

**SOUTH BALTIMORE  
GATEWAY PARTNERSHIP**



# Request for Qualifications

**Design & Construction for  
Future Stages of the  
Middle Branch Resiliency Initiative (MBRI)  
And  
Other Central Maryland Restoration Projects**

**Issue Date:** 12-19-2024

**Submission Deadline:** 5:00 pm on 1-17-2025

**Email To:** [procurement@sbgpartnership.org](mailto:procurement@sbgpartnership.org)

## 1. Background and Purpose

The South Baltimore Community Impact District Management Authority d/b/a South Baltimore Gateway Partnership (SBGP) is a public authority working in the neighborhoods of South and Southwest Baltimore, funded significantly by casino revenues ([www.sbgpartnership.org](http://www.sbgpartnership.org)). It is governed by a board of directors representing the communities of the South Baltimore Gateway District.

SBGP is a major supporter of Reimagine Middle Branch (RMB), which is transforming the Middle Branch of the Patapsco River into Baltimore's next great waterfront, with 11 miles of parks, trails, shoreline restoration, and community development projects ([www.reimagine.mb.com](http://www.reimagine.mb.com)). This is the nation's largest and most ambitious environmental justice project. The Reimagine Middle Branch Plan was adopted by the Baltimore City Planning Commission in 2023.

The Middle Branch Resiliency Initiative (MBRI) is the shoreline restoration arm of Reimagine Middle Branch, focused on using nature-based resiliency infrastructure to restore damaged ecosystems, improve water quality, enhance public recreation, and reduce the risks associated with coastal hazards like erosion, flooding, storm surge, and sea level rise. SBGP has now raised nearly \$67 million to implement MBRI project elements and is actively raising funds for future project activities.

SBGP serves as the primary implementing agency for MBRI, overseeing the planning, fundraising, design, permitting, construction, and post-construction maintenance and monitoring of these projects. Stage 1 of the MBRI is currently underway, with one site under construction (the Hanover Street Wetlands) and several others nearing completion of the design phase (MedStar Harbor Hospital Wetlands, Patapsco Delta East Wetlands, and BGE Spring Gardens Resiliency Site). These sites are excluded from this RFQ. Future Stages of the MBRI are now in the planning process, with multiple sites available for future implementation (See Map in Exhibit A).

Given its expertise in resiliency, shoreline restoration, stormwater management, habitat restoration, and environmental justice, SBGP has increasingly become involved in other restoration projects around the State of Maryland. This includes projects across Central Maryland where SBGP may serve as a grantee, pass-through funder, or in some other role as a partner.

The purpose of this RFQ is to pre-qualify one or more firm(s) or team(s) to provide design, construction, and regulatorily mandated post-construction maintenance and monitoring for future restoration projects. This includes future MBRI activities (excluding Stage I sites identified in Exhibit A) and other Central Maryland restoration projects, as identified.

## 2. Scope of Work

SBGP is seeking firm(s) or team(s) capable of providing design, construction, and regulatorily mandated post-construction maintenance and monitoring for future

MBRI and other Central Maryland restoration projects (NOTE: MBRI Stage 1 sites, as identified in Exhibit A, are excluded from this RFQ). Selected firm(s) will be prequalified to provide design-build services for these future sites and will be issued a Master Services Agreement (MSA). The maximum term of the MSA will be five years.

When SBGP is ready to begin design and/or construction on a site, selected firm(s) will then provide a written bid for that site, for SBGP's review. Accepted bids will then be contracted through individual site-specific task orders. Even if a firm is pre-qualified, bids shall not be solicited, and task orders shall not be issued, until the requirements of all funders have been met.

Qualified respondents will be expected to perform the below tasks, with the precise scope, budget, and timeline for any particular site or project to be detailed in subsequent written task orders.

- a. Budgeting. Develop, revise, and regularly update budgets for the construction (and necessary post-construction maintenance and monitoring) of future MBRI sites and other Projects.
- b. Design. Design and engineer practical, effective, and attractive future MBRI and other Projects that are capable of being built within budget and securing necessary permits. Coordinate with Stakeholders to ensure designs respond to community preferences, funder and permitting requirements, and planning efforts such as Reimagine Middle Branch Plan.
- c. Permitting. Apply for and secure all necessary permits required to construct the MBRI and other Projects.
- d. Construction. Manage the safe, efficient, and effective installation of MBRI and other Projects, coordinating closely with stakeholders, property owners, and communities to reduce conflicts and discomforts. Provide sufficient insurance to mitigate construction-related risks and comply with all funder and permit requirements.
- e. Maintenance and Monitoring. Conduct at least 5 years (or such other period as is required by permit or funder) of post-construction Maintenance and Monitoring of MBRI Construction Projects and other Projects, as required.
- f. Bonding. Secure 100% Performance and Payment bonding for all construction over \$100,000.
- g. Other Requirements. Selected firm(s) will be expected to comply with the terms of the MDE State Revolving Fund Insert (see Exhibit B).

### 3. Timeframes for Submission and Implementation

**RFQ Released:**  
**Responses Due:**

**December 19, 2024**  
**January 17, 2025 at 5:00 pm.**

**Anticipated Selection:**

**By January 29, 2025**

Work is expected to begin once a selection is made and any necessary paperwork for the engagement is signed.

#### 4. Proposal Instructions

Respondents are welcome to submit a response either as an individual firm or as a team.

Each respondent must comply with the submission requirements as outlined. Submittals that fail to comply with the requirements as specified may be deemed non-responsive and such determination will result in no further consideration of that respondent or the respondent's submittals by SBGP. At any stage, SBGP reserves the right to terminate, suspend, or modify this selection process, or to reject any or all submittals at any time.

No responding firm or team may submit more than one response.

Interested parties should submit the following:

- A. A narrative describing the qualifications of your firm or team, responding specifically to the evaluation criteria listed below.
- B. Examples of similar clients and past work.
- C. Resumes of key team members.

**Submissions should be submitted in PDF format and received no later than January 17, 2025 at 5:00 pm.**

**Email responses to**  
**[procurement@sbgpartnership.org](mailto:procurement@sbgpartnership.org)**

Oral, telephonic, hard copy, or faxed documents will not be accepted and will be considered non-responsive.

#### 5. Evaluation Process

Qualifications will be reviewed by a panel of at least three SBGP staff members, anticipated to include the executive director, deputy director of programs, and senior restoration manager. The reviewers will check submittals received before the deadline against the criteria listed in Section 6 below. Submittals received after the deadline and submittals that fail to address all criteria will be determined non-responsive and will be disqualified. All other submittals will be individually scored by each panel member.

Each criterion will be evaluated according to a 5-point scale, with "1" representing the lowest level of criterion satisfaction and "5" representing the highest. Scores will be weighted according to the relative importance of each criterion to the project

using the scale identified in Section 6, with 200 points representing the maximum total score for any submittal.

Panel member scores for each submittal will be averaged and, based upon this review, the panel will then identify the respondent(s) that most closely meet the qualifications required for the engagement. Respondents will be notified whether they have been selected as a pre-qualified firm / team by approximately **January 29, 2025**.

The goal of all SBGP contracting and procurement is to ensure the best use of public funds to serve the public good by fulfilling SBGP’s mission while adhering to the highest standards of professional and ethical behavior. SBGP is committed to ensuring that all funds entrusted to the entity are appropriately allocated using fair, ethical, competitive, consistent, equitable, reasonable, responsible, and transparent practices that demonstrate integrity. These values guide all SBGP conduct and decision making related to procurements, bids/estimates for goods and services, agreements, contracts, and related forms of commitments.

