

HSMC
Solicitation Conditions

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SOLICITATION CONDITIONS

1. SOLICITATION

This solicitation is being requested by the HSMC for certain commodities or services, the purchase of which shall be by written contract.

- a. If a vendor objects to any of the terms and conditions of this Solicitation, the vendor must identify and explain its objections in its bid. The HSMC reserves the right to reject as non-responsive any bid that objects to any of the terms and conditions of this Solicitation.
- b. This procurement is subject to the HSMC Procurement Policies in effect on the date of issue of the solicitation or the date of execution of the contract and/or purchase order. Those policies and procedures are available online at www.SMCM.edu

2. TYPE OF CONTRACT

The HSMC contemplates award of a firm fixed-price construction contract for the services described in this solicitation.

3. PRE-PROPOSAL CONFERENCE/SITE VISIT

All bidders are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.

A Site-visit and pre-bid conference will be conducted at

March 30, 2022 10:00 a.m.
18559 Hogaboom Lane
Lexington Park, MD 20653

4. HSMC COST ESTIMATE

The HSMC estimates the cost of this project at between
No cost estimate has been determined.

5. MINORITY BUSINESS PARTICIPATION

a. PURPOSES

- i. Contractor shall structure its procedures for the performance of the work required in this contract to attempt to achieve the minority business enterprise (MBE) goal stated in the solicitation. MBE performance must be in accordance with this article, as authorized by Code of Maryland Regulations (COMAR) 21.11.03. Contractor agrees to exercise all good faith efforts to carry out its requirements set forth in this Attachment.

MBE Goals and Sub Goals

An MBE subcontract participation goal of 0percent of the total contract dollar amount has been established for this procurement. By submitting a response to this solicitation, the bidder or offeror agrees that this percentage of the total dollar amount of the contract will be performed by certified minority business enterprises.

Bidders must provide the MBE forms as outlined in Article 2 of the Supplementary Conditions.

6. SURETY BOND ASSISTANCE PROGRAM

Small businesses may qualify for assistance in obtaining bid, performance and payment bonds through the Maryland Small Business Development Financing Authority (MSBDF). MSBDF can directly issue bid, performance or payment bonds up to \$5 million. MSBDF may also guarantee up to 90% of a surety's losses resulting, from a contractor's breach of a bid, performance or payment bond or \$1,350,000, whichever is less. Bonds issued directly by the MSBDF Surety Bond Program (Program) will remain in effect for the term of the contract. Bond guarantees will remain in effect for the term of the bond.

To be eligible for bonding assistance, an applicant must:

- Have its principal place of business in Maryland or be a Maryland resident;
- First is denied bonding by at least one surety in both the standard and specialty markets within 90 days of submitting a bonding application to MSBDF;
- Employ fewer than 500 full-time employees or have gross sales of less than \$50 million annually;
- Not subcontract more than 75 percent of the work;
- Have good moral character and a history of financial responsibility;
- Demonstrate that the contract will have a substantial economic impact;
- and
- Never have defaulted on any loan or financial assistance made or guaranteed by MSBDF.

Applicants are encouraged to apply for assistance under the Program through their respective bonding agents. Questions regarding the bonding assistance program should be referred to:

Maryland Small Business Development Financing Authority
C/c Meridian Management Group, Inc.
826 East Baltimore Street
Baltimore, MD 21202
Phone: (410) 333-2548
Fax: (410) 333-2552
mmgdeal@mmgcapitalgroup.com

7. RESERVATION OF RIGHTS

This solicitation implies no obligation on the part of the HSMC. The HSMC reserves the right to increase or decrease the quantities of any commodities or services requested in the solicitation. The HSMC reserves the right to cancel this solicitation, in whole or in part, any time before the opening of the bids, to accept or reject any and all bids in whole or in part received as a result of this solicitation, to not make an award, to waive minor irregularities, or to negotiate with all responsible vendors in any manner necessary, in order to best serve the interests of the HSMC.

8. INTERPRETATIONS AND AMENDMENTS

- a. Any prospective offeror desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must request it in writing no later than ten (10) calendar days prior to the date established for receipt of offers. Oral explanations or instructions given before the award of a contract will not be binding.

