

THE MARYLAND ZOOLOGICAL SOCIETY, INC.
Capital Projects/Construction Department
T/A the Maryland Zoo in Baltimore
Druid Hill Park

Baltimore, MD 21217

Request for Proposals **Generator Project**

9/27/24

Bidders:

You are hereby invited to submit a proposal to the Maryland Zoological Society, Inc. (the "MZS") for The Maryland Zoo Generator Project.

Project Description:

The Maryland Zoo in Baltimore is Installing 4 new Generators in separate locations within the Zoo. The Successful contractor is responsible for all work identified on the Project Drawings and Specifications unless specifically identified by others.

Although the intent is to complete all Generator locations, proposals for each site should stand alone should the Zoo decide to reduce the scope of work. Contractors to provide Deduct Alternate if all Generator locations are installed.

Bidding / Permitting/ Contracting Schedule:

Date/Time

In for Permit	9/20/24 - 12/13/24
RFP Issued	9/27/24
Site Walk-Thru (Meet at Mansion House)	TBD - 2hrs Week of 10/2
Last Day for Questions from Contractors	10/17/24
Final Design Team Answers issued by	10/25/24
Bids Due to Zoo (Mansion House)	10/31/24 @ 3:00 PM
Project Award by	11/1/24
State approval of contract (<i>estimated</i>)	2/04/25
Order Long Leads (Perform all work available prior to Long Leads available)	4/05/25 – 3/18/26
Project Complete	3/19/26 – 7/19/26

This is a preliminary estimate of construction time. Construction start date is subject to permitting & state approval of the construction contract. Schedule duration to remain fixed regardless of construction start date.

General Contractor must have completed a minimum of \$5,000,000.00 worth of construction in each of the last 5 years to be eligible to bid on this project.

Please be advised, due to the funding sources for this project, payment terms will likely be closer to 45 days +/- instead of 30.

The prices and terms set forth in the successful bidder's proposal shall remain binding and firm throughout the Bid Term. As employed in this bid solicitation, the Bid Term shall mean the period, which commences when the Bid is due and which expires when the Zoo issues a Notice to Proceed to the successful bidder, such period referred to herein as the "Bid Term."

Please see the list below of attachments associated with this RFP.

1. Exhibit A: General Conditions Description
2. Exhibit B: Maryland Zoo Contractor's Policy
3. Exhibit C: Permit Drawings
4. Exhibit D: Bid Form
5. Exhibit E: Excel Detailed Bid Form
6. Exhibit F: Contractor Qualification Form
7. Exhibit G: Prevailing Wage

Upon approval from the State and Notice-to-Proceed the GC will award subcontractors within 3 weeks

All contract documents (change orders, applications for payments, etc.) are to be in AIA format.

I. **Certain Contractual Provisions:**

- A. The Maryland Zoological Society, Inc. reserves the right to reject any or all bids and to make an award or awards in the best interest of the Maryland Zoological Society, Inc.
- B. By executing and submitting a bid proposal in response to this Request for Proposal, the bidder hereby acknowledges and agrees that the agreement or agreements (Collectively, the "Purchase Agreement") memorializing the purchase transactions described herein shall contain standard terms and conditions for a transaction of this nature and shall contain, among other items, the following:
 1. A provision terminating the applicable Purchase Agreement automatically in the event that the State of Maryland fails or refuses to appropriate sufficient funds for the MZS to meet its obligations hereunder during any fiscal year.
 2. The successful bidder's representation and warranty that it has full right, power and authority to enter into the Purchase agreement and to sell the equipment or services to the MZS on the terms set forth therein.
 3. A provision granting the MZS the right to written notice of any alleged

default and opportunity to cure any such default within a period of 30 days after the MZS's receipt of such notice.

- C. The Purchase Agreement shall in no event contain any provision requiring the MZS to indemnify or hold harmless the successful bidder or any other person or entity from or against any loss, cost, damage, or expense of any nature whatsoever.
- II. **Request for Interpretation, Issuance of Addenda.** No interpretation of the meaning of the Request for Proposal Documents will be made to any bidder orally. **Any request for an interpretation of bid documents must be in an e-mail sent to:** Anthony Bifano Abifano@akfgroup.com, Brian Wisniewski Bwisniewski@akfgroup.com, Kristen Mills kmills@hdc-inc.com, John Mills jmills@hdc-inc.com, and Karl Kranz karl.kranz@marylandzoo.org. To be given consideration, such requests **must be received no later than the date identified in the above bidding schedule.** Any and all such interpretations and any such supplemental instructions will be returned in writing to the prospective bidders requesting such interpretations or will be in the form of written addenda which, if issued, will be sent to all prospective bidders, at the respective addressees furnished for such purposes, not later than two days prior to the date fixed for the receiving of Bid Proposals. Failure of any bidder to receive any such addenda or interpretations shall not relieve such bidder from any obligation under his Bid Proposal as submitted. All addenda as issued shall become part of the Contract Documents.
- III. **Discrimination Prohibited.** Discrimination prohibited: In the solicitation or awarding of contract, the MZS shall not discriminate because of race, religion, color, sex, sexual orientation, or national origin of the bidder.
- IV. **Minority Businesses.** The project goal is 25% participation by Minority or Women Owned Certified Contractors or Subcontractors. The MZS encourages participation by Minority Business Enterprises and Women Business Enterprises in soliciting and hiring all its contracts. It is mandatory that all bidders indicate in their proposals whether their firm is or is not a certified MBE and/or WBE, as defined by the State of Maryland and/or the City of Baltimore. All subcontractors who work on this proposal will also have to provide documentation on their status to both the successful bidder and the MZS. Each monetary draw will include information on the payment status of all minority vendors pertinent to that draw.
- For a list of Baltimore City certified MBE & WBE firms, please see: [h
http://cityservices.baltimorecity.gov/mwboo/](http://cityservices.baltimorecity.gov/mwboo/)
- V. **Prevailing Wage Requirements.** **Prevailing Wage will be required for this project if the cost is over \$250,000.** Whenever a State-funded capital project is estimated to cost \$250,000 or more and the portion of state funding is at least 50%, The State Prevailing Wage Law applies, and must be properly documented throughout the project. The prevailing wage rates & associated information are included in this RFP package.