**6. Evaluation Criteria**

Respondents will be evaluated based upon the following criteria:

<b>Evaluation Criteria</b>	<b>Weight</b>	<b>Max. Points</b>
<u>Criterion 1:</u> Demonstrated capacity to design/build and monitor/maintain nature-based resiliency and shoreline restoration projects, with particular emphasis on projects in an urban context.	10	50
<u>Criterion 2:</u> Demonstrated experience working on related projects in Central Maryland (including, but not limited to, Baltimore City, Baltimore County, Anne Arundel County, Howard County).	8	40
<u>Criterion 3:</u> Demonstrated experience working on federally funded restoration or resiliency projects.	6	30
<u>Criterion 4:</u> Demonstrated experience working with communities of color and low-income communities.	5	25
<u>Criterion 5:</u> Demonstrated experience in sediment recycling and the incorporation of dredge material into resiliency features.	4	20
<u>Criterion 6:</u> Demonstrated capacity to deliver projects on time and on budget.	4	20
<u>Criterion 7:</u> Demonstrated ability and commitment to meet MBE/WBE requirements.	3	15

<b>Total Available Points</b>	<b>200</b>
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## 7. MBE/WBE Goals

SBGP strongly encourages minority-owned and woman-owned firms to submit proposals. Respondents should indicate whether they are certified as a minority business enterprise (MBE) and/or women’s business enterprise (WBE) by the City of Baltimore.

Tasks contracted under this RFQ may be funded by casino revenues and/or other sources of funding. By law, casino revenues spent by SBGP must meet the goals of 27% MBE participation and 10% WBE participation. Other funding sources and jurisdictions may or may not include MBE/WBE goals or similar requirements for hiring underrepresented or disadvantaged business enterprises. Applicants should expect to comply with these requirements and develop an MBE/WBE procurement plan tailored to each task order as needed.

Additionally, any site utilizing Maryland Department of the Environment (MDE) funding will be required to comply with the requirements outlined in Exhibit B.

## 8. Equal Opportunity

SBGP will not discriminate in its procurement regarding race, ethnicity, religion, gender, sexual orientation, national origin, marital status, age, disability, or any other characteristic protected by law.

## 9. General Provisions

Neither this solicitation, nor any submissions provided in response to it, constitute a contract between SBGP and the respondent. Any future contract between SBGP and a respondent may be rescinded or terminated by SBGP in keeping with the terms of that contract, either for cause or without cause.

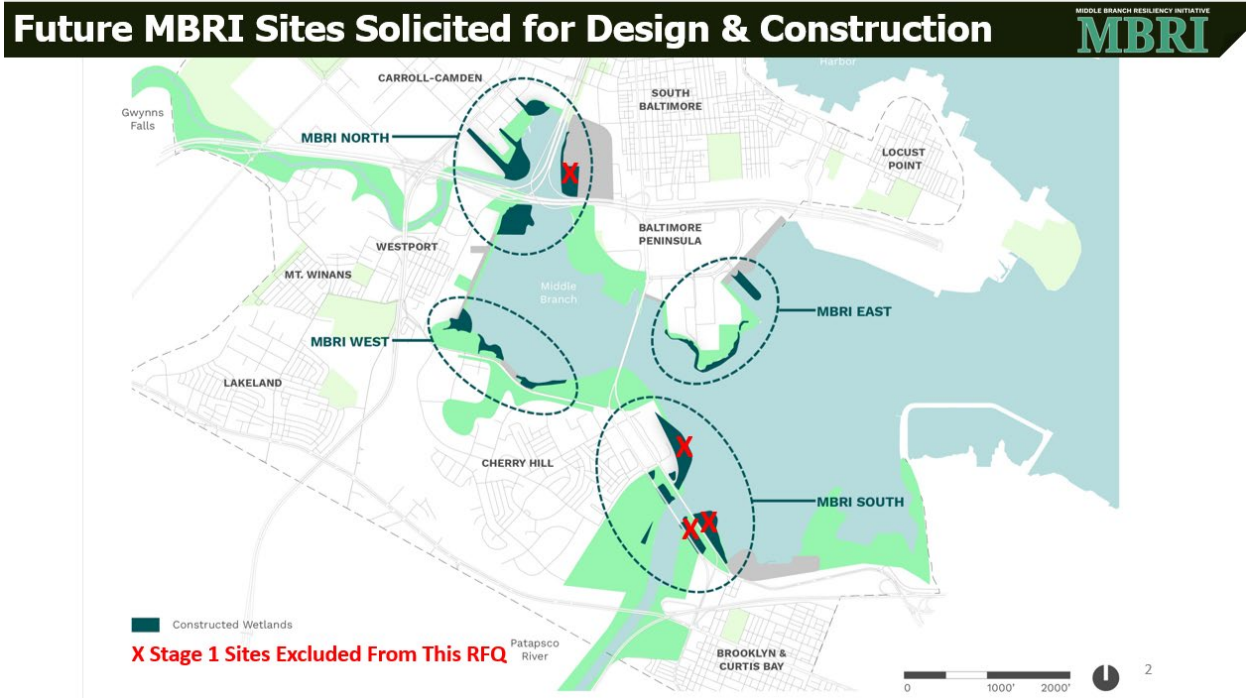
Respondents who are not successful may request a meeting to debrief about the selection process. SBGP documents created or used during the selection process, including any score cards, notes, emails, memos, or other written materials, are internal materials and will not be made available.

Late responses, or responses that do not fully address the requirements of the RFQ, will be disqualified.

SBGP may issue a new RFQ, extend the deadline, or make other good faith efforts to expand the applicant pool if the market for goods or services is limited.

**EXHIBIT A: FUTURE MBRI SITES SOLICITED UNDER THIS RFQ**

SBGP is seeking design/build services for future stages of the MBRI, as indicated in the map below. (MBRI sites excluded from the RFQ are marked with a red “X”). In addition, other Central Maryland sites located outside of the MBRI may become available in the future. These sites are not indicated because they are not yet identified.



**Exhibit B: MDE Funding Requirement Insert**



**REQUIREMENTS AND CONTRACT PROVISIONS FOR  
THE NON-POINT SOURCE PROJECT  
FINANCED THROUGH THE MARYLAND WATER QUALITY REVOLVING LOAN FUND  
DEPARTMENT OF THE ENVIRONMENT  
STATE OF MARYLAND**

The project or segment thereof to be constructed in accordance with these contract documents is subject to the following requirements. In the event of conflict with other requirements of the contract documents, the following requirements control unless the requirement is a minimum requirement. Nothing in this document shall be construed to prohibit the owner from requiring additional assurances, guarantees, indemnities, or other contractual requirements from any other party to this agreement.

- I. ASSURANCES FOR COMPLIANCE WITH THE FOLLOWING FEDERAL AND STATE LAWS AND REGULATIONS:
  1. NON-DISCRIMINATION IN EMPLOYMENT
  2. DEBARMENT
  3. ANTI-KICKBACK
  4. CONTRACT WORK HOURS AND SAFETY STANDARDS.
  5. COMPLIANCE WITH CFR 40 247– 254 (RCRA - SECTION 6002)
  6. MARYLAND ANTIDegradation IMPLEMENTATION PROCEDURES
  7. COMPLIANCE WITH BUILD AMERICA, BUY AMERICA (BABA) ACT
  8. PROHIBITION ON CERTAIN TELECOMMUNICATION AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (2 CFR 200.216)
  
- II. DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION
  - GUIDANCE DOCUMENTS AND FORMS  
(Performance of the good faith steps are required, regardless of goal achievement. All information is to be submitted to the owner, prior to the owner's award of the contract, UNLESS OTHERWISE DIRECTED BY THE OWNER).
  
- III. PRESIDENTIAL DOCUMENTS
  - ATTACHMENT II  

EXECUTIVE ORDER 13202 of February 17, 2001

EXECUTIVE ORDER 13208 of April 8, 2001
  
- IV. SEVERABILITY
  
- V. PROJECT SIGNS

**I. ASSURANCES**

The contractor is required to comply with the Federal laws and regulations in regard to non-discrimination in employment, debarment, anti-kickback and contract work hours and safety standards and related acts as delineated below.

