

MARYLAND STATE HIGHWAY ADMINISTRATION
OFFICE OF PROCUREMENT AND CONTRACT MANAGEMENT
CONSULTANT SERVICES DIVISION
707 NORTH CALVERT STREET BALTIMORE, MARYLAND 21202

January 13, 2023

Contract No. BCS 2022-12
Description: Surveying and
Engineering
Services, District 4 -SBE

EXPRESSION OF INTEREST ADDENDUM NO. 2

To All Consultant Candidates:

Please be advised that the Expression of Interest (EOI) delivery date for this contract has been changed from **12:00 PM (NOON) on February 2, 2023**. The Expression of Interest (EOI) are now due on **February 9, 2023, by 12:00 PM (NOON)** and must be submitted through the eMaryland Marketplace Advantage (eMMA) as outline in the advertisement. Expression of Interest received after the deadline will not be accepted no matter how they have been transmitted.

REDLINE REVISION (RLR)

RLO1: ~~Surveying and Engineering Services, District 4 -SBE~~

RLR1: Survey and Engineering Services, District 4 -SBE

RLO2: ~~The Secretary of the Maryland Department of Transportation (MDOT) has certified the need to utilize the services of architects or engineers for the following project(s):~~

~~Firms interested in being considered for work on any Project must submit an Expression of Interest (EOI) for that Project as set forth herein. The EOI must be electronically submitted via eMaryland Marketplace Advantage (eMMA) at emma.maryland.gov. The EOI will indicate the firm's desire to perform services and indicate the specific tasks or areas of expertise, which will be subcontracted, and to whom. Interested firms must submit the material required herein or the interested firm will not be considered for the Project.~~

~~Of all the firms expressing interest in this advertisement, those adjudged most qualified will be requested to submit Technical Proposals. Additional information will be supplied to the selected firms so that they can prepare such proposals for the Project. The firms that submit the highest rated Technical Proposals will be requested to submit Price Proposals. This project will be federally funded and Price Proposal cost limitations on payroll burden and overhead do not apply.~~

~~Contracts resulting from this solicitation will be structured as indefinite delivery, indefinite quantity (IDIQ) and payment methods will include cost plus fixed fee and unit cost rates. Additional information regarding payment methods will be provided to the selected firms in the Request for Price Proposals and subsequent secondary qualifications based selection (QBS). MDOT reserves the right to require that split payroll burden and overhead rates be submitted appropriate for the type of services to be provided (example, Home Office Rate for planning/design activities and Field Office Rate for construction inspection). If negotiations with the firm are timely and successful, a contract may be awarded to that firm.~~

~~All firms, including Joint Ventures, must be in good standing with the Maryland Department of Assessments and Taxation at the time of EOI submittal. Foreign corporations may also qualify for an equivalent certificate of good standing through the Maryland Department of Assessments and Taxation at <http://www.dat.state.md.us/SDAT%20Forms/forep.pdf>. If an interested firm is requested to submit proposals, their proposals should substantially reflect the same composition and area of involvement as their EOI. If a Joint Venture (JV) responds to a project advertisement, MDOT SHA will not accept separate EOIs from the JV constituents. A firm will not be permitted to submit on more than one (1) JV for the same project advertisement. Also, a firm that responds to a project advertisement as a prime or a prime JV constituent may not be included as a designated subconsultant to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations may cause the rejection of **all** responses of the firms involved. The above does not preclude a firm from being set forth as a designated subconsultant to more than one (1) prime responding to the project advertisement.~~

~~MDOT State Highway Administration (MDOT SHA) reserves the right to cancel this solicitation due to insufficient participation or firms are deemed not qualified to perform the services regardless of how much time and effort was spent on responses.~~

RLR2: The Secretary of the Maryland Department of Transportation (MDOT) has certified the need to utilize the services of architects or engineers for the following project(s).

This is a Small Business Enterprise Procurement for which award will be limited to certified small business vendors. Only businesses that meet the statutory requirements set forth in State Finance and Procurement Article, §§14-501 —14-505, Annotated Code of Maryland, and that are certified by the Governor's Office of Small, Minority & Women Business Affairs (GOSBA) Small Business Reserve Program are eligible for award of a contract.

Certified SBE firms interested in being considered for work on any Project must submit an Expression of Interest (EOI) for that Project as set forth herein. The EOI

shall be electronically submitted via eMaryland Marketplace Advantage (eMMA) at emma.maryland.gov. The Expression of Interest shall indicate the firm's desire to perform services and indicate the specific tasks or areas of expertise, which will be subcontracted, and to whom. Interested MDOT certified SBE firms must submit the material required herein or the interested firm will not be considered for the Project.

