



**BALTIMORE  
METROPOLITAN  
COUNCIL**

# Request for Proposals

PROJECT #21T04

## **PRELIMINARY DESIGN – PATAPSCO REGIONAL GREENWAY: SYKESVILLE TO MCKELDIN**

ISSUE DATE

**October 5, 2020**

DUE DATE

**November 5, 2020 by 2:00 PM**

**Submit Qualifications to:** Sheila Mahoney

[smahoney@baltometro.org](mailto:smahoney@baltometro.org)

Contact for More Information: Sheila Mahoney

E-mail: [smahoney@baltometro.org](mailto:smahoney@baltometro.org)

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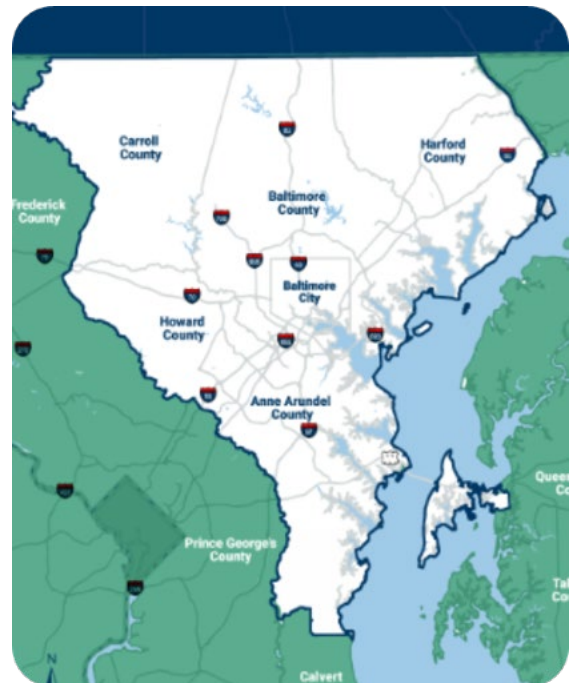
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# Introduction

BMC is a private nonprofit organization committed to identifying regional interests and developing collaborative strategies through plans and programs, which will improve the quality of life and economic vitality throughout the region. BMC's Board of Directors includes the Mayor of Baltimore City, Executives of Anne Arundel, Baltimore, Harford and Howard counties, a Carroll County Commissioner, a Queen Anne's County Commissioner, a Delegate and Senator from the State of Maryland, and a gubernatorial appointee.

The Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization (MPO) for the Baltimore region. The members consist of designated representatives from Baltimore City, Anne Arundel County, Baltimore County, Carroll County, Harford County, and Howard County, Queen Anne's County, the City of Annapolis, plus the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit. The Baltimore Metropolitan Council (BMC) staff provides technical support to the BRTB.



The work of BMC staff includes transportation forecasting and analysis, economic and demographic research, computer mapping applications, air and water quality programs, multimodal planning, cooperative purchasing, workforce development, housing and rideshare coordination.

# Purpose

The Baltimore Metropolitan Council (BMC) is soliciting proposals from a qualified and experienced consultant, or consultant team, to provide professional services for the preliminary design of two segments of the Patapsco Regional Greenway (PRG) from the Sykesville Historic District to Freedom Park and from Freedom Park to the Patapsco Valley State Park McKeldin Area in Carroll County, Maryland. The alignment will include connections to existing trails and evaluation of a potential 90-foot trail bridge crossing of the Patapsco River to connect with the Henryton Trail in Howard County.

The selected consultant will have experience in the development of all phases of multi-use trails, natural surface single track trails, sidewalks, and on-road bicycle facilities – including concept development, design, public outreach and permitting.

The work will include identification of wetlands, biological and cultural resources inventories, flood plain delineation, and special status species. The scope of work also includes alternatives analysis/preferred route selection, survey, preliminary engineering designs, and cost estimates for a 30% level design.

The selected alignment from Sykesville to Freedom Park will create a low-traffic stress bicycle and pedestrian facility or facilities while improving access from the Historic District to the adjacent natural settings in a sustainable, low maintenance fashion.

Natural surface and single track are the defining characteristics of the Freedom Park to McKeldin segment. A primary goal of this segment is to provide a backcountry experience for use by pedestrians, equestrians, and bicyclists along a trail that compliments park landscapes (see photos below).



