

Clarifications and Reminders

1. This is an emergency procurement; with a proposal due date of **July 1, 2014 @ 11:00AM** Local time, a total time of 15 days. Since this was an emergency procurement, it was not advertised on eMarylandMarketplace (eMM).
2. All contact prior to award shall be with the Procurement Officer: Dolline Mooney Serra, 410-767-8009, dolline.serra@maryland.gov.
3. You should have received one (1) amendment for this procurement, dated June 12, 2014. It addressed removing “**state proceeding**” from Section 2.1.1 – Minimum Qualifications (“MQs”) and the new MBE package. Any procurement issued on or after June 9, 2014 is required to use the updated package. This amendment also updated the MBE list. This list was provided as a courtesy. It is a listing from the Maryland Department of Transportation (“MDOT”) website that was conducted specifically for PSC #05-20-14. Keep in mind, this is not a comprehensive list and the companies have not been vetted, that is the responsibility of the Offeror. All amendments should be acknowledged in the transmittal letter.
4. A 15% MBE goal has been set for this solicitation. In several places throughout the RFP, the incorrect percentage was quoted. **15% is the correct goal.**
5. **MBE forms cannot be cured.** It is strongly suggested that you read the entire MBE package and make sure that you understand what is needed. Step one in the review process requires the Procurement Officer to verify all required forms have been received:
 - Attachment B – Bid/Proposal Affidavit
 - Attachment G – Maryland Living Wage Requirements
 - Attachment I – Conflict of Interest Affidavit
 - Attachment D-1A – MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule [6 page document].Is it completed correctly? Are the MBE(s) listed certified with MDOT? **NO** to either question stops the review of the proposal and it is returned to the Offeror.
6. Abbreviations and Definitions – for the purpose of this solicitation
 - (i) Domestic Corporation is an entity based in the State of Maryland.
 - (j) Foreign Corporation is an entity based outside of the State of Maryland.
 - The above terminology is required on the Contract Affidavit.
 - (x) Request for Proposal (RFP) – the incorrect RFP number and due date is shown. The correct RFP number: PSC #05-02-14 and the correct due date is July 1, 2014 @ 11:00AM.

7. The contract type is a combination of a fixed price contract and time and materials contract. Effectively the contract becomes a **NOT TO EXCEED CONTRACT**. The Contractor shall submit detailed invoices listing team members, number of hours and hourly rates as well as sub-contractor invoices with the same information. The Commission will verify the team members (prime and sub) and hourly rates to the financial proposal prior to approval.

Financial Form – Section A Personnel, Labor Rate and Estimated Number of Hours

The Contractor may change the number of hours a team member (“TM”) works on the project, however if the increase in hours for a higher hourly rate TM causes the overall cost of the project to increase, the Contractor will not be paid for added cost. If the Contractor increases the number of hours for a lower hourly rate TM causes the overall cost of the project to decrease, the Contract will be paid for the actual hours worked, not the total of Section A.

Financial Form – Section B Expenses

The Contractor shall submit receipts for reimbursement for all expenses (i.e. travel, meals, gas).

The total amount of Section A and Section B cannot be exceeded; the total amount paid to the Contractor can be less.

8. The only contact with the Contract Manager (“CM”) prior to award will be initiated by the CM. The CM may contact an Offeror during the review process for clarification(s). Any clarification(s) of the proposal shall be verified in writing and sent to the Procurement Officer electronically in an email for the procurement record and then disseminated to the Review Committee (“RC”) and becomes part of the proposal.

9. Any questions pertaining to this RFP should be submitted at least five (5) days prior to the proposal due date, making the cut off for questions Wednesday, June 25, 2014. The cut off is needed to allow time for the questions and answers to be disseminated to interested parties.

10. The transmittal letter shall acknowledge receipt of all addenda to the RFP.

11. Any change in personnel must be approved by the Commission. All request and reason for personnel change shall be sent to the CM for approval.

12. The Contractor’s eMarylandMarket Place (“eMM”) registration number and State Department of Assessments and Taxation (“SDAT”) department ID number is due within five (5) days of “Proposed Awardee” notice. This information is needed for a contract with any State Agency. Registration with eMM is free and all Offerors are encouraged to register. Contact SDAT directly for registration information.

13. Section 2 – Minimum Qualifications (“MQs”)

In Section 2.1.2 the Commission is requesting a table for the Offeror’s MQs. This allows the MQs to be reviewed and compared quickly. Each project listed in the table shall be explained in detail how it meets each MQ, immediately following the table.

14. Review Section 3.5 Invoicing

This section lists all information that is needed for payment of an invoice. If any information is missing, the invoice will be returned to the Contractor and will not be paid until the information is submitted. Invoices shall be submitted to the following address with all required information.

Maryland Public Service Commission
Fiscal Division
6 St. Paul Street
16th Floor
Baltimore, MD 21202

15. Section 4 – Proposal Format

Proposal submissions are detailed and very specific. This section lists what should be in each section and how the each section should be labeled. The layout of the proposals allows the Procurement Officer to receive, verify information and disseminate them and for the RC to compare the technical proposals more easily and more efficiently.

Hard Copy Proposals:

Volume I – Technical Proposals

One (1) unbound original
Four (4) bound copies

Volume II – Financial Proposal – Attachment F of the RFP

One (1) unbound original
Four (4) bound copies

Electronic Copies – Each CD shall be clearly marked, see § 4.2.1

Volume I – Technical Proposals

One (1) CD with two (2) versions

An exact version of the hard copy

A redacted version for possible PIA requests, even though under Tab A-1 of the hard copy all confidential information is noted and explained. A version of the proposal with this noted information “blacked” out is required.

