, Price Sheet, provided on October 8, 2014 and replace it with Attachment 1, Price Sheet, provided on November 25, 2014.**
8. **Replace Attachment 5, Labor Classification Personnel Resume Summary, provided on October 8, 2014 and replace it with Attachment 5, Labor Classification Personnel Resume Summary, provided on November 25, 2014.**

Should you require clarification of the information provided in this Amendment, please contact me by email at joe.reese@maryland.gov or by phone at 410-238-1463.

By:
Joe Reese
Procurement Officer
Issued: November 25, 2014

ATTACHMENT 1A – ANNUAL FIXED PRICE PROPOSAL

PRICE SHEET FOR CATS+ TORFP # N00B3400402

Base Year 1:

Section ID #	CATS+ Labor Categories	ANNUAL FIXED LABOR RATE*	UNIT	SUBTOTAL
2.6.5 A.	Engineer, Network (Senior) (KEY POSITION)	\$	1	\$
2.6.5 B.	Project Manager (KEY POSITION)	\$	1	\$
2.6.5 C.	Telecommunications Engineer (3 total, 1 is KEY)	\$	3	\$
2.6.5 D.	Application Developer, Advanced Technology	\$	1	\$
2.6.5 E.	Architect, Information Technology (Senior)	\$	3	\$
2.6.5 F.	Business Process Consultant (Senior)	\$	1	\$
2.6.5 G.	Database Management Specialist (Senior)	\$	1	\$
2.6.5 H.	Documentation Specialist	\$	1	\$
2.6.5 I.	Engineer, Facility Operations	\$	1	\$
2.6.5 J.	Engineer, Information Security	\$	1	\$
2.6.5 K.	Engineer, Systems	\$	2	\$
2.6.5 L.	Help Desk Specialist (Junior)	\$	1	\$
2.6.5 M.	Network Technician (Junior)	\$	1	\$
2.6.5 N.	Technical Writer/Editor	\$	1	\$
Base Year 1 Total Price (Add 2.6.5A – 2.6.5.N)				\$

Base Year 2:

Section ID #	CATS+ Labor Categories	ANNUAL FIXED LABOR RATE*	UNIT	SUBTOTAL
2.6.5 A.	Engineer, Network (Senior) (KEY POSITION)	\$	1	\$
2.6.5 B.	Project Manager (KEY POSITION)	\$	1	\$
2.6.5 C.	Telecommunications Engineer (3 total, 1 is KEY)	\$	3	\$
2.6.5 D.	Application Developer, Advanced Technology	\$	1	\$
2.6.5 E.	Architect, Information Technology (Senior)	\$	3	\$
2.6.5 F.	Business Process Consultant (Senior)	\$	1	\$
2.6.5 G.	Database Management Specialist (Senior)	\$	1	\$
2.6.5 H.	Documentation Specialist	\$	1	\$
2.6.5 I.	Engineer, Facility Operations	\$	1	\$

2.6.5 J.	Engineer, Information Security	\$	1	\$
2.6.5 K.	Engineer, Systems	\$	2	\$
2.6.5 L.	Help Desk Specialist (Junior)	\$	1	\$
2.6.5 M.	Network Technician (Junior)	\$	1	\$
2.6.5 N.	Technical Writer/Editor	\$	1	\$
Base Year 2 Total Price (Add 2.6.5A – 2.6.5.N)				\$

Base Year 3:

Section ID #	CATS+ Labor Categories	ANNUAL FIXED LABOR RATE*	UNIT	SUBTOTAL
2.6.5 A.	Engineer, Network (Senior) (KEY POSITION)	\$	1	\$
2.6.5 B.	Project Manager (KEY POSITION)	\$	1	\$
2.6.5 C.	Telecommunications Engineer (3 total, 1 is KEY)	\$	3	\$
2.6.5 D.	Application Developer, Advanced Technology	\$	1	\$
2.6.5 E.	Architect, Information Technology (Senior)	\$	3	\$
2.6.5 F.	Business Process Consultant (Senior)	\$	1	\$
2.6.5 G.	Database Management Specialist (Senior)	\$	1	\$
2.6.5 H.	Documentation Specialist	\$	1	\$
2.6.5 I.	Engineer, Facility Operations	\$	1	\$
2.6.5 J.	Engineer, Information Security	\$	1	\$
2.6.5 K.	Engineer, Systems	\$	2	\$
2.6.5 L.	Help Desk Specialist (Junior)	\$	1	\$
2.6.5 M.	Network Technician (Junior)	\$	1	\$
2.6.5 N.	Technical Writer/Editor	\$	1	\$
Base Year 3 Total Price (Add 2.6.5A – 2.6.5.N)				\$

Option Year 1:

Section ID #	CATS+ Labor Categories	ANNUAL FIXED LABOR RATE*	UNIT	SUBTOTAL
2.6.5 A.	Engineer, Network (Senior) (KEY POSITION)	\$	1	\$
2.6.5 B.	Project Manager (KEY POSITION)	\$	1	\$
2.6.5 C.	Telecommunications Engineer (3 total, 1 is KEY)	\$	3	\$
2.6.5 D.	Application Developer, Advanced Technology	\$	1	\$
2.6.5 E.	Architect, Information Technology (Senior)	\$	3	\$
2.6.5 F.	Business Process Consultant (Senior)	\$	1	\$

2.6.5 G.	Database Management Specialist (Senior)	\$	1	\$
2.6.5 H.	Documentation Specialist	\$	1	\$
2.6.5 I.	Engineer, Facility Operations	\$	1	\$
2.6.5 J.	Engineer, Information Security	\$	1	\$
2.6.5 K.	Engineer, Systems	\$	2	\$
2.6.5 L.	Help Desk Specialist (Junior)	\$	1	\$
2.6.5 M.	Network Technician (Junior)	\$	1	\$
2.6.5 N.	Technical Writer/Editor	\$	1	\$
Option Year 1 Total Price (Add 2.6.5A – 2.6.5.N)				\$

Option Year 2:

Section ID #	CATS+ Labor Categories	ANNUAL FIXED LABOR RATE*	UNIT	SUBTOTAL
2.6.5 A.	Engineer, Network (Senior) (KEY POSITION)	\$	1	\$
2.6.5 B.	Project Manager (KEY POSITION)	\$	1	\$
2.6.5 C.	Telecommunications Engineer (3 total, 1 is KEY)	\$	3	\$
2.6.5 D.	Application Developer, Advanced Technology	\$	1	\$
2.6.5 E.	Architect, Information Technology (Senior)	\$	3	\$
2.6.5 F.	Business Process Consultant (Senior)	\$	1	\$
2.6.5 G.	Database Management Specialist (Senior)	\$	1	\$
2.6.5 H.	Documentation Specialist	\$	1	\$
2.6.5 I.	Engineer, Facility Operations	\$	1	\$
2.6.5 J.	Engineer, Information Security	\$	1	\$
2.6.5 K.	Engineer, Systems	\$	2	\$
2.6.5 L.	Help Desk Specialist (Junior)	\$	1	\$
2.6.5 M.	Network Technician (Junior)	\$	1	\$
2.6.5 N.	Technical Writer/Editor	\$	1	\$
Option Year 2 Total Price (Add 2.6.5A – 2.6.5.N)				\$

Summary Table

Items	Subtotal Cost
Base Year 1 Total Price	\$
Base Year 2 Total Price	\$
Base Year 3 Total Price	\$
Option Year 1 Total Price	\$
Option Year 2 Total Price	\$
Total Evaluated Price (Sum of lines)	\$

Print Name - Authorized Company Representative

Company Name

Signature - Authorized Company Representative

Date

Company Tax ID # (FEIN)

* “Annual Fixed Labor Rates” are the actual rate the State will pay for resources requested and must be recorded in dollars and cents. Rates must be fully-loaded to include all direct and indirect costs and profit for the Master Contractor to perform under the TO Agreement. The Annual Fixed Labor Rates shall include all direct, indirect, fringe benefits, and other cost (travel, travel time) to perform work on the contract including but not limited to software, software license, laptops, and administrative overhead. The Annual Fixed Labor Rates will be divided by 12 and billed in equal amounts on a monthly basis.

Resources acquired using the fixed price annual rates are those that DHR expects to perform at an efficient level, working the number of hours necessary (assuming approximately 1880 hours or more) to perform the duties assigned and producing the quality services and providing the necessary deliverables required by DHR.

Fixed price resources may be evaluated on the timeliness and quality of their work, via the PEF process described in TORFP Section 2.

Resources obtained by this task order at an annual fixed price are subject to the same State holidays or other imposed days off and allowed up to 80 hours of additional leave per year, after completing six months of service. Leave hours require prior approval by the TO Manager.

DHR estimates that Annual Fixed Labor Rates will require at least 1,880 hours of work annually. **However, this figure is only an estimate and the actual number of hours provided by a resource may be higher or lower.** The TO Contractor shall track this information internally and provide to auditors, if requested.

Proration

For resources that start work on a partial month or terminate work without completing a full month, the TO Contractor shall prorate the monthly rate (i.e. Annual Fixed Labor Rate / 12) as follows:

Proration formula: Monthly Bill = Monthly Rate x (Total Business Days Worked / Total Business Days for Month)

For the proration formula, the Total Business Days shall exclude holidays and may vary from month to month.

SUBMIT THE TO PRICE PROPOSAL AS A .PDF FILE

ATTACHMENT 1B- WORK ORDER PRICING

FOR CATS+ TORFP # N00B3400402

As described in Section 2.12, DHR may issue Work Orders for Annual Fixed Labor Rates or T&M Services. To address these needs, the Master Contractor shall complete the Labor Rate Sheets below. The Labor Rate Sheet shall include fixed, fully-loaded rates per labor category for Annual Fixed Price Rates and/or Time and Materials, as specified by DHR, for each TO Agreement Period. Please note that Annual Fixed Labor Rates for the Labor Categories listed in TORFP Section 2.6.5.A- 2.6.5.N shall be based on the information provided on Attachment 1A.

This information is only used as a means to obtain an estimated price/cost of work requested under a Work Order. This Rate Sheet shall also govern the cost for any work that requires a TO Agreement modification for additional development, enhancement, or major modifications that exceed the scope of the TO Agreement or available TO Agreement hours. Although DHR expects discounts on the rates proposed, the Master Contractor shall propose the maximum rate per labor category.

Labor Rate Maximums: The maximum labor rate that may be proposed for any CATS+ Labor Category shall not exceed the maximum for the CATS+ Master Contract year in effect on the TO Proposal due date.

Section ID #	CATS+ Labor Categories	Base Year 1: Hourly Rate	Base Year 2: Hourly Rate	Base Year 3: Hourly Rate	Option Year 1: Hourly Rate	Option Year 2: Hourly Rate
2.6.5 A.	Engineer, Network (Senior)					
2.6.5 B.	Project Manager					
2.6.5 C.	Telecommunications Engineer					
2.6.5 D.	Application Developer, Advanced Technology					
2.6.5 E.	Architect, Information Technology (Senior)					
2.6.5 F.	Business Process Consultant (Senior)					
2.6.5 G.	Database Management Specialist (Senior)					
2.6.5 H.	Documentation Specialist					
2.6.5 I.	Engineer, Facility Operations					
2.6.5 J.	Engineer, Information Security					
2.6.5 K.	Engineer, Systems					
2.6.5 L.	Help Desk Specialist (Junior)					
2.6.5 M.	Network Technician (Junior)					
2.6.5 N.	Technical Writer/Editor					

Base Year 1:

Section ID #	CATS+ Labor Categories	Hourly Labor Rate	ANNUAL FIXED LABOR RATE*
2.1 O	Administrator, Systems	\$	
2.1 P	Analyst, Computer Software/Integration (Senior)	\$	

2.1Q	Analyst, Computer Systems (Senior)	\$	
2.1 R	Analyst, Systems (Senior)	\$	
2.1 S	Applications Development Expert	\$	
2.1 T	Applications Programmer	\$	
2.1 U	Architect, Application (Senior)	\$	
2.1 V	Auditor, IT (Senior)	\$	
2.1W	Computer Operations Center Specialist	\$	
2.1X	Computer Programmer (Senior)	\$	
2.1 Y	Computer Specialist	\$	
2.1 Z	Computer Specialist (Senior)	\$	
2.1 AA	Database Management Specialist (Junior)	\$	
2.1 BB	Engineer, Network Security	\$	
2.1 CC	Engineer, Systems Design	\$	
2.1 DD	Internet/Intranet Site Developer (Junior)	\$	
2.1 EE	Internet/Intranet Site Developer (Senior)	\$	
2.1 FF	Network Administrator	\$	
2.1 GG	Network Technician (Senior)	\$	
2.1 HH	Program Manager	\$	
2.1 II	Quality Assurance Specialist	\$	
2.1 JJ	Security, Data Specialist	\$	
2.1KK	Subject Matter Expert	\$	
2.1 LL	Systems Analyst, Wireless	\$	
2.1 MM	System Security Specialist	\$	
2.1 NN	Telecommunications Engineer (Senior)	\$	
2.1 OO	Training Specialist/Instructor	\$	