# Scope of Work

The Consultant shall provide preliminary design drawings for a section of the Patapsco Regional Greenway between Sykesville Historic District and the McKeldin Area trail system in Patapsco Valley State Park and will include a multi-use paved trail and/or on-road bicycle facility as well as single track, natural surface trail segment and a bicycle-pedestrian-equestrian bridge across the Patapsco River (see mapping, pages 36-45, and ID# 1, 3, 4, 6, 6B, 7 and 8, pages 94-102, of the [Patapsco Regional Greenway Plan](#)). The proposed Scope of Work shall address the following components.

## Task 1 – Project Management

The task will be managed by BMC and will include a decision-making Steering Committee consisting of key stakeholders: Carroll County, Town of Sykesville, Maryland Park Service, Patapsco Valley State Park and MDOT State Highway Administration.

The Consultant shall coordinate with the BMC project manager to schedule and facilitate a kickoff meeting with the Steering Committee, organized by BMC staff, to launch a work program for the project and clarify roles, project schedule, scope of work, deliverables and project approach.

The Consultant shall communicate progress of the work regularly with the BMC Project Manager, prepare and submit monthly invoicing in the first week of each month following the invoice period, coordinate reviews with the project Steering Committee, and present updates to the Steering Committee at key milestones.

BMC and the Steering Committee will also engage a public advisory group including area businesses, biking communities, and property owners prior to general public outreach to inform and build support of the project. The Consultant shall present the alternative alignments and selected alternatives at two such meetings.

Deliverables:

- Preparation and maintenance of project schedule
- Facilitation of a kickoff meeting and three (3) additional Steering Committee meetings

- Presentation of alignment alternatives and selected alternatives at two (2) public advisory group meetings
- Bi-weekly calls between BMC Project Manager and Consultant Project Manager (and key team members as needed)
- Monthly invoices
- Meeting minutes

## Task 2 – Existing Conditions Documentation

Conduct desktop surveys and verify existing conditions through GIS data and site visits to identify potential historic structures or archeological sites; wetlands, waterways and floodplains; and threatened and endangered species (USFWS IPaC, MDNR Wildlife & Heritage and Environmental Review Division coordination); and right-of-way, property boundaries and easements within the project area. Formal, agency-reviewed field delineations are not included in this scope of work.

Deliverables:

- Existing conditions summary and GIS mapping to be included in Technical Memorandum #1 as described in Task 3
- Correspondence with agencies

## Task 3 – Development of Alignment Alternatives

Develop concept alignment alternatives and/or options for each of the following segments:

- **Sykesville to Freedom Park (~1.1. miles):** Identify 2-3 greenway alignments connecting the Sykesville Historic District to the Freedom Park Trail including shared-use paths and/or on-road bicycle facilities and traffic calming measures. This segment includes a MD 32 crossing. In addition, this segment will include completion of an 800-foot sidewalk gap along Raincliffe Road to provide a direct pedestrian connection from Sykesville to Freedom Park. Please refer to the best practices recommended in Carroll County's approved *Bicycle-Pedestrian Master Plan 2019*.

- **Freedom Park to McKeldin Area (~4.7 miles):** Identify 2 centerline alignment options for a natural surface single track trail providing a connection from the Freedom Park Trail along the north side of the Patapsco River to the McKeldin Area of Patapsco Valley State Park. The trail is to have minimal impact to the over story trees and surrounding forest. Design characteristics (e.g. overall trail grade, tread width and surface character, turn radii) should satisfy the Easier/Green specifications in the provided MPS Trail Specifications Matrix (see Attachment 1). Segments may extend into the More Difficult/Blue category as required with explanation. Potential reasons to include Blue trail include significant construction cost savings and/or reaching an otherwise unavailable positive control point (e.g. vista, historic site).

This segment will include a potential trail spur and a 90-foot bridge crossing the Patapsco River at the former Henryton Road bridge abutments. A structural assessment of the bridge abutments for pedestrian, bicycle, equestrian and light utility vehicle use is required.

Where stream crossings and bridges are required, Patapsco Valley State Park has existing plans for an equestrian-rated single-span timber trail bridge up to 20-feet long. These plans will be available to the Consultant. Longer spans requiring a different design solution are also acceptable and encouraged where they allow the trail to reach unique landscapes.

For each alignment and option, describe the opportunities and challenges. Consider environmental challenges such as frequent flooding and wetlands as well as maintenance responsibilities; provide design considerations to mitigate risks and enhance opportunities. Include a maintenance plan with an annual maintenance budget.