Volume II – Financial Proposal

One (1) CD with two (2) versions

An exact version of the hard copy

A redacted version for possible PIA request

The financial information (cost of the project) is public information and all pricing shall not be blacked out. The names, rates and hours may be black out, but the total price cannot be black out. Offerors may black out federal identification number, eMM and SDAT numbers.

15. Section 4 – Proposal Format - Continued

A. All versions of the Technical Proposal Volume I, both hard and electronic versions shall be placed in one envelope/box whenever possible. If multiple envelopes or boxes are needed, they should be labeled as 1 of 2 Volume I, 2 of 2 Volume I. This allows the Procurement Officer to know how to open the proposal.

B. All versions of the Financial Proposal Volume II, both hard and electronic versions shall be placed in a separate envelope/box.

Both A and B above shall be placed in one container for delivery. If multiple containers are needed, they shall be clearly marked.

16. § 5.5.2 Selection Process Sequence

Upon receipt of a proposal, the first step in the evaluation/review process is verifying all required forms are present and correct. Any Minority Business Enterprise (“MBE”) listed on form D-1A will be checked for MBE certification through the Maryland Department of Transportation (“MDOT”). **MBE forms cannot be cured.** If the required forms are missing, the technical proposal and the unopened financial proposal will be returned to the Offeror.

The second step in the process is for the RC to assess compliance with the MQs. Offerors who fail to meet the MQs will be disqualified and their proposals eliminated from further consideration and their technical proposal and the unopened financial proposal will be returned.

17. The new (as of June 9, 2014) MBE packet was attached to Amendment No.1. Review this packet; make sure you understand what is needed. Attachment D-1A (6 pages) is required with the technical proposal. Page 1 and 2 are instructions, page 3 through page 6 is the schedule and affidavit – submit pages 1 – 6. On page 3, number 1 – one (1) box should be checked. The 1st box acknowledges the Offeror intends to meet the overall MBE participation goal. For this RFP the goal is 15% - write that percentage on the form. The 2nd box acknowledges the Offeror intends to request a waiver, in whole or in part. **ONLY ONE BOX SHOULD BE CHECKED.** Follow all instructions for the form.

Questions and Answers

Q1. Has any of requests for waivers been denied?

A1. In the past seven (7) years, the Commission has not denied a waiver. The waivers that have been received showed good faith efforts and clear documentation of those efforts.

Q2. If an MBE(s) were found that could work on the scope of work provided and the Offeror was able to achieve 14% MBE goal, just 1% below the goal, would a waiver be needed?

A2. Yes. A partial waiver of 1% would be needed. The 2nd box on D-1A should be checked.

Q3. The invoice requirements states that invoices from subcontractor (MBE or non-MBE), need to be submitted. How would peripheral charges be handled such as administrative?

A3. The proposal requires all team members be listed, including subcontractors and their hourly rates, which should include any peripheral charges. If a subcontract is listed at a specific rate and they bill the Contractor \$20 more than listed on the proposal, the contractor needs to pay that overage. If the subcontractor bills the Contract \$20 less, the Commission will pay what the invoice shows and not the higher rate on the proposal.

Q4. For the review process, is there a quantitative scoring?

A4. No. The MQs are pass or fail and the technical proposals are ranked. First the technical proposals are ranked and then the financial proposals are ranked.

Q5. Are the MBE requirements taken into consideration? That is, does a proposal that meets the MBE goal receive a higher ranking than a proposal that request a waiver?

A5. No. Your team members are a part of your proposal and their qualifications will be reviewed and become part of the technical proposal ranking. If a waiver has been requested, neither the Procurement Officer nor the RC knows what the waiver request will be. That information will not be known until the Offeror is sent a Proposed Awardee ('PA') Notice. It is at this time the waiver information is due and will be evaluated. If the waiver is not approved, the PA will be notified that their waiver was denied and why. The next qualified Offeror will go through the same process.

Q6. Does an MBE subcontractor currently working on a contract for Staff, disqualifies that MBE from appearing as a Prime or a subcontractor on this solicitation if the current contract does not relate directly to the parties of this RFP?

A6. No, whether MBE or Non-MBE.

Q7. Does the PSC plan on issuing an RFP for the acquisition for the Commission, meaning the Commissioners?

A7. No; not at this time.

Q8. Can additional NAICS codes be given out to interested parties?

A8. Yes. Two additional NAICS codes were submitted that may be helpful for this solicitation: 541330 and 541990.

Q9. Can an MBE appear on multiple proposals?

A9. Yes; both MBE and Non-MBE subcontracts can be listed on multiple proposals. Only one contract will be awarded for this RFP; no conflict of interest will be present.

Q10. Is there an estimated award date?

A10. No.

Q11. There was no mention of Atlantic City Electric (“ACE”). Was this intentional?

A11. ACE was not mentioned because it is not a company operating in Maryland. If an Offeror sees reasons to include ACE in the proposal, they need to show how and why.

Q12. As part of the MQs, legal review is listed. Does that imply a law firm is needed?

A12. No. It is meant as understanding the statutory criteria that would be considered by the Commission. It is up to the Offeror to decide if having a law firm on their team is in their best interest and needed for their work plan but it is not a requirement.