

BID ANNOUNCEMENT AND INSTRUCTIONS

For Instructions to Bidders and Detailed Specifications, visit:
<http://www.mda.state.md.us/plants-pests/eab/bid/> to download
(Alternatively, call 410.841.5920 to request hard copy)

**Title: Ash Tree Logging for Emerald Ash Borer Eradication in Two “Expansion Area”
Compartments (22 & 25)
Clinton/Brandywine, MD 20735/20623**

You are invited to submit cost proposals for cutting and removal of approximately 4182 ash trees in conjunction with Maryland Department of Agriculture Emerald Ash Borer Eradication Project. All ash trees are within two forested compartments in the interior of the 2006-2007 Emerald Ash Borer Eradication area. Work includes hauling whole trees to the Maryland Department of Agriculture Cheltenham Warehouse facility on MD Rt. 301 where the material will be processed. This operation is slated to start by January 7, 2008, and must be completed before April 1, 2008.

Please read all enclosed materials thoroughly. All prospective bidders are strongly encouraged to visit the site and become familiar with all existing conditions which may affect the proposed work.

A **pre-bid site visit** is scheduled for **December 11, 2007**, beginning 8:30 a.m. at the Maryland Department of Agriculture Cheltenham Warehouse facility, 11701 Crain Highway, Cheltenham, MD. Interested parties should contact Mr. David Gailey for more information, office: 301-880-2746; mobile: 410-349-7384.

Bids may be submitted by mail, e-mail or fax as follows:

Mail: Carol A. Holko, Chief
Plant Protection and Weed Management Section
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

e-mail : ppwm@mda.state.md.us

FAX: (410) 841-5835

BIDS DUE: December 21, 2007 at 11:00 a.m. EST

Bidding Documents:

- **Bid Form**
- **Bid/Proposal Affidavit**

All documents must be filled out completely and signed at time of bid.

Questions: Carol Holko 410-841-5920

GENERAL INFORMATION AND INSTRUCTIONS TO BIDDERS

1. Summary Statement

The Maryland Department of Agriculture, Plant Protection and Weed Management Section (the "Department"), has quarantined an area of Prince George's County known to be infested with the emerald ash borer (EAB), a dangerously injurious plant pest. The Department will be working to eradicate this pest and to prevent its spread into surrounding areas of Maryland and neighboring states. The logging work described below must proceed on or about January 7, 2008, and to be effective, should be completed on or about April 1, 2008. In addition, on or before August 31, 2008, the Contractor shall perform remediation and stabilization work of the areas affected by the cutting, removal, and destruction of the trees.

2. Immediate Undertaking

Bidders must be prepared to begin work on this contract **by January 7, 2008**, after Contract Award and the Notice to Proceed have been received. **At that time**, the successful Bidder/Contractor shall ensure that **all** personnel, equipment, vehicles, and materials necessary to perform the work are available; and that **all** other contractual requirements are met, including, but not limited to, having the requisite licenses and insurance coverage.

3. Contract Type

The Contract resulting from this Solicitation is a Fixed-Price Contract in accordance with COMAR 21.06.03.02 and 21.06.03.06.

4. Contract Manager

The State CM monitors the daily activities of the Contract and provides technical guidance to the Contractor. The State CM is:

Carol Holko, Chief, Plant Protection & Weed Management
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone Number: 410-841-5920
Fax Number: 410-841-5835
E-mail: HolkoCA@mda.state.md.us

5. Questions

Written questions from prospective Bidders may be submitted by mail, facsimile, or preferably, by e-mail to the Procurement Officer. Time permitting, answers to all substantive questions that have not previously been answered, and are not clearly specific only to the requestor, will be distributed to all vendors who are known to have received a copy of the Solicitation. MDA, however, is not obligated to answer all inquiries.

6. Completing Bid Forms; Bid Closing Date

Bidders should become familiar with **all** Contract Documents and Attachments. A pre-bid **site visit** is scheduled for **December 11, 2007**, beginning 8:30 a.m. at the Maryland Department of Agriculture Cheltenham Warehouse facility, 11701 Crain Highway, Cheltenham, MD. Interested parties should contact Mr. David Gailey for more information, office: 301-880-2746; mobile: 410-349-7384.

Bidders must **completely** fill out and sign the "Bid Form," **Attachment A**. If the bid sheet is incomplete, the bid will be rejected.

Bids are due on December 21, 2007, no later than 11:00 a.m.

If it becomes necessary to revise this Solicitation before the due date for bids, amendments will be provided to all prospective Bidders who were sent this Solicitation or otherwise are known by the Procurement Officer to have obtained this Solicitation. In addition, amendments to the Solicitation will be posted on the MDA web page and through e-Maryland-marketplace.

7. Number, Size, and Location of Trees

See Detailed Specifications.

8. Cancellations

The State reserves the right to cancel this Solicitation, accept or reject any and all proposals, in whole or in part, received in response to this Solicitation, to waive or permit cure of minor irregularities.

9. Incurred Expenses

The State will not be responsible for any costs incurred by a Bidder in preparing and submitting a bid, or in performing any other activities relative to this solicitation.

10. Protests/Disputes

Any protest or dispute related respectively to this solicitation or the resulting Contract shall be subject to the provisions of COMAR 21.10 (Administrative and Civil Remedies).

11. Multiple or Alternative Proposals

Neither multiple nor alternate proposals will be accepted.

