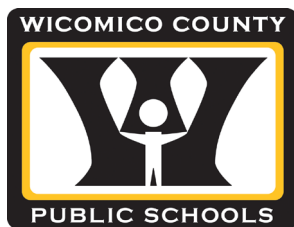


BOARD OF EDUCATION OF WICOMICO COUNTY



DONNA C. HANLIN, Ed.D.
SUPERINTENDENT OF SCHOOLS

P.O. Box 1538
2424 NORTHGATE DRIVE
SALISBURY, MD 21802-1538

410-677-4400
FAX 410-677-4444
www.wcboe.org

N. EUGENE MALONE, JR.
CHAIRMAN
MICHAEL G. MURRAY
VICE CHAIRMAN
ALLEN C. BROWN, SR.
DONALD L. FITZGERALD
TONYA LAIRD LEWIS
JOHN PALMER
ANN B. SUTHOWSKI

REQUEST OF INTEREST & QUALIFICATIONS RFI & Q – 88000-201 Next Generation Innovative Classroom Upgrades

The Board of Education of Wicomico County will receive Letters of Interest and Qualifications for, Next Generation Innovative Classroom Upgrades for the Wicomico County Public Schools (WCPS) until 2:00 p.m., local time, May 14, 2021. Letters of Interest & Qualifications received after this time will be deemed late.

This is Step 1 of a multi-step Competitive Selection Process (Request for Proposal - RFP) to design and provide a "Turnkey" (including training) for Next Generation Innovative Classroom (Next-Gen) upgrades. A brief description of a WCPS Next-Gen classroom is attached.

The Wicomico County Board of Education (WCBE) encourages all qualified Minority Business Enterprises (MBE) to apply for certification with the Maryland Department of Transportation (MDOT).

All qualified MDOT Certified MBE's are encouraged to respond to this solicitation notice.

This project is partially funded with Federal Funds.

LOI & Q's are to be delivered, mailed or e-mailed to the office of the Board of Education, to the attention of Mark E. Miller, CPPO, CPPB, C.P.M., Procurement Manager, marked conspicuously on the front "LOI & for Next-Gen Classrooms".

SUBMISSION BY HAND, MAIL OR COMMON COURIER

Wicomico County Board of Education
Purchasing Department
2424 Northgate Drive, Suite 100
Salisbury, MD 21801

The Board of Education of Wicomico County reserves the right to reject any or all proposals and waive formalities, informalities, and technicalities therein. The Board reserves the right to contact a Firm for clarifications and may, at its sole discretion, allow Firms to correct any and all formalities, informalities and technicalities in the best interest of the Board. The Board reserves the right to utilize existing Board or Cooperative contracts in the best interest of the Board. The Board reserves the right to evaluate existing Board or Cooperative contracts as proposals in the best interest of the Board.

Mark E. Miller, C.P.M., CPPO
Procurement Manager

LETTER OF INTEREST

Board of Education of Wicomico County
P O Box 1538
Salisbury, MD 21802-1538

Gentlemen:

We have an interest in participating in the competitive selection process (RFP) Next Generation Innovative Classroom Upgrades.

The following is our contact information for this RFP:

Company

Address

Date

Signature of Official

Telephone Number

(Printed) Name of Official

Fax Number

Title of Official

E-Mail

Taxpayer I.D. Number

Primary Contact: _____ Name
_____ Title
_____ Phone
_____ e-Mail

ATTACHMENTS:

- Qualifications
- Bid/Proposal Affidavit
- Contract Affidavit - Child Sexual and Sexual Misconduct Prevention Compliance
- W9 (new vendor to WCPS only)

QUALIFICATIONS:

General:

All responses to the technical form of proposal must include the following information in the sequence and format prescribed in this section. Failure to submit any of the required information may result in the bid being declared non-responsive.

- 1. Number & Copies**
 - a. One (1) electronic AND optional (1) bound copy.
- 2. Format**
 - a. Proposals shall be printed on letter-size (8-1/2" x 11") paper.
 - b. Number all pages of the submittal sequentially using numerals (1, 2, 3, etc.).

Mandatory Requirements:

Information requested below is to be provided in this numbered format. Respondents shall carefully read the information below and submit a complete response to all required elements. Incomplete responses may be considered non-responsive.

