

**2007/2008 Landscape Ash Tree Removal for Emerald Ash Borer Eradication  
Bid Announcement and Instructions**

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

**TITLE: Ash Tree Removal from Emerald Ash Borer Eradication Area**

**ISSUE DATE: December 3, 2007**

**ISSUING OFFICE:**

MARYLAND DEPARTMENT OF AGRICULTURE  
PLANT PROTECTION AND WEED MANAGEMENT SECTION  
50 HARRY S. TRUMAN PKWY  
ANNAPOLIS, MARYLAND 21401

**DUE DATE: December 17, 2007 4:00 PM**

**SUBMIT BIDS TO: [ppwm@mda.state.md.us](mailto:ppwm@mda.state.md.us) if by e-mail, OR  
410-841-5835 if by FAX, OR  
physically deliver to:  
Maryland Department of Agriculture  
Plant Protection and Weed Management Sect., Room 345  
50 Harry S. Truman Pkwy.  
Annapolis, MD 21401  
Attn: EAB Bid**

**LATE BIDS WILL NOT BE ACCEPTED**

**NOTE: Bids mailed and postmarked before the bid due date but not physically delivered to Room 345 by bid due date and time will not be accepted**

**QUESTIONS  
& INQUIRIES: 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 ("MDA"), has quarantined an area of Prince George's County known to be infested with the emerald ash borer (EAB), a dangerously injurious plant pest. MDA is working to eradicate this pest and to prevent its spread into surrounding areas of Maryland and neighboring states. The work described below must proceed at once, and to be effective, must be completed on or about April 1, 2008.

This phase of MDA's eradication effort will consist of removing all identified residual ash trees 1" or greater in diameter at breast height (DBH) from the original eradication zone, and identified ash trees 1" or greater in diameter from areas which have been added to the eradication zone since the previous phase of MDA's eradication effort, December 2006 – April, 2007.

As described below, MDA is seeking bids from qualified bidders to cut and remove all marked ash (*Fraxinus* species) trees that MDA has designated, and transport all removed ash trees and branches to the marshalling and grinding site in Cheltenham, MD. These trees are located primarily, but not exclusively, on residential properties, County or municipal rights-of-way, and other developed private and public property.

### **2. Immediate Undertaking**

Bidders must be prepared to begin work on this contract **by January 7, 2008** of receiving Contract Award and the Notice to Proceed. **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-Unit Price, Indefinite Quantity 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.

Before submitting a bid, Bidders are strongly encouraged to visit the work site and become familiar with all existing conditions which may affect the proposed work. Information about the number, size breakdown, location, and general conditions regarding trees to be removed is provided in paragraph 7 below and more fully in the bid documents. In the interest of fairness, MDA will not provide further information of this nature to individual bidders.

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 17, 2007, no later than 4:00 p.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

- a. The work required under this Contract is to be performed in **three areas** of Prince George’s County, Maryland. They are: the **Northern** area, the **Western** area, and the **Core** area.
- b. In the **Northern and Western** areas, the Department already has **identified and listed** the specific trees marked for removal. See Attachment A to the Detailed Specifications.
- c. In the **Core** area, the Department has **not** yet identified all of the specific trees that are to be removed. Instead, the Department **estimates** that there are up to 250 trees that the successful Bidder/Contractor shall remove.
- d. As explained more fully below, for the **Northern and Western** areas, each bidder is required to submit **one price figure** covering the cost to remove of all of the specific trees that the Department has identified and listed in Attachment A to the Detailed Specifications (the **Lump Sum Value**); and submit a **separate price figure** for removing trees from the **Core** area of Prince George’s County (the **Estimated Core Value**). The sum of these two figures will be the Bidder’s **Total Bid Price**.
- e. **Core Area:** Following is information regarding the estimated number by size category shown in inches in diameter at breast height (“DBH”), location and situational settings of the trees:

Trees in urban and highly developed situations and primarily requiring stump grinding:

<u>1– 5.9” DBH</u>	<u>6– 11.9”</u>	<u>12 – 17.9”</u>	<u>18 – 23.9”</u>	<u>24”+</u>
5	2	2	1	1

Trees in rural and less developed situations and primarily requiring stump treatment:

<u>1 – 5.9” DBH</u>	<u>6 – 11.9”</u>	<u>12 – 17.9”</u>	<u>18 – 23.9”</u>	<u>24”+</u>
195	30	7	5	2

These numbers are estimates and not actual counts and are provided as guidance for estimating bid prices. These estimates are derived from partial tallies which may not be accurate representations of trees to be removed. Actual sizes of trees may vary from the figures given above, and be higher or lower than these figures.

**NOTE: The “Estimated Core Value” is for bidding purposes only and is not a guaranteed or implied contract amount or payment for contracted work.**

The **Estimated Core Value** will be calculated by multiplying your price per tree in each of the 10 tree size/situation combinations times the **example number of trees** as shown here and on the bid sheet. These 10 calculations will then be added to give the **“Estimated Core Value”** for your bid. An example is shown below with bid amounts underlined and in Italics.

Trees in urban and highly developed situations and primarily requiring stump grinding:

<u>1 – 5.9” DBH</u>	<u>6 – 11.9”</u>	<u>12 – 17.9”</u>	<u>18 – 23.9”</u>	<u>24”+</u>
<u><i>\$40.00 X 5</i></u>	<u><i>\$125.00 X 2</i></u>	<u><i>\$300.00 X 2</i></u>	<u><i>\$450.00 X 1</i></u>	<u><i>\$1000.00 X 1</i></u>

Trees in rural and less developed situations and primarily requiring stump treatment:

<u>1 – 5.9” DBH</u>	<u>6 – 11.9”</u>	<u>12 – 17.9”</u>	<u>18 – 23.9”</u>	<u>24”+</u>
<u><i>\$20.00 X 195</i></u>	<u><i>\$60.00 X 30</i></u>	<u><i>\$150.00 X 7</i></u>	<u><i>\$250.00 X 5</i></u>	<u><i>\$400.00 X 2</i></u>

**Calculated amounts** are as follows:

$$\text{Urban Trees} = \$200 + \$250 + \$600 + \$450 + \$1,000 = \underline{\$2,500}$$

$$\text{Rural Trees} = \$3,900 + \$1,800 + 1,050 + \$1,250 + \$800 = \underline{\$8,800}$$

$$\text{Estimated Core Value} = \$2,500 + \$8,800 = \underline{\$11,300}$$

The **Total Bid Price** will be the sum of the total **Lump Sum Value** and the **Estimated Core Value**.

**8. Additional Work – Right of First Refusal**

If MDA determines the need for an additional independent crew and equipment to remove trees, such work will be offered first to the Contractor who was the lowest responsive bidder. This offer will be made in writing by MDA to the Contractor, describing generally the time, duration, and scope of work needed. **If the Contractor who was the lowest responsive bidder replies in the negative, or fails to respond by 4:00 PM at the end of the second full business day after the day in which the offer was received**, MDA will make this same offer to second lowest responsive bidder. If the response is negative or untimely as above, then this same offer will be made to next lowest responsive bidder, and so on, until the needed additional crew and equipment can be provided.

## **9. 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.

## **10. 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.

## **11. 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).

## **12. Multiple or Alternative Proposals**

Neither multiple nor alternate proposals will be accepted.

## **13. 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).

## **14. 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.

## **15. 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.

## **16. 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.

## **17. 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.

## **18. Procurement Method**

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

## **19. 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) 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.

## **20. 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.

## **21. Use of e-Maryland Marketplace**

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

## **22. 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.

## **23. 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.

## **24. 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.

## **[25. 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 18, 2007 at 3:00 p.m.]*