#### Deliverables:

- Structural assessment of the former Henryton Road bridge abutments.
- Maps and descriptions of existing conditions, alternative alignments and preliminary cost estimates to be presented to the Steering Committee
- Technical Memorandum #1 – Concept Alternatives: include a project overview, a narrative and mapping of existing conditions, alternative alignments and options capturing input from the Steering Committee, and preliminary construction and maintenance cost estimates.



## Task 4 – Public Outreach

Conduct two (2) public outreach/comment periods (virtual or in-person meeting format to be determined) following Task 3 and Task 7. The first outreach period will solicit input on alternative alignments and options. The second outreach period will present the final design and solicit input on design details. BMC and our partners will advertise the public outreach events.

Prepare GIS mapping and narratives for project background, existing conditions and initial alternative alignments for the first meeting and/or comment period. Prepare updated mapping for second meeting and/or comment period.

Prepare two online surveys for public input.

Deliverables:

- GIS files and narratives for project background, existing conditions, initial and selected alternative alignments
- In-person or recorded presentations
- Two electronic surveys
- Documentation of comments
- Optional: Meeting display boards

## Task 5 – Preferred Alternatives Selection

Based on input from the Steering Committee, public advisory group and the public, preferred alignments will be selected for each segment to proceed with preliminary design.

Deliverables:

- Technical Memorandum #2 – Preferred Alternatives: document Steering Committee and public advisory group input, consolidated public comments leading to the preferred alignments selection, description and mapping of preferred alignments/options.



## Task 6 – Survey, Geotechnical Investigation, and Utilities

A topographic survey will be taken along the selected alignment from Sykesville to Freedom Park at a variable width using MDOT SHA standards and should develop 1-foot contours and a DTM. Environmental features (wetlands, floodplains and Waters of the US) will also be surveyed for this segment.

2017 LiDAR data may be downloaded through MD iMAP for the preferred alignment from Freedom Park to McKeldin.

Right-of-way/boundary survey may be based on available GIS as long as the selected alignments remains within or near public right-of-way and within Park boundaries.

For each of the preferred alignments, conduct preliminary geotechnical investigation/ borings to more accurately locate stormwater management facilities and identify areas where structures (boardwalks, bridge structures) will be located throughout the project area. Assume up to 8 borings.

Conduct a Quality Level B subterranean utility exploration for the segment from Sykesville to Freedom Park.

Deliverables:

- Topographic survey
- Environmental survey
- Geotechnical investigation
- Utility locations

## Task 7 – Sykesville to Freedom Park Preliminary Design

The preliminary design of the preferred alignment will include:

- Title Sheets
- General notes, abbreviations
- Geometry
- Typical Sections

- Greenway design plan sheets - scale of 1" = 20' (34" x 22")
  - Greenway alignment
  - Cut/fill lines
  - Limits of work
  - Limits of disturbance
  - Preliminary location of structures (boardwalks, bridges, retaining walls)
  - Preliminary location of stormwater management areas and proposed devices
- Estimated Right-of-Way (as applicable)
- Utilities
- Construction Cost Estimate (with 25% contingency)
- Listing of anticipated environmental permits

**Deliverables:**

- One (1) full-size and four (4) half-size, hard copy design plan set
- One electronic copy of each design plan set
- Digital design files (CADD)
- Cost estimates

## **Task 8 – Freedom Park to McKeldin Preliminary Design**

The preliminary design of the preferred alignment will include:

- Title Sheets
- General notes, abbreviations
- Typical Sections

- Greenway design plan sheets - scale of 1" = 100' (34" x 22")
  - Greenway alignment
  - Cut/fill lines
  - Limits of work
  - Limits of disturbance
  - Preliminary location of structures (boardwalks, bridges, retaining walls)
  - Preliminary location of stormwater management areas and proposed devices
- Construction Cost Estimate (with 25% contingency)
- Listing of anticipated environmental permits

Please note Patapsco Valley State Park has a General Permit for Erosion and Sedimentation Control from Maryland Department of the Environment for qualifying natural surface trails that can contribute cost savings for permitting and related activities at time of construction.

**Deliverables:**

- One (1) full-size and four (4) half-size, hard copy design plan set
- One electronic copy of each design plan set
- Digital design files (GIS)
- Cost estimates

## **Task 9 – Design Review and Continued Design Directions**

Following the public outreach period, coordinate review of the project with BMC and steering committee. Design comments will not be incorporated into the final deliverable but will be documented in a technical memorandum for inclusion in subsequent design phases. The technical memorandum for continued design will also include anticipated approvals/permits required, additional survey needs and a checklist to complete design.