1. Firm Information
 - a. Name of Firm
 - i. List number of years under this name.
 - ii. Dun & Bradstreet number.
 - b. Brief History of the Company
 - c. Form of Business (Corporation, Partnership, Individual, Other)
 - i. List Owner(s)
 - d. Location of Main Office
 - e. Number of employees
 - f. Number of years providing digital Audio/Visual:
 - i. Design services.
 - ii. Installation.
 - iii. Training.
 - g. Location of nearest dispatch office
 - h. Primary Contact
 - i. Phone Number
 - ii. Cell Number
 - iii. Email address
 - iv. Website
 - i. Provide Resumes for Primary Contact and Site Supervisor
 - i. Include certification(s).
2. Financial
 - a. List annual sales volume over the last 5 years.
 - i. Percentage of sales volume in each service provided.
 1. Design services
 2. Installation
 3. Training
 - b. List your bonding limits.
 - i. List your average bonding fee rates.
3. Insurance
 - a. Provide ACORD Insurance Certificate (Sample)
 - b. Provide claims history.

4. Qualifications
 - a. Provide copy of MD Contractors License

5. Performance
 - a. Claims and suits (If the answer to any of the questions below is yes, please attach additional detail and explanations).
 - i. Has your organization ever failed to complete any work awarded to it?
 - ii. Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?
 - iii. Has your organization filed any lawsuits, requested arbitration or been party to any litigation with regards to a project?
 - iv. Provide information on your firm's current workload as it relates to the local/branch office. Include the following:
 1. A list of all current projects
 2. Time frame of each

6. Project Experience
 - a. Submit information on three (3) successfully completed projects which have achieved substantial completion within the past five (5) years.
 - i. Note the projects listed must be of similar type and size.
 - ii. Identify the project location, brief description services and cost.
 - iii. Provide a reference for each project.

7. Cooperative Purchasing Agreements:
 - a. Provide information for any national cooperative agreements.
 - b. Provide information for any regional cooperative agreements.

8. MBE Utilization: WCBE encourages prime contractors to develop a plan to utilize qualified MDOT certified MBE's as sub-contractors for this project.

9. Mandatory Contract Terms: Part two of the RFP process will outline WCPS' standard terms and conditions. The following are being provided as terms that cannot be negotiated.
 - a. GOVERNING LAW AND VENUE: The contract shall be construed in accordance with, and interpreted under, the Laws of the State of Maryland. Any lawsuit arising out of such bid shall be filed in the appropriate State Court of competent jurisdiction located in Wicomico County, Maryland.
 - b. ANTI COLLUSION: By signing this Form of Proposal, the offeror understands that, in accordance with the Annotated Code of Maryland Finance and Procurement Article 11 205; a person who, for the purpose of defrauding the Board, acts in collusion with another person in connection with the procurement process is liable for damages.
 - c. ANTI BRIBERY/DEBARMENT: This procurement is subject to the Annotated Code of Maryland Finance and Procurement Article 16 concerning Debarment of Contractors. By signing this Form of Proposal, the offeror agrees that he understands and is in compliance with Article 16.
 - d. ASBESTOS CONTAINING BUILDING MATERIALS: By submitting a proposal for this project, the Contractor agrees that no asbestos containing building materials will be used in this project by any contractor, sub contractor, or sub sub contractor.
 - e. TOBACCO FREE SCHOOLS POLICY: All contractors, sub contractors, and sub sub contractors must comply with the Board's tobacco free schools policy "ADC". The policy states that "the sale or use of tobacco in any form is prohibited in all buildings and all outside seating areas owned or leased by the Board of Education of Wicomico County, at all times (24 hours a day, every day), regardless of whether or not students are present." The policy also states that "the use of tobacco in any form is prohibited on school grounds during the official school day (7 a.m. to 5 p.m.)."

