

THE BOARD OF EDUCATION OF MONTGOMERY COUNTY
Montgomery County Public Schools
Division of Procurement
45 West Gude Drive, #3100
Rockville, MD 20850
240-740-7600
December 16, 2022

Asbestos Abatement Contractor's Pre-Qualification - 2023

The response to this questionnaire will be the basis for determining the qualifications of contractors for undertaking Asbestos Abatement Projects for Montgomery County Public Schools (MCPS) located throughout Montgomery County, Maryland, under the jurisdiction of the Board of Education. If you are currently on the qualified list, you **MUST** respond to this questionnaire to remain qualified.

The asbestos related work includes all labor, materials, equipment, and services necessary or incidental to the execution and completion of asbestos abatement removal at various MCPS facilities depending on the needs and budget limitations.

In addition to the school building, all Asbestos Containing Building Material (ACBM) found in or on any other structures or equipment, crawl space areas under the buildings, and any demolitions necessary to access ACBM in suspect locations i.e. behind fixtures in walls, pipe chases, or above smooth plaster ceilings shall be considered within the scope of the project and therefore shall be removed in accordance to all requirements set forth for each individual location.

Contractor(s) who fails to complete the questionnaire and submit the required documentation to the satisfaction of MCPS, shall be ineligible to provide this type of services to MCPS schools and offices for the entire term.

Contractors must submit their response to the questionnaire **including all documentation requested** and/or other data, which will establish the Contractor's qualifications to provide asbestos abatement and related type of work for MCPS. Responses shall be in the same order of the questionnaire. Citations and any actions taking or corrections made shall be clearly detailed. This information shall be consonant with records at the Maryland Department of the Environment (MDE). Contractors who are not approved under this process will not be considered eligible to provide services on any asbestos abatement or similar type of projects for MCPS during the period March 2023 through March 2024.

Interested Contractors must respond to the following questions and provide all the supporting documentation as part of their submission. **Failure to provide the information will result in non-consideration of your company for the upcoming year.**

The Contractor's evaluation will be based on the information included in this response and MCPS verification with the records at MDE. *Incomplete submissions will not be considered.*

Please use blank pages for additional information as necessary.

I. Contractor Information

Contractor shall provide the following information and/or documentation:

- (a) Legal Name and Address of Organization

(b) Name and Title of Principal Owners

(c) Maryland Representative's Name, Title and Address

Email address _____ Phone number _____

Fax # _____

(d) Type of business.

1. Under the laws of what state are you incorporated? _____
2. Is your company certified to do business in the State of Maryland? Yes _____ No _____
3. Maryland business license number (attached copy of your current license). _____
4. MDE Asbestos License number (provide copy of your current license). _____
5. Tax Id Number _____
6. Provide a copy of the company latest W9
7. Does your company fall under any Small, Local and Minority Business Enterprise or any other minority denomination (Asian American, African American, Hispanic, Native American, Female, Disabled or none

II. Quality Assurance

Failure to provide accurate information and/or documentation will result in automatic disqualification.

1. General

- (a) Give name and data of any projects you have failed to complete.
- (b) Has your organization ever being suspended or debarred, either permanently or temporarily as a result of asbestos abatement methods including citations and resulting penalties. Explain each incident.
- (c) Are there any suspension or debarment proceedings presently pending against your organization/individual?
- (d) As any owner or General Contractor ever terminated a contract with your organization by reason of any default?

ASBESTOS ABATEMENT

QUALIFICATION QUESTIONNAIRE - 2023

3

- (e) Has any Owner/General Contractor filed a claim against you for damages for late completion, workmanship, and breach of warranty or non-compliance with applicable regulations?
 - (f) Has any public body ever declined to award you a bid on the basis of a finding that your organization was not a responsible bidder?
2. List any legal action taken against your company as a result of asbestos abatement methods including citations and resulting penalties. Explain each incident.

