



science +
technology
park
at johns hopkins

Forest City – New East Baltimore Partnership

Maryland Economic Development Corporation

Science and Technology Park at Johns Hopkins

**Maryland Public Health Laboratory
Baltimore, Maryland**

NOTE: The most up-to-date RFQ documents are available from the web site described herein.

Step 1 Request for Qualifications (RFQ)

PROJECT MANUAL

TABLE OF CONTENTS – DIV 00 – Procurement and Contracting Requirements

1. Project Information
2. Invitation to Submit Qualifications and Instructions to Offerors
3. Question Sheet
4. Plan Holder Information Sheet

PROJECT INFORMATION

I. Introduction

Forest City – New East Baltimore Partnership (FC-NEBP) hereby issues this Request for Qualifications (RFQ) as the first step in its ultimate solicitation for a prime contractor to construct a new state-of-the-art state health laboratory to be owned by the Maryland Economic Development Corporation (MEDCO) and occupied by the Maryland Department of Health and Mental Hygiene (DHMH). FC-NEBP's goal in this Step 1 RFQ is to invite statement of qualification(s) ("Offer(s)") and pre-qualify select contractors ("Offeror(s)") who will then have an opportunity to submit technical proposals and price in Step 2. It is anticipated that bidding the construction documents will be in the spring of 2011 with construction to start in the summer of 2011.

This Step 1 RFQ is to also provide a project overview and to set forth the qualifications and expectations upon which Offerors will be placed into the competitive range (or short list) of offerors eligible to participate in Step 2. Because of the complexity and size of this project, which includes constructing a state-of-the-art 234,000 GSF public health laboratory, including bio-safety containment space, Offerors must, at a minimum, objectively demonstrate that the proposed team has directly relevant experience and qualifications in the size and type of project described herein.

II. Project Description

1. The Project is a fully fit-out public health laboratory building of approximately 234,000 GSF that includes a broad range of programmatic functions to meet the mission of the laboratory including sample receiving, testing and training. The project will include, among other things: (i) Laboratory areas which include open and modular configurations for productive and flexible testing, (ii) Closed labs to isolate heat and noise producing equipment, (iii) Central accessioning areas to receive and identify routine samples; (iv) BSL3 prescreening labs to process specific samples; (v) Additional BSL3 containment areas throughout the building to provide safe and efficient work areas for the diverse laboratory groups in the facility; (vi) A self-contained ABSL3 and animal rabies lab; (vii) Classroom, computer, and laboratory training areas designed to also function as surge labs during a public health crisis; (viii) Installation and commissioning of complex equipment, including large autoclaves and a tissue digester; and, (ix) Staff office areas, conference rooms, lockers, and break areas on each floor. Offerors shall take this project description into account in preparing their proposal, particularly with respect to providing examples of relevant projects in the offerors' experience portfolio.
2. The Science + Technology Park at Johns Hopkins is an exciting and highly visible development project with strong support from the local community, Johns Hopkins University, Kennedy Krieger Institute, City of Baltimore, State of Maryland and many other constituents and stakeholders.
3. On behalf of MEDCO, FC-NEBP will manage the project. FC-NEBP in conjunction with MEDCO is facilitating this RFQ and providing information and attachments herein to assist Offerors' in their preparation of a response to this

PROJECT INFORMATION

RFQ and set parameters and requirements by which such proposals will be evaluated for responsiveness to the submission requirements.

4. Once Owner and FC-NEBP has determined the competitive range of Offerors under this RFQ and once construction documents are complete, Offerors in such competitive range will be permitted to move to Step 2, which will include providing technical proposals and competitive fee proposals. The “evaluation factors” listed below shall be considered by the evaluators to determine if an Offeror will be permitted to move to Step 2. As a result, Offerors are encouraged to be particularly responsive to the Step 1 evaluation criteria.
5. The final contract resulting from this two-step process shall make use of modified AIA contract forms. The AIA contract forms are one element of several that shall form the contract that will be executed by MEDCO with the winning Offeror (“Awardee”) under the final RFP process. After conclusion of negotiations with the selected Awardee, MEDCO, at its option, may make Owner-selected portions of Awardee’s proposal an exhibit to a contract that will obligate the Offeror/Awardee to perform as promised in its proposal.
6. The AIA contract forms shall include provisions obligating Awardee to fulfill its approved LBE/MBE/WBE plan, which shall satisfy the minimum inclusion requirements and reporting obligations required by State of Maryland law. Awardee shall coordinate its plan and its implementation of the project with the inclusion requirements as required by law and applicable rules, regulations and written requirements.

III. Background Information

1. Forest City Science + Technology Group teamed with Presidential Partners to form FC-NEBP. This entity is responsible for developing the first 31 acres of an 88 acre portion of the East Baltimore Community (see attached Exhibit 1 - “East Baltimore Community Concept Master Plan”), which is referred to as the Science + Technology Park at Johns Hopkins.

IV. Campus Description

1. The Science + Technology Park at Johns Hopkins and The New East Baltimore Community is a life science and residential campus located immediately north of the Johns Hopkins Medical Campus.
2. The first phase of development encompasses about 31 acres and is projected to cost \$1.0 billion. It consists of approximately 1.1 million square feet of life sciences/office space; 850 residential units; up to 80,000 square feet of retail space, a hotel of at least 180 rooms, two parking garages, three acres of community parks and open space and other amenities.
3. The Maryland Public Health Laboratory project is the Project described in the drawings and specifications.

V. Campus Schedule and Ongoing Activities

1. It is anticipated that the first 31 acres of the New East Baltimore Community will be completed by approximately 2016 – 2018.

PROJECT INFORMATION

2. The campus is already an active community with commercial and residential buildings, parks and streetscape. Over 210 rental residential units are completed and more units are currently under construction. The first life sciences building located at 855 N. Wolfe Street (totaling 279,000 gross square feet, including 18,000 GSF of retail space) was completed in April 2008, and is over 75% committed to tenants. Additional residential units will be delivered, including a 324 unit (575-bed) graduate student housing building. Further, the campus anticipates the opening of an approximately 160 – 180-room hotel in 2012.

VI. Project Inclusion Goals/Objectives

1. The occupant of the Project shall be a State of Maryland entity, the Department of Health and Mental Hygiene (DHMH). Because of the State of Maryland involvement, the State's inclusion requirements shall be fully satisfied on this project. Normally, this means that the award shall be made to a certified minority business enterprise or to a person whose offer otherwise reflects the greatest amount of certified MBE or minority participation in the event of two or more offers in which the offerors' technical and price proposals are determined by the procurement officer to be equally most advantageous to the State. However, in view of the historically disadvantaged history of the East Baltimore community and to align with the urban renewal mission of the campus, this project volunteers to go further than the State requirements for the Project and embraces the additional campus-specific inclusion requirements that are described in the attached Exhibit, *LBE/MBE/WBE Inclusion and Workforce Development Requirements*.
2. MDOT and MWBOO web sites are provided for convenience of offerors: www.mdot.state.md.us and <http://cityservices.baltimorecity.gov/mwboo/>

VII. Additional Information

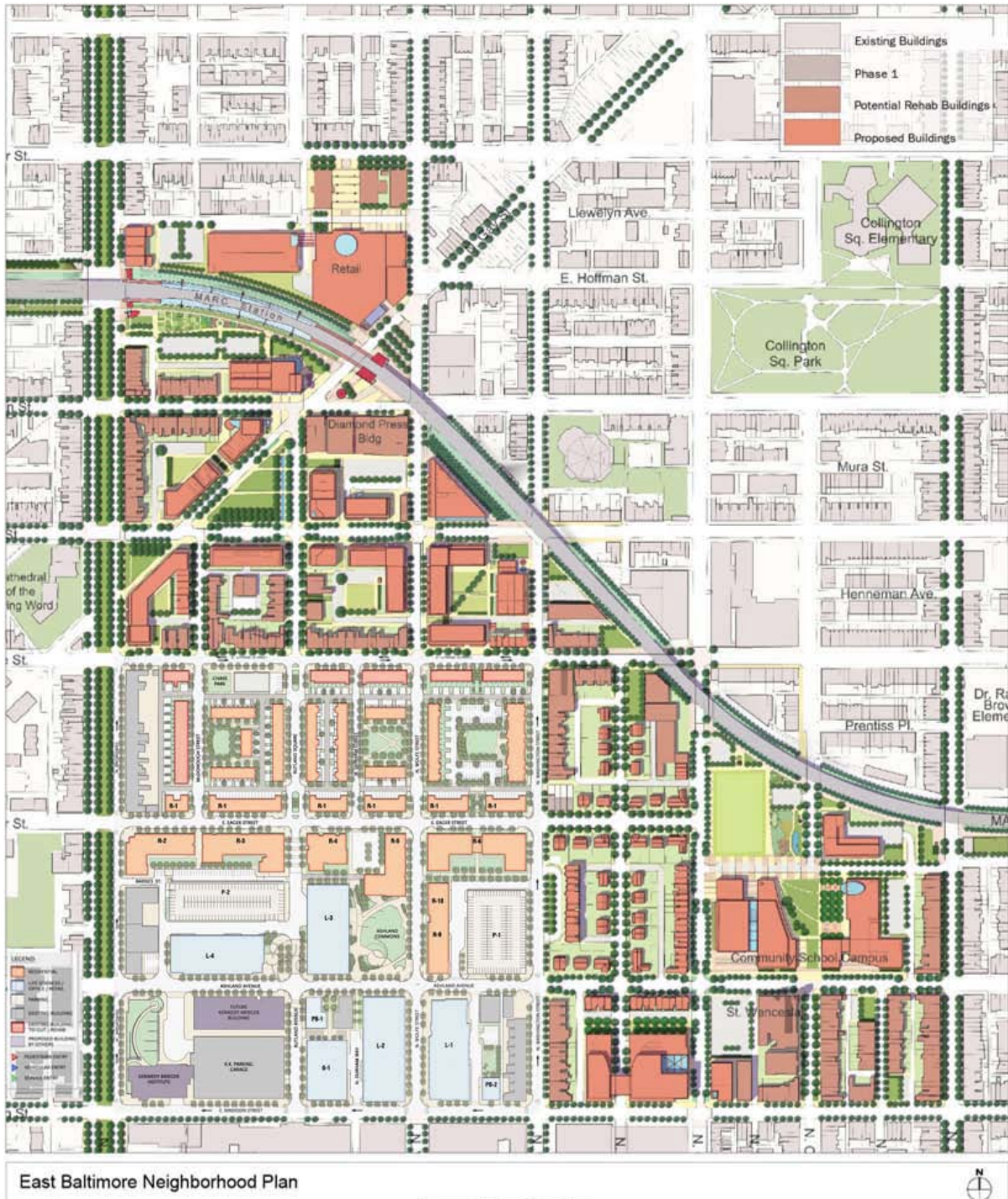
1. LEED Certification – The Project is subject to the Maryland High Performance Building Act, State Finance and Procurement Article §3-602.1, as amended. Maryland High Performance Buildings Act requires that capital projects involving the construction or major renovation of state buildings meet the criteria for classification as a "high performance building". High performance buildings are defined as buildings that achieve at least a "Silver" rating the under the U.S. Green Building Council's LEED green building rating system. The project will require a minimum of "Silver" LEED certification.
2. The Project is subject to a Stormwater Management Master Plan (SWMP), which was approved on August 6, 2009, and the project will be required to incorporate stormwater management device(s) capable of providing water quality treatment in accordance with the SWMP. In addition, the Project has been designed to incorporate water quality features that shall provide performance beyond the requirements of said approved Plan, and that are designed to fully satisfy Maryland Department of Environment regulatory requirements promulgated subsequent to approval of said Plan. The selected Contractor shall timely secure City approval of its Sediment and Erosion Control plan.

PROJECT INFORMATION

3. MEDCO is a procurement exempt entity and this RFQ will be administered by FC-NEBP and MEDCO in accordance with MEDCO procurement authority and procedures. This RFQ and the subsequent Step 2 request for proposal shall be characterized by full and open competition.
4. This project is subject to Maryland Prevailing and Living Wage laws and all applicable portions of State Finance and Procurement Article Title 16, 17, 18, and 19.
5. This RFQ does not obligate MEDCO, the State of Maryland or FC-NEBP to award a Contract nor will any of these entities reimburse offerors for any costs to prepare proposals and/or respond to this RFQ during any phase of this RFQ (or anticipated subsequent RFP) or subsequent amendment or cancellation.

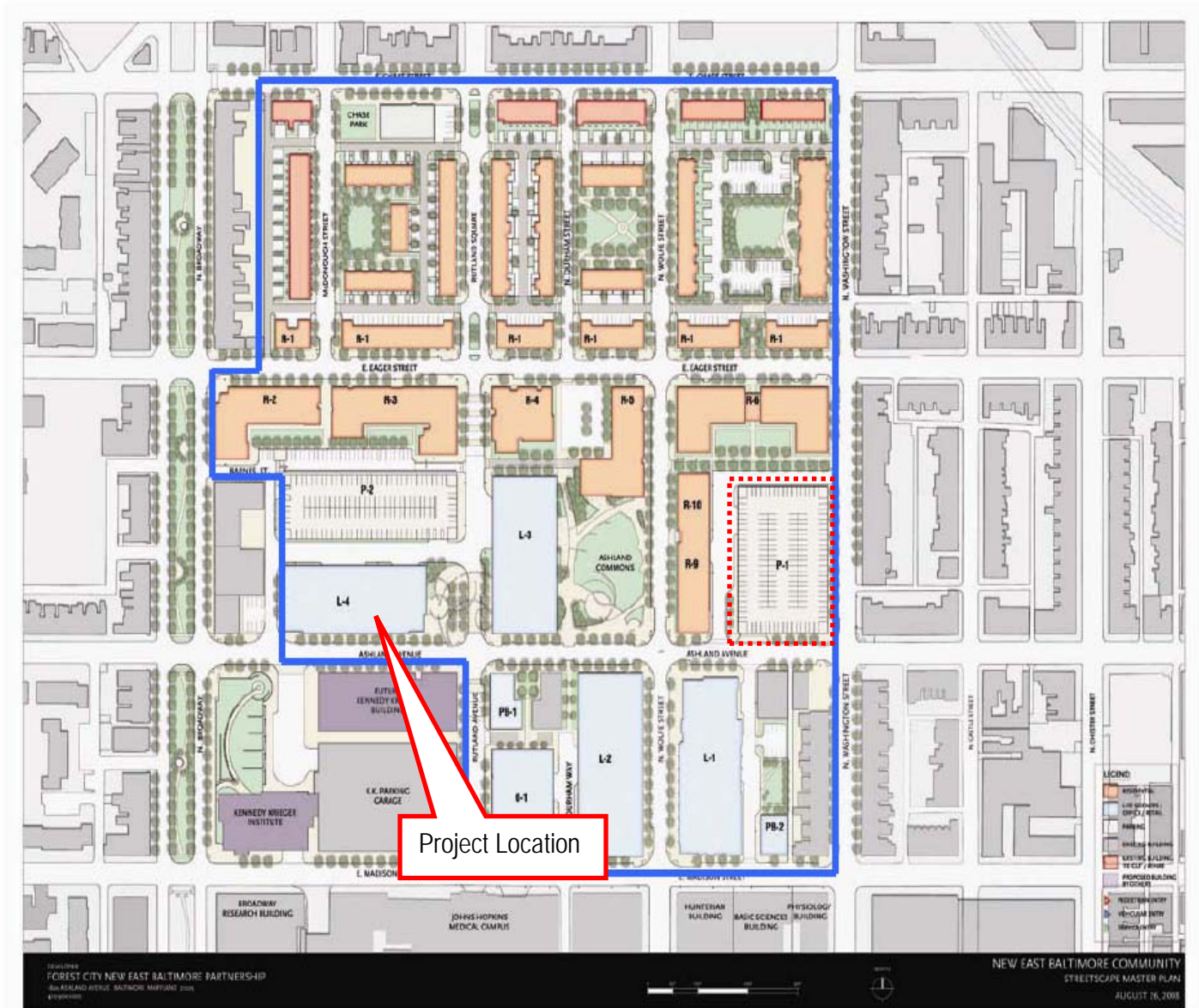
PROJECT INFORMATION

East Baltimore Community Concept Master Plan



PROJECT INFORMATION

Current Master Site Plan – Area A



Note: The above circumscribed area is designated “Area A” within the campus master plan.

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS

1. Invitation:

Qualified prime contractor Offerors are invited to propose a statement of qualifications in order to be considered a potential candidate for listing as an offeror in Step 2 as described herein.

2. RFQ Contact List (AKA “Plan Holders List”)

Persons interested in responding to this RFQ, or interested in receiving a list of interested firms and sub-firms, shall reference the “**Maryland Public Health Laboratory Project**” and using the form provided herein, send their contact information (i.e. firm name, contact name, email address, firm website address, services provided (e.g. mechanical, electrical, plumbing, flooring, etc.)) to Karen Brice at karenbrice@forestcity.net. From time to time, the updated contact list will be posted to the below web page.

The Plan Holders List will be updated periodically as necessary and made available on the project web site. The Plan Holders List is an important part of the Project’s outreach efforts to facilitate interaction and information sharing among various interested entities. Offerors should carefully review the Plan Holders List and ensure that they timely open appropriate communication lines with entities and persons listed in the Plan Holders List.

3. Project Information and Outreach Meeting

Offerors have primary responsibility to make themselves familiar with the resources available in the local business community, including local, women owned and minority owned (LBE/MBE/WBE) businesses, and to take early steps to facilitate the formation of business relationships that align with the requirements of the contract inclusion requirements. In support of this process, FC-NEBP will hold a “Project Information and Outreach Meeting” at which Project information will be presented and potential Offerors will be given an opportunity to make contact with LBE/MBE/WBE contractors and consultants. FC-NEBP will also gather contact information and make it available through the below web site to all attendees and interested parties.

Once the competitive range (i.e. “short list”) is established at the end of the Step 1 process described below, the time and date of the “Project Information and Outreach Meeting” will be posted on the below web site. The meeting will be held at 855 N. Wolfe Street, Baltimore, MD 21205. Any party interested in attending shall RSVP to Karen Brice at karenbrice@forestcity.net.

4. Web Site RFQ Documents

The RFQ documents are available on the FC-NEBP procurement web site, which is: http://www.forestcityscience.net/hopkins/business_opportunities.shtml (“website”)

Offerors are obliged to regularly check the website during both the Step 1 and Step 2 processes to ensure that they have the most up-to-date documents.

5. Preliminary Drawings and Specifications

“Design Development”-level drawings, specifications, basis of design and geotechnical reports are available for viewing by appointment. Interested parties may contact Karen Brice at karenbrice@forestcity.net or 410-900-1006 to make an appointment. The documents identified above are strictly for general orientation and shall not be relied

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS

upon for bidding purposes. Only the documents issued as part of the “Step 2” process shall be used for bidding purposes.

6. Requests for Clarification to the RFQ/RFP Documents:

Offerors shall direct any questions or requests for explanation/interpretation of this RFQ to John Lecker, Senior Development Manager at johnlecker@forestcity.net. Use the Bid Question form in these bid documents to present requests for clarification.

7. Proposal Information/Contents:

The review process shall be implemented in a two-step process:

First Step – Pre-Qualifications and Selection of Competitive Range:

- a. In accordance with this RFQ document, interested prime-level Offeror(s) (which, subject to clarification below, may be proposed prime-level joint ventures) shall submit a statement of qualifications (described below under “Step 1 - Qualifications Statement”).
- b. On the basis of information provided and references contacted, Owner team shall (i) select a competitive range of Offeror(s), (ii) make the names in the competitive range available to the bidding marketplace, and (iii) schedule the “Project Information and Outreach Meeting” described herein.

Second Step – Technical Proposals, Detailed Offers, Including Price Proposals:

- a. In accordance with a subsequent Step 2 RFP document (that is **NOT** part of this Step 1 document) and completed drawings and specifications, Offerors placed in the competitive range under Step 1 shall provide detailed information on their team, including subconsultants, specific LBE/MBE/WBE proposal, including specific roles assigned to each subcontractor and supplier, names of subcontractors and suppliers, and contract amount(s) to be awarded to each subcontractor/supplier, fixed price proposal and other information.
- b. By applying the process described in the RFP and this RFQ, Owner may then select an Awardee

Step 1 – Statement of Qualifications:

Submit a statement of qualifications responding to the items listed below in sufficient detail to provide for meaningful evaluation and assessment. Step 1 proposal responses shall be limited by offerors to no more than **40 pages**, with designated subparts limited in page count as set forth below.

