

## SECTION B - SCOPE OF SERVICES

1. **Background/Intent**

The Department of General Services - Division of Building Design and Construction is responsible to performing various site construction and rehabilitation activities to maintain safety features, structural integrity and general maintenance requirements for various County owned and operated facilities in support of the Capital Improvements Program.

2. **Scope Of Services /Work Statement**

It is the County's intent to enter into contracts with two (2) qualified Contractors for "requirements" (Task Order) contract with a roster of unit prices for items relative to various site construction and rehabilitation projects throughout the County. The County will issue a Task Order for each Project. Issuance of a Task Order will be contingent upon appropriation of funds by the Montgomery County Council and the encumbrance of such funds, as provided by the Montgomery County Code. In addition, this contract may be used for demolition of building structures not exceeding two stories. The contracts resulting from this solicitation (the "Contract") will provide a readily available source to serve at the County's discretion for the services specified. The quantities listed on the Schedule of Prices ([Attachment J](#)) represent the County's best annual estimates and are not to be taken as a guarantee of any specific quantity or annual dollar expenditure under the Contract. The Contract will be utilized to perform site related construction activities for County owned and operated facilities, and may be used by other local, state or federal government entities for similar activities. The Contract may entail project planning, engineering design including surveying, storm water management and structural analysis, architectural/landscape design, and complete construction for unit price items as defined and specified in individual Task Orders issued under the Contract. Major activities performed under the Contract may include, but are not limited to, demolition, earthwork, sediment and erosion control, asphalt pavement, patching and resurfacing, pavement profiling, concrete paving, patching, repair and resurfacing, curb and gutter and other drainage structures, fencing, storm water management, landscaping, lighting and electrical work associated with lighting.

Task Orders issued under the contract(s) resulting from this solicitation will provide for specific Task Order requirements and construction activities at County owned and operated facilities. The total cost of each Task Order will be based on estimated quantities and contract rates (Unit Prices) for specific items and agreed upon rates for any non pre-priced items necessary to complete specific tasks. The Task Order Scope of Work is the complete description of services to be provided by the Contractor under an individual Task Order. Items that are not listed in the Contract but are within the general scope and intent of the Contract, may be included in the Task Order to which they pertain. Non pre-priced items shall be separately identified, and prices must be submitted by the Contractor in the Task Order Proposal. Documentation may include a narrative description of the Work, partial design documents, or full design documents, depending on the complexity of the work required under the Task Order. The scope of work under a Task Order will determine the selection of those items required to complete the work. The Contractor must not commence any service under any Task Order until the Office of Procurement has executed a Purchase Order and the Division of Building Design and Construction has issued a Notice to Proceed for that Task Order. The County may issue a blanket Purchase Order for work where an estimated cost from the Contractor is not available. The County will issue a Notice to Proceed for each Task Order under the blanket Purchase Order once the estimated cost for a particular Task Order is accepted by the County. For unit price work, the Contractor will be paid for actual documented work done, not the estimated quantities.

Construction of the Work must meet the requirements of the County's Permitting, Inspection and Complex Structures regulations. In addition, the Contractor will be required to comply with the Contract requirements of a Critical Path Method (CPM) schedule and monthly updates, and a Contractor Quality Control program.

Projects under the Contract may be financed in whole or in part with funds from the Federal Government of the United States or from the State of Maryland. Projects financed with federal or state funds must comply with the Federal Labor Standards Provisions. The Contractor must comply with the Federal Labor Standards Provisions. Unit Prices for projects requiring Federal Labor Standards compliance will be adjusted 2% upwards (e.g. if the contract unit price for Item 701 Solid Sodding is \$3.40 then the adjusted unit price for a project requiring compliance with the Federal Labor Standards will be  $\$3.40 \times 1.02 = \$3.47$ ). This adjustment constitutes the only adjustment to the unit prices for compliance with the Federal Labor Standards Provisions.

Projects under the Contract must comply with the County's Prevailing Wage law.