Base Year 2:

Section ID #	CATS+ Labor Categories	Hourly Labor Rate	ANNUAL FIXED LABOR RATE*
2.1 O	Administrator, Systems	\$	
2.1 P	Analyst, Computer Software/Integration (Senior)	\$	
2.1Q	Analyst, Computer Systems (Senior)	\$	
2.1 R	Analyst, Systems (Senior)	\$	
2.1 S	Applications Development Expert	\$	
2.1 T	Applications Programmer	\$	
2.1 U	Architect, Application (Senior)	\$	
2.1 V	Auditor, IT (Senior)	\$	
2.1W	Computer Operations Center Specialist	\$	

2.1X	Computer Programmer (Senior)	\$	
2.1 Y	Computer Specialist	\$	
2.1 Z	Computer Specialist (Senior)	\$	
2.1 AA	Database Management Specialist (Junior)	\$	
2.1 BB	Engineer, Network Security	\$	
2.1 CC	Engineer, Systems Design	\$	
2.1 DD	Internet/Intranet Site Developer (Junior)	\$	
2.1 EE	Internet/Intranet Site Developer (Senior)	\$	
2.1 FF	Network Administrator	\$	
2.1 GG	Network Technician (Senior)	\$	
2.1 HH	Program Manager	\$	
2.1 II	Quality Assurance Specialist	\$	
2.1 JJ	Security, Data Specialist	\$	
2.1KK	Subject Matter Expert	\$	
2.1 LL	Systems Analyst, Wireless	\$	
2.1 MM	System Security Specialist	\$	
2.1 NN	Telecommunications Engineer (Senior)	\$	
2.1 OO	Training Specialist/Instructor	\$	

Base Year 3:

Section ID #	CATS+ Labor Categories	Hourly Labor Rate	ANNUAL FIXED LABOR RATE*
2.1 O	Administrator, Systems	\$	
2.1 P	Analyst, Computer Software/Integration (Senior)	\$	
2.1Q	Analyst, Computer Systems (Senior)	\$	
2.1 R	Analyst, Systems (Senior)	\$	
2.1 S	Applications Development Expert	\$	
2.1 T	Applications Programmer	\$	
2.1 U	Architect, Application (Senior)	\$	
2.1 V	Auditor, IT (Senior)	\$	
2.1W	Computer Operations Center Specialist	\$	
2.1X	Computer Programmer (Senior)	\$	
2.1 Y	Computer Specialist	\$	
2.1 Z	Computer Specialist (Senior)	\$	
2.1 AA	Database Management Specialist (Junior)	\$	
2.1 BB	Engineer, Network Security	\$	
2.1 CC	Engineer, Systems Design	\$	

2.1 DD	Internet/Intranet Site Developer (Junior)	\$	
2.1 EE	Internet/Intranet Site Developer (Senior)	\$	
2.1 FF	Network Administrator	\$	
2.1 GG	Network Technician (Senior)	\$	
2.1 HH	Program Manager	\$	
2.1 II	Quality Assurance Specialist	\$	
2.1 JJ	Security, Data Specialist	\$	
2.1KK	Subject Matter Expert	\$	
2.1 LL	Systems Analyst, Wireless	\$	
2.1 MM	System Security Specialist	\$	
2.1 NN	Telecommunications Engineer (Senior)	\$	
2.1 OO	Training Specialist/Instructor	\$	

Option Year 1:

Section ID #	CATS+ Labor Categories	Hourly Labor Rate	ANNUAL FIXED LABOR RATE*
2.1 O	Administrator, Systems	\$	
2.1 P	Analyst, Computer Software/Integration (Senior)	\$	
2.1Q	Analyst, Computer Systems (Senior)	\$	
2.1 R	Analyst, Systems (Senior)	\$	
2.1 S	Applications Development Expert	\$	
2.1 T	Applications Programmer	\$	
2.1 U	Architect, Application (Senior)	\$	
2.1 V	Auditor, IT (Senior)	\$	
2.1W	Computer Operations Center Specialist	\$	
2.1X	Computer Programmer (Senior)	\$	
2.1 Y	Computer Specialist	\$	
2.1 Z	Computer Specialist (Senior)	\$	
2.1 AA	Database Management Specialist (Junior)	\$	
2.1 BB	Engineer, Network Security	\$	
2.1 CC	Engineer, Systems Design	\$	
2.1 DD	Internet/Intranet Site Developer (Junior)	\$	
2.1 EE	Internet/Intranet Site Developer (Senior)	\$	
2.1 FF	Network Administrator	\$	
2.1 GG	Network Technician (Senior)	\$	
2.1 HH	Program Manager	\$	
2.1 II	Quality Assurance Specialist	\$	

2.1 JJ	Security, Data Specialist	\$	
2.1KK	Subject Matter Expert	\$	
2.1 LL	Systems Analyst, Wireless	\$	
2.1 MM	System Security Specialist	\$	
2.1 NN	Telecommunications Engineer (Senior)	\$	
2.1 OO	Training Specialist/Instructor	\$	

Option Year 2:

Section ID #	CATS+ Labor Categories	Hourly Labor Rate	ANNUAL FIXED LABOR RATE*
2.1 O	Administrator, Systems	\$	
2.1 P	Analyst, Computer Software/Integration (Senior)	\$	
2.1Q	Analyst, Computer Systems (Senior)	\$	
2.1 R	Analyst, Systems (Senior)	\$	
2.1 S	Applications Development Expert	\$	
2.1 T	Applications Programmer	\$	
2.1 U	Architect, Application (Senior)	\$	
2.1 V	Auditor, IT (Senior)	\$	
2.1W	Computer Operations Center Specialist	\$	
2.1X	Computer Programmer (Senior)	\$	
2.1 Y	Computer Specialist	\$	
2.1 Z	Computer Specialist (Senior)	\$	
2.1 AA	Database Management Specialist (Junior)	\$	
2.1 BB	Engineer, Network Security	\$	
2.1 CC	Engineer, Systems Design	\$	
2.1 DD	Internet/Intranet Site Developer (Junior)	\$	
2.1 EE	Internet/Intranet Site Developer (Senior)	\$	
2.1 FF	Network Administrator	\$	
2.1 GG	Network Technician (Senior)	\$	
2.1 HH	Program Manager	\$	
2.1 II	Quality Assurance Specialist	\$	
2.1 JJ	Security, Data Specialist	\$	
2.1KK	Subject Matter Expert	\$	
2.1 LL	Systems Analyst, Wireless	\$	
2.1 MM	System Security Specialist	\$	
2.1 NN	Telecommunications Engineer (Senior)	\$	
2.1 OO	Training Specialist/Instructor	\$	

The Hourly Labor Rate is the actual fully-loaded, all-inclusive rate the State will pay for services and shall be recorded in dollars and cents. The Hourly Labor Rate cannot exceed the Master Contract Rate, but may be lower, and shall include all direct and indirect costs and profit for the Master Contractor to perform under the TO Agreement. Time for travel will not be reimbursed.

*** See Attachment 1A for additional information on the Annual Fixed Labor Rate. Again, DHR estimates that Annual Fixed Labor Rates will require at least 1,880 hours of work annually.**

ATTACHMENT 2 MINORITY BUSINESS ENTERPRISE FORMS

The Minority Business Enterprise (MBE) subcontractor participation goal for this solicitation is 35 % with sub-goals for Women-owned of 8 %, African American-owned of 7 %, and Hispanic American-owned of 2 %

TO CONTRACTOR MINORITY BUSINESS ENTERPRISE REPORTING REQUIREMENTS**CATS+ TORFP # N00B3400402**

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 TORFP. Part of that effort, as outlined in the TORFP, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms 2-4A (Prime Contractor Paid/Unpaid MBE Invoice Report), 2-4B (MBE Prime Contractor Report) and 2-5 (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
- 2) The TO Contractor must complete a separate Form 2-4A 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 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 of Form 2-5 (e-copy of and/or hard copy). The TO Contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, including all of the information located in the upper right corner of the form. It may be wise to customize Form 2-5 (upper right corner of the form) for the subcontractor. 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, **including reports showing zero MBE payment activity**. Actual payment data is verified and entered into the State's financial management tracking system from the **subcontractor's 2-5 report only**. Therefore, if the subcontractor(s) do not submit 2-5 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 2-4A. 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.

- 5) 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.

ATTACHMENT 2-1A MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

INSTRUCTIONS

PLEASE READ BEFORE COMPLETING THIS FORM

This form includes Instructions and the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule which must be submitted with the bid/proposal. If the bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or proposal as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the proposal is not reasonably susceptible of being selected for award.

1. Contractor shall structure its procedures for the performance of the work required in this Contract to attempt to achieve the minority business enterprise (MBE) subcontractor participation goal stated in the Invitation for Bids or Request for Proposals. Contractor agrees to exercise good faith efforts to carry out the requirements set forth in these Instructions, as authorized by the Code of Maryland Regulations (COMAR) 21.11.03.
2. MBE Goals and Subgoals: Please review the solicitation for information regarding the Contract's MBE overall participation goals and subgoals. After satisfying the requirements for any established subgoals, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.
3. MBE means a minority business enterprise that is certified by the Maryland Department of Transportation ("MDOT"). Only entities certified by MDOT may be counted for purposes of achieving the MBE participation goals. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm, including a MBE prime, must be MDOT-certified for the services, materials or supplies that it is committed to perform on the MBE Participation Schedule.
4. Please refer to the MDOT MBE Directory at www.mdot.state.md.us to determine if a firm is certified with the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals. **WARNING:** If the firm's NAICS Code is in graduated status, such services/products **may not be counted** for purposes of achieving the MBE participation goals. A NAICS Code is in the graduated status if the term "Graduated" follows the Code in the MDOT MBE Directory.
5. **NOTE: New Guidelines Regarding MBE Prime Self-Performance.** Please note that when a certified MBE firm participates as a prime contractor 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 list its firm in Section 4A of the MBE Participation Schedule, including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the subgoals, the MBE prime must also identify other certified MBE subcontractors (see Section 4B of the MBE Participation Schedule) used to meet those goals or request a waiver. For example, for a construction contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms and 4% for Asian American firms, subject to Section 4 above and this Section 5, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

For a services contract with a 30% percent MBE participation goal (overall) and subgoals of 7% for African-American firms, 4% for Asian American firms and 12% for women-owned firms, subject to Sections 4 above and this Section 5, a dually-certified Asian American/Woman MBE prime can self-perform (a) up to 15% of the overall goal and (b) up to four percent (4%) of the Asian American subgoal OR up to twelve percent (12%) of the women subgoal. Because it is dually-certified, the company can be designated as only ONE of the MBE classifications (Asian American or women) but can self-perform up to one hundred percent (100%) of the stated subgoal for the single classification it selects.

6. Subject to the restrictions stated in Section 5 above, when a certified MBE that performs as a participant in a joint venture, a procurement agency may count a portion of the total dollar value of the contract equal to the distinct, clearly-defined portion of the work of the contract that the certified MBE performs with its own forces toward fulfilling the contract goal, and not more than one of the contract subgoals, if any. For example, if a MBE firm is a joint venture partner and the State determines that it is performing with its own forces 35 percent of the work in the contract, it can use this portion of the work towards fulfilling up to fifty percent (50%) of the overall goal and up to one hundred percent (100%) of one of the stated subgoals, if applicable.

7. As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract. Please refer to COMAR 21.11.03.12-1 for more information regarding these requirements.

8. 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 to mbe@mdot.state.md.us sufficiently prior to the submission due date.

9. Worksheet: The percentage of MBE participation, calculated using the percentage amounts for all of the MBE firms listed on the Participation Schedule MUST at least equal the MBE participation goal **and** subgoals (if applicable) set forth in the solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), the bidder/offeror must request a waiver in Item 1 of the MBE Utilization and Fair Solicitation Affidavit (Attachment 2-1A) or the bid will be deemed not responsive, or the proposal determined to be not susceptible of being selected for award. You may wish to use the Subgoal summary below to assist in calculating the percentages and confirm that you have met the applicable MBE participation goal and subgoals, if any.