**Deliverables:**

- One (1) design review meeting with BMC and the Steering Committee
- Technical Memorandum #3 – Preliminary Design Summary: summarize comments on preliminary design plans and prepare design completion checklist including: anticipated permits/approvals; additional survey needs; erosion and sediment control; stormwater management design; additional drainage design; structural design (as applicable); maintenance of traffic; landscaping design; lighting design; signing and marking; cross sections; plats; other items required to complete design

**Consultant Qualifications**

BMC is seeking a firm, or team, with demonstrated experience in regional trail planning and design of shared-use paths, pedestrian facilities, on-road bicycle facilities, and single track, natural surface trails; environmental and cultural resource planning; and coordination of local government, state agencies and other stakeholders in Maryland. A qualified applicant shall possess the requisite technical capability and professional expertise to provide the type of services required and outlined in this Scope of Work.

The Consultant should possess demonstrated knowledge of NACTO *Urban Bikeway Design Guide*, AASHTO 1999 *Guide for the Development of Bicycle Facilities* and 2004 *Guide for the Planning, Design, and Operation of Pedestrian Facilities*, *Manual on Uniform Traffic Control Devices*, and the sustainability principles outlined in the USDA Forest Service *Trail Construction and Maintenance Notebook 2007 Edition*.

# Proposal Content and Requirements

The proposal should consist of two separate parts: (1) a Technical Proposal; and (2) a Cost Proposal. Each offeror shall provide 5 paper copies of their technical proposal and cost proposal in a sealed envelope. Each offeror shall also submit a digital copy of their technical proposal and cost proposal saved in separate files to a flash drive or CD-ROM. Proposals shall meet, at a minimum, the following requirements.

## Technical Proposal

The Technical Qualifications should contain the following:

- *Cover Letter* – signed by an executive with authority to commit the offeror and stating the period for which the proposal is valid. (1 page maximum)
- *Work Program* – Offerors shall provide a discussion of each task to be undertaken, how it will be performed, and the products to be provided. An overall schedule of work should be developed. Offerors should include, but are not limited to, the identified tasks. Offerors are encouraged to suggest modifications that would facilitate a successful work program. (12 page maximum)
- *Experience and Qualification* – The offeror shall list its qualifications with regard to the selection criteria identified in this RFP. The summary should contain: (a) information on projects of similar nature that offeror has completed, including brief descriptions, dates, and names of contact persons. In project descriptions, identify the roles of the identified project manager and key personnel. Please include links to relevant work if possible, and (b) the resumes of proposed project manager and key team personnel, which count toward the page limits. (8 pages maximum)
- *Project Management* – Designation of a project manager and the responsibilities of the manager and key personnel. Provide a summary of qualifications of the project manager and key staff for each firm. Note that the resulting contract will require commitment of the specified personnel. (5 pages maximum)

- *DBE Participation* – The program for assuring the maximum opportunity for participation by Disadvantaged Business Enterprises (DBEs) in accord with BMC's goals shall be presented. See the section of MANDATORY STATEMENTS for statement of DBE participation goals.
- *Other Information* – Any other material that the offeror wishes to provide. Please limit to relevant information. (4 pages maximum)

The body/narrative of all documents will be formatted to a 12-point font size. Headers and cover pages may utilize larger font sizes. Cover pages will not be counted toward the page limits. Digital signatures are acceptable for all documents.

## **Cost Proposal**

The Cost Proposal should be composed of two parts: (1) Project Budget; and (2) Affidavits and Certifications.

- *Project Budget* – Proposers shall provide a price quote as a fixed price in United States dollars. The price quote shall include the number of labor hours and cost by staff member and total hours and cost estimated for each task. Direct costs shall be itemized by category (e.g., travel, per diem, printing and reproduction, etc.) for the entire project. The contract type is anticipated as fixed price with partial payments paid based on task completion.
- *Affidavits and Certifications* – A signed copy of the Proposal Affidavit attached at the end of this RFP shall be included in the Cost Proposal.

BMC reserves the right to reject proposals that do not meet the Technical and Cost Proposal requirements.

# Submission of Proposals

All offerors shall submit by email one (1) digital pdf copy of the Technical and Cost Proposals in separate pdf files to: [smahoney@baltometro.org](mailto:smahoney@baltometro.org)

The proposal must be received by BMC no later than 2:00 PM Eastern Standard Time on November 5, 2020. Proposals arriving after the deadline will not be accepted.