**1. Non-discrimination in Employment:**

The contractor is required to comply with Executive Order 11246 of September 24, 1965 entitled “Equal Employment Opportunity” as amended by Executive Order 11375 of October 13, 1967.

The contract for the work under this proposal will obligate the prime contractor and its subcontractors not to discriminate in employment practices.

The contractor shall not maintain or provide for his/her employees the facilities, which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis.

The contractor must, if requested, submit a compliance report concerning their employment practices and policies in order to maintain his/her eligibility to receive the award of the contract.

The contractor must be prepared to comply in all respects with the Contract Provisions regarding non-discrimination, as stipulated under the Labor Standards.

**2. Debarment:**

Under Executive Order 12549, an individual or organization debarred from participation in Federal assistance or benefit programs may not receive any assistance award under a Federal program, or a sub-agreement thereunder for \$25,000 or more.

Therefore, the bidder as an individual or as an organization, presently debarred, suspended, proposed for debarment, will be declared ineligible to participate in bidding the proposed contract as a prospective recipient of financial assistance from the Maryland Department of the Environment.

The contractor shall not enter into any sub-contract with any individual, firm or organization debarred from Government contracts pursuant to Executive Order 11246.

**3. Anti-kickback:**

The contractor and/or its sub-contractors shall comply with the Copeland “Anti-Kickback” Act (18 U.S.C. 874). Any evident illicit kickback practice in any shapes or forms will cause termination of the contract.

**4. Contract Work Hours and Safety Standards:**

The contractor and/or its sub-contractors shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330).

**5. Compliance with 40 CFR: 247– 254 (RCRA - Section 6002):**

The contractor shall comply with the guidelines contained in 40 CFR 247– 254 (Section 6002 of the Resource Conservation and Recovery Act).

State and local recipients and sub-recipients of grants, loans, cooperative agreements or other instruments funded by appropriated Federal funds shall give preference in procurement programs to the purchase of recycled products pursuant to the EPA guidelines.

**6. Maryland Antidegradation Implementation Procedures:**

The Clean Water Act requires three components to water quality standards that set goals for and protect each States’ waters. The three components are: (1) designated uses that set goals for each water body (e.g., recreational use), (2) criteria that set the minimum conditions to support the use (e.g., bacterial concentrations below certain concentrations) and (3) an antidegradation policy that maintains high quality waters so they are not allowed to degrade to meet only the minimum standards. The designated uses and criteria set the minimum standards for Tier I.

Maryland’s antidegradation policy has been promulgated in three regulations: COMAR 26.08.02.04 sets out the policy itself, COMAR 26.08.02.04-1, provides for identification and implementation of Tier II (high quality waters) of the antidegradation policy, and COMAR 26.08.02.04-2 that describes Tier III (Outstanding National Resource Waters or ONRW), the highest quality waters. No Tier III waters have been designated at this time. Any capital funding project occurring within Tier II catchment areas, which are areas that drain to Maryland’s high quality designated Tier II stream segments, must undergo Antidegradation Review.

To determine if your project is located within Tier II catchment area, please contact Ms. Angel Valdez of MDE Environmental Standards and Assessment Program, at (410) 537-3606, or at [angel.valdez@maryland.gov](mailto:angel.valdez@maryland.gov).

Please be aware that projects subject to an Antidegradation or Tier II review must adequately address comments that arise during the review before funding can be granted.

**How Tier II Stream Segments are Designated**

- Currently high quality stream segments are designated for the characteristic of biology using Maryland Biological Stream Survey (or comparable) data
- Streams are recorded in Table O (COMAR 26.08.02.04-1) and the pending list of streams awaiting promulgation or corrections is maintained on the MDE website.

**The Basic Antidegradation Review Process**

Many of the projects funded by the Water Infrastructure Financing Administration (WIFA) at MDE result in a net improvement to water quality. As a result, the antidegradation review process for WIFA generally involves making sure that any land disturbance activities associated with the project includes additional controls. Any other antidegradation reviews specific to project discharges (e.g. end-of-pipe) will be addressed separately through the permitting process.

To help expedite the review process the following list of practices has been provided. These practices include “accelerated stabilization, redundant controls, increased riparian buffers, passive or active chemical treatment, or a reduction in the size of the grading unit” as stated in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control to address Tier II issues. All practices implemented should be evident in plans. When using the list below to aide in planning keep in mind that application and site specifics will ultimately determine each recommendation’s applicability. Also realize that this list is not exhaustive and additional practices may be identified as specific plans become available.

- **Initial Considerations:** including limiting vegetative disturbances, phasing and/or sequencing, accelerated stabilization, minimum weekly inspections, and timing of in-stream work to low flow periods or clear weather forecasts
- **Expanded Riparian Buffers (for new structures/expansions only):** from 100 to 230 feet, depending upon slope and soil composition, on all intermittent and perennial streams within project footprint to help further address direct hydrologic impacts to surface waters. See Table 1 for more details.

Table 1

Adjusted Average Optimal Buffer Width Key for HQ Waters (minimum width 100 feet)				
Slopes (%)				
Hydrologic Soil Group	0-5%	5-15%	15-25%	>25%
Ab	100	130	160	190
C	120	150	180	210
D	140	170	200	230

- **Streamside Management Zones (buffer areas for utility projects):** where disturbance and work cannot be avoided, utilize minimally disturbing & selective vegetative clearing methods, restorative planting (not seeding) for major near-stream clearings totaling 1 acre

or more, no mulch placement within the streamside management zones, if possible allow small shrub growth

- **Enhanced Buffer Management:** including sheetflow of discharge beyond the minimum 100 foot vegetative buffer or implementing redundant mechanisms in dewatering exercises such as devices in manifold, use of chemical filtration aides, combining two practices such as filter bags with vegetated buffers and silt fencing. Also incorporation of super silt fencing or an equivalent practice when working near streams.
- **Enhanced Temporary Access Waterways Crossings:** including utilizing horizontal directional drilling/jack and bore for all major stream crossings or sensitive crossings, including a frac-out plan; preferential use of partial diversions (where possible); and utilization of temporary access bridges over fords.
- **Special Concern- pH and Water Quality:** For all activities related to in-stream grout placement, either in bags or as fill:
  1. To prevent impacts to in-stream pH, such operations should occur “in-the-dry”.
  2. An emergency treatment plan should be in place to address accidental material releases.
  3. Cure time allotted should reflect chemically stable grout material and should also represent the most conservative time in the expected cure range.
  4. The water quality standard numeric criteria for pH must be met in the ‘first flush’ before diversion is removed.
- **Stormwater Management:** follow the current guidelines within the Maryland Stormwater Design Manual (2009 Revised), including ESD to the MEP or other non-structural practices.

## 7. COMPLIANCE WITH BUILD AMERICA, BUY AMERICA (BABA) ACT

None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public drinking water system or water quality unless all of the *iron, steel, manufactured products, and construction materials* used in the project are produced in the United States (Build America, Buy America (BABA) Act, P.L. 117-58, Secs 70911 - 70917).

The Act requires the following Buy America preference:

- (1) All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- (2) All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- (3) All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States. The “construction materials” include an article, material, or supply other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives that is or consists primarily of:
  - non-ferrous metals;
  - plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
  - glass (including optic glass);
  - lumber; or
  - drywall.

To provide clarity to item, product, and material manufacturers and processors, we note that items that consist of two or more of the listed materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials. For example, a plastic framed sliding window should be treated as a manufactured product while plate glass should be treated as a construction material.

**Certification Process:**

The final manufacturer that delivers the iron, steel, manufactured products, or construction materials to worksite, vendor, or contractor, may provide a certification asserting that all manufacturing processes occurred in the US. The certification should include the name of the manufacturer, the location of the manufacturing facility where the product or process took place (not its headquarters), a description of the product or item being delivered, and a signature by a responsible party.