Subgoals (if applicable)

Total African American MBE Participation: _____ %
 Total Asian American MBE Participation: _____ %
 Total Hispanic American MBE Participation: _____ %
 Total Women-Owned MBE Participation: _____ %

Overall Goal

Total MBE Participation (include all categories): _____ %

**ATTACHMEN 2-1A: MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
 & MBE PARTICIPATION SCHEDULE**

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule **MUST BE** included with the bid/proposal for any solicitation with an MBE goal greater than 0%. If the Bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or offer as required, the TO Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Solicitation No. _____, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I acknowledge and intend to meet the overall certified Minority Business Enterprise (MBE) participation goal of ____ percent and, if specified in the solicitation, the following subgoals (complete for only those subgoals that apply):

- ____ percent African American-owned MBE firms
- ____ percent Asian American-owned MBE firms
- ____ percent Hispanic American-owned MBE firms
- ____ percent Woman-Owned MBE firms

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11.

Notwithstanding any subgoals established above, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

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 working days of receiving notice that our firm is the apparent awardee, I will submit completed Good Faith Efforts Documentation to Support Waiver Request (Attachment 2-1C) and all required waiver documentation in accordance with COMAR 21.11.03.

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 notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier:

- (a) Outreach Efforts Compliance Statement (Attachment 2-2);
- (b) MBE Subcontractor Project Participation Statement (Attachment 2-3);

(c) Any other documentation, including waiver documentation if applicable, required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal and subgoals, if any.

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

3. 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. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below are performing work activities for which they are MDOT certified.

Prime Contractor: (Firm Name, Address, Phone)	Project Description:
Project Number:	

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY.

MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): _____% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): _____% Description of the Work to be performed with MBE prime's own forces: _____
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SECTION B: For all Contractors (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____

CONTINUE ON SEPARATE PAGE IF NEEDED

I solemnly affirm under the penalties of perjury that I have reviewed the instructions for the MBE MBE Utilization & Fair Solicitation Affidavit and MBE Schedule and that the information included in the Schedule is true to the best of my knowledge, information and belief.

 Bidder/Offeror Name
 (PLEASE PRINT OR TYPE)

 Signature of Authorized Representative

 Address

 Printed Name and Title

City, State and Zip Code

Date

SUBMIT AS INSTRUCTED IN TORFP

ATTACHMENT 2- 1B: WAIVER GUIDANCE**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS**

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

I. Definitions

MBE Goal(s) – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

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 Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE 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 MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE 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 MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-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 Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE Firms to increase the likelihood that the MBE 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 Firms and should include all reasonably identifiable work opportunities.

MBE Firms – “MBE Firms” refers to a firm certified by the Maryland Department of Transportation (“MDOT”) under COMAR 21.11.03. Only MDOT-certified MBE Firms can participate in the State’s MBE Program.

II. Types of Actions Agency will Consider

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

A. Identify Bid Items as Work for MBE 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 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 to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE 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 or for additional Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE 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 to Solicit

1. MBE Firms Identified in Procurements

(a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those MBE firms.

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

2. MBE Firms Identified by Bidders/Offerors

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

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

C. Solicit MBEs

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 Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE 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, and other requirements of the contract to assist MBE 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 MBEs listed in the procurement and any MBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE 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 cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible to the interested MBE.

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

- (a) by telephone using the contact information in the MBE 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 Firms certified to perform the work of the contract. Examples of other means include:

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

D. Negotiate With Interested MBE Firms

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

1. Evidence of negotiation includes, without limitation, the following:
 - (a) the names, addresses, and telephone numbers of MBE 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 Firms to perform the work.
2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE 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 Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract MBE goal(s), as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE Firm's quote is excessive or unreasonable include, without limitation, the following:
 - (a) the dollar difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

- (b) the percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
 - (c) the percentage that the MBE subcontractor's quote represents of the overall contract amount;
 - (d) the number of MBE firms that the bidder/offeror solicited for that portion of the work;
 - (e) whether the work described in the MBE and Non-MBE 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 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. Bidder/offeror should attempt to receive quotes from at least three subcontractors, including one quote from a MBE and one quote from a Non-MBE.
 7. A bidder/offeror shall not reject a MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE 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 and Non-MBE Firms quoting similar work.
 - (a) The factors to take into consideration when assessing the capabilities of a MBE 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 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 Firms

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

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

2. made reasonable efforts to assist interested MBE 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 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 and Non-MBE 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 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 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 Attachment 2-1C, Part 1)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE 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). (Complete Outreach Efforts Compliance Statement – Attachment 2-2).

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

- (a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) (Complete Good Faith

Efforts Attachment 2-1C Part 2, and submit letters, fax cover sheets, emails, etc. documenting solicitations); and

(b) a description of the information provided to MBE 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 Firms (Complete Good Faith Efforts Attachment 2-1C, Part 3)

1. For each MBE 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 and Non-MBE Firms quoting similar work.
2. For each certified MBE 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 and Non-MBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**
3. A list of MBE Firms contacted but found to be unavailable. This list should be accompanied by a MBE Unavailability Certificate (see Exhibit A to this Part 1) signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the MBE 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.



**Exhibit A
MBE Subcontractor Unavailability Certificate**

1. It is hereby certified that the firm of _____
(Name of Minority firm)

located at _____
(Number) (Street)

(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. _____
in _____ County by _____
(Name of Prime Contractor's Firm)

2. _____ (Minority Firm), is either unavailable
for the work/service or unable to prepare a bid for this project for the following reason(s):

Signature of Minority Firm's MBE Representative Title Date

MDOT Certification # Telephone #

3. To be completed by the prime contractor if Section 2 of this form is not completed by the
minority firm.



To the best of my knowledge and belief, said Certified Minority Business Enterprise is either unavailable for the work/service for this project, is unable to prepare a bid, or did not respond to a request for a price proposal and has not completed the above portion of this submittal.

Signature of Prime Contractor

Title

Date

**ATTACHMENT 2-1C: MBE ATTACHMENT
GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

Parts 1, 2, and 3 must be included with this certificate along with all documents supporting your waiver request.

I affirm that I have reviewed Attachment 2-1B, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this Attachment 2-1C Good Faith Efforts Documentation Form 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

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Part 1 – Identified items of work bidder/offeror made available to MBE firms

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

Identify those items of work that the bidder/offeror made available to MBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE 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 Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE 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 Firms, the bidder/offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE 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 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
	<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.

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Part 2 – identified MBE firms and record of solicitations

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

Identify the MBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE participation. Include the name of the MBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE provided a quote, and whether the MBE is being used to meet the MBE participation goal. MBE Firms used to meet the participation goal must be included on the MBE Participation Schedule. Note: If the procurement includes a list of the MBE 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 Firms or explain why a specific MBE was not solicited. If the bidder/offeror identifies additional MBE Firms who may be available to perform Identified Items of Work, those additional MBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE Firms must be attached to this form. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the Minority Contractor Unavailability Certificate (see Exhibit A to MBE Attachment 2-1B). If the bidder/offeror used a Non-MBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: MBE Classification (Check only if requesting waiver of MBE subgoal.) <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 <input type="checkbox"/> Used Non-MBE <input type="checkbox"/> Self-performing



Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: MBE Classification (Check only if requesting waiver of MBE subgoal.) <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 <input type="checkbox"/> Used Non-MBE <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Part 3 – additional information regarding rejected MBE quotes

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

This form must be completed if Part 1 indicates that a MBE quote was rejected because the bidder/offeror is using a Non-MBE 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, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

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



**ATTACHMENT 2- 3A: MBE ATTACHMENT
 MBE SUBCONTRACTOR PROJECT PARTICIPATION CERTIFICATION**

Please complete and submit one form for each certified MBE firm listed on the MBE Participation Schedule (Attachment 2-1A) within 10 Working Days of notification of apparent award. 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.

Provided that _____ (Prime Contractor’s Name) is awarded the State contract in conjunction with Solicitation No. _____,

such Prime Contractor intends to enter into a subcontract with _____ (Subcontractor’s Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____

which will receive at least \$ _____ which equals to _____ % of the Total Contract Amount 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

Each of the Contractor and Subcontractor acknowledges 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. Each of the Contractor and Subcontractor solemnly affirms under the penalties of perjury that: (i) the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of its knowledge, information and belief, and (ii) has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a Bid/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/Proposal;
- (2) fail to notify the certified Minority Business Enterprise before execution of the Contract of its inclusion of the Bid/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/Proposal.

PRIME CONTRACTOR	SUBCONTRACTOR
Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Date: _____	Date: _____



ATTACHMENT 2-3B

MBE PRIME PROJECT PARTICIPATION CERTIFICATION

PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE FIRM HAS LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT 2-1A) FOR PURPOSES OF MEETING THE MBE PARTICIPATION GOALS. THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. 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.

Provided that _____ (Prime Contractor's Name) with Certification Number _____ is awarded the State contract in conjunction with Solicitation No. _____, such MBE Prime Contractor intends to perform with its own forces at least \$ _____ which equals to ____% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) For Construction Projects, General Conditions must be listed separately.	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

MBE PRIME CONTRACTOR

Signature of Representative:

Printed Name and Title:

Firm's Name:

Federal Identification Number:

Address:

Telephone:

Date:



This form must be completed monthly by the prime contractor.

ATTACHMENT 2-4A: MBE PRIME CONTRACTOR PAID/UNPAID MBE INVOICE REPORT

**Department of Human Resources – Office of Technology for Human Resources
Minority Business Enterprise Participation**

Prime Contractor Paid/Unpaid MBE Invoice Report

Report #: _____	Contract #: _____
Reporting Period (Month/Year): _____	Contracting Unit: _____
Report is due to the MBE Officer by the 15th of the month following the month the services were provided.	Contract Amount: _____
Note: Please number reports in sequence	MBE Subcontract Amt: _____
	Project Begin Date: _____
	Project End Date: _____
	Services Provided: _____

Prime Contractor:		Contact Person:	
Address:			
City:		State:	ZIP:
Phone:	FAX:	Email:	
MBE Subcontractor Name:		Contact Person:	
Phone:	FAX:		
Subcontractor Services Provided:			
List all payments made to MBE subcontractor named above during this reporting period:		List dates and amounts of any outstanding invoices:	
Invoice#	Amount	Invoice #	Amount
1.		1.	
2.		2.	
3.		3.	
4.		4.	
Total Dollars Paid: \$ _____		Total Dollars Unpaid: \$ _____	
<p>**If more than one MBE subcontractor is used for this contract, you must use separate 2-4A forms. Information regarding payments that the MBE prime will use for purposes of meeting the MBE participation goals must be reported separately in Attachment 2-4B.</p> <p>**Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):</p>			
_____ Contract Manager			
_____ Contracting Unit			
(Department or Agency)			
_____		mailto:	

Signature: _____

Date: _____

(Required)



ATTACHMENT 2-4B: MBE PRIME CONTRACTOR REPORT

**Department of Human Resources Office of Technology for Human Resources
 Minority Business Enterprise Participation
MBE Prime Contractor Report**

MBE Prime Contractor: _____ Certification Number: _____ Report #: _____ Reporting Period (Month/Year): _____ Report is due to the MBE Officer by the 15th of the month following the month the services were provided. Note: Please number reports in sequence	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ Total Value of the Work to the Self-Performed for purposes of Meeting the MBE participation goal/subgoals: _____ Project Begin Date: _____ Project End Date: _____
---	--

Contact Person: _____		
Address: _____		
City: _____	State: _____	ZIP: _____
Phone: _____	Fax: _____	E-mail: _____

INVOICE NUMBER	VALUE OF THE WORK	NAICS CODE	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

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

Signature: _____
 Date: _____

_____ Contract Monitor
_____ Contracting Unit
(Department)

Signature: _____

Date: _____

(Required)



This form must be completed monthly by MBE subcontractor

ATTACHMENT 2-5: SUBCONTRACTOR PAID/UNPAID MBE INVOICE REPORT

Minority Business Enterprise Participation

Subcontractor Paid/Unpaid MBE Invoice Report

Report#: _____	Contract # _____
Reporting Period (Month/Year): _____	Contracting Unit: _____
Report is due by the 15th of the month following the month the services were performed.	MBE Subcontract Amount: _____
	Project Begin Date: _____
	Project End Date: _____
	Services Provided: _____

MBE Subcontractor Name: _____		
MDOT Certification #: _____		
Contact Person: _____	Email: _____	
Address: _____		
City: _____	State: _____	ZIP: _____
Phone: _____	FAX: _____	

Subcontractor Services Provided: _____

<p>List all payments received from Prime Contractor during reporting period indicated above.</p> <table border="1"> <thead> <tr> <th>Invoice</th> <th>Amount</th> <th>Date</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> </tbody> </table> <p>Total Dollars Paid: \$ _____</p>	Invoice	Amount	Date	1.			2.			3.			4.			<p>List dates and amounts of any unpaid invoices over 30 days old.</p> <table border="1"> <thead> <tr> <th>Invoice</th> <th>Amount</th> <th>Date</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> </tbody> </table> <p>Total Dollars Unpaid: \$ _____</p>	Invoice	Amount	Date	1.			2.			3.			4.		
Invoice	Amount	Date																													
1.																															
2.																															
3.																															
4.																															
Invoice	Amount	Date																													
1.																															
2.																															
3.																															
4.																															