### 2.1 Method of Assignment of Task Orders

- 2.1.1 The Contractor that was the highest ranked, as a result of the Method of Award/Evaluation Criteria shown in Section C, will be offered the first Task Order. Should negotiations fail with that Contractor, the Task Order will be offered to the other Contractor. Each subsequent Task Order will be offered to the Contractor not receiving the latest assigned Task Order. In each case, should negotiations fail with the Contractor first offered a Task Order, that Task Order will be offered to the other Contractor. Further, should the Contractor fail to demonstrate to the County's satisfaction that adequate qualified key personnel are available for performance of the Task Order, the County reserves the right to assign the Task Order to the other Contractor.
- 2.1.2 When Construction Services are needed for a Project, the County will send the Contractor being offered that Task Order a "Request for Task Order Proposal" that may include any or all of the following: 1) the Program of Requirements/Scope of Work; 2) the Master Schedule; 3) special insurance requirements, if any; and 4) any other pertinent requirements/documents necessary for the Project.
- 2.1.3 The Contractor will be required to submit a Task Order Proposal to the Contract Administrator or designee within the deadline specified in the Request for Task Order Proposal. The Task Order Proposal must include 1) a complete cost dated and signed by an authorized member of Contractor's firm using Schedule of Price [Attachment J](#). 2) any other items specific to the Task Order as may be requested by the Contract Administrator or designee.
- 2.1.4 If the Task Order is approved, the Office of Procurement will issue a purchase order and the Contract Administrator or designee will issue a Notice to Proceed. The Contractor must not commence services under any Task Order until the Office of Procurement has issued a purchase order and the Contract Administrator or designee has issued a Notice to Proceed for that Task Order.
- 2.1.5 If there is a need to change the requirements of a specific Task Order, the modifications or changes to the Task Order will not modify or change any part of the Contract. Any such Task Order Amendment will only affect that Task Order, and the Amendment will be issued only for that Task Order.
- 2.1.6 Any Task Orders assigned during, but completed after, the contractual period for assigning Task Orders must be honored in accordance with all terms, conditions,

scope of services, and costs of the Contract and the Task Order until the assignment is completed and has been accepted by the Contract Administrator or designee.

- 2.1.7 Once a Task Order has been assigned, the Contractor must perform the work in accordance with the Task Order requirements and approved schedule. If the Contractor of an assigned Task Order is behind the approved schedule, the County may elect to assess liquidated damages and issue a separate solicitation for the Task Order and or reassign the Task Order to the secondary contractor.

**3. Contractor's Qualifications:**

The Contractor must be a licensed contractor in the State of Maryland and must demonstrate at least five years of similar work experience to satisfy the general requirements of the Contract. The Contractor must provide the bonds and insurance requirements included in this solicitation for award of the Contract. The County may make such investigations, as it deems necessary to determine the ability of the Offeror to perform the Work, and the Offeror must furnish to the County all such information and data for this purpose within five (5) days of the County's written request.

As part of proposals submitted in response to this RFP, Offerors are required to furnish additional documentation, as stated in this RFP, as evidence of Offeror's and/or subcontractors' qualifications.

The selected contractor(s) must self-perform a minimum of 60% of the physical construction work.

**4. Contractor's Responsibility:**

The Contractor will be required to perform work assignments within a period as specified in the Task Order (or within 90 days if no time frame is specified). The Contractor is responsible for coordinating the work in conjunction with the function and operation of the facility without major impacts or disruption to public services. The Contractor is responsible for locating and identifying underground utilities within the work area prior to commencement of any excavation. Any damage caused by the Contractor's activities must be repaired immediately at the Contractor's sole expense. The County will not be held liable for any costs associated with the Contractor's negligence. All material certifications must be submitted for approval prior to incorporation into the work. The Contractor is responsible for providing materials testing data for compliance with contract specifications and all material cost support documentation before payments are processed.

The Contractor must be available to provide construction services before, during or after normal County working hours, including weekends, to further reduce impacts to patrons and employees at the facilities. The County will compensate the Contractor for night work (defined as work done between 6:00 PM and 6:00 AM) at 5% above the contract rates (Unit Prices). The Contractor must provide crews for on-call duty should any facility require immediate or emergency repair work, at the request of the County User Agency, for public safety protection measures.

**5. County's Responsibility:**

The County User Agency will provide construction project management and inspection oversight. The County User Agency will provide project coordination between the County and the Contractor's project manager and site superintendent.