Additional documentation such as Step Certification may be needed if the certification is lacking important information. A Step Certification is a process under which each handler (supplier, fabricator, manufacturer, processor, etc) of the iron, steel, manufactured products, and construction materials certifies that their step in the process was domestically performed. Each time a step in the manufacturing process takes place, the manufacturer delivers its work along with a certification of its origin.

**Waiver:**

A request for waiver may be submitted to MDE. Pursuant to Section 70914(c) of the BABA Act, a waiver may be considered under one of the following categories:

1. Applying the domestic content procurement preference would be inconsistent with the public interest (a “public interest waiver”);
2. Types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or
3. Inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).

MDE may agree with the waiver request and submit it to the Administrator of the Environmental Protection Agency for final approval. Alternatively, MDE may, in its sole discretion, reject the waiver request and elect not to fund the project.

**De Minimis Nationwide Waiver:**

A De Minimis Nationwide Waiver was issued by EPA, on October 21, 2022, waiving Build America, Buy America requirements for products used in and incorporated into a project that cumulatively comprise no more than five percent of the total project cost.

To be covered under this waiver, the grant/loan recipient must, in consultation with the contractor, take the following actions:

1. Retain relevant documentation (i.e. invoices) as to those items being covered under this waiver in their project files.
2. Summarize in reports to MDE the types and/or categories of items to which this waiver is applied, including the cost of each category/type. The report must also include the total cost of items covered by the waiver (including installation cost), the total project cost, and the percentage of covered items calculated by cost.
3. Upon the receipt of the report, MDE, within 30 calendar day of receipt, will accept and file the report, request additional information, or advise the grant/loan recipient that the items cannot be covered under this waiver and a project specific waiver is needed.

4. **If no comments are received by MDE within 30 calendar days, the grant/loan recipient would not need to take any further action, unless more items need to be covered, at which time cumulative summary would need to be submitted to MDE.**
  
8. **Borrower agrees to comply with 2 CFR 200.216, which requires that EPA recipients and subrecipients, including borrowers under EPA funded revolving loan fund programs, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).**

**Within seven (7) days of the bid opening, the apparent low bidder shall sign the form of “Assurances for Compliance with Federal Laws and Regulations” pertaining to non-discrimination in employment, debarment, anti-kickback, contract work hours and safety, and Maryland Antidegradation Implementation Procedures. The form is appended herewith in Section I.**

**ASSURANCES FOR COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS**  
**FOR WATER QUALITY – NON-POINT SOURCE PROJECT**

Project Name: \_\_\_\_\_ Contract No. (if applicable): \_\_\_\_\_

The contractor is required to comply with the following Federal laws and regulations:

1. Non-discrimination in Employment in accordance with Executive Order 11246 of September 24, 1965 entitled “Equal Employment Opportunity” as amended by Executive Order 11375 of October 13, 1967.
2. Debarment in accordance with the Executive Order 12549 and Executive Order 11246.
3. Anti-kickback in accordance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874).
4. Contract Work Hours and Safety Standards in accordance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330).
5. Compliance with Guidelines Contained in 40 CFR 247-254 (RCRA - Section 6002).
6. Maryland Antidegradation Implementation Procedures as promulgated in three regulations: COMAR 26.08.02.04 sets out the policy itself, COMAR 26.08.02.04-1, provides for identification and implementation of Tier II (high quality waters) of the antidegradation policy, and COMAR 26.08.02.04-2 that describes Tier III (Outstanding National Resource Waters or ONRW), the highest quality waters. No Tier III waters have been designated at this time.
7. Use of the iron, steel, manufactured products, and construction materials produced in the United States (Build America, Buy America (BABA) Act, P.L. 117-58, Secs 70911 - 70917).
8. 2 CFR 200.216, which requires that EPA recipients and subrecipients, including borrowers under EPA funded revolving loan fund programs, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

I do solemnly declare and affirm that I am obligated to comply with the above Federal laws and regulations. It is understood that non-compliance with any one of the above Federal laws and regulations will be sufficient reason to cause termination of the contract.

\_\_\_\_\_  
Contractor

Signed by: \_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title (Print)

**II. Maryland Department of the Environment**  
**Maryland Water Quality & Drinking Water Revolving Loan Fund Programs**  
**Disadvantaged Business Enterprise Program (DBE)**  
**Guidance for Prime (Construction & A/E) Contractors**

The Maryland Water Quality and Drinking Water Revolving Loan Fund Programs (RLF) receive federal funds from the U.S. Environmental Protection Agency (EPA). The funds are used to provide low interest rate loans to finance water quality and drinking water capital projects. As a condition of federal grant awards, EPA regulations require that loan recipients and sub-recipients (i.e., prime contractors and subcontractors) make a good-faith effort to award a fair share of work to DBEs who are small business enterprises (SBE's), minority business enterprises (MBE's) and women's business enterprises (WBE's). A/E service consultants who receive loan funds are also considered as prime contractors and must comply with DBE requirements. Additionally, EPA's DBE rule requires loan recipients and sub-recipients to adhere to the terms and conditions in Appendix A attached hereto.

To ensure compliance with EPA DBE requirements, the MWQFA has developed guidance for both Loan Recipients and Prime Contractors (sub-recipients) to undertake certain good faith efforts to provide opportunities for DBE firms to participate in contracts. EPA regulations require evidence of the demonstration of the six good faith efforts in trying to achieve the DBE participation goals. MDE's negotiated DBE participation goals with EPA have been approved as of February 6, 2019. The goals below are not a quota and apply to DBE participation only.

<i>Procurement Category</i>	<i>MBE Goal (%)</i>	<i>WBE Goal (%)</i>
Construction	22	16
Equipment	23	11
Services	25	18
Supplies	23	11

**Good Faith Efforts:** The following good faith efforts apply to the procurement categories involving EPA financial assistance funds (See Appendix B: EPA Good Faith Efforts):

- Step 1:** Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities by placing qualified DBEs on solicitation lists whenever they are potential sources.
- Step 2:** Establishing delivery schedules, where the requirement permits to encourage participation by DBEs. The prime contractor should allow a 30-day minimum advertising period for bidding.
- Step 3:** Dividing total requirements, when economically feasible, into small tasks or quantities, to permit maximum participation of DBEs.
- Step 4:** Encourage contracting with a consortium of DBEs, when a contract is too large for one of these firms to handle individually.
- Step 5:** Using the services and assistance of the Maryland Department of Transportation (MDOT), the United States Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce (See Appendix C).
- Step 6:** Require each sub-contractor, if subcontracts are to be let, to take the steps 1- 5.

**Please submit all information to:**

**DBE Coordinator, MWIFA**

**1800 Washington Blvd., Baltimore MD 21230**

**Phone: 410-537-3146, FAX: 410-537-3968**

<https://mde.maryland.gov/programs/water/WQFA/Pages/mwbe.aspx>



## **Disadvantaged Business Enterprise Program (DBE)**

### **Guidance for Prime (Construction & A/E) Contractors**

**Demonstration of the Six Good Faith Efforts.** See **Appendices A & B** for additional bidding instructions and contract administrative provisions.