Prime Contractor: _____	Contact Person: _____
-------------------------	-----------------------

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

_____ Contract Manager
_____ Contracting Unit
Department of Human Resources – OTHS
_____ mailto: _____

Signature: _____

Date: _____ (Required)

**TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS) TORFP
SOLICITATION #: OTHS/OTHS-15-026-S**

QUESTIONS and RESPONSES: SERIES 1

- QUESTION #1: Regarding the Offeror's Company Minimum Qualifications (Section 2.8.1.B- Be ISO Certified)- there are numerous ISO certifications that are available. I don't think that any are directly applicable or truly required for the work that is noted in the scope of work in Section 2. Would you consider removing this requirement?
- RESPONSE: No, the Department of Human Resources (DHR) will not remove the requirement. However, DHR has altered the requirement (please see Amendment No. 1). Additionally, Master Contractors may partner with ISO/IEC 20000 certified companies (see response to Question 4).
- QUESTION #2: Would the PM and/or evaluators consider removing the "ISO Certified" criteria for the Master Contractor? Our company has over 22 years' experience providing such service to very large commercial and government organizations (Federal and State) with a user base of 8k plus.
- RESPONSE: No. Please see the response to Question #1.
- QUESTION #3: Can a prime contractor that is a MBE count towards the overall MBE %?
Can a prime contractor that is a MBE count towards the MBE subgoals of the TORFP?
- RESPONSE: No. Under a CATS+ TORFP, such as TOSS, a prime contractor that is a State-certified MBE cannot count or meet any percentage of a MBE goal or sub-goal.
- QUESTION #4: Can one of the subcontractors on the team have the ISO certification or is the prime contractor required to have the ISO certification?
- RESPONSE: A Master Contractor does not need to be ISO/IEC 20000 certified as long as one of its subcontractors is ISO/IEC 20000 certified.
- QUESTION #5: Sections 2.8.1 and 3.4.1 state that ISO certification is required. Is it acceptable to have a proposed teaming partner with ISO certification or is this a requirement for the prime contractor?
- RESPONSE: Yes, please see the response to Question #4.
- QUESTION #6: Section 2.8.1, OFFEROR'S COMPANY MINIMUM QUALIFICATIONS, states that the company must be ISO Certified. There are many well qualified small business concerns with the capability to perform the requirements of the Statement of Work with a history of successful performance providing technical operation

support services to federal, state, and/or local government entities with at least 8,000 end-users as called for in this same section who are not ISO certified but who adhere to CMMI, PMBOK, ITIL, and other industry best practices. Will the State consider proposals from companies who are not ISO certified?

RESPONSE: Please see the response to Question #4.

QUESTION #7: Can we have the list of attendees? We would like to check potential team opportunities with prime contractors.

RESPONSE: Yes. DHR/OTHS will send a copy of the Pre-Proposal Conference's transcript, which contains the names of the attendees, to Master Contractors once the court reporting firm provides the transcript.

QUESTION #8: Can a Minority Business Enterprise fulfill more than one sub goal?

RESPONSE: No, a Minority Business Enterprise may not fulfill more than one sub-goal.

QUESTION #9: Will DHR permit CATS+ Prime Contractors to team with subcontractors who are not CATS+ Master Contractors in order to provide the best resources to support the TOSS solicitation's needs?

RESPONSE: Yes, DHR will permit CATS+ Master Contractors to team with subcontractors who are not CATS+ Master Contractors, as long as the Master Contractor is the Prime Contractor for the TORFP.

QUESTION #10: Can you confirm the statement made at the pre-proposal conference that either the Prime or any of its subcontractors can have the ISO 20000 certification?

RESPONSE: Yes, please see the response to Question #4.

QUESTION #11: Will the CATS II incumbent vendor have the opportunity to bid on the CATS+ TOSS TORFP?

RESPONSE: Yes, the incumbent vendor will have the opportunity to submit a proposal in response to the TORFP.

QUESTION #12: Is it acceptable to have a proposed teaming partner with ISO certification or is this a requirement for the prime contractor?

RESPONSE: Yes, please see the response to Question #4.

QUESTION #13: Is it possible to get a copy of the list of companies who attended the pre-bid conference?

RESPONSE: Yes, please see the response to Question 7.

By:

Joe Reese

PROCUREMENT OFFICER

ISSUED: October 28, 2014

ATTACHMENT 2 MINORITY BUSINESS ENTERPRISE FORMS

The Minority Business Enterprise (MBE) subcontractor participation goal for this solicitation is 35 % with sub-goals for Women-owned of 8 %, African American-owned of 7 %, and Hispanic American-owned of 2 %

TO CONTRACTOR MINORITY BUSINESS ENTERPRISE REPORTING REQUIREMENTS**CATS+ TORFP # N00B3400402**

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 TORFP. Part of that effort, as outlined in the TORFP, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms 2-4A (Prime Contractor Paid/Unpaid MBE Invoice Report), 2-4B (MBE Prime Contractor Report) and 2-5 (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
- 2) The TO Contractor must complete a separate Form 2-4A 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 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 of Form 2-5 (e-copy of and/or hard copy). The TO Contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, including all of the information located in the upper right corner of the form. It may be wise to customize Form 2-5 (upper right corner of the form) for the subcontractor. 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, **including reports showing zero MBE payment activity**. Actual payment data is verified and entered into the State's financial management tracking system from the **subcontractor's 2-5 report only**. Therefore, if the subcontractor(s) do not submit 2-5 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 2-4A. 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.

- 5) 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.

**ATTACHMENT 2-1A MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT &
MBE PARTICIPATION SCHEDULE****INSTRUCTIONS****PLEASE READ BEFORE COMPLETING THIS FORM**

This form includes Instructions and the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule which must be submitted with the bid/proposal. If the bidder/offeree fails to accurately complete and submit this Affidavit and Schedule with the bid or proposal as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the proposal is not reasonably susceptible of being selected for award.

1. Contractor shall structure its procedures for the performance of the work required in this Contract to attempt to achieve the minority business enterprise (MBE) subcontractor participation goal stated in the Invitation for Bids or Request for Proposals. Contractor agrees to exercise good faith efforts to carry out the requirements set forth in these Instructions, as authorized by the Code of Maryland Regulations (COMAR) 21.11.03.
2. MBE Goals and Subgoals: Please review the solicitation for information regarding the Contract's MBE overall participation goals and subgoals. After satisfying the requirements for any established subgoals, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.
3. MBE means a minority business enterprise that is certified by the Maryland Department of Transportation ("MDOT"). Only entities certified by MDOT may be counted for purposes of achieving the MBE participation goals. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm, including a MBE prime, must be MDOT-certified for the services, materials or supplies that it is committed to perform on the MBE Participation Schedule.
4. Please refer to the MDOT MBE Directory at www.mdot.state.md.us to determine if a firm is certified with the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals. **WARNING:** If the firm's NAICS Code is in graduated status, such services/products **may not be counted** for purposes of achieving the MBE participation goals. A NAICS Code is in the graduated status if the term "Graduated" follows the Code in the MDOT MBE Directory.
5. **NOTE: New Guidelines Regarding MBE Prime Self-Performance.** Please note that when a certified MBE firm participates as a prime contractor 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 list its firm in Section 4A of the MBE Participation Schedule, including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the subgoals, the MBE prime must also identify other certified MBE subcontractors (see Section 4B of the MBE Participation Schedule) used to meet those goals or request a waiver. For example, for a construction contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms and 4% for Asian American firms, subject to Section 4 above and this Section 5, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

For a services contract with a 30% percent MBE participation goal (overall) and subgoals of 7% for African-American firms, 4% for Asian American firms and 12% for women-owned firms, subject to Sections 4 above and this Section 5, a dually-certified Asian American/Woman MBE prime can self-perform (a) up to 15% of the overall goal and (b) up to four percent (4%) of the Asian American subgoal OR up to twelve percent (12%) of the women subgoal. Because it is dually-certified, the company can be designated as only ONE of the MBE classifications (Asian American or women) but can self-perform up to one hundred percent (100%) of the stated subgoal for the single classification it selects.

6. Subject to the restrictions stated in Section 5 above, when a certified MBE that performs as a participant in a joint venture, a procurement agency may count a portion of the total dollar value of the contract equal to the distinct, clearly-defined portion of the work of the contract that the certified MBE performs with its own forces toward fulfilling the contract goal, and not more than one of the contract subgoals, if any. For example, if a MBE firm is a joint venture partner and the State determines that it is performing with its own forces 35 percent of the work in the contract, it can use this portion of the work towards fulfilling up to fifty percent (50%) of the overall goal and up to one hundred percent (100%) of one of the stated subgoals, if applicable.

7. As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract. Please refer to COMAR 21.11.03.12-1 for more information regarding these requirements.

8. 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 to mbe@mdot.state.md.us sufficiently prior to the submission due date.

9. Worksheet: The percentage of MBE participation, calculated using the percentage amounts for all of the MBE firms listed on the Participation Schedule MUST at least equal the MBE participation goal **and** subgoals (if applicable) set forth in the solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), the bidder/offeror must request a waiver in Item 1 of the MBE Utilization and Fair Solicitation Affidavit (Attachment 2-1A) or the bid will be deemed not responsive, or the proposal determined to be not susceptible of being selected for award. You may wish to use the Subgoal summary below to assist in calculating the percentages and confirm that you have met the applicable MBE participation goal and subgoals, if any.

Subgoals (if applicable)

Total African American MBE Participation: _____ %
Total Asian American MBE Participation: _____ %
Total Hispanic American MBE Participation: _____ %
Total Women-Owned MBE Participation: _____ %

Overall Goal

Total MBE Participation (include all categories): _____ %

ATTACHMEN 2-1A: MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule **MUST BE** included with the bid/proposal for any solicitation with an MBE goal greater than 0%. If the Bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or offer as required, the TO Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Solicitation No. _____, I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

I acknowledge and intend to meet the overall certified Minority Business Enterprise (MBE) participation goal of ____ percent and, if specified in the solicitation, the following subgoals (complete for only those subgoals that apply):

- ____ percent African American-owned MBE firms
- ____ percent Asian American-owned MBE firms
- ____ percent Hispanic American-owned MBE firms
- ____ percent Woman-Owned MBE firms

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11.

Notwithstanding any subgoals established above, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

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 working days of receiving notice that our firm is the apparent awardee, I will submit completed Good Faith Efforts Documentation to Support Waiver Request (Attachment 2-1C) and all required waiver documentation in accordance with COMAR 21.11.03.

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 notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier:

- (a) Outreach Efforts Compliance Statement (Attachment 2-2);
- (b) MBE Subcontractor Project Participation Statement (Attachment 2-3);

(c) Any other documentation, including waiver documentation if applicable, required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal and subgoals, if any.

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

3. 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. MBE Participation Schedule

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount allocated to each MBE for this project and, (iii) the items of work each MBE will provide under the Contract. I have confirmed with the MDOT database that the MBE firms identified below are performing work activities for which they are MDOT certified.

Prime Contractor: (Firm Name, Address, Phone)	Project Description:
Project Number:	

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY.

MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of total Contract Value to be performed with own forces and counted towards the MBE overall participation goal (up to 50% of the overall goal): _____% Percentage of total Contract Value to be performed with own forces and counted towards the subgoal, if any, for my MBE classification (up to 100% of not more than one subgoal): _____% Description of the Work to be performed with MBE prime's own forces: _____
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SECTION B: For all Contractors (including MBE Primes in a Joint Venture)

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____ % Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____ % Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____ % Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <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	Percentage of Total Contract to be performed by this MBE: _____ % Description of the Work to be Performed: _____ _____ _____

CONTINUE ON SEPARATE PAGE IF NEEDED

I solemnly affirm under the penalties of perjury that I have reviewed the instructions for the MBE MBE Utilization & Fair Solicitation Affidavit and MBE Schedule and that the information included in the Schedule is true to the best of my knowledge, information and belief.

 Bidder/Offeror Name
 (PLEASE PRINT OR TYPE)

 Signature of Authorized Representative

 Address

 Printed Name and Title

City, State and Zip Code

Date

SUBMIT AS INSTRUCTED IN TORFP

ATTACHMENT 2- 1B: WAIVER GUIDANCE**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS**

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

I. Definitions

MBE Goal(s) – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

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 Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE 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 MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE 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 MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-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 Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE Firms to increase the likelihood that the MBE 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 Firms and should include all reasonably identifiable work opportunities.