- f. **CHILD SEX OFFENDER NOTIFICATION:** Maryland law requires certain child sex offenders to register with the local law enforcement agency. One of the purposes of this law, found in Article 17.792, is to inform school systems when a child sex offender is residing or working in the area. When the child sex offender registers, the local police are required to notify the Superintendent of Schools, and the Superintendent, in turn, is required to send a notice to school principals. As a Contractor working for WCPS, we require that you do not employ convicted child sex offenders to work on projects for our school system if they, as a result, are required to perform delivery, installation, repair, construction or any other kind of services on WCPS property.
- g. **CRIMINAL BACKGROUND CHECK AND WORKER ASSIGNMENT:**
- i. 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:
 1. 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.
 2. 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
 3. 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 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.
 - ii. Also effective July 1, 2015, amendments to 5-561 of the Family Law Article of the Maryland Code mandate that each contractor and subcontractor shall require that any individuals in its work-force must undergo a criminal background check if the individuals have direct unsupervised, and uncontrolled access to children.
 - iii. IN ADDITION to the above requirements, Contractors shall comply with the requirements of 6-113.2 of the Education Article of the Maryland Code, regarding screening of applicants for employment.
 1. Effective July 1, 2019
 2. MSDE Guidance for Md. Code, EDUC.6-113.2 (House Bill 486 – Child Sexual and Sexual Misconduct Prevention) can be found online at www.marylandpublicschools.org.
 3. Submission of Section 000325 Contract Affidavit (HB 486/SB 541Compliance) is required to be submitted prior to award of contract.

- h. **BID/PROPOSAL AFFIDAVIT:** In accordance with the State Procurement Regulation Mandatory Written Solicitation Requirements, CoMar 21.505.08.07, this bid/proposal requires a signed Bid/Proposal Affidavit. This affidavit is attached to the Form of Proposal. Submissions without this document may be considered non-responsive.
 - i. **NONDISCRIMINATION CLAUSE:** In accordance with the Annotated Code of Maryland, State Finance and Procurement Article 13 219, discrimination on the basis of sex, race, age, color, creed or national origin is prohibited under the terms of this contract by any contractor, sub contractor or sub sub contractor. Contractors and sub contractors are required to include similar notification in all sub contracts for other than standard commercial supplies or raw materials, and are required to post notice of this provision so that the notice will be available to the Contractor's and/or sub contractor's employees and applicants.
10. Additional Mandatory terms when using Federal Funds:
- a. **Equal Employment Opportunity—**All contracts shall contain a provision requiring compliance with E.O. 11246, “Equal Employment Opportunity,” as amended by E.O. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as supplemented by regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
 - b. **Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c)—**All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.
 - c. **Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)—**When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.
 - d. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)—**Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not

less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- e. Rights to Inventions Made Under a Contract or Agreement—Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- f. Clean Air Act (42 U.S.C. 7401 et. seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended—Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- g. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
- h. Debarment and Suspension (E.O.s 12549 and 12689)—All parties doing business with the Department of Agriculture should consult the Department's regulations for debarment and suspension found at 7 CFR 3017. No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension.” This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

11. ATTACHMENTS:

- a. Brief Narrative of WCPS Next Generation Innovative Classrooms.
- b. Bid/Proposal Affidavit
- c. Contract Affidavit - Child Sexual and Sexual Misconduct Prevention Compliance

Background:

Wicomico County Public Schools (WCPS) is a county-based public-school system, located on the eastern shore of Maryland. WCPS hosts 15,000 students, 1,300 teachers and another 1,800 staff and 24 locations. WCPS high school population includes 52% of students who qualify for Free and Reduced Meals.

Our mission: *"To provide all students an educational foundation and a set of skills which will enable them to become responsible and productive citizens in our society."*

WCPS has been engaged in distance learning since March 2020. In that time, district staff has learned much about effective distance learning and some of the many pitfalls that can inhibit high levels of student engagement. Throughout this time, district leadership has kept an eye on the future as we seek to take advantage of lessons learned from distance and hybrid learning and apply these to making the high school experience more engaging and accessible to a greater number of students.

Interactive distance learning is impacted by the communication and learning process in the classroom. Effective teachers deal with technical nuances, focus on interaction across multiple platforms, while simultaneously teaching students who are physically present in the classroom and students who are remote learning. Communication and interaction can be hampered by the cameras, the microphones, and by the students seeing themselves on monitors, leading to students who are unseen, unheard, and ultimately, unengaged. As we look to a future that continues to deal with the COVID pandemic, we propose creating a technologically enhanced classroom design of the future that will help bridge the physical distance psychological distance students find in the current setting.