12. Access to Public Records Act Notice

A Bidder shall give specific attention to the clear identification of those portions of its proposal that it considers confidential, proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the State under the Access to Public Records Act, Title 10, Subtitle 6, of the State Government Article of the Annotated Code of Maryland.

Bidders are advised that, upon request for this information from a third party, the Procurement Officer is required to make an independent determination whether the information can be disclosed (see COMAR 21.05.08.01).

13. Mandatory Contractual Terms

By submitting an offer in response to this Solicitation, a Bidder, if selected for award, shall be deemed to have accepted the terms of this Solicitation and the Contract.

14. Proposal Affidavit

A bid submitted by a Bidder must be accompanied by a completed Bid/Proposal Affidavit. A copy of this Affidavit is included as **Attachment B** of this Solicitation.

15. Contract Affidavit

All Bidders are advised that if a Contract is awarded as a result of this solicitation, the successful Bidder will be required to complete a Contract Affidavit. A copy of this Affidavit is included for informational purposes as **Attachment C** of this Solicitation. This Affidavit must be provided within five (5) business days' notification of proposed Contract award.

16. Minority Business Enterprises

Minority Business Enterprises are encouraged to respond to this Solicitation. Although no specific minority goal has been set for this Contract, the State is interested that Bidders consider minority business subcontracting opportunities.

17. Procurement Method

This Contract will be awarded in accordance with the process under COMAR 21.05.06 (Emergency Procurement).

18. Bonding Requirements

- a. When the Base Bid exceeds \$50,000, each Bidder must furnish a Bid Bond with the Bid, in a form and by a surety company approved by the State. The bond must be in an amount not less than five percent (5%) of the amount of the Base Bid.
- b. Acceptable security for Bid, Performance and Payment bonds shall be limited to:
 - i. A bond in a form satisfactory to the State underwritten by a company licensed to issue bonds in this State;
 - ii. A bank certified check, bank cashier's check, bank treasurer's check, or trust account; or
 - iii. Pledge of securities backed by the full faith and credit of the United States government or bonds issued by the State of Maryland.
 - iv. Irrevocable letter of credit in a form satisfactory to the Attorney General issued by a financial institution approved by the State Treasurer.
- c. Should the successful bidder fail to execute the contract, for any reason, within [~~ten (10)~~ three (3)] days after notification of award, an amount equal to the difference between the accepted bid and that of the next highest bidder shall be forfeited to the State as liquidated damages.

19. Living Wage Requirement

A solicitation for services under a State contract valued at \$100,000 or more may be subject to Title 18, State Finance and Procurement Article, Annotated Code of Maryland. Additional information regarding the State's Living Wage requirement is contained in this solicitation. If the Bidder fails to submit and complete the Affidavit of Agreement, the State may determine the Bidder to be not responsible. See **Attachment D to this Solicitation**.

Contractors and Subcontractors subject to the Living Wage Law shall pay each covered employee at least \$11.30 per hour, if State contract services - valued at 50% or more of the total value of the contract - are performed in the Tier 1 Area. If State contract services - valued at 50% or more of the total contract value - are performed in the Tier 2 Area, the successful Bidder shall pay each covered employee at least \$8.50 per hour. The specific Living Wage rate is determined by whether a majority of services take place in a Tier 1 Area or Tier 2 Area of the State. The Tier 1 Area includes Montgomery, Prince George's, Howard, Anne Arundel, and Baltimore Counties, and Baltimore City. The Tier 2 Area includes any county in the State not included in the Tier 1 Area. In the event that the employees who perform the services are not located in the State, the head of the unit responsible for a State contract pursuant to §18-102 (d) shall assign the tier based upon where the recipients of the services are located.

The contract resulting from this Solicitation has been deemed to be a Tier 1 contract.

20. Use of e-Maryland Marketplace

Only vendors registered with eMaryland Marketplace, <https://ebidmarketplace.com/>, are qualified for an award.

21. Selected Bidder's Responsibilities

The selected Bidder shall be responsible for all services required by this Solicitation. All Subcontractors must be identified and a complete description of their role relative to the bid must be included in the Bidder's proposals. If a Bidder that seeks to perform or provide the services required by this Solicitation is a subsidiary of another entity, all information submitted by the Bidder, such as but not limited to, references and financial reports, shall pertain exclusively to the Bidder, unless the parent organization will guarantee the performance of the subsidiary. If applicable, the Bidder's bid must contain an explicit statement that the parent organization will guarantee the performance of the subsidiary.

22. Verification of Registration and Tax Payment

Before a corporation can do business in the State of Maryland it must be registered with the Department of Assessments and Taxation, State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. It is strongly recommended that any potential Bidder complete registration prior to the due date for receipt of proposals. A Bidder's failure to complete registration with the Department of Assessments and Taxation may disqualify an otherwise successful Bidder.

23. False Statements

Bidders are advised that section 11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland provides as follows:

- (a) In connection with a procurement contract a person may not willfully:
 - i. Falsify, conceal, or suppress a material fact by any scheme or device;
 - ii. Make a false or fraudulent statement or representation of a material fact; or
 - iii. Use a false writing or document that contains a false or fraudulent statement or entry of a material fact.
- (b) A person may not aid or conspire with another person to commit an act under subsection (a) of this section.
- (c) A person who violates any provision of this section is guilty of a felony and on conviction is subject to a fine not exceeding \$20,000 or imprisonment not exceeding five (5) years or both.

24. Receipt, Opening and Recording of Bid

Bids and modifications shall be opened, at the time, date, and place designated as follows:

Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
December 26, 2007 at 1:00 p.m.