**A: Prime contractors are required to undertake good faith efforts. Steps 1 & 5 can be attained by developing a bidders list of qualified DBE firms that can bid as sub-contractors. The prime contractors should advertise in minority, local and regional newspapers and obtain a bidders list from the loan recipient to supplement their list. The bidders list used during sub-contractor solicitation must be available throughout the project's construction period.**

In developing bidders list of qualified DBE firms for participation as sub-contractors in construction, equipment, services, and supplies, the prime contractors should contact and gather information from different resources (See **Appendix C**) such as:

- Loan Recipient
- U.S. Small Business Administration (US-SBA)
- Minority Business Development Agency (MBDA) of the US Department of Commerce
- Maryland Department of Transportation (MDOT)

The DBE bidders lists may be classified with Standard Industrial Classification (SIC) or NAICS codes, should be updated periodically, and should be made available to sub-contractors to solicit additional sub-contractors, if necessary. **The prime contractor is required to keep the bidders list throughout the project's construction period.**

**B: Prime contractors are also required to undertake good faith efforts. Steps 2, 3, & 4, can be utilized during the project planning, design and/or pre-bidding phase, to assure that qualified DBE firms have procurement opportunities in construction, equipment, services, and supplies.**

To provide procurement opportunities to DBE firms, the Prime Contractor should undertake the following:

- Conduct pre-bid meetings to inform potential bidders/contractors about DBE requirements and provide guidance in undertaking the required good faith efforts.
- Use the bidders list developed in Item A (above) to solicit DBE firms as sub contractors.
- Invite DBE firms, where appropriate, to meetings, conferences, etc., to inform them of procurement opportunities and develop, where possible, reasonable contract and delivery schedules that encourage and facilitate participation by DBEs.
- Determine if a project can be broken down into smaller components/contracts to allow opportunity for DBE firms to bid as sub-contractors.
- For projects broken down into smaller components (e.g., painting, roofing, excavation, pipe laying, etc.) ensure that the delivery schedules are reasonable.
- Encourage DBE firms, where appropriate, to apply as a consortium, or as part of a consortium of DBEs, when a contract is too large for one of these firms to handle individually.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard, Suite 515 Baltimore MD 21230-1718

410-537-3119, 1-800-633-6101 [https://mde.maryland.gov/programs/water/WQFA/Pages/mission\\_statement.aspx](https://mde.maryland.gov/programs/water/WQFA/Pages/mission_statement.aspx)

**Disadvantaged Business Enterprise (DBE) Good Faith Efforts Checklist**

To be Completed by Loan Recipient

Project Name:

**Procurement Category:** Check box for all M/WBE procurement categories being reported under the above referenced project.

Construction  Equipment  Services  Supplies

*For each procurement action, please answer the following questions*

**A: Develop Bidders List of DBE firms**

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| A1 | Did you develop a Bidders List of DBE firms?                                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A2 | Did you advertise via eMMA, minority, local/regional papers or Dodge Report? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A3 | Did you send invitation for bids to DBE trade associations?                  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A4 | Did you contact US-SBA/MBDA/MDOT?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A5 | Did you provide Prime Contractors with Bidders List                          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| A6 | Did you provide MDE with Bidders List?                                       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**B: Smaller work components and delivery schedules**

- |    |   |                              |                             |
|----|---|------------------------------|-----------------------------|
| B1 | Did DBE firms have opportunities to bid as prime contractors?                         | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B2 | Did you break down the project, where economically feasible, into smaller components? |                              |                             |
|    | o For DBE firms to bid as prime contractor  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|    | o For DBE firms to bid as sub-contractors   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B3 | Do project components have reasonable delivery schedules?                             | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B4 | Did you allow a reasonable time for DBEs to bid (e.g., min. of 30 days)?              | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| B5 | Did you encourage DBEs to bid as a consortium due to project size?                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**C: Require prime contractor to Undertake Good Faith Efforts**

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| C1 | Did you include the “MDE Insert” in the bidding documents?             | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| C2 | Did you require the prime contractors to apply the good faith efforts? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| C3 | Is DBE a “responsiveness” criteria in bid documents?                   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**D: Solicitation Summary of DBE firms (Use Attachment 1 for each prime contract)**

- |    |  |                              |                             |
|----|--|------------------------------|-----------------------------|
| D1 | Did you use the Bidders List to solicit prime contractors? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D2 | Did DBE firms bid as prime contractors?                    | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D3 | Did you select any DBE firms as prime contractor?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| D4 | Is the prime contractor using any subcontractors?          | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Loan recipient must also complete Attachment 1 and have prime contractor list each DBE subcontractor on WIFA 6100 Form. In addition, WIFA 6100 Form must be submitted with bid proposal after completion by prime contractor.

**Supporting Documentation**

*In support of the actions taken in items A, B, C and D (above), all borrowers and prime contractors must attach this checklist along with supporting documentation for “Yes” answers and an explanation for “No” answers. Examples of supporting documentation include: (i) Bidders List of DBE firms; (ii) list of sub-contract work elements possible under the prime contract; (iii) proof of contact with DBE firms as potential prime contractors (copies of invitations for bids/RFP, contact letters, faxes and telephone call sheets, etc.; (iv) copies of all procurement advertisements; and (v) list of all prime contractors that submitted bids/RFP.*

\_\_\_\_\_  
Loan Recipient’s Name and Title

\_\_\_\_\_  
Loan Recipient Official’s Signature/ Date

Contact Phone # \_\_\_\_\_

**Attachment 1**

**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
SOLICITATION OF FIRMS  
Loan Recipient must complete one form for each prime (construction & A/E) contract**

Project Name:

Total Contract Amount (Prime Construction Contractor):

*Please answer the following questions for each prime contract*

**Procurement Category:** Check only one procurement category for each prime contract being reported under the above referenced project.      **Construction**       **Equipment**       **Services**       **Supplies**

**Summary of Prime Contractors Solicited**

- 1      Number of firms solicited (attach list/documentation): \_\_\_\_\_
- 2      Number of firms that responded (attach documentation): \_\_\_\_\_
- 3      Number of DBE firms that responded (attach documentation): \_\_\_\_\_

**Details of Selected Firm**

4      Name of Firm:

5      Address:

6      Contact Person (Name and Phone):

7      Total amount of Contract      \$

8      Is the firm a Minority Business Enterprise? (MBE)      Yes       No

9      Is the firm a Women Business Enterprise? (WBE)      Yes       No

10      If the response to question 8 or 9 is **Yes**, please complete the following:

- M/WBE Certification Number: \_\_\_\_\_
- Certification Date: \_\_\_\_\_
- Expiration Date (if applicable): \_\_\_\_\_
- Certifying Agency: \_\_\_\_\_

**Please submit all information to:**  
DBE Coordinator, MWIFA  
1800 Washington Blvd., Baltimore MD 21230  
Phone: 410-537-3146, FAX: 410-537-3968

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard Suite 515 Baltimore MD 21230-1718

410 537 3119 1-800-633-6101

<https://mde.maryland.gov/programs/water/WQFA/Pages/mwbe.aspx>

**Disadvantaged Business Enterprise (DBE) Good Faith Efforts Checklist  
To be completed by Prime (Construction & A/E) Contractor**

Project Name:

**Procurement Category:** Check box for all M/WBE procurement categories being reported under the above referenced project.      **Construction**       **Equipment**       **Services**       **Supplies**

*For each procurement action, please answer the following questions*

**A: Develop Bidders List of DBE firms**

- A1 Did you develop a Bidders List of DBE firms? Yes  No
- A2 Did you advertise via eMMA, minority, local/regional papers or Dodge Report? Yes  No
- A3 Did you send invitation for bids to DBE trade associations? Yes  No
- A4 Did you contact US-SBA/MBDA/MDOT? Yes  No
- A5 Did you receive Bidders List from Loan Recipient? Yes  No
- A6 Did you provide MDE with Bidders List? Yes  No

**B: Smaller work components and delivery schedules**

- B1 Did DBE firms have opportunities to bid as subcontractors? Yes  No
- B2 Did you break down the project, where economically feasible, into smaller components for DBE firms to bid as subcontractors? Yes  No
- B3 Do project components have reasonable delivery schedules? Yes  No
- B4 Did you allow a reasonable time for DBEs to bid? Yes  No
- B5 Did you encourage DBEs to bid as a consortium due to project size? Yes  No

**C: Solicitation Summary of DBE firms (Prime Contractor must fill WIFA 6100 Form)**

- C1 Did you use the Bidders List to solicit subcontractors? Yes  No
- C2 Did DBE firms bid as subcontractors (provide list, work type, & price)? Yes  No
- C3 Did you select any DBE firms as subcontractor? Yes  No
- C4 Is the subcontractor using any additional subcontractors? Yes  No

**Prime contractor must provide to loan recipient: (1) list of ALL subcontractors (DBE and non-DBE) with type of work and estimated dollar amounts; (2) completed WIFA 6100 Form.**

**Supporting Documentation**

*In support of the actions taken in items A, B, and C, (above), all prime contractors must attach this checklist along with supporting documentation for “Yes” answers and an explanation for “No” answers. Examples of supporting documentation include: (i) Bidders List of DBE firms; (ii) list of sub-contract work elements possible under the prime contract; (iii) proof of contact with DBE firms as potential sub contractors (copies of invitations for bids/RFP, contact letters, faxes and telephone call sheets, etc.; (iv) copies of all procurement advertisements; and, (v) list of all sub contractors that submitted bids/RFP.*

\_\_\_\_\_  
Prime Contractor’s Name and Title

\_\_\_\_\_  
Prime Contractor Official’s Signature/ Date

Contact Phone # \_\_\_\_\_

**Maryland Department of the Environment -- Water Infrastructure Financing Administration  
Disadvantaged Business Enterprise (DBE) Program  
DBE Subcontractor Utilization Form  
(MDE WIFA 6100 Form)**

This form is intended to capture the prime contractor’s actual and/or anticipated use of identified certified DBE<sup>1</sup> subcontractors<sup>2</sup> and the estimated dollar amount of each subcontract. An EPA Financial Assistance Agreement Recipient must require its prime contractors to complete this form and include it in the bid or proposal package. Prime contractors should also maintain a copy of this form on file.

PRIME CONTRACTOR NAME	PROJECT NAME
CONTACT NAME	CONTACT PHONE
ADDRESS	

Please list all DBE subcontractors you plan to utilize on this project. Use additional sheets as necessary.

SUBCONTRACTOR NAME	COMPANY ADDRESS	EST. DOLLAR AMOUNT TO BE SUBCONTRACTED	CURRENTLY DBE CERTIFIED? YES/NO

I certify under penalty of perjury that the forgoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware that in the event of the replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

PRIME CONTRACTOR SIGNATURE	TITLE
PRINT FULL NAME	DATE

<sup>1</sup> A DBE is a Disadvantaged, Minority or Woman Business Enterprise that has been certified by any entity from which EPA accepts certifications as described in 40 CFR 33.204-33.205.

<sup>2</sup> Subcontractor is defined as a company, firm, joint venture or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

## APPENDIX A: EPA DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

EPA's Disadvantaged Business Enterprise Program rule applies to contract procurement actions funded in part by EPA assistance agreements awarded after May 27, 2008. The rule is found at Federal regulation Title 40, Part 33. Specific responsibilities are highlighted below.

### Loan Recipient Responsibilities:

- Include MDE's DBE guidance in each contract with a primary contractor, *MDE, October 2008*.
- Employ the six Good Faith Efforts during prime contractor procurement (§ 33.301).
- Require prime contractor to comply with the following prime contractor requirements of Title 40 Part 33:
  - a) To employ the six Good Faith Efforts steps in paragraphs (a) through (e) of § 33.301 if the prime contractor awards subcontracts (§ 33.301(f)).
  - b) To pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§ 33.302(a)).
  - c) To notify recipient in writing by its prime contractor prior to any termination of a DBE subcontractor for convenience by the prime contractor (§ 33.302(b)).
  - d) To employ the six good faith efforts described in § 33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§ 33.302(c)).
  - e) To employ the six good faith efforts described in § 33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).
  - f) Provide grant recipient DBE participation achievements with bid proposal
- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including BIDDERS LIST and documentation of its, and its prime contractors', good faith efforts (§ 33.501(a)).

### Prime Contractor Responsibilities:

- Employ the six Good Faith Efforts steps in paragraphs (a) through (e) of § 33.301 if the prime contractor awards subcontracts (§ 33.301(f)).
- Pay subcontractors for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient (§ 33.302(a)).
- Notify the recipient in writing prior to prime contractor termination of a DBE subcontractor for convenience (§ 33.302(b)).
- Employ the six good faith efforts described in § 33.301 if soliciting a replacement subcontractor after a DBE subcontractor fails to complete work under the subcontract for any reason. (§ 33.302(c)).

- Employ the six good faith efforts described in § 33.301 even if the prime contractor has achieved its fair share objectives under subpart D of Part 33. (§33.302(d)).
- Provide loan recipient DBE participation achievements with bid proposal: (1) list of ALL subcontractors (DBE and non-DBE) with type of work and estimated dollar amounts; (2) completed WIFA 6100 Form.
- Maintain records documenting its compliance with the requirements of Title 40 Part 33, including BIDDERS LIST documentation of its, and its prime contractors', good faith efforts (§ 33.501(a)).

**APPENDIX B: TITLE 40 PART 33 SUBPART C—GOOD FAITH EFFORTS****§ 33.102 When do the requirements of this part apply?**

The requirements of this part apply to procurement under EPA financial assistance agreements performed entirely within the United States, whether by a loan recipient or its prime contractor, for construction, equipment, services, and supplies.

**§ 33.106 What assurances must EPA financial assistance recipients obtain from their contractors?**

The recipient must ensure that each procurement contract it awards contains the term and condition specified in Appendix A to this part concerning compliance with the requirements of this part.

**§ 33.206 Is there a list of certified MBEs and WBEs?**

EPA OSDBU will maintain a list of certified MBEs and WBEs on EPA OSDBU's Home Page on the Internet. Any interested person may also obtain a copy of the list from EPA OSDBU. The Maryland Department of Transportation will also have a bidders list.

**§ 33.301 What does this subpart require?**

A recipient, including one exempted from applying the fair share objective requirements by § 33.411, is required to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, even if it has achieved its fair share objectives under subpart D of this part:

- (a) Ensure DBEs are made aware of contracting opportunities fully practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs, arrange periods for contracts, and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.



**§ 33.302 Are there any additional contract administration requirements?**

- (a) Loan recipient must require its prime contractor to pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor's receipt of payment from the recipient.
- (b) Its prime contractor must notify loan recipient in writing prior to any termination of a DBE subcontractor for convenience by the prime contractor.
- (c) If a DBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to employ the six good faith efforts described in § 33.301 if soliciting a replacement subcontractor.
- (d) A recipient must require its prime contractor to employ the six good faith efforts described in § 33.301 even if the prime contractor has achieved its fair share objectives under subpart D of this part.
- (e) A recipient must ensure that each procurement contract it awards contains the term and condition specified in the Appendix A concerning compliance with the requirements of this part. A recipient must also ensure that this term and condition is included in each procurement contract awarded by an entity receiving an identified loan under a financial assistance agreement to capitalize a revolving loan fund.

**§ 33.410 Can a recipient be penalized for failing to meet its fair share objectives?**

A recipient cannot be penalized, or treated by EPA as being in noncompliance with this subpart, solely because its MBE or WBE participation does not meet its applicable fair share objective. However, EPA may take remedial action under § 33.105 for a recipient's failure to comply with other provisions of this part, including, but not limited to, the good faith efforts requirements described in subpart C of this part.

**Source:** Federal Requirements and Contract Provisions for Special Appropriation Act Projects, US Environmental Protection Agency, Region III, June 2008

**APPENDIX C: RESOURCE LISTING AND CONTACT INFORMATION  
FOR UTILIZATION OF MINORITY AND WOMEN’S BUSINESS ENTERPRISES**

Resource Listing	Contact	Website if applicable
<p><b>State of Maryland Governor’s Office of Minority Affairs</b> The mission of the Governor's Office of Minority Affairs (GOMA) is facilitating minority business enterprise activities through coordinating and promoting government programs aimed at strengthening and preserving the state’s minority and women owned businesses.</p>	<p>Governor's Office of Minority Affairs Suite 1502 6 Saint Paul Street Baltimore MD 21202 767-8232 1-(877) 558-0998 f-(410) 333-7568 <a href="mailto:info@mdminoritybusiness.com">info@mdminoritybusiness.com</a></p>	<p><a href="http://www.oma.state.md.us/">http://www.oma.state.md.us/</a></p>
<p><b>eMARYLAND MARKETPLACE ADVANTAGE</b> The official online procurement tool for the state of Maryland.</p>	<p>Website</p>	<p><a href="https://emma.maryland.gov/page.aspx/en/usr/login?ReturnUrl=%2fpage.aspx%2fen%2fbuy%2fhomepage">https://emma.maryland.gov/page.aspx/en/usr/login?ReturnUrl=%2fpage.aspx%2fen%2fbuy%2fhomepage</a></p>
<p><b>U.S. Small Business Administration (SBA)</b> In addition to the national office, the SBA has local district and regional offices to assist small businesses in contracting with the public and private sector.</p>	<p>Website</p>	<p><a href="http://www.sba.gov/category/navigation-structure/contracting/working-with-government">www.sba.gov/category/navigation-structure/contracting/working-with-government</a></p>
<p><b>CCR/Pro-Net is an extensive database that combines the SBA’s Pro-Net database and the DOD’s Central Contractor Registration database of small businesses.</b></p>	<p>CCR Assistance Center 888-227-2423 269-961-5757 DSN: 661-5757</p>	<p><a href="http://www.ccr.gov/">www.ccr.gov/</a> Select “Dynamic Small Business</p>
<p><b>U. S. Small Business Administration (SBA) - MD. District Office</b></p>	<p>City Crescent Bld. 6<sup>th</sup> Floor 10 South Howard St. Baltimore MD 21201 Phone: 410 962-6195</p>	<p><a href="http://www.sba.gov/tools/local-assistance/districtoffices">www.sba.gov/tools/local-assistance/districtoffices</a></p>
<p><b>Minority Business Development Administration (MBDA):</b> The MBDA is an agency within the U.S. Dept. of Commerce, created to foster the development and growth of minority businesses in the U.S. and coordinates resources in the public and private sectors to help MBE’s. Recipients and bidders should contact the centers and provide notices of contracting opportunities. Also, see the Phoenix database, which matches minority companies with business opportunities.</p>	<p>1401 Constitution Ave NW Washington, D.C. 20230 Email: <a href="mailto:support@mbda.gov">support@mbda.gov</a> 1.888.324.1551</p>	<p><a href="http://www.mbda.gov/">www.mbda.gov/</a></p>
<p><b>Standard Industrial Classification Codes (SIC) or North American Industry Classification System (NAICS) codes visit the website.</b></p>	<p>Website</p>	<p><a href="http://www.sba.gov/content/north-american-industry-classification-system-codes-and-small-business-size-standards">www.sba.gov/content/north-american-industry-classification-system-codes-and-small-business-size-standards</a></p>

<p>Maryland Department of Transportation (MDOT) and the <b>Minority/Disadvantaged Business Enterprise (MDOT – MBE/DBE)</b>. Loan recipients and bidders may locate qualified M/WBE's through the MBE/WBE Directory.</p>	<p><b>Office Address</b> 7201 Corporate Drive Hanover, MD 21076</p> <p>Or</p> <p><b>Mailing Address:</b> P.O. Box 548 Hanover, MD 21076</p>	<p><a href="http://www.mdot.maryland.gov/Office%20of%20Minority%20Business%20Enterprise/HomePage.html">www.mdot.maryland.gov/Office%20of%20Minority%20Business%20Enterprise/HomePage.html</a></p> <p><a href="http://mbe.mdot.state.md.us/directory/">http://mbe.mdot.state.md.us/directory/</a> Click on "Proceed to Directory. Select any combination of the fields to identify M/WBE's for the specific project opportunities.</p>
<p>U.S. EPA Office of Small, Disadvantaged Business Utilization (OSDBU) – <b>OSDBU's mission includes "fostering opportunities for partnerships, contracts, subagreements, and grants for small and socioeconomically disadvantaged concerns". One of the resources to assist prime contractors is a listing of small and disadvantaged businesses (a vendor profile system) registered with OSDBU.</b></p>	<p>US.EPA Office of Small Programs 1200 Pennsylvania Avenue NW Mail Code 1230T Washington, D.C. 20460</p>	<p><a href="http://cfpub.epa.gov/sbyps/">http://cfpub.epa.gov/sbyps/</a> <a href="http://www.epa.gov/osdbu/">http://www.epa.gov/osdbu/</a> <b>Select "search the OSDBU Registry"</b> Click on the search criteria of interest (ethnicity, size, SIC, etc.)</p>
<p><b>National Black Chamber of Commerce</b></p>	<p>1350 Connecticut Ave. N.W. Suite 405 Washington D.C. 20036 Phone: 202 466-6888 Fax: 202 466-4918</p>	<p><a href="http://www.nationalbcc.org">www.nationalbcc.org</a></p> <p>Email: <a href="mailto:info@nationalbcc.org">info@nationalbcc.org</a></p>
<p><b>Virginia Hispanic Chamber of Commerce (Northern Va.)</b></p>	<p>8300 Boone Blvd., 4<sup>TH</sup> Floor Vienna, VA 22182 Phone: 804.378.4099 Fax: 703 893-1269</p>	<p><a href="http://www.vahcc.com">www.vahcc.com</a></p>
<p><b>U.S. Hispanic Chamber of Commerce</b></p>	<p>2175 K Street NW Suite 100 Washington, D.C. 20037</p>	<p><a href="http://www.usfcc.com">www.usfcc.com</a></p>
<p><b>National Association of Minority Contractors (NAMC)</b></p>	<p>666 11 Street N.W. Suite 520 Washington D.C. 20001 Phone: 202 347-8250</p>	<p><a href="http://www.namcnational.org/">www.namcnational.org/</a></p>
<p><b>Maryland/Washington Minority Contractors (MWMCA)</b></p>	<p>1107 North Point Blvd, Suite 227 Baltimore, MD 21224 410.282.6101 410.282.6102 –fax</p>	<p><a href="http://www.mwmca.org">www.mwmca.org</a></p>
<p><b>National Association of Women's Business Owners (NAWBO) – National</b></p>	<p>1760 Old Meadow Rd. Ste 500 McLean VA 22102 Phone: 800.556.NAWBO 703.506.3268 703.506.3266-fax</p>	<p><a href="http://www.nawbo.org">www.nawbo.org</a></p>

<b>NAWBO Baltimore Regional Chapter</b>	4404 Silverbrook Lane, Suite E-204 Owings Mills MD 21117 Phone: 410 876-0502 410.654.9734-fax	<a href="http://www.nawbomaryland.org">www.nawbomaryland.org</a>  Email: <a href="mailto:info@nawbomaryland.org">info@nawbomaryland.org</a>
<b>NAWBO Delaware Chapter</b>	P.O. Box 4657 Greenville Station Greenville, DE 19807-4657 Phone: 302 355.9945	<a href="http://www.nawbodelaware.org">www.nawbodelaware.org</a>  Email: <a href="mailto:info@nawbodelaware.org">info@nawbodelaware.org</a>
<b>MD/DC Minority Supplier Development Council (MSDC)</b>	10770 Columbia Pike Lower Level, Suite L100 Silver Spring MD 20901 Phone: 301 592-6710 Fax: 301 592-6704	<a href="http://mddccouncil.org/">http://mddccouncil.org/</a>
<b>National Minority Supplier Development Council, Inc. (NMSDC)</b>	1040 Avenue of the Americas, 2 <sup>nd</sup> Floor New York, New York 10018 Phone: 212 944-2430 212.719.9611-fax	<a href="http://www.nmsdcus.org/">www.nmsdcus.org/</a>
<b>UIDA Business Services</b> is a Native American Procurement and Technical Assistance Center-maintains a comprehensive database of Native American owned firms	86 South Cobb Drive, MZ:0510 Marietta, GA 30063-0510 Phone, 770 494-0431 770.494.1236-fax or <b><u>Northeast Region</u></b> 2340 Dulles Corner Blvd Mail Stop: 1n01 Herndon, VA 20171 Phone: 703.561.3120 703.561.3124-fax	
<b>Diversity Business</b> (A multi-cultural online resource)	200 Pequot Avenue Southport, CT 06890 Phone 203.255.8966 203.255.8501-fax	<a href="http://www.diversitybusiness.com/">www.diversitybusiness.com/</a>
<b>National Association of Women in Construction</b>	327 S. Adams Street Fort Worth, TX 76104 Phone: 1-800-552-3506 Phone: 817.877.5551 817.877.0324-fax	<a href="http://www.nawic.org/">www.nawic.org/</a>

**III. PRESIDENTIAL DOCUMENTS**

**PRESIDENTIAL EXECUTIVE ORDER 13202 OF FEBRUARY 17, 2001 and PRESIDENTIAL EXECUTIVE ORDER 13208 OF APRIL 8, 2001 are appended as Attachment II.**

**IV SEVERABILITY**

**In the event any provision of the within and foregoing Requirement, including any attachment thereto, shall be held illegal, invalid, unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof.**

**V. PROJECT SIGNS**

- 1. The prime contractor shall provide and erect a construction site sign as described below at a prominent location at each construction site.**
- 2. For projects Bipartisan Infrastructure Law (BIL), the prime contractor shall provide and erect an additional construction site sign at a prominent location at each construction site using the Investing in America Signage guidelines at**

**The owner shall approve the site for the signs' erection. The signs shall be prepared in accordance with detailed instructions provided by Maryland Department of the Environment (MDE).**

**It shall be the responsibility of the contractor to protect and maintain the signs in good condition throughout the life of the project.**

## Attachment II

**Presidential Documents****Executive Order 13202 of February 17, 2001****Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects**

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the taxpayers; (4) expand job opportunities, especially for small and disadvantaged businesses; and (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that:

**Section 1.** To the extent permitted by law, any executive agency awarding any construction contract after the date of this order, or obligating funds pursuant to such a contract, shall ensure that neither the awarding Government authority nor any construction manager acting on behalf of the Government shall, in its bid specifications, project agreements, or other controlling documents:

(a) Require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or

(b) Otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s).

(c) Nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into agreements described in subsection (a).

**Sec. 2.** Contracts awarded before the date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

**Sec. 3.** To the extent permitted by law, any executive agency issuing grants, providing financial assistance, or entering into cooperative agreements for construction projects, shall ensure that neither the bid specifications, project agreements, nor other controlling documents for construction contracts awarded after the date of this order by recipients of grants or financial assistance or by parties to cooperative agreements, nor those of any construction manager acting on their behalf, shall contain any of the requirements or prohibitions set forth in section 1(a) or (b) of this order.

**Sec. 4.** In the event that an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, performs in a manner contrary to the provisions of sections 1 or 3 of this order, the executive agency awarding the contract, grant, or assistance shall take such action, consistent with law and regulation, as the agency determines may be appropriate.

**Sec. 5.** (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of "special circumstances" under section 5(a) may not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or concerning employees on the project who are not members of or affiliated with a labor organization.

**Sec. 6.** (a) The term "construction contract" as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The term "executive agency" as used in this order shall have the same meaning it has in 5 U.S.C. 105, excluding the General Accounting Office.

(c) The term "labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

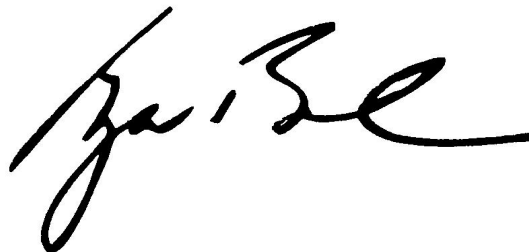
**Sec. 7.** With respect to Federal contracts, within 60 days of the issuance of this order, the Federal Acquisition Regulatory Council shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

**Sec. 8.** As it relates to project agreements, Executive Order 12836 of February 1, 1993, which, among other things, revoked Executive Order 12818 of October 23, 1992, is revoked.

**Sec. 9.** The Presidential Memorandum of June 5, 1997, entitled "Use of Project Labor Agreements for Federal Construction Projects" (the "Memorandum"), is also revoked.

**Sec. 10.** The heads of executive departments and agencies shall revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing the Memorandum or Executive Order 12836 of February 1, 1993, as it relates to project agreements, to the extent consistent with law.

**Sec. 11.** This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right to administrative or judicial review, or any right, whether substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.



THE WHITE HOUSE,  
February 17, 2001



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**Federal Register**

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**Presidential Documents****Title 3—****Executive Order 13208 of April 8, 2001****The President****Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the tax payers; (4) expand job opportunities, especially for small and disadvantaged businesses; (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; and (6) prevent the inefficiency that may result from the disruption of a previously established contractual relationship in particular cases; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that Executive Order 13202 of February 17, 2001, is amended by adding to section 5 of that order the following new subsection:

- (c) The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, may exempt a particular project from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds: (i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of the foregoing had issued or was a party to, as of the date of this order, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in sections 1(a) or (b) of this order; and (ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of this order.



THE WHITE HOUSE,  
*April 6, 2001.*

[FR Doc. 01-9086  
Filed 4-10-01; 8:45 am]  
Billing code 3195-01-P

**THE CONSTRUCTION SITE SIGN FOR PROJECTS FINANCIALLY  
SUPPORTED BY STATE REVOLVING LOAN FUNDS  
AND OTHER FUND SOURCES**

White Background

Light Blue Scroll

Black Letters

**PROJECT TITLE**  
**Project Type (by MDE)**

**A PROJECT FINANCIALLY SUPPORTED BY THE  
STATE OF MARYLAND AND  
U.S. ENVIRONMENTAL PROTECTION AGENCY**

**UNDER THE DIRECTION  
OF THE  
MARYLAND DEPARTMENT  
OF THE ENVIRONMENT**

**APPROVED BY THE  
MARYLAND BOARD  
OF PUBLIC WORKS**

Westley W.O. Moore, Governor  
Brooke E. Lierman, Comptroller  
Dereck E. Davis, Treasurer



Total Project Cost: \_\_\_\_\_  
State Loan: \_\_\_\_\_  
State Grant: \_\_\_\_\_  
Federal Funds: \_\_\_\_\_  
Other Funds: \_\_\_\_\_  
Local Funds: \_\_\_\_\_



4'

8'

***Project Type:***

Insert the selected item under the project title:

- \_\_\_ Green Infrastructure Project - Constructing environmentally beneficial “green” infrastructure
- \_\_\_ Wetlands - Creating wetlands to improve water quality and create wildlife habitat
- \_\_\_ Stream restoration - Restoring streams to improve water quality and create wildlife habitat
- \_\_\_ Living shorelines - Turning shorelines into living habitats to improve water quality and to reduce erosion and flooding
- \_\_\_ Septic connections - Connecting homes to public sewer to eliminate failing septic systems, improve water quality, and protect public health
- \_\_\_ Drinking water extension - Connecting homes to public water supply to improve drinking water quality
- \_\_\_ Stormwater project - Reducing stormwater runoff to improve water quality, protect public health, and reduce flooding
- \_\_\_ CSOs, Sewer project - Preventing sewer overflows to improve water quality and protect public health
- \_\_\_ ENR - Reducing pollution to improve Maryland waterways and the Chesapeake Bay and to protect public health

**Investing in America Signage - Bipartisan Infrastructure Law**

Use guidelines at <https://www.epa.gov/invest/investing-america-signage>