Bidders may learn more about prevailing wage by visiting the following website:

<http://www.dllr.state.md.us/labor/prev/>

Prevailing Wage Rates Attached.

- VI. **Debarred Businesses.** The successful bidder must not use any individual or firm that is suspended or debarred from entering into contracts with the State and must check the debarment list for all prospective contractors at www.bpw.state.md.us.
- VII. **Rejection of Bids: Waiver of Informalities** The MZS reserves the right to reject: (i) all bid proposals in the event it determines such action to be in its best interests, and (ii) any bid proposal in the event that the MZS's investigation of the bidder fails to satisfy the MZS that such bidder is properly qualified to perform the work in strict accordance with the requirements of the Invitation for Bids. Any or all bid proposals will be rejected by the MZS in the event that the MZS determines that collusion exists among the bidders. The MZS further reserves the right to waive any informality in a bid proposal which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured in one or all of the bid proposals received.
- VIII. **Comparison of Bids.** Proposal prices will be evaluated on the basis of the following factors, including (i) the project cost, (ii) the firm's history with related projects, (iii) scheduled start and completion date of the project in accordance with the MZS's overall operating needs (provide a schedule or start/completion date), (iv) Percent participation by Maryland-certified MBE/WBE firms, and (v) the quality and experience of the proposed team.
- IX. **No Further Obligation.** In the event that a Purchase Agreement is awarded pursuant to this Invitation for Bids, MZS shall in no event be obligated to award additional contract work from the successful bidder during the Bid Term and may, in its discretion solicit bids under a new Invitation for Bids in order to meet the MZS's future requirements (whether during the Bid Term or thereafter).
- X. **Contract Terms.** Upon award, the successful bidder will submit an executable *AIA Document A101- 2017: Standard Form of Agreement Between Owner and Contractor* for execution by the MZS. Please see the section entitled "Standard Contract Terms for Capital Projects" for additional instructions for writing the contract.
- XI. **Prices.** Proposal will be inclusive of all labor, material, equipment, permits, fees and excise or use taxes required to complete the work in its entirety. The MZS is **sales tax exempt** in the State of Maryland. This extends to subcontractors and purchase of materials.
- XI. **Required Site Visit, Bid Proposals.** After receiving this RFP, prospective bidders are required to attend a site visit per the date identified in the bidding schedule to inspect the job site and working conditions. Contractors will meet at the Mansion House Lobby. Some Zoo buildings may not be accessible during the walkthrough due to precautions associated with Avian Flu.

XII. **Insurance Requirements.** Without limiting Contractor's duty to indemnify the Maryland Zoo in Baltimore as set forth in the Agreement, during the Construction Term, Contractor shall maintain at Contractor's sole expense, all insurance and/or bonds required by Law, in addition to the following:

- (1) Worker's compensation insurance as prescribed by the Law of the state(s) in which Work shall be performed.
- (2) Employer's liability insurance with limits of at least \$100,000/\$500,000/\$100,000 for each occurrence.
- (3) Commercial general liability insurance (including, but not limited to, contractual liability insurance) with a general aggregate limit of \$2,000,000 and limits of \$1,000,000 on account of any one occurrence including products/Completed Operations Liability with a \$1,000,000 limit.
- (4) Automobile liability insurance (covering all owned, hired, and non-owned automobiles used in performance of Work) with limits of at least \$ 1,000,000 each occurrence.
- (5) Umbrella insurance policy providing excess coverage in the amount of \$2,000,000 and providing such additional coverage for all of the risks and obligations of Contractor described in this Section; and
- (6) Such other insurance as is required by applicable Law, rule, or regulation.
- (7) Builder's Risk to be priced as an alternate (see bid form)

XIII. Submit your Bid, in triplicate, to:

Maryland Zoological Society, Inc.
Construction Department
1876 Mansion House Drive
Druid Hill Park
Baltimore, MD 21217

In addition to a printed Bid Form submitted with the rest of the bid, please email a Microsoft Excel file of the completed Bid Form to kmills@hdc-inc.com

An Excel file must be submitted for the bid to be considered complete, and the Excel file must match the printed Bid Form submitted with the official bid.

ALL BIDS MUST BE **RECEIVED IN THE MANSION HOUSE RECEPTION AREA** AT THE ABOVE ADDRESS NO LATER THAN THE DATE PROVIDED IN SCHEDULE ABOVE. * Bids received after the

time stated will not be accepted. The MZS reserves the privilege to change any aspect of this time frame.