MBE Firms – “MBE Firms” refers to a firm certified by the Maryland Department of Transportation (“MDOT”) under COMAR 21.11.03. Only MDOT-certified MBE Firms can participate in the State’s MBE Program.

II. Types of Actions Agency will Consider

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

A. Identify Bid Items as Work for MBE 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 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 to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE 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 or for additional Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE 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 to Solicit

1. MBE Firms Identified in Procurements

(a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those MBE firms.

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

2. MBE Firms Identified by Bidders/Offerors

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

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

C. Solicit MBEs

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 Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE 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, and other requirements of the contract to assist MBE 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 MBEs listed in the procurement and any MBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE 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 cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible to the interested MBE.

- (b) the percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
 - (c) the percentage that the MBE subcontractor's quote represents of the overall contract amount;
 - (d) the number of MBE firms that the bidder/offeror solicited for that portion of the work;
 - (e) whether the work described in the MBE and Non-MBE 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 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. Bidder/offeror should attempt to receive quotes from at least three subcontractors, including one quote from a MBE and one quote from a Non-MBE.
 7. A bidder/offeror shall not reject a MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE 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 and Non-MBE Firms quoting similar work.
 - (a) The factors to take into consideration when assessing the capabilities of a MBE 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 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 Firms

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

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

2. made reasonable efforts to assist interested MBE 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 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 and Non-MBE 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 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 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 Attachment 2-1C, Part 1)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE 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). (Complete Outreach Efforts Compliance Statement – Attachment 2-2).

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

- (a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) (Complete Good Faith

Efforts Attachment 2-1C Part 2, and submit letters, fax cover sheets, emails, etc. documenting solicitations); and

(b) a description of the information provided to MBE 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 Firms (Complete Good Faith Efforts Attachment 2-1C, Part 3)

1. For each MBE 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 and Non-MBE Firms quoting similar work.
2. For each certified MBE 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 and Non-MBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**
3. A list of MBE Firms contacted but found to be unavailable. This list should be accompanied by a MBE Unavailability Certificate (see Exhibit A to this Part 1) signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the MBE 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.



Exhibit A
MBE Subcontractor Unavailability Certificate

1. It is hereby certified that the firm of _____
(Name of Minority firm)

located at _____
(Number) (Street)

(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. _____
in _____ County by _____
(Name of Prime Contractor's Firm)

2. _____ (Minority Firm), is either unavailable
for the work/service or unable to prepare a bid for this project for the following reason(s):

Signature of Minority Firm's MBE Representative **Title** **Date**

MDOT Certification # Telephone #

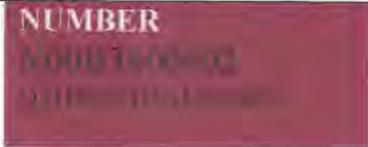
3. To be completed by the prime contractor if Section 2 of this form is not completed by the
minority firm.

To the best of my knowledge and belief, said Certified Minority Business Enterprise is either unavailable for the work/service for this project, is unable to prepare a bid, or did not respond to a request for a price proposal and has not completed the above portion of this submittal.

Signature of Prime Contractor

Title

Date



**ATTACHMENT 2-1C: MBE ATTACHMENT
GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

Page of

Prime Contractor:	Project Description:
Solicitation Number:	

Parts 1, 2, and 3 must be included with this certificate along with all documents supporting your waiver request.

I affirm that I have reviewed Attachment 2-1B, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this Attachment 2-1C Good Faith Efforts Documentation Form 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

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Part 1 – Identified items of work bidder/offeror made available to MBE firms

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

Identify those items of work that the bidder/offeror made available to MBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE 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 Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE 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 Firms, the bidder/offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE 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 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
	<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.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: MBE Classification (Check only if requesting waiver of MBE subgoal.) <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 <input type="checkbox"/> Used Non-MBE <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

Part 3 – additional information regarding rejected MBE quotes

Page __ of __

Prime Contractor:	Project Description:
Solicitation Number:	

This form must be completed if Part 1 indicates that a MBE quote was rejected because the bidder/offeree is using a Non-MBE 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, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

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

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

Please check if Additional Sheets are attached.

**ATTACHMENT 2 -2: MBE ATTACHMENT
OUTREACH EFFORTS COMPLIANCE STATEMENT**

Complete and submit this form within 10 working days of notification of apparent award or actual award, whichever is earlier.

In conjunction with the bid/proposal submitted in response to Solicitation No. N00B3400402, I state the following:

1. Bidder/Offeror identified 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 MDOT-certified MBE firms: _____

4. Please Check One:

- This project does not involve bonding requirements.
- Bidder/Offeror assisted MDOT-certified 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 conference.
- No pre-bid/pre-proposal meeting/conference was held.
- Bidder/Offeror did not attend the pre-bid/pre-proposal conference.

Company Name

Signature of Representative

Address

Printed Name and Title

City, State and Zip Code

Date

**ATTACHMENT 2- 3A: MBE ATTACHMENT
 MBE SUBCONTRACTOR PROJECT PARTICIPATION CERTIFICATION**

Please complete and submit one form for each certified MBE firm listed on the MBE Participation Schedule (Attachment 2-1A) within 10 Working Days of notification of apparent award. 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.

Provided that _____ (Prime Contractor's Name) is awarded the State contract in conjunction with Solicitation No. _____, such Prime Contractor intends to enter into a subcontract with _____ (Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ which will receive at least \$ _____ which equals to _____% of the Total Contract Amount 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

Each of the Contractor and Subcontractor acknowledges 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. Each of the Contractor and Subcontractor solemnly affirms under the penalties of perjury that: (i) the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of its knowledge, information and belief, and (ii) has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a Bid/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/Proposal;
- (2) fail to notify the certified Minority Business Enterprise before execution of the Contract of its inclusion of the Bid/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/Proposal.

PRIME CONTRACTOR	SUBCONTRACTOR
Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Date: _____	Date: _____



ATTACHMENT 2-3B

MBE PRIME PROJECT PARTICIPATION CERTIFICATION

PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE FIRM HAS LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT 2-1A) FOR PURPOSES OF MEETING THE MBE PARTICIPATION GOALS. THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. 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.

Provided that _____ (Prime Contractor's Name) with Certification Number _____ is awarded the State contract in conjunction with Solicitation No. _____, such MBE Prime Contractor intends to perform with its own forces at least \$ _____ which equals to ____% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) For Construction Projects, General Conditions must be listed separately.	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

MBE PRIME CONTRACTOR

Signature of Representative:

Printed Name and Title:

Firm's Name:

Federal Identification Number:

Address:

Telephone:

Date:

This form must be completed monthly by the prime contractor.

ATTACHMENT 2-4A: MBE PRIME CONTRACTOR PAID/UNPAID MBE INVOICE REPORT

**Department of Human Resources – Office of Technology for Human Resources
Minority Business Enterprise Participation**

Prime Contractor Paid/Unpaid MBE Invoice Report

Report #: _____	Contract #: _____
Reporting Period (Month/Year): _____	Contracting Unit: _____
Report is due to the MBE Officer by the 15th of the month following the month the services were provided.	Contract Amount: _____
Note: Please number reports in sequence	MBE Subcontract Amt: _____
	Project Begin Date: _____
	Project End Date: _____
	Services Provided: _____

Prime Contractor:		Contact Person:	
Address:			
City:		State:	ZIP:
Phone:	FAX:	Email:	
MBE Subcontractor Name:		Contact Person:	
Phone:	FAX:		
Subcontractor Services Provided:			
List all payments made to MBE subcontractor named above during this reporting period:		List dates and amounts of any outstanding invoices:	
	Invoice# Amount		Invoice # Amount
1.		1.	
2.		2.	
3.		3.	
4.		4.	
Total Dollars Paid: \$ _____		Total Dollars Unpaid: \$ _____	
<p>**If more than one MBE subcontractor is used for this contract, you must use separate 2-4A forms. Information regarding payments that the MBE prime will use for purposes of meeting the MBE participation goals must be reported separately in Attachment 2-4B. **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):</p>			
_____ Contract Manager			
_____ Contracting Unit			
(Department or Agency)			
_____		mailto:	

Signature: _____

Date: _____

(Required)

ATTACHMENT 5- LABOR CLASSIFICATION PERSONNEL RESUME SUMMARY (INSTRUCTIONS)

- 1) For this solicitation,
 - a) Master Contractors shall propose a specific resource to fill every job title listed below. If allowed by the solicitation, one resource may be proposed to fill more than one job title. Failure to propose a resource for each job title identified as part of the TO Proposal will result in the TO Technical Proposal being deemed not susceptible for award.
 - b) Master Contractors shall propose the CATS+ Labor Category that best fits each proposed resource. Master Contractors shall comply with all personnel requirements under the Master Contract RFP 060B2490023.
 - c) Master Contractors shall propose a maximum of 1 resource per job title listed below.
 - d) Failure of any proposed resource to meet minimum requirements as listed in this TORFP and in the CATS+ Master Contract will result in the entire TO Technical Proposal being deemed not susceptible for award.
- 2) Job Titles:
 - a) Engineer, Network (Senior);
 - b) Project Manager; and
 - c) Telecommunications Engineer.

For each job title above, the Master Contractor shall complete one Attachment 5 form using the template provided. Alternate worksheets are not allowed.

- 3) Form Completion
 - a) Complete one Personnel Resume Summary (Attachment 5 Form LC1) per proposed person to present each proposed person's resume in a standard format.
 - b) Additional information may be attached to each Personnel Resume Summary that may assist a full and complete understanding of the individual being proposed.

FORM LC1 - LABOR CLASSIFICATION PERSONNEL RESUME SUMMARY

CATS+ TORFP # N00B3400402

Instructions: Submit one resume form for each resource proposed in the TO Proposal. Do not submit other resume formats. Fill out each box as instructed. Do not enter "see resume" in this form. Failure to follow the instructions on the instructions tab and in TORFP may result in the TO Proposal being considered not susceptible for award.

Candidate Name:	
Master Contractor:	<insert Master Contractor name>
Job Title (As listed in TORFP):	<as described in this TORFP>

Education / Training (start with latest degree / certificate)

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

Relevant Work Experience*

Describe work experience relevant to the Duties / Responsibilities and Minimum Qualifications described in Section 2 of the TORFP. Start with the most recent experience first; do not include experience not relevant to the scope of this TORFP; use Employment History below for full employment history. Enter dates as MM/YY – MM/YY. Add lines as needed.

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

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

Employment History*

List employment history, starting with the most recent employment first. Enter dates as MM/YY – MM/YY. Add lines as needed.

Start and End Dates	Job Title or Position	Organization Name	Reason for Leaving
MM/YY – MM/YY			

FORM LC1 - LABOR CLASSIFICATION PERSONNEL RESUME SUMMARY (CONTINUED)

*Fill out each box. Do not enter "see resume" as a response.

A) Requirements Qualification Traceability Matrix

Complete the matrix (Attachment 5A) for each requirement listed for the position in either the CATS+ Master Contract and/or this TORFP.

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

Master Contractor Representative:

Print Name	Signature
------------	-----------

Date

Proposed Individual:

Signature	Date
-----------	------

ATTACHMENT 5A – MINIMUM QUALIFICATIONS SUMMARY

CATS+ TORFP # N00B3400402

All content on this form must also be on the Personnel Resume Form.

ONLY include information on this summary that supports meeting a minimum qualification.