1. Letter of Introduction / Executive Summary (2 pages)

Provide an executive summary and commitment regarding support for the success of the Project and a summary of differentiation reasons that would support the placement of the particular Offeror in the competitive range. Also, provide a statement of bonding capacity.

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS

2. Experience (16 pages)

Provide descriptions of past projects and client references indicating relevant experience, demonstrate Offeror’s¹ qualifications and ability to provide construction services for public health laboratory projects of similar type, size and scope to the Project (e.g. BSL-3 and select agent containment spaces are relevant). Provide examples, including photos, of the most relevant (per description of Project herein) projects with construction/fit-up costs of \$50 million or more. Use the format indicated below. Evaluators shall give particular weight to (a) relatively recent, fully-completed and successful projects that are on-point with the Project programming and scope, (b) projects that align with the evaluation factors listed below and (c) a commitment from the Offeror to provide the same key people, systems, processes and results demonstrated in the projects listed under “a” and “b”. Offerors are encouraged to verify that references are currently available at the listed telephone numbers and email addresses. “Delivery Method” below refers to one of: lump sum GC bid, GMP, multi-trade (under CM), etc.

For each project listed below, provide the names of key personnel (e.g. project manager, superintendent, scheduler, safety manager) proposed by Offeror for the Project who participated in the listed project and describe each such person’s role on each listed project. The evaluation team shall give additional weight to proposed personnel who have been successful in project roles similar to those proposed for such personnel on the Project. This RFQ’s definition of “key personnel” only includes personnel who are proposed for full-time or near full-time participation in major phases of the Project, and therefore, the value of qualifications of personnel who are proposed at 50% or less level of effort shall be heavily discounted by the evaluators.

Project Name		Estimated Total Project Cost	
Owner / Client		Estimated Total Constr. Cost	
Contact Person/Ph No/Email		Construction Cost (\$)/GSF	
Project (e.g. Laboratory) Type		(Forecast) Completion Date	
Size (AIA GSF)		Delivery Method	

When selecting the above “contact person” references, please select references that can provide meaningful information, including (1) Relevant projects delivered on time, on budget, (2) Avoidance of building problems after occupancy, and (3) Effective expediting of commissioning processes and building/system responses to major commissioning items.

Divide above experience/reference information under two headings:

- **Completed Projects**
- **Projects Currently Under Construction**

¹ Offeror may determine that it is advantageous to co-prime with a LBE/MBE/WBE contractor. However, the evaluation team will (at the time of Step 1 evaluations) treat such a co-prime arrangement as “neutral” in value. At the Step 2 evaluation, the evaluation team shall take into account the totality of offerors’ complete LBE/MBE/WBE plan and give full weight to appropriate LBE/MBE/WBE co-prime arrangements, provided the evaluation team finds that such proposed arrangement contributes meaningfully to the project’s inclusion goals, in a balanced manner.

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS**3. Bidding Subcontractors and Suppliers (8 pages)**

Describe Offeror's proposed approach to obtain the most competitive and effective proposals from suppliers and subcontractors, in coordination with optimizing the below LBE/MBE/WBE inclusion and workforce development requirements.

4. LBE/MBE/WBE Participation and Workforce Development (12 pages)

Provide Minority Business Enterprise (i.e. local, women-owned businesses and minority-owned businesses) approach/plan to achieve stipulated goals, in coordination with this RFQ's evaluation factors. Offeror shall present evidence from Offeror's previous projects to demonstrate that Offeror has a track record of success in LBE/MBE/WBE inclusion, and in workforce development. Utilize the attached Specification Section 01 35 01 entitled "LBE/MBE/WBE Inclusion and Workforce Development Requirements" as a guide in responding to this paragraph. Offerors shall place emphasis on demonstrating effectiveness in the Project goal of maximizing participation of local contractors (first within designated ten ZIP codes, secondarily within the City of Baltimore, and thirdly within State of Maryland). Among other information, using information from Offeror's previous experience in on-point projects, demonstrate with numbers or other objective substantiation (1) improvements in market entry of LBE/MBE/WBE subcontractors, (2) specific barriers mitigated or removed, and (3) full satisfaction (or better) of LBE/MBE/WBE Inclusion and Workforce Development Requirements.

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS

To the extent applicable to the Step 1 evaluation, the following RFQ evaluation factors in descending order of importance shall be utilized by the evaluation team: (These evaluation factors, and others, will also be incorporated in the evaluation of proposals in Step 2.)

Key Words	Evaluation Factors
Team Experience	Evidence that key members of proposed team (with high levels of proposed level-of-effort) were meaningfully active participants in directly relevant type, quantity and size of projects (i.e. sharing important characteristics with the Project, such as significant BSL-3 and stricter biocontainment)
Past Performance	Evidence that key members of proposed team (with high levels of proposed level-of-effort) receive positive references from clients on directly relevant projects in which the proposed team members directly and actively participated in work that is directly relevant to their proposed roles on Project.
LBE/MBE/WBE	Evidence of LBE/MBE/WBE participation in Offeror's previous on-point projects that meets goals, and shows thoughtful allocation of roles and responsibilities. Additional weight shall be provided for an offer that objectively demonstrates that Offeror took steps (on other on-point projects) necessary to remove or mitigate barriers to market entry of LBE/MBE/WBE subcontractors that are challenged by subcontract size, bonding requirements and/or insurance requirements.
Economic Design and Cost Consciousness / Effectiveness	Evidence of projects presented by offeror objectively demonstrate offeror's successful track record in delivering projects that achieve high quality on a tight time frame. Offeror shall be evaluated on concrete elements of its approach and/or plan to timely and cost-effectively complete the Project (including commissioning, fit-up and furnishings).
Deliverable Personnel	Offeror's most qualified personnel are proposed by Offeror to be consistently involved throughout the project, and have a track record of successfully delivering on-point projects in the Baltimore/Washington area. Evidence of Offeror's delivery of the same on previous projects.
Local	Evidence of materially significant local presence and meaningful historical delivery of on-point projects in the Project locality that objectively demonstrate offeror's use of local resources and capacity to timely execute and deliver the Project.
Miscellaneous	Evidence of consensus within previous clients that Offeror's staff has been creative and innovative. Evidence of timely and complete work delivery on projects. Demonstrated capacity of organization to respond to more than one large project at a time. Experience with CCIP on large projects, MD wage rate projects and ability to bond a project the size of the Project.

INVITATION TO SUBMIT QUALIFICATIONS AND INSTRUCTIONS TO OFFERORS

1. Proposal Submission

Offerors shall email “**Step 1**” qualifications statement (PDF version) by **10:00 AM on April 12, 2011** to the below email address. Also, deliver 12 hard copies of the Step 1 proposal within one business day thereafter to:

John Lecker, johnlecker@forestcity.net
Vice President, Development
Forest City – New East Baltimore Partnership (FC-NEBP)
Suite 102, 855 North Wolfe Street
Baltimore, MD 21205

2. Timing of Step 2 Submission

Subsequent to the Step 1 process, the time and date for submission of the Step 2 proposal shall be provided to the Step 1 competitive range (short list) offerors.

PLAN HOLDER INFORMATION SHEET

Before a person or entity may be listed as a “Plan Holder”, that person or entity shall provide below the contact information for the “Contact Person” that said person or entity designates as its contact for the issuance of addenda and other bid-related communications.

Please ensure that this is completed in full and submitted immediately following issuance of this RFQ.

Provide this sheet in completed form to Karen Brice (410) 900-1006 or karenbrice@forestcity.net

Offeror Company Name	
Contact Person Name	
Contact Person Shipping Address	
Contact Person Voice Telephone Number	
Contact Person Voice Telephone Number (Alt.)	
Contact Person FAX Telephone Number	
Contact Person email address	
Type of Specialty (e.g. General Contractor, Electrical, Plumbing, etc)	

Form completed by: _____
 Print Name

Signed: _____

Date: _____

Specification Section 01 35 01 - LBE/MBE/WBE Inclusion and Workforce Development Requirements**PART 1 – GENERAL****1.01 DEVELOPER AND CONTRACTOR OBLIGATIONS**

FC-NEBP is the Developer of the campus that contains the Project. As a minimum, the Developer and its Contractors are obligated to comply with the State of Maryland inclusion requirements. However, on this Project, MEDCO and the State have volunteered to also require contractor compliance with the EBDI Economic Inclusion Compliance Plan that is described below. As part of the Work, Contractor shall adopt the Developer's obligations to fulfill the requirements of this specification section.

1.02 ECONOMIC INCLUSION COMPLIANCE PLAN

The Project team is committed to provide fair and representative opportunities for Minority-Owned, Women-Owned, and Locally-Based Business Enterprises. Contractors and Subcontractors shall not discriminate on the basis of race, color, religion, sex or natural origin in the award and performance of contracts to be utilized in constructing the Project. Furthermore, affirmative action will be taken, consistent with sound procurement policies and applicable laws, to ensure that MBE/WBE/LBE firms are afforded a fair and representative opportunity to participate in the contracts relating to the Project.

Consequently, the successful Contractor shall be contractually required to meet or exceed the State of Maryland inclusion requirements, plus the additional City of Baltimore's programmatic goals for creating opportunities for minority-owned (African American, Asian American, Hispanic American, or Native American) and women-owned (51% ownership) businesses in compliance with City Council Ordinance 211 and the Mayor's Executive Order 610, which were incorporated by reference in the Agreement For Minority Inclusion in the East Baltimore Housing/Biotech Park Development Project dated April 15, 2002 (the "Minority Inclusion Agreement"). Those goals, developed in conjunction with an annual disparity study, ensure that appropriate levels of contracting is conducted with minority-owned and women-owned businesses, based on the diversity, depth of talent and entrepreneurial capabilities of the population of the City of Baltimore, the City has adopted the following participation levels for certified minority-owned business enterprises ("MBE's") and women-owned business enterprises ("WBE's") which contractors on City-assisted projects are required to meet or exceed in terms of overall contracting dollars:

Construction

MBE's - 27%

WBE's - 8%

Architectural and Engineering

MBE's - 21%

WBE's - 13%

General Services

MBE's - 17%

WBE's - 9%

In addition to complying, at a minimum, with the above-referenced contracting goals, Contractor shall use its best practical efforts to meet or exceed the minimum levels of MBE and/or WBE participation levels for specific segments of the construction industry which are included in the Minority Inclusion Agreement. The individual segments and corresponding goals, divided according to the three general categories listed above, are as follows:

Construction

Project Management 13.5%

Demolition 30.5%

Rehabilitation 30.5%

New Construction 30.5%

Specification Section 01 35 01 - LBE/MBE/WBE Inclusion and Workforce Development Requirements**Architectural and Engineering**

Planning 13.5%

Design and Architecture 17%

Engineering 17%

General Services

Legal 13.5%

Accounting 13.5%

Real estate services 13.5%

Financing 13.5%

Investments/Capital 13.5%

Property and equipment financing 13.5%

Promotion 13.5%

Facilities Management/Maintenance 13.5%

Property Management 13.5%

Laboratory and office supplies 9%

Disposition Services 13.5%

Reprographics 13.5%

Delivery Services 13.5%

Light manufacturing 13.5%

Research and Development 13.5%

These goals are percentages of the total dollar amounts of all contracts let by Contractor for the construction and/or purchase of goods and services for the Project. As such, all change orders shall be included in the final contract amount against which these goals will be measured.

The Owner is further committed to ensuring compliance with the training and employment requirements of Section 3 of the Housing and Urban Development Act of 1968 ("Section 3"), which governs much of the federal funding expected to be used in the Project. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment generated by a Section 3 covered contract (i.e., a contract funded with federal funds) be given to public housing and other low income persons residing in the metro area, and that subcontracts be awarded to businesses located in or substantially owned by persons residing in the area of the project (East Baltimore). Contractor shall use its best practical efforts to locate and contract with locally-owned business enterprises ("LBE's"), i.e. businesses based within the project area (as defined herein), and/or businesses which count as employees a substantial number of local residents.

Contractor shall not be required to engage MBEs, WBEs, or LBEs that are not the lowest responsible and qualified bidder, or that otherwise are not competitive with respect to quality, service, delivery time or price.

Requirements relative to monitoring good faith efforts of Contractor shall include the following:

Contractor shall submit copies of signed contracts and purchase orders with MBE/WBE/LBE contractors and subcontractors.

At the conclusion of work, Contractor shall provide actual dollar amounts paid to MBE/WBE/LBE contractors and subcontractors.

All on-site contractors and subcontractors selected by the Contractor to work on the Project shall submit "certified" payrolls listing the following items for all on-site employees:

1. Full name
2. Social Security number
3. Full address
4. Trade classification (e.g., laborer, carpenter, apprentice, electrician, plumber, foreman)
5. Gender
6. Race
7. Hours worked

Specification Section 01 35 01 - LBE/MBE/WBE Inclusion and Workforce Development Requirements

8. All withholding (e.g., laborer, local, state, PICA, etc.)
9. Name of Contractor and Indication of Prime for Subcontractors
10. Name of Project

Certified payroll reports shall be signed by an authorized company officer.

Contractor shall ensure that each contractor and subcontractor selected to work on the Project shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Contractor's and/or subcontractor's commitments under this subparagraph and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

Contractor shall comply with all applicable requirements of any federal, state or local law ordinance or regulation relaxing to affirmative action equal opportunity and nondiscrimination in employment, and shall use its best efforts to meet all local goals relating thereto.

EXEMPTIONS**Exempted Contracts**

In certain limited circumstances, compliance with this Equal Employment Opportunity MBE/WBE/LBE Compliance Program will not be feasible, nor in the best interest of the Project's desired outcomes. With the approval of Owner, the following contracts may be exempted:

- A. A vending contract, for equipment, materials, services and supplies where the total dollar amount of the contract- is less than Ten Thousand Dollars (\$10,000.00);
- B. A construction contract where the total dollar amount of the contract is less than Ten Thousand Dollars (\$10,000.00);
- C. A professional or personal services contract where the total dollar amount of the contract less than Ten Thousand Dollars (\$10,000.00);
- D. Any public exigency or emergency contract for which the nature of the emergency will not allow for a delay which would occur from competitive solicitation.

Every effort will be made to assure that small MBE/WBE/LBE firms in the Project Area and in the Middle East Baltimore Area are included in the soliciting and award of contracts under Ten Thousand Dollars (\$10,000), in the areas referred.

Certification - Legitimate MBE/WBE/LBE

- A. To ensure that only businesses which are owned, managed and controlled in both form and substance by MBE/WBE/LBE's participating in the Area A Project, all MBE/WBE/LBE businesses, including joint ventures and nonprofit organizations, must be certified under the Minority Business Enterprise Program of the Maryland Department of Transportation, pursuant to Title 14, Subtitle 3 of the State Finance and Procurement Article of the Annotated Code of Maryland or by the City of Baltimore's Minority and Women's Business Opportunity Office pursuant to Section 28 of Article 5 of the Baltimore City Code (2000 Edition). LBEs shall be defined as businesses which maintain offices and/or facilities with street addresses in the following zip codes: 21202, 21205, 21206, 21213, 21214, 21218, 21224, 21231, 21251, 21287.
- B. MBE/WBE/LBE certification shall not be determinative of Contractor's financial or technical ability to perform specified work. Owner reserves the right to evaluate the Contractor's, and any of its proposed contractors or subcontractors, ability to satisfy financial, technical, or other criteria separate and apart from certification before or after bid opening
- C. Certified MBE/WBE/LBE's may be de-certified by the certifying governmental entity. Any

Specification Section 01 35 01 - LBE/MBE/WBE Inclusion and Workforce Development Requirements

business which has been de-certified shall not be eligible to participate in the MBE/WBE/LBE inclusion plan.

- D. Owner reserves the right, if there is cause to do so, to refuse a certification provided by a certifying agency.

Good Faith Non-Compliance

- A. In cases where Owner has cause to believe that Contractor, acting in good faith, has failed to comply with the provisions of the plan, Owner shall attempt to resolve the noncompliance through conciliation and persuasion.
- B. In conciliation, the Contractor must satisfy Owner that they have made its "Best Efforts" to achieve the agreed upon participation goals by certified MBE/WBE/LBE's. "Best Efforts" on the part of the Contractor include:
1. Entering into a contractual relationship with the designated MBE/WBE/LBE in a timely manner, and fulfilling all contractual requirements.
 2. Notifying both the certified MBE/WBE/LBE contractor and Owner of any problem in a timely manner.
 3. Requesting assistance from Owner in resolving any problems with certified MBE/WBE/LBE's.
 4. Making every reasonable effort to assist the certified MBE/WBE/LBE in the performance of its contract with the Contractor.

Willful Non-Compliance

- A. In cases where Owner has cause to believe that the Contractor or any subcontractor hired by the Contractor has failed to comply with the provisions of the plan, they shall be empowered to conduct an investigation.

STANDARD OPERATING PROCEDURES FOR EFFECTIVE COMPLIANCE

In an effort to facilitate communications between the "Project Team" (including Contractor / Subcontractor and Contractor / Sub-Subcontractors at all tiers) and the Owner's Project inclusion team, the following Standard Operating Procedures for Effective Compliance (SOP) are established.

- 1) The Project Team will inform the Inclusion Team (via mail, email or fax) of all bid packages /solicitations, prior to their mailing, with inclusion language, due dates and the anticipated list of firms that will receive the solicitation at least one week prior to distribution. The Inclusion team may provide a list of additional certified M/W/LBE firms which can be included in the bid solicitations.
- 2) The Project Team will inform the Inclusion Team via mail, email or fax of all bid addenda and or revisions.
- 3) The Project Team shall set up meetings with the Inclusion Team and prospective first tier subcontractors(s) to discuss the bidders approach to inclusion on the project. At the discretion of the Project Team, this meeting may be dedicated to the topic of inclusion or the Inclusion Team may attend a portion of a meeting with a broader agenda during the time inclusion would be discussed, In addition, the Inclusion Team will verify the certification status of any and all M/W/LBE firms that the offerors will use to achieve their inclusion goals
- 4) Contractor will provide to the Inclusion Team, within fifteen days of execution, copies of signed subcontracts and purchase orders with M/W/LBE contractors and subcontractors (or such lesser documentation as the Inclusion Team may deem satisfactory). On a monthly basis, the Project Team will provide reports including all contract changes, revisions and payments to date, and will furnish signed lien waivers and/or relevant affidavits documenting payment to all M/W/LBE firms.

Specification Section 01 35 01 - LBE/MBE/WBE Inclusion and Workforce Development Requirements

- 5) Contractor shall furnish to Owner in a controlled and confidential manner, certified payroll records for all hourly employees working on the project site. These certified payrolls and the contents therein, will be kept confidential and stored by Owner in a secured area. Contractor shall submit certified payrolls on a monthly basis including the following
- (i) Full name
 - (ii) Social Security number
 - (iii) Complete worker address (including city, state and zip code)
 - (iv) Trade classification (e.g., laborer, carpenter, apprentice, electrician, plumber, and foreman)
 - (v) Gender
 - (vi) Race
 - (vii) Hours worked
 - (viii) All withholding deductions (e.g., laborer, local, state, PICA, etc.)
 - (ix) Name of Contractor and Indication of Prime or Subcontractors
 - (x) Name of Project
 - (xi) Rate of pay
 - (xii) Gross pay
 - (xiii) Net pay

Adherence to these Standard Operating Procedures will allow the Owner's Inclusion Team to monitor the good faith efforts of the Project Team and report the East Baltimore Project's Economic Inclusion activities to the project's stakeholders on a monthly basis.

1.03 CONTRACTOR RESPONSIBILITY

- A. Contractor shall comply with the pertinent requirements of the specified Economic Inclusion Compliance Plan and shall provide certified payrolls for its self-performed work and for work of subcontractors.

PART 2 - PRODUCTS - NOT USED

PART 3 - EXECUTION - NOT USED

END OF SECTION