Required Bid Documents, in the following order:

1. Contractors Qualification Form (Exhibit F)
2. Bid Form (Exhibit D) / Detailed Bid Form (Exhibit E)
3. Labor rates to be used for additional services.
4. Insurance Certificate
5. Bid Bond
6. Current audited Financial Statement

Indicate on the envelope that this is a sealed bid for: **Maryland Zoo Generator Project**

*INCLEMENT WEATHER - If inclement weather makes it impossible for the bids to be delivered to the Maryland Zoo's Mansion House on the scheduled bid due date, the bid deadline will be pushed back to 12:00 P.M. the next business day.

XIV. Construction Documents (Drawings and Specifications) are available for download via the following link:

<https://www.marylandzoo.org/about-us/construction/>

The contractor is responsible for all costs associated with reproduction and delivery of Construction Documents.

Exhibit F: CONTRACTOR'S QUALIFICATION FORM

The undersigned certifies under oath the truth and correctness of all statements and all answers to questions made hereinafter.

Project: Maryland Zoo Generator Project

Name	Title
Company Name	Phone
Email (please print clearly)	Fax
Address	City/State/Zip
EFIN	
Signature	Date

1. How many years has your organization been in Business? _____
2. How many years under your present name? _____
3. Any periods under a previous business name? _____
(If more space is needed, please answer on the back of this sheet)
4. Is your organization licensed to do business in the State of Maryland? YES / NO (Circle One)

License # _____
5. Have you ever failed to complete any work awarded to you? If so, note when, where, and why? (If more space is needed, please answer on an additional sheet of paper)
6. Has the company been involved, within the last 5 years, with any lawsuits or unsettled claims? If so, please provide detailed list and status.
7. Will you self-perform any part of the work? If yes, which parts(s)?
8. Please attach a list containing the name and addresses of all subcontractors.
9. If you have State of Maryland and/or Baltimore City MBE/WBE certification for you or any subcontractors, provide Certification Numbers, Expiration Dates, and Disciplines/SAIC numbers for which you or they are certified.

10. Qualification of Life Support System Contractor

In order to be considered for this project, bidders are to submit the following information to the Zoo with their bid:

1. Contractor shall be a commercial member of the American Zoo and Aquarium Association. **For a list of AZA commercial member life support system companies, see specifications.**
2. Experience:
 - a. Statement certifying that the Contractor has been in business a minimum of five (5) years and has extensive experience in the construction of mechanical life support systems for live animal exhibits of similar size and scope.
 - b. Contractor must have experience designing and building aquarium LSS and systems with underwater viewing windows.
 - c. References of at least three (3) recent projects at AZA Accredited Zoological Facilities within the last two (2) years demonstrating experience and ability to install projects of similar size and complexity as those described in the RFP. Include the name of the person responsible for the project, phone number and approximate contract amount.
3. Contractor shall submit full documentation of his/her construction crews and lead personnel detailing the experience of each person listed and their ability to perform all phases of the Work to the Zoo's satisfaction.
 - a. Site Superintendent must have supervised ten (10) or more LSS installations during his/her employment with the Contractor
 - b. Site Superintendent must have experience in installing ozone systems
 - c. Site Superintendent must show proof of 30 hour "OSHA 500" safety certification course.

The Zoo reserves the right to require additional information and/or request a visit to completed work to make a determination of the bidder's qualifications to produce work as described in the Construction Drawings and Specifications.

11. Qualification of Rock Work Contractor

In order to be considered for this project, bidders are to submit the following information to the Zoo with their bid:

1. Contractor shall be a commercial member of the American Zoo and Aquarium Association. **For a list of AZA commercial member rock work companies, see specifications.**
2. Experience:
 - a. Statement certifying that the Contractor has been in business a minimum of five (5) years and has extensive experience in the construction of rock work for live animal exhibits of similar size and scope.
 - b. Contractor must have experience designing and building rock work.
 - c. References of at least three (3) recent projects at AZA Accredited Zoological Facilities within the last two (2) years demonstrating experience and ability to install projects of similar size and complexity as those described in the RFP.

~~Include the name of the person responsible for the project, phone number and approximate contract amount.~~

- ~~3. Contractor shall submit full documentation of his/her construction crews and lead personnel detailing the experience of each person listed and their ability to perform all phases of the Work to the Zoo's satisfaction.~~
 - ~~a. Site Superintendent must have supervised ten (10) or more installations during his/her employment with the Contractor~~
 - ~~b. Site Superintendent must show proof of 30 hour "OSHA 500" safety certification course.~~

~~The Zoo reserves the right to require additional information and/or request a visit to completed work to make a determination of the bidder's qualifications to produce work as described in the Construction Drawings and Specifications.~~

12. Qualification of Caging Contractor

~~In order to be considered for this project, bidders are to submit the following information to the Zoo with their bid:~~

- ~~1. Contractor shall be a commercial member of the American Zoo and Aquarium Association. **For a list of AZA commercial member rock work companies, see specifications.**~~
- ~~2. Experience:~~
 - ~~d. Statement certifying that the Contractor has been in business a minimum of five (5) years and has extensive experience in the construction of rock work for live animal exhibits of similar size and scope.~~
 - ~~e. Contractor must have experience designing and building animal containment / caging systems.~~
 - ~~f. References of at least three (3) recent projects at AZA Accredited Zoological Facilities within the last two (2) years demonstrating experience and ability to install projects of similar size and complexity as those described in the RFP. Include the name of the person responsible for the project, phone number and approximate contract amount.~~
- ~~3. Contractor shall submit full documentation of his/her construction crews and lead personnel detailing the experience of each person listed and their ability to perform all phases of the Work to the Zoo's satisfaction.~~
 - ~~e. Site Superintendent must have supervised ten (10) or more installations during his/her employment with the Contractor~~
 - ~~d. Site Superintendent must show proof of 30 hour "OSHA 500" safety certification course.~~

~~The Zoo reserves the right to require additional information and/or request a visit to completed work to make a determination of the bidder's qualifications to produce work as described in the Construction Drawings and Specifications.~~

13. Please provide information about the projects you are currently working on, the most recent projects you have completed, and any projects within the past three years for other institutional clients. Additional projects may be listed on a separate sheet.