Proposed Individual's Name and Company/Sub-Contractor:	List how the proposed individual meets each requirement by including a reference to relevant entries in Form 5B									
LABOR CATEGORY TITLE – (INSERT CATS+ LABOR CATEGORY NAME)										
Education: Insert the education description from the CATS+ Master Contract RFP from Section 2.10 for the applicable labor category	(Identify school or institution Name; Address; Degree obtained and dates attended.)									
Generalized Experience: Insert the generalized experience description from the CATS+ Master Contract RFP from Section 2.10 for the applicable labor category Provide dates in the format of MM/YY to MM/YY	(Identify specific work experiences from the resume that illustrate compliance with the Master Contract RFP Labor Category requirements for Generalized Experience.) <table border="1"> <tr> <td>FROM</td> <td>TO</td> <td>Job Title and Company</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Match to Form LC1:</td> <td colspan="2"><insert cross-reference(s) to the full description on Form LC1></td> </tr> </table>	FROM	TO	Job Title and Company				Match to Form LC1:	<insert cross-reference(s) to the full description on Form LC1>	
FROM	TO	Job Title and Company								
Match to Form LC1:	<insert cross-reference(s) to the full description on Form LC1>									
Specialized Experience: Insert the specialized experience description from the CATS+ Master Contract RFP from Section 2.10 for the applicable labor category Provide dates in the format of MM/YY to MM/YY	(Identify specific work experiences from the resume that illustrate compliance with the Master Contract RFP Labor Category requirements for Specialized Experience.) <table border="1"> <tr> <td>FROM</td> <td>TO</td> <td>Job Title and Company</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Match to Form LC1:</td> <td colspan="2"><insert cross-reference to the full description on Form LC1></td> </tr> </table>	FROM	TO	Job Title and Company				Match to Form LC1:	<insert cross-reference to the full description on Form LC1>	
FROM	TO	Job Title and Company								
Match to Form LC1:	<insert cross-reference to the full description on Form LC1>									
TORFP Additional Requirements Minimum qualifications and required certifications as defined in Section 2.8.2 of this TORFP. Provide dates in the format of MM/YY to MM/YY										

The information provided on this form for this labor class is true and correct to the best of my knowledge (Signatures must be included):

Master Contractor Representative:

Signature

Date

Proposed Individual:

Signature

Date

**TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS) TORFP
SOLICITATION #: OTHS/OTHS-15-026-S**

QUESTIONS and RESPONSES: SERIES 2

- QUESTION #14: Please clarify who is to complete the performance ratings of TO Contractor Staff. Sections 2.6.10.2 and 2.6.10.3 say that TO Contractor must issue performance ratings. However, Attachment 18 says the performance rating shall be completed by the TO Manager.
- RESPONSE: There is an error on the form. The TO Contractor is responsible for issuing performance ratings for its staff. Please reference Amendment #2.
- QUESTION #15: Are the minimum qualifications for the Telecommunications Engineer correct in section 2.8.2? The minimum qualifications for the Telecommunications Engineer are identical to the minimum qualifications for the Project Manager.
- RESPONSE: No, the minimum qualifications are incorrect. Reference Amendment #2.
- QUESTION #16: Should “Architect, Information Technology (Senior)” be removed from Attachment 5? Sections 2.1, 2.8.2, and 3.4.1.C. state that exactly three named resources shall be proposed and Architect, Information Technology (Senior) is not one of them.
- RESPONSE: Yes, Architect, Information Technology (Senior) should be removed from Attachment 5. Reference Amendment #2.
- QUESTION #17: Under a Time and Materials (T&M) contract all training activities, including developing training materials, performing quality assurance on materials and delivering training would be billable hourly activities. Any preparation costs associated with materials would also qualify as billable expenses. Can DHR confirm that these costs will be reimbursed and that hours associated with training will be billed at an hourly rate under the T&M component?
- RESPONSE: DHR will not pay any costs related to the development or delivery of training separately. However, Master Contractors can include pricing for these expenses in the proposed Hourly Labor Rates on Attachment 1. As stated at the bottom of Attachments 1A and 1B, the Hourly Labor Rate is the actual fully-loaded, all-inclusive rate the State will pay for services and shall include all direct and indirect costs and profit for the Master Contractor to perform under the TO Agreement.
- QUESTION #18: Would DHR consider a Firm Fixed Price contract that is all inclusive of the associated costs to simplify delivery?
- RESPONSE: No, the resulting TO Agreement will be awarded/priced on a T&M basis.

- QUESTION #19: The predecessor to this TORFP was written and awarded as firm fixed services and firm fixed price. This successor TORFP is written as a firm fixed services but priced as a staff augmentation contract (time and materials). Changing the TORFP to T&M puts additional administrative burden on DHR for time sheet administration as well as limits the flexibility of technical service delivery. Is it truly the intent of the government to change the financial model to staff augmentation while requiring identical services as firm fixed price?
- RESPONSE: DHR will issue a T&M TO Agreement. DHR will not award the TO Agreement on a fixed price or firm fixed price basis.
- QUESTION #20: In section 2.8.1.-B it asks for ISO certification for the company. If one of our teaming partner (A MD Certified MBE) is an ISO certified company, would you consider the proposal from this team (with a CATS+ master contractor being the lead) to the 2.8.1-B compliant?
- RESPONSE: The TO Master Contractor will be permitted to meet the ISO certification requirement by using a sub-contractor who holds the certification.
- QUESTION #21: What level of ISO certification are you looking for? – ISP-9000, ISO-2000 ???
- RESPONSE: ISO/IEC 20000 certification is required. Please reference Amendment #1.
- QUESTION #22: T&M contracts are frequently put in place when there are elements of unknown risk or scope to be delivered has not been defined. It is assumed that the current scope and contract work is a continuation of scope currently being delivered to the Department of Human Resources. As such, a fixed price contract where the bidding contractors assume risk for the delivery of services and document the statement of work they will deliver, will inhibit bidders from over-promising services which may or may not ever be delivered to the Department in a T&M contract. Will DHR consider releasing this scope of work as a fixed price contract?
- RESPONSE: No. Please see the response to Question 18.
- QUESTION #23: The incumbent's CATS-II contract ended on 5/31/2014. Are they still performing these services through any special contract extension? If so, until when (end date) is their contract extended? If not, how are these services being performed now?
- RESPONSE: Yes, the Department and the incumbent agreed to extend the contract. The contract ends on May 31, 2015.
- QUESTION #24: Section 2.6.8 requires the contractors to provide the tools to do their assignments: cell phones, screw drivers, power testers, cable testers, and access to mgmt. research such as Gartner or Forrester. Under a T&M contract materials and subscriptions used for performing work are understood as expenses eligible for reimbursement if used specifically on a government contract. Is it the Agency's

intent to reimburse the vendor for tools purchased and used specifically for work on the TOSS contract?

RESPONSE: No. However, Master Contractors can include pricing for these expenses in the proposed Hourly Labor Rates on Attachment 1 (see the response to Question 17).

QUESTION #25: Would DHR consider changing the contract to a FFP delivery to reduce or mitigate some risk for additional, unexpected expenses filed for reimbursement to the Agency, expressly moving this risk to the vendor bidding on the TOSS contract?

RESPONSE: No, please see the response to Question 18.

QUESTION #26: Can you tell me where we could locate Amendment 1 for this TORFP?

RESPONSE: DHR will post this Amendment on the MD Department of Information Technology's (DoIT) website- <http://doit.maryland.gov/contracts/Pages/CATSPlusTORFPStatus.aspx>.

QUESTION #27: Could you clarify the reasoning behind: 1) not allowing a prime contractor who is an MBE to count towards the overall MBE%; and 2) not allowing a prime contractor that is an MBE to count towards an MBE subgoal? It would seem that, if the Master Contractor is a State-certified MBE, this would fulfill the overall CATS+ MBE goals. Otherwise, this restriction would seem to disincentivize State-certified MBE Master Contractors from serving as Prime contractor on this TORFP.

RESPONSE: In June 2014, the State revised its MBE regulations to allow prime contractors that are State-certified MBEs to count their participation for up to 50% of a contract's MBE goal and up to 100% of any one sub-goal. However, this change does not apply to CATS+ TORFPs. The CATS+ Master Contract (CATS+) took effect prior to the change in MBE regulations and is not affected by the change. This will continue to be true unless the State decides to modify the CATS+ Master Contract (and the current contracts/task orders that were issued under CATS+). Consequently, this TORFP does not allow prime contractors that are State-certified MBEs to count their participation towards any MBE goal or sub-goal.

QUESTION #28: If a company is registered in the Official U.S. Government System for Award Management (SAM) as a minority business, will the State of Maryland allow proof of that SAM registration to meet the Maryland certified MBE requirement? If so, may the company cite their DUNS number on the various MBE attachments in the space entitled "MBE Cert #"?

RESPONSE: No, the company must apply for certification as an MBE through the Maryland Department of Transportation. An entity may not substitute a DUNS number for the MBE Cert # on the MBE attachments.

QUESTION #29: Does the MBE certification have to be in place when the proposal is submitted or can it be in process?

RESPONSE: A Master Contractor may list an MBE that is not certified on the required MBE forms. However, DHR cannot count that MBE towards the MBE goal unless the MBE is certified.

QUESTION#30: Please identify the incumbent contractors providing Technical Operations Support Services to DHR OTHS today.

RESPONSE: The Incumbent Master Contractor is Gantech, Inc.

QUESTION#31: Please identify the contract expiration date of the current TOSS contract.

RESPONSE: Please see the response to Question 23.

By:
JOE REESE,
PROCUREMENT OFFICER
ISSUED: November 12, 2014

**TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS) TORFP
SOLICITATION #: OTHS/OTHS-15-026-S**

QUESTIONS and RESPONSES: SERIES 3

- QUESTION #1:** On page 49 of the TORFP the minimum qualifications listed for the Project Manager and Telecommunications Engineer are identical. They both state:
·At least one (1) current industry standard certification(s) such as PMP, ITIL, or State-approved equal.
·At least three (3) years' experience managing, guiding, and overseeing multiple technical projects in an enterprise, service provider, federal or state government environment.
Please verify these are correct or provide updated information should the Telecom Engineer require different certs and experience than the Project Manager
- RESPONSE:** Please see: 1) the response to Question #2 in Series 2; and 2) Amendment 2.
- QUESTION #2:** The CATS+ Master Contract Labor Category definition for the Telecommunications Engineer (Senior) requires a Bachelor's degree and 10 years of experience. In section 2.9.6 of the CATS+ RFP it states "Substitution of Experience for Education. Substitution of experience for education may be permitted at the discretion of the State." Will OTHS allow for the substitution of 5 years of additional telecommunications experience for a Bachelor's degree for the Telecommunications Engineer (Senior) position?
- RESPONSE:** OTHS will make a determination during the evaluation process whether the demonstrated experience is sufficient to be substituted for a Bachelor's degree for the Telecommunications Engineer (Senior) position.
- QUESTION #3** The page size starting with Attachment 15 V-2 appears to be custom size larger than U.S. letter size paper. This custom page size does not print correctly with standard printer settings. Can we resize the pages to letter size to facilitate completion and printing?
- RESPONSE:** Yes, Master Contractors may resize the pages to letter size to facilitate completion and printing.
- QUESTION #4** Attachment 5 references a matrix in Attachment 5A. There does not appear to be an Attachment 5A in the TORFP. Please clarify.
- RESPONSE:** The Department has corrected this through Amendment 3. Please refer to the Amendment.

QUESTION #5 Could you please provide additional information with regards to what current network applications are being supported by DHR at this time?

RESPONSE: OTHS has a number of network applications in place, most of which are identified in the duties of each position.

QUESTION #6 Could you please provide any clarity on what additional network applications that the department is looking to upgrade or implement within the next 6 months to 1 year?

RESPONSE: Additional network applications are unknown at the present time.

QUESTION #7 If one of three proposed candidates receives a new job offer prior to the contract being awarded, can the awardee replace that person upon approval from the DHR?

RESPONSE: Yes; however, the Department expects that key personnel start the contract on time and remain in place for two weeks before the TO Contractor makes a substitution.

QUESTION #8 Form LC1 – Labor Classification Personnel Resume Summary, mentions a Requirements Qualification Traceability Matrix (Attachment 5A). However, Attachment 5A was not included in the original email distribution of the TORFP documents. Can you tell us where we can obtain a copy of Attachment 5A?

RESPONSE: Please see the response to Question 4 in this Series.