- b. Prospective offerors shall request the Contracting Officer, in writing, via fax or e-mail for an interpretation or correction on any ambiguity, inconsistency, or error in the contract documents which they may discover or which should have been discovered by a reasonably prudent offeror. Such requests or objections to materials or methods of construction shown or specified shall be directed to the attention of the Contracting Officer at least ten (10) calendar days prior to the date specified for receipt of proposals. Written requests shall be transmitted via e-mail to Mr. Douglas Hunter, Procurement Officer at douglas.hunter@maryland.gov or via facsimile to (240) 895-4968.
- c. Any interpretations or corrections, as well as any additional modifications the Contracting Officer may desire to include, will be in the form of amendments in writing, which will be sent on the same date to all offerors if that information is necessary in submitting offers or if the lack of it would be prejudicial to other prospective offerors and shall become a part of any subsequent contract. The Contracting Officer reserves the right to answer only such questions as have, in his opinion, a definite bearing upon the proposals to be submitted.
 - i. Offerors shall acknowledge the receipt of all amendments to the solicitation by:
 - 1. Signing and returning the amendment, or;
 - 2. Identifying the amendment number and date in the space projected for this purpose on the "Solicitation, Offer and Award Form", or
 - 3. Letter or email; or Facsimile, if facsimile offers are authorized in the solicitation.
 - ii. The HSMC must receive the acknowledgment by the time and at the place specified for receipt of offers.
- d. Requests for oral interpretations or any other interpretations not made by amendments will not be accepted, and any information that may possibly be gained by the offerors in that manner is gratuitous and not binding.
- e. If this solicitation is amended, all terms and conditions that are not amended remain unchanged.

(End of Provision)

9. GENERAL INFORMATION

- a. Bidders are expected to examine the entire solicitation and all instructions. Failure to do so will be at the bidder's risk. Each bidder shall furnish the information required by the solicitation. The bidder will be held responsible for full knowledge of all information contained therein.
- b. Bidders shall be individuals, partnerships, or corporations who are regularly engaged in the business covered by these specifications and who have established a satisfactory record in the past for performance of contracts of similar character and extent, and who maintain a regular force of workmen skilled in the performance of the work the bidder undertakes to perform upon submission of his bid. Bidders shall be qualified, competent and amply able to finance and perform the work in a proper and satisfactory manner.

10. VENDOR'S TERMS AND CONDITONS

Any proposed terms and conditions, including any form contracts which the Vendor proposes to use, shall be submitted by the solicitation due date as part of the bid.

11. BID/PROPOSAL AFFIDAVIT

All Vendors must truthfully complete the Bid/Proposal Affidavit (Attachment No.3) form and submit it with the Bid. This Bid/Proposal Affidavit will be incorporated by reference into the Contract Affidavit which is an exhibit to the procurement contract. Therefore, it is the responsibility of the vendor to report to the HSMC any changes in the contract/bid affidavit information between the date it was submitted to the HSMC and the effective date of the contract.

12. INVESTMENT ACTIVITIES IN IRAN ACT

- a. The Investment Activities in Iran Act states that any company that the Maryland Board of Public Works has found to engage in investment activities in Iran may not participate in procurements with a public body in the State. "Engaging in investment activities in Iran" means:
 - Providing goods or services of at least \$20 million in the energy sector of Iran; or
 - For financial institutions, extending credit of at least \$20 million to another person for at least 45 days if the person is on the Investment Activities in Iran list and will use the credit to provide goods or services in the energy of Iran.

A company listed on the Investment Activities in Iran list is ineligible to bid on, submit a proposal for, or renew a contract for goods and services with a State agency or any public body of the State. Also ineligible are any parents, successors, subunits, directs or indirect subsidiaries of, or any entity under common ownership or control of, any listed company.

- b. Offeror's shall submit, with their proposal, the completed "Certification Regarding Investments in Iran" form (Attachment No. 5).
- c. A company that cannot make the certification must supply the HSMC, under penalty of perjury, with a detailed written description of its investment activities in Iran.

13. PUBLIC INFORMATION NOTICE

Bidders should give specific attention to the identification of those portions of their bid that they deem to be confidential, proprietary information, or trade secrets, and provide any justification why such materials, upon request, should not be disclosed by the State under the Access to Public Records Act, State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland. Contractors must clearly identify each and every section that is deemed to be confidential, proprietary or a trade secret (it is NOT sufficient to preface your proposal with a proprietary statement or to use a page header or footer that arbitrarily marks all pages as confidential). Any individual section of the proposal that is not labeled as confidential with an accompanying statement concerning the rationale for its claimed confidentiality shall be considered public information.

14. SOLICITATION, OFFER AND AWARD FORM AND THE SCHEDULE

- a. Fill in all blank spaces. Use "N/A" where the requested information is not applicable.
- b. Do not alter or change any wording in Solicitation, Offer and Award form or The Schedule.
- c. State all dollar amounts as requested on The Schedule form. In cases where The Schedule form calls for unit prices and extended totals, both dollar amounts must be completed. In cases where a discrepancy exists between the unit price and the extended total price due to mathematical errors, the unit price shall govern.