A) Project Name: _____
Location: _____
Start & Completion Dates: _____
Project Cost: _____
Owner Name and Phone Number: _____

B) Project Name: _____
Location: _____
Start & Completion Dates: _____
Project Cost: _____
Owner Name and Phone Number: _____

C) Project Name: _____
Location: _____
Start & Completion Dates: _____
Project Cost: _____
Owner Name and Phone Number: _____

D) Project Name: _____
Location: _____
Start & Completion Dates: _____
Project Cost: _____
Owner Name and Phone Number: _____

E) Project Name: _____
Location: _____
Start & Completion Dates: _____
Project Cost: _____
Owner Name and Phone Number: _____

If you wish, attach photographic documentation of projects listed above that illustrate work that you have completed that is most comparable in style, technique, and workmanship to the project.

14. Provide names of key personnel to be employed on this project. Indicate the projects listed above with which they were involved.

	Name	Years Experience	Years w/ Firm	Projects listed	Project Role
1					
2					
3					
4					

Exhibit D: BID FORM

Maryland Zoological Society, Inc.
T/A The Maryland Zoo in Baltimore

Maryland Zoo Generator Project

Deliver To: Maryland Zoo in Baltimore
Construction Department
1876 Mansion House Drive
Druid Hill Park
Baltimore, MD 21217

In submitting this bid, the Undersigned declares that they are the only person, or persons, interested in said bid, that it is made without any connection with any person making another bid for the same contract; that the bid is in all respects fair and without collusion, fraud or mental reservation, and that no employee of the OWNER is directly or indirectly interested in said bid, or in the supplies or work in which it relates, or in any portion of the profits thereof.

The Undersigned also declares that they have examined the Request for Proposals, including the drawings and specifications contained therein, and that by signing this proposal, they waive all right to plead a misunderstanding regarding the same.

The Undersigned agrees to submit a bid bond, payable to the Maryland Zoological Society, Inc., in the amount of five percent (5%) of the total bid amount, along with the bid.

The Undersigned further understands and agrees that they are to furnish all material, equipment, and supervision to complete entire work for the indicated project and to accept in full compensation therefore the stipulated sum or sums as stated herein.

On acceptance of this proposal for said work, the Undersigned does hereby agree to provide the Maryland Zoological Society within ten (10) days Payment and Performance bonds in the amount of one hundred percent (100%) of the total bid price to provide construction services for the consideration named herein.

The Undersigned agrees to hold open this Bid Proposal for a period of ninety (90) days following the submission of this Bid Proposal.

The Undersigned agrees to provide evidence of insurance coverage along with their bid submission, including areas and amounts such as umbrella insurance, general liability, automobile liability, garage liability, excess liability, and workers compensations and employers' liability. On acceptance of this proposal for said work, the Undersigned agrees to provide the Maryland Zoological Society, Inc. with a Certificate of Insurance adding the Maryland Zoological Society, Inc. as an Additional Insured.

1. BIDS

Provide all labor, material, equipment, and supervision necessary to complete all work as required in the bid documents for the Maryland Zoo Generator Project.

Please fill out and include the attached bid form in Excel format and fill in the following:

Total Cost of Work	\$ _____
Insurance	\$ _____
Payment & Performance Bond	\$ _____
TOTAL LUMP SUM BID	\$ _____

- a. Please fill out the Bid Option Cost portion of the Excel Bid Form**
- b. Please fill out the Unit Cost portion of the Excel Bid Form**
- c. Please attach a list of labor rates to be used for additional services.**
- d. General Conditions should be based on attached General Conditions form.**

2. LIQUIDATED DAMAGES:

NONE

3. ADDENDA: The Bidder acknowledges receipt of the following addenda:

Addendum No.	Date

4. PREVAILING WAGE

Please indicate if Prevailing Wage Rates are incorporated in your bid YES / NO

5. BID BOND:

Bidders must include a Bid Bond in the amount of 5% of the total bid.

6. SIGNATURES:

Signature of person, firm or corporation making bid:

Date: _____

Firm Name: _____

Contact Name: _____

Title: _____

Mailing Address: _____

Phone #: _____

Email: _____

Maryland Registration Number: _____

Signature: _____

Complete below if Bidder is a Partnership:

Name of All Partners:

Residence of All Partners:

Exhibit A: The Maryland Zoo General Conditions Form

General Conditions Description: The not-to-exceed costs for the necessary general requirements / general conditions expenses to support the project from the beginning of the project through 100% completion of the punch-list and close-out shall include the following:

Description	Incl. In OH&P	General Conditions	Excluded	Cost-of-Work
Administrative Staff including Information Systems and timekeepers		X		
Architect's Office, Furniture, Utility Bills			X	
BIM Clash Coordination and Detection			X	
Building Permit, Plan Check Fees, Etc.			X	
Canteen Area for Staff Meals		X		
Computer & Printers Rentals/buy		X		
Copier Paper		X		
Copiers & Fax Machines		X		
Information Systems/Data Processing / Record Retention		X		
Designer Fees			X	
Drinking Water, Coffee, and Snacks		X		
Field Office and Field Office Expenses		X		
GC Vans / Trucks for Storage & Tool		X		
Dumpster Service				X
Final Cleanup and Window and Blind Cleaning				X
Lab Super clean			X	
Temporary Fire Extinguishers/Protection		X		
Liability & Casualty Insurance	X			
Builders Risk Insurance – alternate see bid form				X
Main Office Overhead	X			
Main Office Profit	X			
Monthly Cell Phone & Pager Bills		X		
Monthly Telephone Bills		X		
Natural Gas Bills			X	
Office Furniture		X		
Office Supplies		X		
Office Trailer Setup & Rental		X		
Owner's Interior Designer Fees			X	
Owner's Office, Furniture, Utility Bills			X	
Performance & Payment Bond – See Bid Form				X
Perimeter Fencing				X
Personal Protective Equipment - Craft Workers		X		
Personal Protective Equipment - Staff		X		

Description	Incl. In OH&P	General Conditions	Excluded	Cost-of-Work
First Aid and Safety Equipment and Safety Testing (Inc. Substance)		X		
Quality Control		X		
Transportation (Trucks, cars, etc.) & Maintenance, Insurance and Fueling Costs		X		
Postage & Courier Services		X		
Utility Bills (By Landlord/Owner)			X	
Preconstruction Services – see bid form			X	
Printing & Blueprinting		X		
Progress Cleanup (Daily)		X		
Progress Photographs		X		
GC/CM's Owners, Project Executives, Managers & Engineers		X		
Project Signage		X		
Property Survey			X	
Safety Officers, Personnel & Inspections		X		
Daily workers sign-in and badging			X	
Safety Railings & Opening Protection				X
Salvage Material (Lights, doors, etc.)				X
Continuous scheduling updates		X		
Soils Report			X	
Security Guards (while site is unmanned by CM/nights/off hours)			X	
Staging/Laydown Area				X
Superintendents and system coordinators		X		
Safety Supervisor/Officers		X		
Telephone System & Handsets		X		
Temporary Electrical Service & Distribution: Utility				X
Temporary Heating Equipment				X
Temporary Lighting				X
Temporary Generator Project and Roads				X
Temporary Protection / Signage				X
Temporary Toilets & Wash carts				X
Temporary Water & Sewer Services				X
Testing & Inspection				X
Water & Sewer Bills			X	
Winter Protection				X
Layout Services				X
Job Site Communications Systems		X		
Incentive Bonuses or Profits Sharing	X			

Description	Incl. In OH&P	General Conditions	Excluded	Cost-of-Work
Travel/Moving Expenses		X		
Site Mobilization and De-Mobilization		X		
Background checked workers			X	
Onsite Dry Shacks, Storage and Warehousing				X
Parking Fees		X		
Mail services Inc. overnight		X		
Reproduction/Copying Costs		X		
Professional Dues		X		
Small Tools		X		
Gross Receipt Taxes				X
Warranties	X			
Material Bonds				X
Sub-Contractor Bonds				X
Rental Sales Tax				Tax Exempt
GC Storage Trailers		X		
Material Lifts				X
Licenses		X		
Trash Chutes				X
Construction Management team will include project dedicated personnel from project award through closeout. (Team does not change over project time)		X		
LEED Administration / Green Building Requirements		X		
Costs to prepare change orders / estimates (including due-diligence, field personnel), estimates, schedule/analysis, etc.		X		
Sales Tax Exemption		X		
Labor requirements / administration including certified payrolls		X		
All fees associated with project management and billing software		X		
GC/CM to coordinate all 3 rd party testing and inspection vendors and track and close all applicable issues.		X		

Standard Contract Terms for Capital Projects

Contract Form: AIA Document A101-2017 Standard Form of Agreement Between Owner and Contractor where the basis of payment is a STIPULATED SUM

The Owner: The Maryland Zoo in Baltimore
1876 Mansion House Drive
Baltimore, MD 21217

§3.1- please select: “A date set forth in a notice to proceed issued by the Owner.”

§3.3- Fill this out per the RFP

5.1.3 ...Application for Payment is received by the Architect/Owner no later than the Last day of a month, the Owner shall make payment of the amount certified to the Contractor not later than the Last day of the following month. ...payment of the amount certified shall be made by the Owner not later than forty-five (45) days after....

§ 5.1.7.1 ten percent (10%)

§ 5.1.7.2 Reduction to five percent (5%) at 50% completion

§ 6.2 select “litigation ...”

§ 7.1 No termination fee. Contractor will be paid for work complete.

§ 8.3 The Owner’s representative is:

Mr. Karl Kranz, *Executive Vice President for Animal Programs and Chief Operating Officer*

§ 9.1.9 Include the RFP and your Bid Response as exhibits

The signatory on the contract is Kirby Fowler, President & CEO

---Complete all other sections as appropriate based on specifics of the project---

ZOO STANDARD OPERATING PROCEDURE

Construction areas within the Zoo's perimeter fence shall be closed to guest access using portable concrete footer construction fence. The construction fence shall be standard 9 gauge chain-link, 8'-0" high, 12'-0" long with portable concrete footers and removable posts.

Contractors will be responsible for properly barricading and protecting all work areas, as necessary. Contractor shall be responsible for protecting work site from visitor access and maintaining a safe work environment. All temporary protection will be the contractor's responsibility.