Purpose:

The purpose of the Next Generation Innovative Classroom Upgrades is to address all four potential scenarios that we will face in the near future as well post- COVID:

1. Face-to-face instruction as traditionally delivered.
2. Face-to-face instruction but with social distancing and distance learning support components.
3. Complete distance learning.
4. A combination of face to face and distance learning in the same classroom environment and across distantly connected high schools and connected universities.

We are seeking a flexible, hybrid approach to course planning that focuses on how to develop all the elements of a thoughtful and effective course while allowing students three different ways to access and participate in that course: face-to-face access, a mix of face-to-face and distance access, and total distance access. This would be accomplished by utilizing grant funds to design and install 'NextGen Classrooms' in our high schools.

WCPS leadership has determined that a full production, professional-grade videoconference classroom, ideal for blended learning would provide opportunities to address a variety of learning scenarios. This model will go beyond the current collaboration models (Zoom, Teams, etc.) to provide a more realistic, "almost in person" experience for connected students and staff. The following use cases are part of this next generation classroom (NextGen) vision:

- **NextGen Classroom** with one connected student from another location – a student at home or in a school across town can connect into the full-functioning classroom.

- **NextGen Classroom** to another NextGen Classroom – a small group of students in one classroom engaged with students in another NextGen Classroom, in the same building or another site across town.
- **NextGen Classroom** to partner Universities or Community Colleges – for dual enrollment or other educational partnerships, local, nationally, or worldwide
- **NextGen Classroom** to local business community – partnerships with local businesses, mentoring programs or learning opportunities.

Scope of the NextGen Innovative Classroom:

Our main goal is to deploy affordable technology that will facilitate engaging classroom discourse, asynchronously and synchronously, and provide the much-needed connection between students and teacher regardless of the delivery model. This goal would enable students to have greater access to a wider variety of course options. One such enhancement would allow students to take advantage of dual enrollment opportunities at various Institutions of Higher Education (IHE) without having to travel to that institution. Currently, many students have a desire to take IHE courses. However, they do not have transportation or cannot fit the travel time to and from the campus into their schedule. Giving these students access to IHE's will allow us to target underrepresented student populations and promote post-secondary education in all our high schools.

To achieve this goal, we seek to create a minimum of four classrooms in each of our four high schools, plus two classrooms in our alternative school location (CHOICES) and two at Evening High School. These twenty rooms will be utilized to deliver seamless instruction and diverse, rigorous courses to the students of Wicomico County Public Schools. These Next-Gen Classrooms will allow students at any of our high schools to access content and curriculum formerly only available to the in-person learner at one specific school.

Outcomes from a successful project implementation:

- Collaborating virtually prepares students with the skills needed for modern careers.
- Programs and courses become more convenient, accessible, and flexible.
- Allows for flexible scheduling at the 4 high school locations.
- Provides opportunities for students to connect to class from home whether due to ongoing concerns regarding COVID-19 or other circumstances.
- Engages more students regardless of physical location.
- Provides opportunities to support equity and access to higher level courses.
- Allows the school district to minimize the teacher shortage concerns in hard-to-find areas.
- Elimination of classroom distraction.
- Improved technology provides seamless technological connection between teacher and learner.

Success Factors:

- To include quantitative measures such as:
 - Number of courses provided through the NextGen Classroom each year.
 - Number of students accessing courses through NextGen Classrooms.
 - Increase in number of students taking courses available at schools other than their own due to removal of the transportation barrier.
 - Student success (as measured by grades earned) in NextGen Classroom courses.
- Qualitative measures could include:
 - Student perception of their level of engagement and learning in NextGen Classroom courses.
 - Teacher perception of their effectiveness in the NexGen Classroom.

- Parent perceptions of the value of their students participating in NextGen Classroom courses.

Replicating:

The computer, video, audio equipment and room setup can be easily replicated to increase the number of classrooms in a school or add to other schools as needs are defined.

Possible Equipment Needs:

WCPS has reviewed a similar classroom configuration at a recognized University. From those discussions, we believe the following are the minimum components:

TECHNOLOGY	SERVICE
WEARABLE MICROPHONE	For the Teacher/Presenter. Eliminates the need for the laptop mic. Allows teacher/presenter to move around the room with quality sound input.
SOUND MIXER	For supporting various sound inputs
USB WIRING	For peripherals and devices connected to the system.
MULTI-ELEMENT CEILING MICROPHONE	For student participation in collaboration sessions. This eliminates the need for coordinating laptop mics on student devices.
CEILING SPEAKERS	For optimal listening anywhere in the classroom.
CEILING PTZ TEACHER/PRESENTER CAMERA CEILING PTZ STUDENT CAMERA	Pan-Tilt-Zoom Camera to provide high-quality, flexible video of the Teacher or Presenter and students. The camera would benefit remote audiences with professional-grade video suitable for audience-style viewing and participation.
CLASSROOM DISPLAY (3)	Large Screen LCD Screens (50-70") two in the front and one in the rear of classroom. Students would see the content on one screen, camera video on the second screen. The rear screen would be for the teacher to see a mirror of the presentation content fostering an audience-facing modal.
NETWORK	Appropriate network services to support appropriate bandwidth, security, and external connections for Classroom-Classroom, or Classroom-University/Business connections.

<p>TEACHER/PRESENTER PODIUM AND CONTROL CONSOLE</p>	<p>Teacher Laptop, plus Interactive Console (or app) for ease-of-use navigation of room services - Projection, Audio, Cameras.</p>
<p>REMOTE STUDENT DEVICES</p>	<p>As parts of WCPS new 1-1 laptop initiative, all students are participants in the collaboration and learning experience with their devices. Laptops augment the primary instruction content, with the added value of collaboration with other groups in a professional-grade videoconference environment.</p>
<p>ROOM ACOUSTICS</p>	<p>Professional Grade wall, floor, and ceiling acoustics for optimal sound for the Teacher/Presenter and student audience.</p>

WCPS reserves the right to provide some services via WCPS existing Job Order Contracts.

Specifically, electrical or low voltage wiring upgrades to facilitate installations. Requirements for these items will be specified by the vendor bidding on this project.

BID/PROPOSAL AFFIDAVIT

A. Authority

I HEREBY AFFIRM THAT:

I (print name)_____ possess the legal authority to make this Affidavit.

B. CRIMINAL BACKGROUND CHECK REQUIREMENTS

I FURTHER AFFIRM THAT I UNDESTAND AND COMPLY WITH:

1. 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 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.
2. Also effective July 1, 2015, amendments to 5-561 of the Family Law Article of the Maryland Code mandate that each contractor and subcontractor shall require that any individuals in its work-force must undergo a criminal background check if the individuals have direct unsupervised, and uncontrolled access to children.

B1. CERTIFICATION REGARDING COMMERCIAL NONDISCRIMINATION

The undersigned bidder hereby certifies and agrees that the following information is correct: In preparing its bid on this project, the bidder has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in "discrimination" as defined in §19-103 of the State Finance and Procurement Article of the Annotated Code of Maryland. "Discrimination" means any disadvantage, difference, distinction, or preference in the solicitation, selection, hiring, or commercial treatment of a vendor, subcontractor, or commercial customer on the basis of race, color, religion, ancestry, or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or any otherwise unlawful use of characteristics regarding the vendor's, supplier's, or commercial customer's employees or owners. "Discrimination" also includes retaliating against any person or other entity for reporting any incident of "discrimination". Without limiting any other provision of the solicitation on this

BID/PROPOSAL AFFIDAVIT

project, it is understood that, if the certification is false, such false certification constitutes grounds for the Board of Education of Wicomico County (WBCOE) to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid. As part of its bid or proposal, the bidder herewith submits a list of all instances within the past 4 years where there has been a final adjudicated determination in a legal or administrative proceeding in the State of Maryland that the bidder discriminated against subcontractors, vendors, suppliers, or commercial customers, and a description of the status or resolution of that determination, including any remedial action taken. Bidder agrees to comply in all respects with the State's Commercial Nondiscrimination Policy as described under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland.

B2. Certification Regarding Minority Business Enterprises.

The undersigned bidder hereby certifies and agrees that it has fully complied with the State Minority Business Enterprise Law, State Finance and Procurement Article, §14-308(a)(2), Annotated Code of Maryland, which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

- (1) Fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority proposal;
- (2) Fail to notify the certified minority business enterprise before execution of the contract of its inclusion in the bid or proposal;
- (3) Fail to use the certified minority business enterprise in the performance of the contract; or
- (4) Pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

Without limiting any other provision of the solicitation on this project, it is understood that if the certification is false, such false certification constitutes grounds for the WCBOE to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid.