Please direct any questions to Sheila Mahoney by e-mail: [smahoney@baltometro.org](mailto:smahoney@baltometro.org)

BMC will not pay for the development and submission of proposals in response to this RFP. BMC reserves the right to reject any proposals without cost or detriment to BMC.

The offeror shall not make changes in the specifics put forth in a proposal, including staff participation, without the prior written consent of BMC.

The BMC Staff member listed above shall be the sole point of contact for any offeror during the procurement process.

BMC reserves the right to waive minor irregularities, to negotiate in any manner necessary to best serve the public interest, and to make a whole award, multiple awards, a partial award, or no award. BMC reserves the right to cancel this RFP, in whole or in part, any time before the closing date.



# Tentative Schedule

RFP Issued	October 5, 2020
Pre-Proposal Meeting (Virtual)	October 19, 2020, 2:00 p.m. (GoToMeeting information to be published on the BMC website calendar)
Proposal Questions Due	October 22, 2020
Answers to Questions Posted	October 26, 2020 (BMC website)
Proposals Due	November 5, 2020, 2:00 p.m.
Consultant Selection	November 2020
Start of Work	December 2020
Completion of Work	December 15, 2021

# Consultant Selection Criteria

All proposals will be evaluated on the basis of technical merit and proposed cost. This is not a low-bid procurement. BMC staff and appropriate project partners will conduct the evaluation of proposals. Technical merit includes work program and approach, as well as staff experience and qualifications. Teaming is permissible but the offeror will be with a single prime contractor.

BMC reserves the right to negotiate with one or more offerors selected on the basis of the initial technical merit and proposed cost. Offerors may be asked to make personal appearances to provide additional information on proposals.

# “Sample” Form Contract

BMC’s form contract is available on BMC’s website and is incorporated into this solicitation.

[https://www.baltometro.org/sites/default/files/bmc\\_documents/RFP/sample-rfp-contract\\_fy2019.pdf](https://www.baltometro.org/sites/default/files/bmc_documents/RFP/sample-rfp-contract_fy2019.pdf)

By the act of submitting a proposal, the offeror expressly acknowledges that he/she/it accepts the terms and conditions as stated in the form contract unless exceptions are submitted in writing with the proposal. BMC reserves the right to amend the terms of the form contract as it sees fit during contract negotiation.

The offeror’s acceptance of, or deviations from, the form contract terms and conditions are considered during the evaluation and subsequent award

If the offeror submits an exception that alters BMC’s risk, liability, exposure in, or the intent of this procurement, BMC reserves the right in its sole and absolute discretion to deem the offeror non-responsive.

## Confidentiality

Offerors must specifically identify any portions of their proposals deemed to contain confidential information, proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not be conclusive, and offerors may be required to justify why such material should not, upon written request, be disclosed by BMC under the Public Information Act, State Government Article, Title 10, Sub-Title 6, of the Annotated Code of Maryland, as amended. BMC may disclose such information if required by law, court order or subpoena.

# Maryland Registration/Qualification Requirements

BMC requires vendors to register or qualify to do business with Maryland Department of Assessments and Taxation (SDAT) in accordance with the Annotated Code of Maryland, Corporations and Associations Article: §2-102 Formation generally, §7-202 Registration to do interstate and foreign\* business, and/or §7-203 Qualification to do intrastate business.

For information on registering or qualifying a corporation, LLC, LLP or LP, call SDAT at 410-767-1340. Sole Proprietors and General Partnerships should call 410-767-4991 or you may download the SDAT forms at

<http://www.dat.state.md.us/Pages/sdatforms.aspx>

The successful offeror may be required to submit a Good Standing Certificate (also known as "Certificate of Status") issued by SDAT within 10 days of being notified of potential award.

(\*Note: "a corporation, association, or joint-stock company organized under the laws of the United States, another state of the United States, a territory, possession, or district of the United States, or a foreign country," Md. Code Ann., Corporations & Associations, §1-101.)

# Mandatory Statements

## Public Information Act Notice

Offerors should give specific attention to the identification of those portions of their proposals they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed.

## Disadvantaged Business Enterprise Notice

Disadvantaged business enterprises (DBEs) are encouraged to respond to this solicitation. It is the intent of BMC that certified minority business enterprises and sub-contractors be given the opportunity to submit proposals to this RFP and will not be subject to discrimination on the basis of race, color, sex, or national origin in consideration for an award.

All selected contractors will be required to abide by the DBE Program of the Baltimore Regional Transportation Board (BRTB). The DBE Program may be found on BMC's website.