Each incident will be reviewed as to the severity and nature of the citation.
 3. Maximum number and size of concurrent contracts your company can manage between June and August.
 4. Provide copy of asbestos certification license for staff that will be assigned to MCPS projects.
 5. Are you certified to provide Lead Abatement Services, if so please provide the certificate/ accreditation.

III. Financial, (Responses that does not provide the following documentation will not be considered)

1. Provide copy of your company's annual report or audited financial report.
2. Provide a list of major items of abatement equipment fully owned by your organization, giving the value and age. (If not fully owned, so state).
3. Total assets of organization.
4. Total liabilities of organization.
5. Total contract value or contracts completed by your organization in each of the last three years.
6. Value and final completion date of present contracts and/or pending award to your organization.
7. State the value of any judgments or liens outstanding against your organization.
8. State any instances of failure to obtain bonding. Explain.
9. State maximum value of contract work for which you could obtain bonding.

IV. Experience:

- a. Experience in asbestos abatement projects of principal members of your organization: List name, title; years; type of work i.e. (houses, hospitals, schools, etc.) and in what capacity. Include Lead projects if applicable.
- b. Give any special qualifications/certifications of firm members.
- c. List some general contractors (at least three) (Name, Address, Phone No., Contact Person, Project Name) for whom you performed the type of work required under the scope of work described herein. Emphasis should be given to school system projects.

V. Training

Does your firm actively provide or financially support training pertinent to Asbestos Contained Materials for your employees?
Explain your programs(s).

VI Evaluation/Approval Criteria

- 1. Completeness of the Qualification Criteria
- 2. Financial Report
- 3. Ability to Perform
- 4. Asbestos Abatement Citations

VII. Contractors and Sub-Contractors responsibility regarding registered sex offenders:

Contractors’ Obligation Regarding Criminal Records of Individuals Assigned to Work in MCPS Facilities

I. Prohibition against assigning registered sex offenders and individuals convicted of sexual offenses, child sexual abuse, and other crimes of violence to MCPS contracts:

Maryland Law requires that any person who enters into a contract with a county board of education “may not knowingly employ an individual to work at a school” if the individual is a registered sex offender. Under § 11-722 of the Criminal Procedure Article of the Maryland Code, an employer who violates this requirement is guilty of a misdemeanor and, if convicted, may be subject to up to five years imprisonment and/or a \$5000 fine.

Effective July 1, 2015, amendments to § 6-113 of the Education Article of the Maryland Code further require that a contractor or subcontractor for a local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of, or pled guilty or nolo contendere to, a crime involving:

- a) A sexual offense in the third or fourth degree under § 3–307 or § 3–308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3–307 or § 3–308 of the Criminal Law Article if committed in Maryland;
- b) Child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland; or
- c) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree;

(13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

Each contractor is required to submit, following award of a contract, documentation confirming that its direct employees and those of any subcontractors and/or independent contractors assigned to perform work in a MCPS school facility under the contract meet this obligation. Additionally, the contractor must confirm that it continues to meet this obligation on an annual basis and/or when there are changes in the work-force that the contractor and/or its subcontractors use to perform the work required by the contract.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the contract.

II. Required criminal background check process for certain individuals in the contractor's workforce:

Under recent amendments to § 5-561 of the Family Law Article of the Maryland Code, each contractor and subcontractor shall require that any individuals in its work-force must undergo a criminal background check, including fingerprinting, if the individuals will work in a MCPS school facility in circumstances where they have direct, unsupervised, and uncontrolled access to children. The term "work-force" in this and the preceding section refers to all of the contractor's direct employees, subcontractors and their employees, and/or independent contractors and their employees that the contractor uses to perform the work required by the contract.

Fingerprinting for the criminal background check may be performed by the MCPS Office of Human Resources and Development, 45 W. Gude Drive, Rockville, MD 20850, or through another service approved by MCPS. Individuals fingerprinted by MCPS will be required to provide written consent, and MCPS will maintain copies of all records for criminal background checks performed by MCPS. If the contractor uses another service approved by MCPS, the results of the criminal background check must be provided to MCPS for record keeping. A list of MCPS approved fingerprinting agencies can be found on the Procurement Unit website at <http://www.montgomeryschoolsmd.org/departments/procurement>.