B-2. Certification Regarding Veteran-Owned Small Business Enterprises. The undersigned bidder hereby certifies and agrees that it has fully complied with the State veteran-owned small business enterprise law, State Finance and Procurement Article, §14-605, Annotated Code of Maryland, which provides that a person may not:

- (1) Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public money, procurement contracts, or funds expended under a procurement contract to which the person is not entitled under this title;
- (2) Knowingly and with intent to defraud, fraudulently represent participation of a veteran-owned small business enterprise in order to obtain or retain a bid preference or a procurement contract;
- (3) Willfully and knowingly make or subscribe to any statement, declaration, or other document that is fraudulent or false as to any material matter, whether or not that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;
- (4) Willfully and knowingly aid, assist in, procure, counsel, or advise the preparation or presentation of a declaration, statement, or other document that is fraudulent or false as to any material matter, regardless of whether that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;

BID/PROPOSAL AFFIDAVIT

(5) Willfully and knowingly fail to file any declaration or notice with the WCBOE that is required by COMAR 21.11.12; or

(6) Establish, knowingly aid in the establishment of, or exercise control over a business found to have violated a provision of §B-2(1)—(5) of this regulation.

C. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed pursuant to Criminal Procedure Article, §6-220, Annotated Code of Maryland, or has pleaded nolo contendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, except as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):

_____.

D. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies, has:

- (1) Been convicted under state or federal statute of:
 - (a) A criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or
 - (b) Fraud, embezzlement, theft, forgery, falsification or destruction of records or receiving stolen property;
- (2) Been convicted of any criminal violation of a state or federal antitrust statute;
- (3) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961 et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts in connection with the submission of bids or proposals for a public or private contract;
- (4) Been convicted of a violation of the State Minority Business Enterprise Law, §14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;

BID/PROPOSAL AFFIDAVIT

(5) Been convicted of a violation of §11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland;

(6) Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsections (1)—(5) above;

(7) Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;

(8) Been found in a final adjudicated decision to have violated the Commercial Nondiscrimination Policy under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland with regard to a public or private contract; or

(9) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§B and C and subsections D(1)—(8) above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

_____.

E. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status of the proceedings, the name(s) of the person(s) involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension).

_____.

F. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

BID/PROPOSAL AFFIDAVIT

(1) The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland; and

(2) The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, except as follows (you must indicate the reasons why the affirmations cannot be given without qualification):

_____.

G. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, has knowingly entered into a contract with a public body under which a person debarred or suspended under Title 16 of the State Finance and Procurement Article of the Annotated Code of Maryland will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

H. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business has:

(1) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;

(2) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

I. CERTIFICATION OF TAX PAYMENT

I FURTHER AFFIRM THAT: Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Department of Labor, Licensing, and Regulation, as applicable, and will have paid all withholding taxes due the State of Maryland prior to final settlement.

J. CONTINGENT FEES

I FURTHER AFFIRM THAT:

The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any

BID/PROPOSAL AFFIDAVIT

person, partnership, corporation, or other entity, other than a bona fide employee, bona fide agent, bona fide salesperson, or commercial selling agency, any fee or any other consideration contingent on the making of the Contract.

K. CERTIFICATION REGARDING INVESTMENTS IN IRAN

(1) The undersigned certifies that, in accordance with State Finance and Procurement Article, §17-705, Annotated Code of Maryland:

(a) It is not identified on the list created by the Board of Public Works as a person engaging in investment activities in Iran as described in State Finance and Procurement Article, §17-702, Annotated Code of Maryland; and

(b) It is not engaging in investment activities in Iran as described in State Finance and Procurement Article, §17-702, Annotated Code of Maryland.

2. The undersigned is unable to make the above certification regarding its investment activities in Iran due to the following activities: _____

L. CONFLICT MINERALS ORIGINATED IN THE DEMOCRATIC REPUBLIC OF CONGO (FOR SUPPLIES AND SERVICES CONTRACTS)

I FURTHER AFFIRM THAT:

The business has complied with the provisions of State Finance and Procurement Article, §14-413, Annotated Code of Maryland governing proper disclosure of certain information regarding conflict minerals originating in the Democratic Republic of Congo or its neighboring countries as required by federal law.

M. ACKNOWLEDGEMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the Board of Education of Wicomico County, the State of Maryland, or any unit of the State of Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland with respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above business with respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____ (print name of Authorized Representative and Affiant)

_____ (signature of Authorized Representative and Affiant)

**Wicomico County Public Schools
CONTRACT AFFIDAVIT**

Child Sexual and Sexual Misconduct Prevention Compliance
(House Bill 486/Senate Bill 541 2019 Session)

A. AUTHORITY

I HEREBY AFFIRM THAT:

I, (print name) _____ possess the legal authority to make this Affidavit on behalf of _____(name of company) (the “Contractor”).

B. SCREENING APPLICANTS FOR EMPLOYMENT UNDER AN WCPS CONTRACT

Effective July 1, 2019, Maryland Law requires contractors to screen all applicants for a position involving direct contact with minors as defined in Section 6-113.2 of the Education Article, Maryland Annotated Code (“statute”).

Screening requires the applicant to submit to the Contractor the following:

1. Contact information of:

- The current employer
- All former school employers; and
- All former employers of the applicant in which the applicant was employed in a position involving direct contact with minors.

2. Written consent form signed by applicant to release all records relating to child sexual abuse or sexual misconduct.

3. A written statement of whether the applicant:

- Has been the subject of a child sexual abuse or sexual misconduct investigation by any employer, arbitrator, county board, state licensing agency, law enforcement agency, or child protective services agency, unless the investigation resulted in any of the findings listed in Section 6-113.2(B)(3)(i)(1-5), of the statute.
- Has ever been disciplined, discharged, nonrenewed, or asked to resign from employment, or has ever resigned from, or otherwise separated from, any employment while allegations of child sexual abuse or sexual misconduct were pending or were under investigation, or due to an adjudication or findings of child sexual abuse or sexual misconduct; or
- Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child sexual abuse or sexual misconduct were pending or under investigation, or due to an adjudication or findings of child sexual abuse or sexual misconduct.

Before hiring an applicant for a position involving direct contact with minors, including on Wicomico County Public Schools (WCPS) projects, the Contractor shall:

1. Review an applicant’s employment history by contacting employers listed by the applicant and requesting dates of employment and answers to questions regarding child sexual abuse or sexual misconduct required by the statute; and

**Wicomico County Public Schools
CONTRACT AFFIDAVIT**

Child Sexual and Sexual Misconduct Prevention Compliance
(House Bill 486/Senate Bill 541 2019 Session)

2. Request a report from the Maryland State Department of Education (MSDE) regarding the applicant's eligibility for employment or certification status to determine whether the applicant a) holds a valid and active certification appropriate for the position and is otherwise eligible for employment; and b) has been the subject of professional discipline related to child sexual abuse or sexual misconduct.

If the information from an applicant's employer includes an affirmative response to the child sexual abuse or sexual misconduct questions, and the Contractor wants to further consider the applicant for employment, the Contractor shall request additional information from the employer including records related to the child sexual abuse or sexual misconduct.

The Contractor shall conduct the employment history review of the applicant: 1) at the time of initial hiring of the employee; or 2) before the employee is assigned to work for a school entity in a position involving direct contact with minors.

The Contractor shall maintain a record of each employee's employment history review required by the statute; and provide to WCPS access to the employee's records upon request.

Before assigning an employee to perform work for WCPS in a position involving direct contact with minors, the Contractor shall provide notice to WCPS of any affirmative responses to the child sexual abuse or sexual misconduct questions required by the statute.

The Contractor may not assign an employee to perform work for WCPS in a position involving direct contact with minors if WCPS objects to the assignment after receiving notice required by the statute.

In addition to any other remedies available under the Contract, the Contractor may be subject to action by WCPS, MSDE, or other applicable authority for any willful violation of the statute.

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, the requirements of Section 6-113.2 of the Education Article, Annotated Code of Maryland.

Violations of any of these provisions may result in immediate adverse action against the Contractor, including without limitation, immediate termination for cause.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____
(printed name of Authorized Representative and affiant)

(signature of Authorized Representative and affiant)