Of all the MDOT certified SBE firms expressing interest in this advertisement, those adjudged most qualified shall be requested to submit Technical Proposals. Additional information will be supplied to the selected MDOT certified SBE firms so that they can prepare such proposals for the Project. The MDOT certified SBE firms that submit the highest rated Technical Proposal will be requested to submit Price Proposals. This project will be federally funded and Price Proposal cost limitations on payroll burden and overhead shall not apply. Contracts resulting from this solicitation shall be structured as indefinite delivery, indefinite quantity (IDIQ) and payment methods may include cost plus fixed fee and unit cost rates. Additional information regarding payment methods will be provided to the selected firms in the Request for Price Proposals and subsequent secondary qualifications-based selection. MDOT reserves the right to require that split payroll burden and overhead rates be submitted appropriate for the type of services to be provided (example, Home-Office Rate for planning/design activities and Field-Office Rate for construction inspection). If negotiations with the MDOT certified SBE firm are timely and successful, a contract may be awarded to that MDOT certified SBE firm.

All firms, including Joint Ventures, must be in good standing with the Maryland Department of Assessments and Taxation at the time of EOI submittal. All firms, including Joint Ventures, must also be registered in the Federal System for Award Management in accordance with 23 CFR §172.7 (3) located at <https://www.sam.gov> and be in good standing.

All Subcontractors must be in good standing at the time of award. Foreign corporations may also qualify for an equivalent certificate of good standing through the Maryland Department of Assessments and Taxation at <http://www.dat.state.md.us/SDAT%20Forms/forcp.pdf>.

If an interested MDOT certified SBE firm is requested to submit proposals, the MDOT certified SBE firm's proposal should substantially reflect the same composition and area of involvement as their Expression of Interest. All firms proposed in a Joint Venture (JV) must be MDOT certified SBE firms in order to qualify or they will be disqualified. If a Joint Venture (JV) responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest (EOI) from the MDOT certified SBE Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same project advertisement. Also, a MDOT certified SBE firm that

responds to a project advertisement as a prime or a prime joint venture constituent may not be included as a designated subcontractor to another MDOT certified SBE firm that responds as a prime to the project advertisement. **Multiple responses under any of the foregoing situations may cause the rejection of all responses of the MDOT certified SBE firms involved.**

All Subcontractors must be MDOT certified SBE firms. No non-MDOT certified SBE firms are permitted. Additionally, the above does not preclude a MDOT certified SBE firm from being set forth as a designated subcontractor to more than one (1) MDOT certified SBE prime responding to the project advertisement.

MDOT State Highway Administration (MDOT SHA) reserves the right to cancel this solicitation due to insufficient participation or firms are deemed not qualified to perform the services regardless of how much time and effort was spent on responses.

RL03: ~~Key Staff 3: A Maryland Registered Land Surveyor or Maryland Registered Property-Line Surveyor with expertise in managing and coordinating a variety of design projects involving land surveys, data collection surveys, metes and bounds survey, and right of-way plat preparation with a minimum of 10 years experience and shall be an employee of the Prime/JV or any of the Subconsultants;~~

RLR3: **Key Staff 3:** A Highway Engineer registered as a Professional Engineer in the State of Maryland, with expertise in a variety of design projects involving highway, pedestrian, and bicycle facility design including new construction, reconstruction, and rehabilitation type projects; with a minimum of 10 years experience and shall be an employee of the Prime/JV and who will serve as the Secondary Liaison.

RL04: ~~Key Staff 4: A Highway Engineer registered as a Professional Engineer in the State of Maryland, with expertise in a variety of design projects involving highway, pedestrian, and bicycle facility design including new construction, reconstruction, and rehabilitation type projects; with a minimum of 10 years experience and shall be an employee of the Prime/JV and who will serve as the Secondary Liaison.~~

RLR4: **No Key Staff 4**

RL05: ~~Part I, Section E: Key Staff. A separate Section E form should be completed for each Key Staff proposed not to exceed five (5) pages total. At least three (3) years of the required years of experience for each individual Key Staff shall be recent experience performed within the last three (3) years. The Consultant must document in writing in the SF 330 Section E that the Key Staff individuals meet the following requirements:~~

RLR5: **Part I, Section E:** Key Staff. A separate Section E form should be completed for each Key Staff proposed not to exceed four (4) pages total. At least three (3) years of the required years of experience for each individual Key Staff shall be recent experience performed within the last three (3) years. The Consultant must document in writing in the SF 330 Section E that the Key Staff individuals meet the following requirements:

CONSULTANT QUESTIONS

The following questions are written Expression of Interest Questions received prior to the deadline of 12:00 pm on December 23, 2022, from consultant candidates. The responses are provided for clarification to all candidate in bold after the questions:

- Q1: In the RFP for "BCS 2012-12 Surveying and Engineering Services, District 4-SBE", it does not specify the SBE qualifications or if we can have non-SBE firms as team members for this contract. Please provide SBE Qualification Requirement and if team members can be non-SBE firms? We would appreciate if you can expedite the response to this question as this will have a huge impact on our current teaming arrangements.
- A1: See RLR2 above.**
- Q2: With respect to Key Staff 1 – Highway Engineer and Key Staff 4 – Highway Engineer, the RFP indicates that the individuals proposed for those roles must be “employed by the Prime/JV.” We interpret that to mean that if two SBE firms form a Joint Venture (JV), that the individuals proposed for those Key Staff roles must be an employee of one of the two firms that form the JV. Is that understanding consistent with MD SHA’s intent?
- A2: Yes, if two (2) SBE firms form a Joint Venture (JV), the individuals proposed for the Key Staff roles to be employed by the Prime/JV must be an employee of one of the two firms.**
- Q3: Will long term stream restoration monitoring be a part of any stream restoration design task order?
- A3: No**
- Q4: Will stream condition assessments be part of any task order?
- A4: No**
- Q5: Will existing stormwater management BMP inspections be part of any task orders?
- A5: No**
- Q6: The new proposal due date of 2/2/2023 conflicts with the MdQI conference that is scheduled for 2/1-2/2/2023. This will make it difficult for small firms to successfully submit on this opportunity while also getting the most out of the conference. Please consider moving the due date one week.
- A6: The Expression of Interest are now due on February 9, 2023.**
- Q7: Please consider removing Key Staff 3, A Maryland Registered Land Surveyor or Maryland Registered Line Surveyor. This position creates a hardship for many small businesses providing A&E transportation consultant engineering services as many within the industry don’t provide surveying services. Additionally, BCS 2022-11 will provide 6 contracts that include a Maryland Registered Land Surveyor - each with the ability to provide surveying to the SHA District 4 office.

A7: See RLR3 and RLR4 above.

Q8: Is this a SBE only contract? Previous SBE advertisements included language as follows: “This is a Small Business Enterprise procurement for which award will be limited to small business vendors as defined by the U.S. Small Business Administration and who must be certified as a Small Business Enterprise by the Maryland Department of Transportation Office of Minority Business Enterprise. All Subcontractors must be MDOT certified SBE firms. No non-MDOT certified SBE firms are permitted.”

A8: See RLR2 above.

Q9: Please consider adding back the SBE specific language to the advertisement: “All firms proposed in a Joint Venture (JV) must be MDOT certified SBE firms in order to qualify or they will be disqualified. If a Joint Venture (JV) responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest (EOI) from the MDOT certified SBE Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same project advertisement. Also, a MDOT certified SBE firm that responds to a project advertisement as a prime or a prime joint venture constituent may not be included as a designated subcontractor to another MDOT certified SBE firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations may cause the rejection of all responses of the MDOT certified SBE firms involved.”

A9: See RLR2 above.

Q10: Please clarify if a DBE goal and DBE/MBE requirements are necessary on this contract given that this procurement is an SBE only procurement.

A10: Yes, the DBE goal for this contract is twenty (20%).

Q12: Part 1 Section E: Key Staff states that the page limit is not to exceed 5 total pages. Is this including the letter of interest? Is each Key staff limited to 1 page?

A12: See RLR5 above.

Q13: Are all qualified firms eligible to submit Expressions of Interest for BCS 2022-12 **as a Prime** consultant (including firms that are not MDOT-certified SBE or MDOT-certified DBE/MBE)?

A13: See RLR 2 above.

Q14: Are all qualified firms eligible to be included **as designated subconsultants** in Expressions of Interest for BCS 2022-12 (including firms that are not MDOT-certified SBE or MDOT-certified DBE/MBE), so long as those firms are not also submitting as Prime consultants for BCS 2022-12?

A14: See RLR2 above.

Q15: We are considering partnering with another SBE firm to pursue this contract with the intent of finalizing a JV agreement if the team is successful in its pursuit of BCS 2022-12 SBE. The Request for EOI does not indicate what documentation, if any, must be submitted to confirm the legitimacy of the JV entity. Must a legally binding agreement establishing the JV be fully in place

before the due date for submission of the Expression of Interest (EOI) or is it permissible to have a Teaming Agreement/Letter of Intent to form a JV, executed by both firms, in place with the understanding that a formal JV agreement for professional services being executed if the team is successful in it's pursuit of this contract? Can you clarify what information is required to be submitted with the EOI as it pertains to JVs?

A15: Pointing out the Joint Venture in the Letter of Interest is sufficient at the Expression of Interest stage.

THE SIGNED ADDENDUM MUST BE INCLUDED IN THE EXPRESSION OF INTEREST SUBMISSION VIA EMMA.

Jada Wright

January 17, 2023

Ms. Jada J. Wright, Director,
Office of Procurement and
Contract Management

Date

Acknowledgement of Receipt of Addendum No. 2 for BCS 2022-12:

(Company)

(Signature-Authorized Official)

Title

Date

General questions relating to this Addendum No. 2 may be directed to OPCM@mdot.maryland.gov .