## Disadvantaged Business Enterprise Subcontract Participation Goal

The Baltimore Metropolitan Council hereby notifies all offerors that in regard to any contracts entered into pursuant to this advertisement, MBEs and WBEs will be afforded full opportunity to submit expressions of interest in response to this notice and will not be subject to discrimination on the basis of race, color, sex or national origin, in consideration for an award.

It is the goal of BMC that certified businesses participate in all competitively bid federal-aid contracts. A DBE subcontract participation goal of 31.7 percent of the total contract amount has been established for this procurement. Offerors must make a good faith effort to meet this goal in order to receive appropriate consideration. The offeror can demonstrate that it has made a good faith effort by meeting the goal or by documenting good faith efforts to do so in its proposal. Determination of good faith efforts will be

made at the discretion of appropriate BMC staff. All offers submitted in response to this RFP must include a statement specifying the Maryland Department of Transportation (MDOT) has certified the DBE or DBEs utilized to meet this requirement. If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. BMC reserves the option to accept this certification in lieu of MDOT certification.

# PROPOSAL AFFIDAVIT

## A. (ANTI-BRIBERY AFFIRMATION). I HEREBY CERTIFY THAT

(1) I am the (title)\_\_\_\_\_ and the duly authorized representative of (offeror)\_\_\_\_\_ and that I possess the legal authority to make this Affidavit on behalf of myself and the offeror for which I am acting.

(2) Except as described in paragraph 3 below, neither I, nor to the best of my knowledge, information, and belief, the above offeror, nor any of its officers, directors, or partners, nor any of its employees directly involved in obtaining contracts with the State or any county, bi-county, multicounty agency or subdivision of the State has been convicted of, or has pleaded nolo contendere to a charge of, or has during the course of an official investigation or other proceeding, admitted in writing or under oath acts or omissions committed after July 1, 1977, which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or federal government.

(3) State "none" or, as appropriate, list any conviction, plea or admission described in paragraph 2 above, with the date; court official, or administrative body; and the sentence or disposition, if any:\_\_\_\_\_.

(4) **I ACKNOWLEDGE THAT** this Affidavit is to be furnished to the Procurement Officer, and may be furnished to the Attorney General pursuant to Sections 16-201, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that if the representations set forth in this Affidavit are not true and correct, the Council may terminate any contract awarded and take any other appropriate action.

**B. (NON-COLLUSION AFFIRMATION). I HEREBY FURTHER AFFIRM THAT** neither I nor, to the best of my knowledge, information and belief, the above firm nor any of its other representatives I here represent have:

(1) Agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith;

(2) In any manner, directly, or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the offeror herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the within bid or offer is submitted.

**C. (PROCUREMENT AFFIRMATION). I HEREBY FURTHER AFFIRM THAT**

(1) Neither the above business nor, to the best of my knowledge, information, and belief, any officer, controlling stockholders, partner, principal, or other person substantially involved in the contracting activities of the business has in the past five (5) years: (a) been convicted under state or federal statute of a criminal offense incident to obtaining or attempting to obtain or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property; (b) been found civilly liable under state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract; (c) been convicted of any violation of a state or federal antitrust statute; (d) been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organizations Act, 18 USC Section 1961 et seq.; or (e) the Mail Fraud Act, 18 USC Section 1341 et seq., for acts arising out of the submissions that would constitute grounds for conviction or liability under any statute described above. Also, the undersigned offeror was not founded or established or is not operated in a manner designed to evade the application or defeat the purpose of the Debarment Regulations, COMAR 21.08; is not currently suspended or debarred pursuant to COMAR 21.08 or by the action of any other public entity; and is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business.

(2) (a) If the affirmation described in subsection (1) cannot be given and debarment proceedings have not been instituted against the business pursuant to COMAR 21.08, indicate the reasons why the affirmation cannot be given, including any conviction or admission described in subsection (1), above, with the date, court and sentence or disposition, if any; the name(s) of the person(s) involved, and their current positions and responsibilities with the business; the activity specified in COMAR 21.08 in which each person was involved; and the details of the person's participation in the activity, including the name(s) of an entity involved and the person's positions and responsibilities with the entity. (Attach additional sheets as necessary.)

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(b) If the affirmation described in subsection (1) cannot be given, and debarment proceedings have been instituted against the business pursuant to COMAR 21.08, indicate the status of such proceedings.

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**I ACKNOWLEDGE THAT** this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland in respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above firm in respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

**I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.**

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(Date)

(Affidavit)