The selected contractor shall mobilize no later than one (1) week of Notice to Proceed and will coordinate final construction fence, trailer, and lay down locations with Owner. Construction must begin no later than two (2) weeks of Notice to Proceed. Mobilization can be scheduled based on long lead materials upon approval of the owner.

Due to the sensitivity of the animals around the project site, it is critical for all of Contractor's crews and subcontractors to abide by jobsite rules governing site access, deliveries, noise control, designated smoking areas, hours of operation and site cleanup.

Site Access

There are several access and parking locations available. Some access points and parking locations may need to be shut down to accommodate work phasing and Zoo Events. Contractor shall coordinate access to the work site with the Zoo's designated representative. Workers are encouraged to carpool.

Contractor is required to have either a superintendent or project manager on site while Contractor's crews or subcontractors are on site. Contractor's crews and subcontractors are not permitted beyond the confines of the construction site without Owner's permission. Limited areas of access will include restrooms and vending areas.

Deliveries

Deliveries by third party suppliers are discouraged except for equipment rentals and certain materials which cannot be delivered to an offsite address. Owner will not accept deliveries on behalf of the Contractor. In the event site access is limited to an area of guest access because of work phasing, all deliveries must be completed prior to Zoo opening or after Zoo closing to limit the impact on guests unless authorized by Owner.

Noise Control

Contractor to give at least 48 hours' notice (weekends excluded) to Owner's representative prior to start of major noise activities. These activities may require special preparations by the Zoo's animal staff.

Hours of Operation

Available hours of operation are 7:00 a.m. to 4:00 p.m. Evening hours can be made available; however, site lighting is not available.

Site Cleanup

Contractor is to provide trash receptacles for its employees and subcontractors. Site grounds shall remain free of trash and debris. Roll-off container access and location must be coordinated with Owner. Contractor must walk the site to determine method of debris collection. Contractor is to be aware that areas around and inside the construction area are being used by animals and the GC is to DAILY clean and remove debris and materials. Daily protection is required to guarantee no debris of any kind is left behind.

Permits

Owner will obtain building permit. Contractor and its subcontractors shall be responsible for paying for and securing additional permits and inspections for individual trades.

Contractor Responsibilities

1. Where specified standards are in conflict, the more stringent of the two shall apply.
2. Site verification of specifications during the bid process and post award period.
3. Visit the site to determine the extent of work, which may or may not be shown in the plans.
4. Any Owner property damaged as a result of the work associated with this project shall be restored to its original condition at Contractor's expense. Contractor is responsible for documenting existing conditions.
5. Contractor is responsible for marking of any underground utility lines which are within the proposed limits of construction. The owner will assist with record documents when available.
6. The Site shall be kept clean at all times. Contractor shall keep the project site clean from worker-related debris, including surrounding lay-down areas, parking areas, walkways, and lawn areas. All debris shall be constantly picked up and properly disposed to reduce impact on guest experience and so that winds do not carry the debris to other areas of the grounds.
7. The Zoo has adopted a limited smoking policy. All vendors may only smoke in areas permitted by the designated Zoo representatives, and the contractor is responsible for the workmen, including those of sub-contractors disposing of cigarette butts in identified containers.

**SAFETY, HEALTH, AND FIRE PROTECTION PROVISIONS ON ACTIVE
CONSTRUCTION SITES AT THE MARYLAND ZOO IN BALTIMORE
EFFECTIVE AUGUST 1, 2006**

July 24, 2006
Debra Solomon, Esq.
Attorney Work Product

1. Job Site Safety

- a. Safety Coordinator: The Contractor shall designate a person responsible for safety at the project site for the duration of the project.
- b. Job Site Safety Plan: The Contractor shall submit a Job Site Safety Plan within 30 calendar days of the Contract Award and at least 10 calendar days prior to arrival at the work site. As a minimum, the plan shall detail the procedures, designated persons, instructions and report to be used to assure job site safety for all contractors, sub-contractors, Zoo personnel, the public and animals.
- c. Occupational Safety and Health: These safety provisions are subject to Maryland Occupational Safety and Health Act (MOSHA), and the Federal Occupational Safety and Health Standards contained in Title 29 Code of Federal Regulations, Part 1910 for General Industry, Part 1926 for Construction.
- d. Emergency Assistance: The contractor shall post at the site: telephone numbers for reporting emergencies, including the Zoo Security Department and Zoo Safety Manager, ambulance, police, fire department, gas utility, electric utility, water/sewer utility, poison prevention aid and hazardous waste handling. This information shall be posted in a conspicuous location within the project area prior to the start of any work at the site. Prior to calling outside emergency services, Contractor shall **first** call the Zoo's Security Department, and it will coordinate emergency service protocol.
- e. Safety Signs: The Contractor shall post legible accident prevention signs in accordance with MOSHA standards. Safety signs shall conform to all legal requirements.
- f. Report of Accident or Illness: In the event of any accident or illness for which medical assistance is required, any criminal action or any fire, the Contractor shall **first** notify Zoo Security Department which will coordinate with outside emergency services. Contractor must also notify the Zoo's Construction Manager.
- g. Emergency Evacuation: The Contractor shall post evacuation routes and facility emergency/self-protection plans at the site, train its site workers in emergency procedures, and document such training. In the event of a fire, the Contractor shall immediately activate the alarm at the nearest fire alarm pull station and notify the Zoo Security Department. Upon activation of the alarm, the building and work site shall be completely evacuated. Neither personnel nor animals may reenter the facility until the Zoo's Security Department signal the building is safe.
- h. Contractor Personnel to be Contacted: The Contractor shall submit a copy of a written list of emergency telephone numbers and names of persons to contact not only for the site superintendent but also for each major sub-contractor working on the project site. A copy of the list shall be submitted to the Zoo's Construction Manager before work begins on the project site. The list shall be updated and resubmitted to the Zoo's Construction Manager as needed.