By:
JOE REESE,
PROCUREMENT OFFICER
ISSUED: November 25, 2014

In The Matter Of:
PRE-PROPOSAL CONFERENCE
TASK ORDER REQUEST FOR PROPOSALS

TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS)
October 22, 2014
(OTHS/OTHS-15-026-S) NOOB3400402

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Min-U-Script® with Word Index

1 STATE OF MARYLAND
 2 DEPARTMENT OF HUMAN RESOURCES
 3 * * * * *
 4 PRE-PROPOSAL CONFERENCE
 5 TASK ORDER REQUEST FOR PROPOSALS
 6 TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS)
 7 (OTHS/OTHS-15-026-S) NOOB3400402
 8 * * * * *
 9 Wednesday, October 22, 2014
 10 12:00 p.m. to 12:25 p.m.
 11 * * * * *
 12 Held at:
 13 State of Maryland
 14 Department of Human Resources
 15 1100 Eastern Blvd.
 16 Essex, Maryland
 17 * * * * *
 18 COURT REPORTERS, ETCetera, INC.
 19 Maryland Washington
 20 (410) 653-1115 (202) 628-DEPO
 21 1-800-947-DEPO

1 IN ATTENDANCE (cont'd.)
 2 AboutWeb:
 Michael DeMarco, Business Development Manager
 3
 TeleCommunication Systems:
 4 Tiante Dorman, Program Manager
 5 Datanetorks:
 Robert White, Account Executive
 6
 ITNOVA:
 7 Carolina Cepeda, CEO/Sr. Program Manager
 8 Versa Tech:
 Jason Peay, President/CEO
 Irina Visinevetsky
 9
 Infojini:
 Sandeep Harjani
 10
 PSI Pax:
 Christa Kuhl, Communications Manager
 11
 Group Z:
 Pete Zairis
 12
 CantonGroup:
 Thomas Gardner, Director
 13
 14
 15
 16
 17
 18
 19
 20
 21

1 IN ATTENDANCE
 2 STATE OF MARYLAND:
 3 Kenyatta Powers, CIO
 4 Tanya Williams, Deputy CIO
 5 Leah Hinson, Procurement Supervisor
 6 Joe Reese, Procurement Specialist
 7 L'Aaron Johnson, Procurement
 8 Richard Wright, Procurement Specialist
 9 Donna Foster, MBE Administrator
 10 Hung Htut, DHR Central
 11 Sharon Little, OTHS
 12 ATTORNEY GENERAL'S OFFICE:
 13 Scott Moore
 14 Netorian:
 15 Walter Borkowsky, Chief Business Officer
 16 Insight Global:
 Kelsey McGlynn, Account Manager
 17
 GANTECH:
 18 Mia Millette, Vice Pres. of Managed Services
 19 TreCom:
 Bryan Hoffman, Service Delivery Manager
 20
 Applied Technology Services:
 21 Rick Lee, Account Manager

1 A-G-E-N-D-A
 2 ITEM: PAGE:
 3 I. Welcome and Introduction Joe Reese, Procurement Specialist 5
 4
 5 II. Opening Remarks Tanya Williams, Deputy CIO 9
 6
 7 III. Key Information Donna Foster, MBE Liaison 10
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 15
 16 V. Questions --
 17
 18 VI. Closing Remarks - Tanya Williams 29
 19
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 21

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1 PRE-BID CONFERENCE
2 Welcome and Introduction
3 **JOE REESE:** I'd like to welcome
4 everyone to the TOSS Pre-Proposal Conference. My
5 name is Joe Reese. I'm a Procurement Specialist
6 with OTHS, and I'll be the Procurement Officer
7 for this Procurement.
8 Before we begin, I need to give you a
9 few housekeeping notes: The restrooms are
10 located along the main hallway near the front
11 entrance. Water fountains can be found near the
12 restrooms. And all visitors should have signed
13 in with the security guard up front when they
14 entered the building and received a visitor
15 sticker. No one is permitted to walk throughout
16 the building without an escort.
17 Besides that, in the event of any
18 emergencies, we will proceed to one of the
19 emergency exits which are in the back of the
20 building on the right and the left, or in the
21 front of the building on the right and the left.

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1 Today what we'll be doing is sharing
2 information regarding the TORFP for Technical
3 Operations Support Services, Agency Control
4 Number is OTHS/OTHS-15-026-S.
5 If you haven't done so already, please
6 make sure you sign in. There's a sign-in sheet
7 in the back, and leave your business card, and
8 identify yourself as a Minority Business
9 Enterprise, Veterans Business Enterprise, or
10 Small Business Reserve Vendor, if applicable.
11 As we move through each section of the
12 Agenda, please hold your questions until we reach
13 the end of the section.
14 Also, for the purposes of the
15 transcription, please remember to state your name
16 and identify your firm or corporation prior to
17 asking your question.
18 The court reporter is from Court
19 Reporters, ETCetera, Inc., and she's going to be
20 recording today's proceedings.
21 We'll proceed now with introductions.

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1 First we'll go around the room and have State
2 personnel introduce themselves.
3 **KENYATTA POWERS:** Hi. Kenyatta
4 Powers, Chief Information Officer for DHR.
5 **TANYA WILLIAMS:** Tanya Williams,
6 Deputy CIO for DHR.
7 **KENNETH WHITCOMB:** Ken Whitcomb,
8 Director of Technical Services.
9 **DONNA FOSTER:** Donna Foster, Minority
10 Business Enterprise, DHR.
11 **SCOTT MOORE:** Scott Moore with the
12 Attorney General's Office.
13 **HUNG HTUT:** Hung Htut, DHR,
14 Procurement.
15 **L'AARON JOHNSON:** L'Aaron Johnson,
16 Director, Budget & Procurement.
17 **SHARON LITTLE:** Sharon Little, OTHS.
18 **LEAH HINSON:** Leah Hinson, OTHS.
19 **RICHARD WRIGHT:** Rick Wright, OTHS.
20 **JOE REESE:** Okay. Thank you.
21 We'll proceed now with the

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1 introductions from everyone else here. So, we'll
2 start with the people over here.
3 **PETE ZAIRIS:** Pete Zairis, Group Z,
4 Minority Women MBE.
5 **ALEXIS KESSLER:** Alexis Kessler,
6 Gantech.
7 **MIA MILLETTE:** Mia Millette, Gantech.
8 **ROBERT WHITE:** Bob White,
9 Datanetworks.
10
11 **JOE REESE:** Okay. We can go ahead and
12 go to the table.
13 **TIANTE DORMAN:** Tiantie Dorman, TCS.
14 **KELSEY McGLYNN:** Kelsey McGlynn,
15 Insight Global.
16 **MICHAEL DeMARCO:** Mike DeMarco,
17 AboutWeb.
18 **BRYAN HOFFMAN:** Bryan Hoffman, TreCom
19 Systems Group.
20 **WALTER BORKOWSKY:** Walter Borkowsky,
21 Netorian.

1 **RICK LEE:** Rick Lee, Applied
 2 Technology Services, MBE.
 3 **ROBERT MARKASY:** Bob Markasy, Applied
 4 Technology Services.
 5 **CHRISTA KUHL:** Christa Kuhl, PSI Pax,
 6 women-owned small business.
 7 **CAROLINA CEPEDA:** Carolina Cepeda,
 8 ITNOVA.
 9 **JOE REESE:** Thank you.
 10 We'll now procedure with opening
 11 remarks from Tanya Williams, the Deputy Chief
 12 Information Officer for OTHS.
 13 Opening Remarks
 14 **TANYA WILLIAMS:** Good afternoon,
 15 everyone. Welcome and thank you for attending
 16 today's Pre-Bid Conference.
 17 My name is Tanya Williams and I'm the
 18 Deputy CIO for OTHS.
 19 OTHS provides enterprise operation,
 20 maintenance and support across the State of
 21 Maryland. This includes support for more than

1 respond to this Task Order Request for Proposal
 2 and network after the Pre-Bid Conference for as
 3 long as the room is available.
 4 A 35 percent MBE goal has been
 5 established for this Task Order, and sub-goals of
 6 7 percent African American, 2 percent Hispanic
 7 American, and 8 percent women.
 8 It should be noted that there was a
 9 new regulation, effective June 2014, that a
 10 certified MBE prime could provide up to 50
 11 percent of the overall goal by its workforce and
 12 a hundred percent of any one sub-goal. However,
 13 based on information provided from DoIT, this
 14 regulation will not apply to this Task Order, as
 15 it is based on a Master Contract that was
 16 effective prior to the new regulation.
 17 Attachment D-1 and Attachment D-2 are
 18 the MBE Utilization and Fair Solicitation
 19 Affidavit and MBE Participation Schedule.
 20 D-1, the MBE Utilization and Fair
 21 Solicitation form: The bidder acknowledges

1 9,000 computers in over 100 locations across the
 2 State.
 3 We are thrilled to have released this
 4 TORFP, and look forward to working with the
 5 company and resources that will help us mature
 6 our technology services.
 7 **JOE REESE:** Okay. Thanks, Tanya.
 8 We'll proceed now with remarks from
 9 Donna Foster, the MBE Liaison for the Department
 10 of Human Resources, Central Procurement Unit.
 11 Key Information:
 12 **DONNA FOSTER:** Good afternoon,
 13 everyone.
 14 Again, I'm Donna Foster, the Minority
 15 Business Enterprise Administrator for the
 16 Department of Human Resources.
 17 Today I will cover Section 1.12, which
 18 is Attachment 2 of the Task Order Request for
 19 Proposal, and I will just be giving the
 20 highlights of that section.
 21 Minority businesses are encouraged to

1 whether they plan to meet the MBE goal in whole
 2 and the sub-goals or request a waiver in whole or
 3 in part of the MBE goals or sub-goals. This form
 4 must be submitted with your bid.
 5 Form D-2 is the MBE Participation
 6 Schedule. This form lists all MBE subcontractors
 7 that will be used to meet the MBE goals and
 8 sub-goals established in this -- I was going to
 9 say procurement, but we're going to call it a
 10 Task Order, right -- Task Order Request for
 11 Proposal.
 12 In addition, on this form the
 13 Contractor will acknowledge that there are
 14 additional MBE forms that will be required upon
 15 notification as the apparent awardee.
 16 If the bidder fails to submit the MBE
 17 Utilization and Fair Solicitation Affidavit Form
 18 D-1, and the MBE Schedule Form D-2 with the bid
 19 as required, the Procurement Officer shall
 20 determine that the bid is non-responsive or the
 21 bid is not reasonably susceptible of being

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1 selected for award.
 2 Within 10 days of notification as the
 3 apparent awardee, the following documents must be
 4 submitted: Outreach Efforts Compliance Form,
 5 which is Form D-3; the Subcontractor Project
 6 Participation Certification, which is form -- I
 7 have the wrong number, but I think it's D-4; and
 8 the Waiver Documentation Form D-7, if indicated
 9 on the MBE Utilization and Fair Solicitation
 10 Affidavit.
 11 If for any reason the successful
 12 bidder is unable to achieve the contract goal or
 13 sub-goals, they may request in writing a waiver
 14 to include a detail statement of good faith
 15 efforts to select portions of the work to be
 16 performed by MBEs.
 17 Pay close attention on Form D-7 to
 18 Items 1 through 5, which deal with the
 19 documentation to support the Waiver Request.
 20 Failure to submit these forms within
 21 the required time, the Procurement Officer may

Page 14

1 determine that the bidder is not responsible and,
 2 therefore, not eligible for Task Order Agreement
 3 award. If the Task Order Agreement has already
 4 been awarded, the award is voidable.
 5 Any questions?
 6 (No Response.)
 7 **DONNA FOSTER:** Thank you.
 8 **JOE REESE:** Okay. Thanks, Donna.
 9 Section 1
 10 **JOE REESE:** First of all, I'd like to
 11 remind everyone that the following attachments
 12 must be submitted with each Technical Proposal:
 13 Attachment 2 D-1 and 2 D-2, as Donna spoke about.
 14 Also Attachment 4, Conflict of Interest Affidavit
 15 and Disclosure; Attachment 5, Labor
 16 Classification Personnel Resume Summaries;
 17 Attachment 10, Non-Disclosure Agreement for the
 18 Offeror; Attachment 13, Living Wage Affidavit of
 19 Agreement; Attachment 14, Mercury Affidavit;
 20 Attachment 15 D-1, Veteran-Owned Small Business
 21 Enterprise Utilization Form; and 16,

Page 15

1 Certification Regarding Investments in Iran.
 2 And then we also have the following
 3 attachment that should be included with the TO
 4 Financial Proposal, the Attachment 1A through 1D,
 5 which is the price sheet.
 6 Everyone got those?
 7 (No Response.)
 8 **JOE REESE:** Okay. DHR is issuing this
 9 CATS+ TORFP to one Master Contractor in order to
 10 obtain staffing resources that possess specialize
 11 information technology skills. The staff
 12 provided by the TO Contractor shall work with
 13 OTHS personnel and other contractors engaged by
 14 the Department to collectively develop, enhance,
 15 maintain and support DHR's IT needs.
 16 Some examples of the Department's
 17 needs include: Enhancing existing services.
 18 Securing DHR's computing environment.
 19 Implementing new technology. Upgrading existing
 20 systems. And improving end-user efficiency.
 21 TO Contractors shall propose exactly

Page 16

1 three named sources listed as Key Personnel that
 2 DHR will evaluate for purposes of TO award.
 3 DHR anticipates issuing a Work Order
 4 immediately upon TO award for 16 additional
 5 resources following the Work Order process in
 6 Section 2.12.
 7 During the term of the contract, DHR
 8 will have the option of adding up to 27 other
 9 resources to this TO, using the Work Order
 10 process, for a maximum of 46 resources. Refer to
 11 Page 19, Section 2.1 of this TORFP for the full
 12 personnel list.
 13 Master Contractor shall describe in a
 14 staffing plan how it will acquire the staffing
 15 resources to meet DHR's needs. Positions, other
 16 than those identified as Key Personnel, shall be
 17 described generally in the staffing plan and may
 18 not be used as evidence of fulfilling company or
 19 personnel minimum qualifications.
 20 DHR intends to award this Task Order
 21 to one Master Contractor that proposes a team of