- d. Bids shall be typewritten or written legibly in ink. All erasures or alterations shall be in ink and shall be initialed by the signer. All bids must contain a manual signature of an authorized representative in the spaces provided as follows:

- **As an Individual:** Sign with full name and address and social security number;
- **As a Partnership:** Bid Forms shall be signed by such member or members of the partnership as have authority to bind the partnership; provide also the complete legal name of partnership, the state in which the partnership was formed, the address of the partnership's principal office, partnerships' federal tax identification number, and name and address of partnership's resident agent in Maryland.
- **As a Corporation:** An officer of the corporation shall sign his/her full name, indicate his/her title and include the complete legal name of the corporation and address of the corporation's principal office. The corporate seal shall be affixed near the signature. Provide also the state in which the corporation was incorporated, the corporation's federal tax identification number, and the name and address of the corporation's resident agent in Maryland.

15. SUBMISSION, MODIFICATION, REVISION AND WITHDRAWAL OF OFFERS

- a. Offers and offer modification shall be enclosed, in the quantities specified elsewhere in this solicitation, in sealed envelopes addressed to: Historic St. Mary's City Commission, Business Office, PO Box 39 St. Mary's City, MD 20686-0039, Attn: Mr. Douglas Hunter, Procurement Officer with the offeror's name, address and IFB number in the upper left hand corner.

Hand delivered offers are to be delivered to the Business Office located at the Administration building at 18559 Hogaboom Lane St. Mary's City, MD 20686

- b. Offerors are responsible for submitting proposals and any modifications or revisions so as to reach the HSMC office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:00 p.m. local time, for the designated office on the date that the proposal or revision is due.
- c. Any proposal, modification or revision received at the HSMC office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered.
- d. At the sole discretion of the Procurement Officer, exceptions may be made only when the reason for the late bid, late request for withdrawal or late modification of a bid, is due to the action or inaction of the HSMC's personnel directing the procurement activity or their employees.

Note: Neither UPS nor FedEx will guarantee overnight delivery to our location.

16. WITHDRAWAL OF BIDS

Vendors may modify or withdraw bids by submitting a written modification or withdrawal that is received prior to the time and date set for the bid opening. No withdrawal or modifications shall be accepted after the time for opening of bids.

17. FAILURE TO SUBMIT BID

Recipients of this solicitation not responding with a proposal should not return this solicitation, unless it specifies otherwise. Instead, they should advise the HSMC by letter, fax, postcard or email, whether they want to receive future solicitations for similar requirements. If a recipient does not submit a bid and does not notify the HSMC that future solicitations are desired, the recipient's name will be removed from the HSMC's applicable mailing list.

18. BID ACCEPTANCE PERIOD

In compliance with the solicitation, the bidder agrees, if this bid is accepted within one hundred-twenty (120) calendar days from the date specified in the solicitation for receipt of bids, to furnish any or all items upon which prices are bid at the price set opposite each item, delivered at the designated point(s), within the time specified in the contract specifications.

19. CONTRACTOR REFERENCES

Bidder shall provide five (5) references from jobs performed within the past three years which are similar in scope and size to this project. (See Attachment No.6).

20. AWARD - SEALED BIDDING

- a. The HSMC will evaluate bids in response to this solicitation and award a contract without discussions to the responsible bidder whose bid, conforming to the solicitation, will be most advantageous to the HSMC considering only price and price-related factors specified elsewhere in the solicitation.
- b. The HSMC **may** –
 - i. Reject any or all bids;
 - ii. Accept other than the lowest bid; and
 - iii. Waive informalities or minor irregularities in bids received.
- c. The HSMC may accept any item or combination of items, unless the bidder qualifies the bid by specific limitations.
- d. The HSMC reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit prices offered, unless the bidder specifies otherwise in the bid.
- e. A written award or acceptance of a bid mailed or otherwise furnished to the successful bidder within the time for acceptance specified in the offer shall result in a binding contract without further action by either party.
- f. The HSMC may reject a bid as nonresponsive if the prices bid are materially unbalanced between line items or sub line items. A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated in relation to cost for other work, and it there is a reasonable doubt that the bid will result in the lowest overall cost to the HSMC even though it may be the low evaluated bid, or if it is so unbalanced as to be tantamount to allowing an advance payment.

(End of provision)

21. NOTIFICATION OF LOW BIDDER

Vendors may include a self-addressed stamped envelope with their bid and a copy of the bid tabulation sheet will be mailed back in the envelope or they may telephone the purchasing agent at 240-895-4970 and request a copy of the bid tabulation sheet be faxed or emailed to them.

(End of Solicitation Conditions)