2. TOXIC AND HAZARDOUS SUBSTANCES

- a. The Contractor shall submit to the Zoo's Construction Manager, at least ten working days prior to their intended use, a written list of toxic and hazardous substances that will be used on the project. The Contractor shall submit a "Material Safety Data Sheet" (MSDS) for these substances to identify the following information:

Product identification
Hazardous ingredients
Physical data
Fire and explosion hazard data
Health hazard data
Emergency and first aid procedures
Reactivity data
Spill or leak procedures
Special protection information
Special precautions

- b. The Contractor shall monitor the use of all toxic and hazardous substances to ensure that exposure to workers from airborne concentration of or physical contact with, these substances does not exceed applicable regulatory worker health and safety exposure limits.
- c. The Contractor shall monitor the use of all toxic and hazardous substances to ensure that exposure to Zoo employees, visitors, and animals from airborne concentrations of, or physical contact with, these substances is maintained as low as reasonably achievable. Under no circumstances shall exposure exceed the established Threshold Limit Values or Permissible Exposure Limits (whichever is less) as specified in either:
 - Threshold Limit Values and Biological Exposure Indices of the American Conference of Governmental Industrial Hygienists, latest revision and
 - Title 29 CFR Part 1910, Subpart Z-Toxic and Hazardous Substances of the Occupational Safety and Health Standards, latest revision.
- d. The Contractor shall provide methods, means and facilities to prevent contamination of soil, water, and atmosphere from discharge of noxious, toxic substances and pollutants produced by construction operations. The removal of contaminated waste shall be in compliance with applicable laws and regulations.
 - 1) When prevention is not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep exposure of all persons and animals within the prescribed limits. Descriptions of equipment or technical measures to be used for this purpose must be submitted to the Zoo's Construction Manager for approval. The Contractor's requirements for compliance with all applicable local, federal, and state regulations remain in force.
- e. The Zoo's Construction Manager may reject any product that poses too high a risk of fire or health hazard to staff, visitors, animals, or the building, based on flammability criteria (low flashpoint) or established toxicity data (designation as a carcinogen to animals or humans).
- f. The Contractor shall submit to the Zoo's Construction Manager a list of the hazardous materials to be stored on site, and the manner in which they will be stored. All containers and storage cabinets must be compliant and must be labeled as to hazard and content.
- g. The Zoo will make every effort to identify and notify the Contractor of hazardous materials that may be encountered during the work. However, if suspected asbestos containing material, lead based paint or other suspected hazardous materials are encountered during demolition or other phases of the work, the work involving the suspected material shall cease and the Contractor shall notify the Zoo's Construction Manager immediately. A plan will then be developed to handle the hazardous material.

3. PERSONAL PROTECTIVE EQUIPMENT

- e. Personal protective equipment shall be provided, used and properly maintained by the Contractor whenever necessary due to exposure to hazards capable of causing illness, injury or impairment in the function of any part of the body.

- f. Persons required to use personal protective equipment shall be thoroughly trained. Training programs shall, as a minimum, meet MOSHA and/or EPA requirements where applicable. The Contractor shall submit proof and criteria for employee training if requested.

4. BARRICADES, BARRIERS, AND WALKWAYS

- a. The Contractor shall provide safety barricades in accordance with the City of Baltimore Building Codes and applicable MOSHA regulations. The Contractor shall also provide barricades to deter passage of persons and vehicles into construction areas as specified or necessary.
- b. The Contractor shall install temporary barriers, in a manner satisfactory to the Zoo's Construction Manager, to contain and secure the site from unauthorized entry and to minimize the adverse effects of noise, dust and vapors generated by construction activities on surrounding areas.
- c. If the work interferes with public or employee access to the facility or parts of the facility as determined by the Zoo's Construction Manager, the Contractor shall provide personnel barriers and signage to create easily identifiable, accessible (to people with physical challenges) walkways around the work site. Signs shall be posted at decided points to prevent unnecessary travel along changed routes and dead ends. The barriers shall be erected and dismantled in phases so that a clear route is always available. Authorized Zoo personnel and Contractor may use hardware on the barrier doors to prevent entry by unauthorized persons.
 - Interior barriers shall be of standard dry wall partition construction, painted, and terminated at the underside of the existing ceiling. All requirements for fire protection shall be maintained.
 - Exterior barriers shall be of dimensional lumber and plywood, painted on both sides, and supported to prevent overturning. Barriers shall be repainted and maintained as necessary to remain in good condition as long as they are required.
- d. Unless specifically indicated otherwise, barricades, barriers and associated signs shall be removed upon completion of the work. The Contractor shall coordinate the dismantling and removal with the Zoo's Construction Manager.

5. EXISTING FIRE PROTECTION SYSTEMS

- a. During the course of the Work, all existing smoke and heat detectors and sprinkler heads are to remain operable to the maximum extent possible. Where specific work will or may adversely affect these devices, coverings shall be applied to protect them from dust, paint overspray or other hazardous conditions for the duration of each task. Coverings must be removed immediately after the operations have concluded for that day. Damaged detectors and sprinkler heads shall be replaced immediately by the Contractor at no additional cost to the Zoo. The Contractor shall use accepted procedures to test replaced detectors and sprinklers after installation to the satisfaction of the Zoo's Construction Manager.
- b. If a fire protection or life safety system must be impaired for modifications or adjustments during the project, the Contractor shall notify the Zoo's Construction Manager prior to working at the job site. Once the systems are no longer impaired, Contractor shall immediately notify the Construction Manager.

Maryland Zoo in Baltimore

ZOO CONTRACTORS' POLICY

Revised 7/7/21

Exhibit B

1. SHIRTS WITH SLEEVES AND LONG PANTS WILL BE WORN AT ALL TIMES (SHORTS ARE NOT PERMITTED).
2. PERSONAL PROTECTIVE EQUIPMENT WILL BE WORN WHEN NECESSARY (I.E., GOGGLES, HARD HATS, GLOVES, WELDING HOOD, EAR PLUGS, ETC.)
3. NO RADIOS, CASSETTE OR CD PLAYERS ARE ALLOWED.
4. NO PETS, ALCOHOL, ILLICIT DRUGS, GAMBLING, FIREARMS OR WEAPONS PERMITTED.
5. CONTRACTORS ARE NOT PERMITTED TO BRING FRIENDS OR FAMILY MEMBERS WITH THEM ON TO THE JOB SITE.
6. SMOKING OR CHEWING OF TOBACCO PERMITTED ONLY IN AREAS DESIGNATED BY SUPERINTENDENT.
7. CONTRACTORS ARE NOT PERMITTED TO USE TOBACCO PRODUCTS NEAR ANIMAL ENCLOSURES OR IN THE VIEW OF THE PUBLIC.
8. EATING AREAS AND WORK AREAS WILL BE CLEANED DAILY AND MATERIALS STACKED/STORED SECURELY.
9. CONTRACTORS ARE REQUIRED TO SECURE AND REMOVE ALL TRASH AND LOOSE CONSTRUCTION DEBRIS DAILY DURING THE COURSE OF CONSTRUCTION. CONTRACTORS TO PROVIDE THEIR OWN CONTAINERS FOR TRASH REMOVAL.
10. CONTRACTORS ARE NOT PERMITTED TO VERBALLY OR PHYSICALLY INTERFERE WITH ZOO EMPLOYEES AND/OR GUESTS.
11. CONTRACTORS ARE NOT PERMITTED TO ACCESS AREAS OF THE ZOO THAT ARE BEYOND THEIR SCOPE OF WORK.
12. CONTRACTORS ARE NOT PERMITTED TO FEED THE ANIMALS OR LOITER AROUND ANIMAL ENCLOSURES.
13. ALL AREAS NEAR ANIMALS OR INSIDE OF THE EXHIBIT ARE CONSIDERED SENSITIVE AREAS. IN ORDER FOR CONTRACTORS TO WORK IN THESE AREAS, A MINIMUM OF 2 DAYS NOTICE MUST BE GIVEN TO THE ZOO'S CAPITAL PROJECTS DIRECTOR.
14. CONTRACTORS ARE TO PARK INSIDE AREAS THAT ARE DESIGNATED FOR CONTRACTOR PARKING. NO EXCEPTIONS.
15. CONTRACTORS ARE TO USE THE RESTROOMS (PORTALETTS, PORTABLE POTTIES, ETC) THAT ARE DESIGNATED FOR CONTRACTOR USE. NO EXCEPTIONS.
16. CONTRACTORS ARE TO BE AWARE THAT THE PLANTS ARE A PART OF THE ZOO'S COLLECTION AND THAT ALL PLANT MATERIAL SHOULD BE RESPECTED.

17. IN THE EVENT OF AN ANIMAL ESCAPE OR OTHER EMERGENCY, CONTRACTORS WILL IMMEDIATELY STOP WORK AND MOVE TO A SAFE LOCATION AS DIRECTED BY ZOO STAFF.
18. ON A QUARTERLY BASIS THE ZOO MAY CONDUCT AN ANIMAL ESCAPE DRILL. CONTRACTORS ON SITE ARE RESPONSIBLE FOR COMPLYING WITH ALL INSTRUCTIONS/DIRECTIONS FROM ZOO STAFF ABOUT HOW TO CONDUCT THEMSELVES DURING THE DRILL INCLUDING STOPPING WORK AND/OR LEAVING THE JOB SITE. DRILLS USUALLY LAST NO LONGER THAN 30 MINUTES.
19. CONTRACTORS MAY NOT TAKE PICTURES OF ANY ANIMALS, GUESTS, OR STAFF, EVEN WITH CELL PHONE CAMERAS.
20. THE CONTRACTOR SHOULD BE AWARE THAT ALTHOUGH THE ZOO WILL ENDEAVOR TO PROVIDE ACCESS TO ALL AREAS AS REQUIRED, ANIMAL AREA'S MAY BE LIMITED TO SHORTER PERIODS OF TIME BASED ON ANIMAL SCHEDULES.
21. CONTRACTORS MUST PRESENT AN APPROACH AND SCHEDULE TO INSTALL SYSTEMS FOR ALL AREAS. ZOO FACILITY STAFF WILL BE ASIGNED TO COORDINATE WORK ON A DAILY BASIS.
22. NO MISCELLANEOUS CONSTRUCTION DEBRIS (WIRE ENDS, TIES, ETC.) CAN BE LEFT IN ANIMAL AREAS, CONTRACTORS MUST STOP WORK EARLY EACH DAY AND FULLY CAMPUS THE AREA PRIOR TO TURNING IT BACK TO THE ZOO FOR USE.