Page 17

1 resources and a staffing plan that can best
2 satisfy the TO requirements.
3 Also, please remember that I am the
4 sole source of contact for any questions you may
5 have during the procurement process, both before
6 and after the closing date. If you have any
7 questions or if you are sending in any
8 documentation, you need to send them in to my
9 attention.
10 The deadline for submitting questions
11 prior to the closing date is 2:00 p.m. on
12 November 14th, 2014, and this deadline will be
13 strictly enforced.
14 Proposals must be received no later
15 than 2:00 p.m. local time on December 10th, 2014,
16 and this deadline will also be strictly enforced.
17 What we need to do now is go ahead and
18 go into the overview of Section 1.
19 The subsections of Section 1, if you
20 want to flip to that if you have it there, are
21 primarily standard TORFP boilerplate provided by

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1 State of Maryland Department of Information
2 Technology, and I'm confident that everyone's
3 probably had a chance to view the subsections.
4 At this time, though, I can open up
5 the floor to anyone that has any questions about
6 Section 1. And please remember to state your
7 name and identify your firm prior to asking your
8 question. It's about Section 1 only.
9 **SCOTT MOORE:** Scott Moore, Attorney
10 General's Office.
11 Just to follow up, Joe, with two
12 things you mentioned. These are attachments that
13 are mentioned in Section 1: Attachment 10, the
14 Non-Disclosure Agreement; and Attachment 14, the
15 Certification regarding Mercury products. They
16 should not be submitted with the vendors'
17 proposal. They may come in later, but they
18 shouldn't be submitted with the proposal itself.
19 **JOE REESE:** All right. Thanks for
20 that clarification, Scott.
21 So, no one has any additional

Page 19

1 questions about Section 1?
2 **WALTER BORKOWSKI:** Walter Borkowsky
3 with Netorian.
4 You mentioned Attachment 14, Mercury
5 Affidavit, as being required. The Task Order in
6 the back -- and I hope that's not the one he just
7 said.
8 **JOE REESE:** Yes.
9 **WALTER BORKOWSKI:** I had trouble
10 hearing. Sorry.
11 **JOE REESE:** Yeah, that's right.
12 **WALTER BORKOWSKI:** Sorry about that.
13 **JOE REESE:** Okay. No questions on
14 Section 1?
15 (No Response.)
16 Section 3: Proposal Format
17 **JOE REESE:** Okay. What we'll do at
18 this point is go on to Section 3, which details
19 the manner in which technical and financial
20 proposals are to be submitted. Please remember
21 that electronic submissions are not acceptable

Page 20

1 for this TORFP, and must be delivered to the
2 address listed in the Key Information Summary
3 sheet, in the form of hard copies and CD-ROM,
4 exactly as specified in Section 3.1 through 3.4.
5 And now I will open up the floor for
6 any questions pertaining to Section 3. And
7 please remember to state your name and identify
8 your firm or corporation prior to asking your
9 question. Section 3.
10 **CHRISTA KUHL:** Christa Kuhl, PSI Pax.
11 Will the State consider an alternate
12 Certification such as CMMI to the ISO
13 Certification? Or waive that in lieu of
14 application of best practices if we have another
15 contractor with significant experience?
16 **TANYA WILLIAMS:** So, we actually do
17 have a clarification on the ISO Certification
18 requirement, which we'll be sending out, via an
19 amendment, shortly.
20 **CHRISTA KUHL:** Great. Thank you.
21 **JOE REESE:** Any more questions on

Page 21

1 Section 3?
2 **WALTER BORKOWSKI:** Walter Borkowsky,
3 Netorian again.
4 The delivery address to deliver the
5 hard copies is this address here?
6 **JOE REESE:** That's correct.
7 **WALTER BORKOWSKI:** Thank you.
8 **JOE REESE:** Okay. Any other questions
9 on Section 3?
10 (No Response.)
11 **JOE REESE:** Okay. Thank you.
12 Section 4: Procedure for Awarding Agreement
13 **JOE REESE:** Now we'll move on to
14 Section 4, which describes the procedures that
15 will be used for evaluation and award.
16 I trust that everyone has had a chance
17 to read Section 4. Please remember that prior to
18 Price Proposals being open, the Technical
19 Proposal will be evaluated and ranked, and the
20 Technical Proposal carries more weight in terms
21 of evaluation.

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1 At this time, I'll open up the floor
2 for any questions pertaining to Section 4. And
3 please remember to state your name and identify
4 your firm or corporation prior to asking your
5 question.
6 **BRYAN HOFFMAN:** Bryan Hoffman with
7 TreCom.
8 We are a small business within
9 Maryland. I saw where MBE and Veterans'
10 businesses are being considered. Is there any
11 consideration being given to small businesses?
12 **JOE REESE:** No, not in this TORFP.
13 No, sir.
14 **BRYAN HOFFMAN:** Thank you.
15 **JOE REESE:** Okay. Any other questions
16 for Section 4?
17 (No Response.)
18 **JOE REESE:** Okay. At this time,
19 Tanya, the Deputy Chief Information Officer for
20 the Office of Technology and Human Services, will
21 discuss Section 2, which is the Scope of Work.

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1 Section 2: Scope of Work:
2 **TANYA WILLIAMS:** Okay. I'm going to
3 give an overview of the Scope of Work, and at the
4 end we'll open it up for questions regarding the
5 Scope of Work.
6 Beginning on Page 19, Section 2.1, the
7 Purpose: TO Contractors shall propose exactly
8 three (3) named resources, listed as Key
9 Personnel in that section, which DHR will use to
10 evaluate the Task Order award.
11 Page 21, Section 2.4, Professional
12 Development: Contractor shall ensure continuing
13 education opportunities with personnel provided.
14 In addition, the Contractor shall make sure
15 educational opportunities are available to OTHS
16 staff that will be working with the Contractor
17 personnel. The time allocated to these
18 continuing education activities for the
19 Contractor personnel deployed to OTHS shall not
20 be charged to this Task Order without OTHS prior
21 approval. Actual course costs are the

Page 24

1 responsibility of the TO Contractor.
2 Also on Page 21, Section 2.6.4, I may
3 have my page number wrong: The TO Contractor
4 shall provide reports and case studies from IT
5 industry research tools, such as Gartner and
6 Forrester, as well as reach-back technical
7 expertise when needed to assist OTHS in
8 determining the best approach to implement new
9 technology across the agency, selecting solutions
10 provided by industry leaders, and adopting
11 industry best practices.
12 Section 2.6.5, Personnel Duties and
13 Responsibilities: All personnel proposed by the
14 TO Contractor are essential for the task for the
15 successful Contractor performance. Three (3)
16 labor categories have been identified as Key
17 Personnel for the purposes of evaluation as well
18 as adherence to substitution provisions. Pages
19 23 through 26 identify the duties for the Key
20 Personnel.
21 Moving to Page 38, Section 2.6.8,

Page 25

1 Requirements for Hardware, Software and
 2 Materials: Contractor Personnel may need various
 3 tools to complete assignments. These tools will
 4 not be provided by the State and the Contractor's
 5 price must be fully burdened to accommodate.
 6 Also on Page 38, Section 2.6.9,
 7 Background Checks, C: The TO Contractor shall
 8 ensure its employees' and subcontractors'
 9 background check certifications are renewed
 10 annually and at the TO Contractor's sole expense.
 11 Page 39, Section 2.6.10.1, Work Hours:
 12 Time performing services after hours on State
 13 closure days and during holidays shall not be
 14 billed separately, and the TO Contractor's hourly
 15 rate shall be fully burdened.
 16 The table which starts at the end of
 17 Page 43, Section 2.7.5, details the deliverable
 18 requirements. Please note the initial staffing
 19 plan is due with the Technical Proposal.
 20 Section 2.8.1 on Page 48, Offeror's
 21 Company Minimum Qualifications: This is around

Page 26

1 the ISO Certification. ISO IEC 20,000 is a
 2 minimum company requirement, and offerors will be
 3 permitted to use subcontractors to meet this
 4 requirement. As I previously stated, an
 5 amendment will be coming out shortly, which
 6 clarifies this information.
 7 Section 2.8.2, Offeror's Personnel
 8 Minimum Qualifications, which starts on Page 49:
 9 In addition to the experience identified in the
 10 CATS+ Master Contract, Section 2.10 Labor
 11 Categories and Qualifications, the TO Contractor
 12 personnel must meet the specific qualifications
 13 in Table 1.
 14 The table beginning at the bottom of
 15 Page 49 and ends on 52, which is Section 2.9,
 16 details the minimum requirements for the 16
 17 additional resources that will be added via the
 18 Work Order process.
 19 Section 2.11, Invoicing: The TO
 20 Contractor shall submit invoices monthly, by the
 21 15th business day of each month, and include a

Page 27

1 signed Deliverable Acceptance form. Invoices
 2 more than 30 days late will be reduced by 10
 3 percent and continue to be reduced by that amount
 4 every subsequent 30 calendar days until
 5 submitted.
 6 Section 2.11.1.1, Time Sheet
 7 Submission and Acceptance: Within three business
 8 days after the 15th and last day of the month,
 9 the TO Contractor shall submit semi-monthly
 10 timesheets for the preceding half of month,
 11 providing data for all resources under this Task
 12 Order. This section explains in detail the
 13 minimum information that must be included with
 14 the timesheets. Timesheets shall be submitted to
 15 the TO Manager for approval by signature.
 16 And on Page 53, Section 2.12, it
 17 explains the Work Order procedure: The issuance
 18 of a Work Order will be subject to the Department
 19 priorities and availability of funds.
 20 Additional services or resources will
 21 be provided via a Work Order. Work Orders may be

Page 28

1 issued for either fixed price or time and
 2 material pricing. Time and material Work Orders
 3 will be issued in accordance with pre-approved
 4 Labor Categories with fully loaded rates proposed
 5 in Attachment 1B.
 6 Now we'll open it up for questions on
 7 the Scope of Work, Section 2.
 8 **TIANTE DORMAN:** Tiante Dorman, TCS.
 9 The three Key Personnel that you
 10 identified that you want submitted with their
 11 proposal, are you expecting them to be on staff?
 12 The resumes that we submit to you, are you
 13 expecting those people to come on board?
 14 **TANYA WILLIAMS:** Yes.
 15 **TIANTE DORMAN:** That's all I needed to
 16 know. Thank you.
 17 **TANYA WILLIAMS:** Any other questions?
 18 **WALTER BORKOWSKI:** Walter Borkowski,
 19 Netorian.
 20 Can you repeat which of the ISO
 21 Certifications you are wanting again, please?

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Maryland's Human Services Agency

Department of Human Resources

Martin O'Malley, Governor | Anthony G. Brown, Lt. Governor | Theodore Dallas, Secretary

OTHS/OTHS-15-026-S

TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS)

October 22, 2014

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**TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES**

**OTHS/OTHS/15-026-S
TECHNICAL OPERATIONS SUPPORT SERVICES (TOSS) (REVISED)**

**No. N00B3400402
AMENDMENT NO. 5**

February 18, 2015

Dear Master Contractors:

This Amendment is being issued to clarify certain information contained in the above named TORFP. All information contained herein is binding on all Master Contractors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in bold (i.e. **word**) and language that has been deleted has been marked with a strikethrough (i.e. ~~word~~). Master Contractors who submitted proposals to this TORFP shall submit the attached Amendment Acknowledgement Form by 2 p.m. local time, February 23, 2015.

1. Revise TORFP Section 1.21 FEDERAL AND STATE ACCESS, as follows:

In addition to Section 6.7 of the CATS+ Master Contract, the United States Department of Health and Human Services, the United States Department of Agriculture (USDA), or any of their duly authorized representatives, shall have access to the TO Contractor's Work Product which is directly pertinent for the purpose of making audit, examination, excerpts, and transcriptions for work performed under this TO Agreement. The TO Contractor shall cooperate with all reviews and supply copies of any requested materials.

The State of Maryland shall have all ownership rights in software or modifications thereof and associated documentation designed, developed or installed with federal financial participation. The federal government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal government purposes, the copyright in any work developed under a grant, sub-grant or any rights of copyright to which a contractor purchases ownership as part of, and to fulfill contractual obligations under, this TO Agreement.

Should you require clarification of the information provided in this Amendment, please contact me by email at joe.reese@maryland.gov or by phone at 410-238-1463.

By:
Joe Reese
Procurement Officer
Issued: February 18, 2015