The contractor must take appropriate steps to promptly follow up on information identified in the criminal background check related to the sexual offenses, child sexual abuse offenses, and crimes of violence enumerated above, as well as any information regarding offenses involving distribution of drugs or other controlled substances, or any other criminal information identified by MCPS as warranting further explanation insofar as it may significantly affect the safety and security of MCPS students. If, after following up, the contractor believes that the individual is qualified and should be assigned to work (or continue to work) in a MCPS school facility, then the contractor will provide a written summary to MCPS justifying its recommendation. MCPS will rely on the contractor's summary to determine whether to accept the contractor's recommendation, and the contractor will be responsible for any consequences of a material misrepresentation in its written summary.

Once the contract is awarded, the contractor is responsible for implementing the background check process. An individual in the contractor's work-force may not begin work in a MCPS school facility on an assignment where the individual will have direct, unsupervised, and uncontrolled access to children, until: (a) the background check results for that individual have been received by MCPS; (b) the contractor certifies to MCPS that the individual has received training and/or reviewed informational materials, as appropriate, regarding recognizing, reporting, and preventing child abuse and neglect, consistent with the content provided in training for MCPS employees; and (c) the individual obtains a MCPS identification badge. The badge will be issued by the MCPS Department of Safety and Security, 850 Hungerford Drive, Room 131, Rockville, MD 20850. Appointments are made by calling 301-279-3066. The contractor will be required to return all badges at the conclusion of the contract.

ASBESTOS ABATEMENT

QUALIFICATION QUESTIONNAIRE - 2023

The criminal background check and badging process will be at the contractor's expense.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the contract.

VIII. NON-DEBARMENT ACKNOWLEDGEMENT

_____ I acknowledge that my firm has NO pending litigation and/or debarment from doing business with the State of Maryland or any of its subordinate government units and/or federal government within the past five years.

_____ I acknowledge that my firm has pending litigation or has been debarred from doing business with the State of Maryland or any of its subordinate government units and/or federal government, within the past five years. (Attachment)

As the duly authorized representative of the applicant, I hereby certify that the above information is correct and that I will advise Montgomery County Public Schools should there be a change in status.

By (Signature) _____

Name and Title _____

Witness Name and Title

XI. Contractor Certification

Is any member of your organization employed by MCPS or in any way officially connected with the School System? If yes, explain

Has your organization/individual ever been convicted of bribery, attempted bribery or conspiring to bribe under state or Federal law?

Has your organization ever been a part of any investigation or litigation regarding bid rigging, collusion or bribery?

Any member of the Board of Education of Montgomery County Public Schools, Administrative, or Supervisory Personnel or any other MCPS' employees has any interest in your organization? If yes, explain the above statements are certified to be true and accurate:

Signature: _____

Typed or Printed name: _____

(Title)

(Company Name)

ASBESTOS ABATEMENT

QUALIFICATION QUESTIONNAIRE - 2023

Being duly sworn states that he is _____ of _____ and that the answers to the foregoing questions and all statements therein contained are true and correct.

Sworn to before me this _____ day of _____ 20

Notary Public

My Commission expires _____

Return this questionnaire with all the required documentation in a sealed opaque envelope write Prequalification Notice on the outside of the envelope by close of business (4:00 P.M.) January 9, 2023. Fax and/or electronic/email responses will not be accepted. Responses received after the stated date will be considered late and will not be accepted.

Montgomery County Public Schools
Division of Procurement
Attn: Laly Bowers, Buyer II
45 West Gude Dr. Room 3100 Rockville,
MD 20850

ASBESTOS ABATEMENT

QUALIFICATION QUESTIONNAIRE - 2023 7

ASBESTOS ABATEMENT

QUALIFICATION QUESTIONNAIRE - 2023 8

Do not fill in below spaces. - For MCPS internal use only

Reviewed by: _____

Date: _____

Notes/ Remarks from Evaluator:
