



FORMS TO BE SUBMITTED

**REQUEST FOR PROPOSALS
MDOT MAA-RFP-22-001**

May 31, 2022

**FOR THE NON-EXCLUSIVE RIGHT TO REDEVELOP,
RENOVATE, LEASE & MANAGE THE RETAIL, RESTAURANT &
COMMERCIAL SERVICES**

AT

**BALTIMORE/WASHINGTON INTERNATIONAL
THURGOOD MARSHALL AIRPORT**

**The Maryland Aviation Administration is a modal unit of
the Maryland Department of Transportation.**

**MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND AVIATION ADMINISTRATION**

REQUEST FOR PROPOSALS NO. MDOT MAA-RFP-22-001

**FOR THE NON-EXCLUSIVE RIGHT TO REDEVELOP,
RENOVATE, LEASE & MANAGE THE RETAIL, RESTAURANT &
COMMERCIAL SERVICES**

AT

**BALTIMORE/WASHINGTON INTERNATIONAL
THURGOOD MARSHALL AIRPORT**

List of Forms To Be Submitted

- | | |
|--------------|--|
| Form No. 1. | Proponent Registration Form |
| Form No. 2. | Pre-Proposal Conference Accommodation Request Form |
| Form No. 3. | Airport Facility Tour Registration Form |
| Form No. 4. | Exhibitor Registration Form |
| Form No. 5. | Proponents/Contractors Procurement Comment Form |
| Form No. 6. | Acknowledgement of Receipt |
| Form No. 7. | Bid/Proposal Affidavit Form |
| Form No. 8. | Procurement Affirmation Form |
| Form No. 9. | Commitment Statement |
| Form No. 10. | Maryland Public Ethics Law Affidavit |
| Form No. 11. | Sample Guaranty of Performance |
| Form No. 12. | Non-Collusion Affidavit Form |
| Form No. 13. | Financial Proposal Form |
| Form No. 14. | Technical Proposal Checklist |



PROPONENT’S REGISTRATION FORM

MARYLAND AVIATION ADMINISTRATION

Maryland Aviation Administration
Office of Commercial Management
Third Floor, Airport Terminal Building
BWI Marshall MD 21240-0766
Email: MAARFPResponses@bwiairport.com

To participate in this solicitation, including receiving access to the solicitation and supporting documents and participating in the site development tour, it is necessary for potential Proponents to register with the Administration.

INSTRUCTIONS: Please type or print (no pencil). In order to be placed on the Maryland Aviation Administration’s Bid List, please respond to all required questions and sign in the space provided. If appropriate answer is “same,” “not applicable,” or “none,” please write this to indicate that no questions have been overlooked. Return this form by email to MAARFPResponses@bwiairport.com.

SECTION A – SOLICITATION INFORMATION

- 1. RFP Number and Title: MAA-RFP-22-001 For the Non-Exclusive Right to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at BWI Marshall Airport

SECTION B – CORPORATE INFORMATION

- 2. Proponent Category (please check ONE): Developer, Consultant, Construction/Project Management, Retail Operator, Restaurant Operator, Service Concessionaire, Other (Please describe)
3. Company Name:
4. Address:
5. City: State: Zip:
6. Telephone: Fax:
7. URL Address:

SECTION C – CONTACT INFORMATION/MAILING ADDRESS

- 8. Contact Name:
9. Title:
10. Address:
11. City: State: Zip:
12. Telephone: Fax:
13. Email Address:



PRE-PROPOSAL CONFERENCE ACCOMMODATION REQUEST FORM

Maryland Aviation Administration
Office of Commercial Management
Third Floor, Airport Terminal Building
BWI Marshall MD 21240-0766
Email: MAARFPResponses@bwairport.com

The Maryland Department of Transportation Maryland Aviation Administration is committed to providing access to its facilities for all persons with interest in its solicitations. This form is for people with disabilities to request accommodation to attend a solicitation conference and/or Airport campus tour.

Instructions: Please type or print in ink (no pencil). In order to request event accommodations, please complete and return this form by June 7, 2022. The completed form should be returned via email to the Administration using the contact information above.

SECTION A – SOLICITATION INFORMATION

- 1. Solicitation Number: MAA-RFP-22-001 Conference Date: June 15, 2022
2. Project Description: For the Non-Exclusive Right to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at Baltimore/Washington International Thurgood Marshall Airport

SECTION B – CONTACT INFORMATION

- 3. Name:
4. Company Name:
4. Email:
6. Telephone:

SECTION C – ACCOMMODATION(S) REQUESTED

- AMERICAN SIGN LANGUAGE (ASL) INTERPRETATION
COMMUNICATION ACCESS REAL-TIME TRANSLATION (CART) SERVICES
ACCESSIBLE RESERVED SEATING
MATERIALS IN ALTERNATIVE FORMAT
OTHER ASSISTANCE:

ACCOMMODATION REQUEST DETAILS AND/OR COMMENTS:

Blank lines for accommodation request details and/or comments.

Accessible parking spaces are available for vehicles with state issued disability plates or placards. Vehicles parked in accessible parking spaces without official disability plates or placards may be ticketed or towed.



INDIVIDUAL/GROUP TOUR REGISTRATION FORM

Maryland Aviation Administration
Office of Commercial Management
Third Floor, Airport Terminal Building
BWI Marshall MD 21240-0766
Email: MAARFPResponses@bwiairport.com

MARYLAND AVIATION ADMINISTRATION

INSTRUCTIONS: Please print clearly. In order to schedule a group/individual tour, please respond to all required questions and sign in the space provided. Return this form by email or to the address shown above prior to close of business on Friday, June 7, 2022.

SECTION A – GENERAL INFORMATION/MAILING ADDRESS

- 1. Bid Number: MDOT MAA-RFP-22-001
2. Project Description: For the Non-Exclusive Right to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at BWI Marshall Airport

SECTION B – CONTACT INFORMATION/MAILING ADDRESS

- 3. Contact Person:
4. Title:
5. Company Name:
6. Address:
7. City: State: Zip:
8. Telephone: Email:

SECTION C – TOUR DATE REQUESTED

Please indicate the date and time you wish to schedule a group/individual tour of BWI Marshall Airport by writing the number of attendees from your organization in the appropriate box below. On the following page, please provide the names of the individuals who plan to attend. Attendees will be required to present valid identification in order to participate in the group/individual tour. Additional correspondence will be provided to all those who schedule a tour outlining the requirements in full.

Table with 3 columns: Time, Thursday June 16, Friday June 17. Rows: 10:00 am, 1:00 pm.

SECTION D – ORGANIZATION:

SECTION E – NAMES/TITLES OF INDIVIDUAL ATTENDEES:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____



EXHIBITOR/ATTENDEE REGISTRATION FORM

Maryland Aviation Administration
Office of Commercial Management
Third Floor, Airport Terminal Building
BWI Marshall MD 21240-0766
Email: MAARFPResponses@bwiairport.com

INSTRUCTIONS: Please print clearly. In order to attend/host a table at the free mixer and networking session, please respond to all required questions and sign in the space provided. Return this form by email to the address shown above prior to close of business on Tuesday, June 7, 2022.

SECTION A - GENERAL INFORMATION

- 1. Bid Number: MDOT MAA-RFP-22-001
For the Non-Exclusive Right to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at BWI Marshall Airport
2. Event Description: BWI Marshall Airport's Mixer and Networking Session for Developers and Local, Small, and Diverse Businesses

SECTION B - EXHIBITOR/ATTENDEE INFORMATION

- 3. Company Name:
4. Address:
5. City: State: Zip:
6. Contact Person:
7. Telephone: Email:
8. Type of Organization (please circle one): Other:
Developer Consultant Concessionaire
9. Kind of Ownership (please circle one):
Majority-Owned Small Business (SBE) Veteran-Owned (VSBE)
Woman-Owned Disadvantaged (DBE) Certified ACDBE
10. During this free event, tables will be made available for attendees to stage promotional materials. Please indicate the planned number of representatives working an exhibit table (if any):

STATE OF MARYLAND
PROPONENT/CONTRACTOR PROCUREMENT COMMENT FORM

In order to help us improve the quality of State proposals/solicitations, and to make our procurement process more responsive and business friendly, we ask that you take a few minutes and provide comments and suggestions regarding the enclosed solicitation. Please return your comments with your proposals. If you have chosen not to propose on this contract, please email this completed form to MAARFPResponses@bwiairport.com, to the attention of the Director, Office of Commercial Management.

MAA- RFP-22-001 – FOR THE NON-EXCLUSIVE RIGHT TO REDEVELOP, RENOVATE, LEASE & MANAGE THE RETAIL, RESTAURANT & COMMERCIAL SERVICES AT BALTIMORE/WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT

- 1. If you have responded with a "no proposal," please indicate the reason(s) below:
() Other commitments preclude our participation at this time.
() The subject of the solicitation is not something we ordinarily provide.
() We are inexperienced in the work/commodities required.
() Specifications are unclear, too restrictive, etc. (Explain in REMARKS section.)
() The scope of work is beyond our present capacity.
() Doing business with Maryland Government is simply too complicated. (Explain in REMARKS section.)
() We cannot be competitive. (Explain in REMARKS section.)
() Time allotted for completion of the bid/proposals is insufficient.
() Start-up time is insufficient.
() Bonding/Insurance requirements are restrictive. (Explain in REMARKS section.)
() Bid/Proposals requirements (other than specifications) are unreasonable or too risky. (Explain in REMARKS section.)
() ACDBE requirements. (Explain in REMARKS section.)
() Living Wage requirements. (Explain in REMARKS section.)
() Prior State of Maryland contract experience was unprofitable or otherwise unsatisfactory. (Explain in REMARKS section.)
() Other: _____

2. If you have submitted a proposal, but wish to offer suggestions or express concerns, please use the Remarks section below. (Use reverse or attach additional pages as needed.)

REMARKS: _____

Proponent's Name: _____ Date: _____
Contact Person: _____ Phone: _____
Address: _____

**MARYLAND DEPARTMENT OF TRANSPORTATION
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ACKNOWLEDGEMENT OF RECEIPT

The undersigned acknowledges that the Maryland Aviation Administration’s Request for Proposals No. MDOT MAA-RFP-22-001 has been received by the undersigned.

It is understood that all proposals submitted in response to MDOT MAA-RFP-22-001 will be presumed to be based upon full knowledge of the contents of Request for Proposal No. MDOT MAA-RFP-22-001.

Company Name

Date

Signature-Authorized Official

Title

IMPORTANT

Note: PLEASE SIGN AND DATE THE “ACKNOWLEDEMENT OF RECEIPT” AND RETURN VIA EMAIL TO MAARFPRESPONSES@BWIAPORT.COM. THE SIGNED FORM MUST ALSO BE INCLUDED WITH YOUR PROPOSAL.

**REQUEST FOR PROPOSALS
NO. MDOT MAA-RFP-22-001**

BID/PROPOSAL AFFIDAVIT

A. AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____ and the duly authorized representative of (business) _____ and that I possess the legal authority to make this Affidavit on behalf of myself and the business for which I am acting.

B. 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, or any of its employees directly involved in obtaining or performing contracts with public bodies (as is defined in Section 16-101(f) of the State Finance and Procurement Article of the Annotated Code of Maryland), has been convicted of, or has had probation before judgment imposed pursuant to Article 27, Section 641 of the 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):

C. 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, or any of its employees directly involved in obtaining or performing contracts with public bodies, has:

(a) Been convicted under state or federal statute of a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;

(b) Been convicted of any criminal violation of a state or federal antitrust statute;

(c) 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 arising out of the submission of bids or proposals for a public or private contract;

(d) Been convicted of a violation of the State Minority Business Enterprise Law, Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;

(e) 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 subsection (a), (b), (c), or (d) above;

(f) 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;

(g) 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 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):

D. 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, or any of its employees directly involved in 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):

E. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

(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):

F. 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.

G. 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.

H. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, the provisions of Section 13-221 of the State Finance and Procurement Article of the Annotated Code of Maryland, which require that every business that enters into contracts, leases, or other agreements with the State of Maryland or its agencies during a calendar year under which the business is to receive in the aggregate \$100,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases, or other agreements reaches \$100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

I. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT:

I am aware of, and the above business will comply with, Article 33, §§14-101—14-104, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$100,000 or more shall file with the State Administrative Board of Election Laws a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.

J. DRUG AND ALCOHOL FREE WORKPLACE

(Applicable to all contracts unless the contract is for a law enforcement agency and the agency head or the agency head's designee has determined that application of COMAR 21.11.08 and this certification would be inappropriate in connection with the law enforcement agency's undercover operations.)

I CERTIFY THAT:

(1) Terms defined in COMAR 21.11.08 shall have the same meanings when used in this certification.

(2) By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:

(a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;

(b) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business' workplace and specifying the actions that will be taken against employees for violation of these prohibitions;

(c) Prohibit its employees from working under the influence of drugs or alcohol;

(d) Not hire or assign to work on the contract anyone whom the business knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;

(e) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if the business has observed the violation or otherwise has reliable information that a violation has occurred;

(f) Establish drug and alcohol abuse awareness programs to inform its employees about:

(i) The dangers of drug and alcohol abuse in the workplace;

(ii) The business' policy of maintaining a drug and alcohol free workplace;

(iii) Any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees who abuse drugs and alcohol in the workplace;

(g) Provide all employees engaged in the performance of the contract with a copy of the statement required by §J(2)(b), above;

(h) Notify its employees in the statement required by §J(2)(b), above, that as a condition of continued employment on the contract, the employee shall:

(i) Abide by the terms of the statement; and

(ii) Notify the employer of any criminal drug or alcohol abuse conviction for an offense occurring in the workplace not later than 5 days after a conviction;

(i) Notify the procurement officer within 10 days after receiving notice under §J(2)(h)(ii), above, or otherwise receiving actual notice of a conviction;

(j) Within 30 days after receiving notice under §J(2)(h)(ii), above, or otherwise receiving actual notice of a conviction, impose either of the following sanctions or remedial measures on any employee who is convicted of a drug or alcohol abuse offense occurring in the workplace:

(i) Take appropriate personnel action against an employee, up to and including termination; or

(ii) Require an employee to satisfactorily participate in a bona fide drug or alcohol abuse assistance or rehabilitation program; and

(k) Make a good faith effort to maintain a drug and alcohol free workplace through implementation of §J(2)(a)—(j), above.

(3) If the business is an individual, the individual shall certify and agree as set forth in §J(4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.

(4) I acknowledge and agree that:

(a) The award of the contract is conditional upon compliance with COMAR 21.11.08 and this certification;

(b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

(c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.06.

K. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

(1) The business named above is a (domestic ___) (foreign __) corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and address of its resident agent filed with the State Department of Assessments and Taxation is: Name: Address: __ .

(If not applicable, so state).

(2) 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.

L. 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 or agent working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of the Contract.

M. Repealed.

N. 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 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: _____
(Authorized Representative and Affiant)

ACKNOWLEDGMENT

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgements contained in that certain Bid/Proposal Affidavit dated _____, and executed by me for the purpose of obtaining the contract to which this Exhibit is attached remains true and correct in all respects as if made as of the date of this Contract Affidavit and as if fully set forth herein.

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

(Date)

(Affiant)

State of _____:

County (City) of _____:

On this _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me to be the person described in the foregoing Affirmation and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires _____

(Seal)

PROCUREMENT AFFIRMATION

I HEREBY CERTIFY that I am the _____ (Title) and the duly authorized representative of the business of _____ whose address is _____ and that I possess the legal authority to make this affirmation on behalf of the business for which I am acting, and I do solemnly declare and affirm under the penalties of perjury that the following statements are true and correct to the best of my knowledge and belief:

AFFIRM PARAGRAPH 1 BELOW, OR FURNISH THE INFORMATION REQUIRED BY PARAGRAPH 2 BELOW

(1) I affirm that neither the above business or any officer, controlling stockholder, partner, principal, or other person substantially involved in the contracting activities of the business has in the past five (5) years: (a) been convicted under state or federal statute of a criminal offense incident to obtaining or attempting to obtain or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property; (b) been found civilly liable under state or federal antitrust statutes for acts or omissions in connections with the submission of bids or proposals for a public or private contract; (c) been convicted of any violation of a state or federal antitrust statute; (d) been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influence and Corrupt Organizations Act 18 USC §§ 1961 et seq., or (e) the Mail Fraud Act, 18 USC §§ 1341 et seq., for acts arising out of the submission of bids or proposals for a public or private contract; (f) have been criminally convicted of conspiring to commit any act or omission which would constitute grounds for conviction or liability under any statute described in (1) a, c, d, or e above; or admitted in writing or under oath, during the course of an official investigation, or other proceeding, acts, or omissions which would constitute grounds for conviction or liability under any statute described above. Also the undersigned business was not founded or established or operated in a manner designed to evade the application or defeat the purpose of the Debarment Regulations, COMAR 21.08.04, is not currently suspended or debarred pursuant to COMAR 21.08.04 or by the action of any other public entity, and is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business.

(2) (a) If the affirmation described in Paragraph 1 cannot be given, and debarment proceedings have not been instituted against the business pursuant to COMAR 21.08.04, indicate the reasons why the affirmation cannot be given, including any conviction or admission described in Paragraph 1 above with the data, court and sentence or disposition if any, the name(s) of the person(s) involved, their current positions and responsibilities with the business, the activity listed in Regulation .04 in which they were involved, and the details of their participation in the activity, including the name(s) of any entity involved and their positions and responsibilities with the entity. (Attached additional sheets as necessary.)

(b) If the affirmation described in Paragraph 1 cannot be given, and debarment proceedings have been instituted against the business pursuant to COMAR 21.08.04, indicate the status of such proceedings.

Date

Signature

Printed or Typed Name

ACKNOWLEDGMENT

I FURTHER AFFIRM THAT:

To the best of my knowledge, information, and belief, each of the affirmations, certifications, or acknowledgements contained in that certain Bid/Proposal Affidavit dated _____, and executed by me for the purpose of obtaining the contract to which this Exhibit is attached remains true and correct in all respects as if made as of the date of this Contract Affidavit and as if fully set forth herein.

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

(Date)

(Affiant)

State of _____:

County (City) of _____:

On this _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me to be the person described in the foregoing Affirmation and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires _____

(Seal)

**MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND AVIATION ADMINISTRATION**

REQUEST FOR PROPOSALS NO. MDOT MAA-RFP-22-001

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**AT
BALTIMORE/WASHINGTON INTERNATIONAL
THURGOOD MARSHALL AIRPORT**

COMMITMENT STATEMENT

The undersigned agrees to meet all requirements established by this RFP, and any addenda thereto.

(Company Name)

(Signature Authorized Official)

(Title)

(Date)

IMPORTANT - ATTACH THIS FORM TO YOUR TECHNICAL PROPOSAL

MARYLAND PUBLIC ETHICS LAW AFFIDAVIT

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____ and the duly authorized representative of _____ (the “Bidder”) and that I possess the legal authority to make this Affidavit on behalf of myself and the Bidder for which I am acting.

I FURTHER AFFIRM THAT:

I am aware of, and the above Bidder will comply with, the provisions of Title 5 of the Maryland General Provisions Article of the Annotated Code of Maryland, which prohibits former officials or employees of the State of Maryland from assisting or representing a party, other than the State, in a case, contract, or other specific matter for compensation if the matter involved State government and the former official or employee participated significantly in the matter as an official or employee. In addition, Title 5 prohibits a party that employs an individual or person who assisted the State in the drafting of specifications, an invitation for bids, a request for proposals, or the selection or award process for an invitation for bids or request for proposals from submitting a bid or proposal or from assisting or representing another person, directly or indirectly, from submitting a bid or proposal. I further affirm that obligations of the Public Ethics Law under Title 5 of the Maryland General Provisions Article.

ACKNOWLEDGEMENT:

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Maryland Aviation Administration 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/Proposal shall be construed to supersede, amend, modify or waive, on behalf of 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 Bidder with respect to this Affidavit; the resulting Lease and Concession Contract; and any Other Affidavits comprising the Bid/Proposal or part of the Lease and Concession 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: _____
(Authorized Representative and Affiant)

GUARANTY OF PERFORMANCE

GUARANTY OF PERFORMANCE (“Guaranty”), dated this _____ day of _____, 20__ executed and delivered by the undersigned _____ (“Guarantor”) in favor of the Maryland Aviation Administration, a modal unit of the Maryland Department of Transportation (“Administration”).

WITNESSETH:

WHEREAS, Administration and [_____]
 (“Contractor”), a wholly-owned subsidiary of Guarantor, are parties to Administration Contract No. _____ dated _____ (the “Contract”); and

WHEREAS, the Contract requires Guarantor to guarantee the performance by Contractor of its obligations under the Contract.

NOW, THEREFORE, in consideration of the above premises and other good and valuable consideration, receipt of which is acknowledged, Guarantor agrees as follows:

1. Guarantor guarantees full, faithful and satisfactory performance of the Contract in accordance with all of its terms and conditions. If Contractor defaults in performance of its obligations under the Contract, Guarantor shall cause, or, if Guarantor fails to cause then, at Administration’s option, Guarantor shall reimburse Administration for causing such performance to be completed by another in accordance with the terms and conditions of the Contract and Guarantor pay Administration all damages, costs and expenses that Administration is entitled to recover from Guarantor.
2. This Guaranty shall continue in force until all of Contractor’s obligations under the Contract arising during or relating to the term of the Contract have been satisfied or until Contractor’s liability to Administration under the Contract has been completely discharged, whichever comes first. Contractor shall not be discharged from liability under this Guaranty as long as any claim by Administration against Contractor remains unresolved.
3. Written consent of Guarantor shall be required prior to any amendment of the Contract that would increase Guarantor’s obligations under this Guaranty.
4. The rights and obligations of Administration and Contractor shall not be suspended, abrogated or affected by the fact that performance of the Contract may also be secured or guaranteed by bond or other security.

5. Guarantor waives notice of acceptance of the Guaranty of Performance.
6. This Guaranty shall be binding upon the legal representatives and assigns of Guarantor.
7. This Guaranty shall be governed by and construed in accordance with the laws of the State of Maryland without regard to rules concerning conflict of laws.
8. Should any one or more provisions of this Guaranty be determined illegal or unenforceable, all other provisions shall remain effective.
9. This Guaranty embodies the entire agreement between Administration and Guarantor. There are no promises, terms, conditions or obligations other than those contained in this Guaranty and this Guaranty shall supersede all previous communications, representations or agreements, either verbal or written, between Administration and Guarantor.

IN WITNESS WHEREOF, Guarantor, has executed and delivered this Guaranty as of the date first above written.

Guarantor

BY: _____

NAME: _____

TITLE: _____

DATE: _____

NON-COLLUSION STATEMENT

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____ and the duly authorized representative of _____ (the "Proponent") and that I possess the legal authority to make this Affidavit on behalf of myself and the Proponent for which I am acting.

I FURTHER AFFIRM THAT:

All statements made and facts set out in the Proposal for this project are true and correct; and the Proposer (the person, firm, association or corporation making said proposal) has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said Proposal or any contract which may result from its acceptance.

Affiant further certifies that Proposer is not financially interested in, or financially affiliated with, any other Proposer for the above Project.

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

(Date)

(Authorized Representative Affiant)

State of _____:

County (City) of _____:

On this _____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me to be the person described in the foregoing Affirmation and acknowledged that he (she) executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

My Commission Expires _____

(Seal)

**MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND AVIATION ADMINISTRATION**

REQUEST FOR PROPOSALS NO. MDOT MAA-RFP-22-001

**FOR THE NON-EXCLUSIVE RIGHT TO REDEVELOP,
RENOVATE, LEASE & MANAGE THE RETAIL, RESTAURANT &
COMMERCIAL SERVICES**

**AT
BALTIMORE/WASHINGTON INTERNATIONAL
THURGOOD MARSHALL AIRPORT**

FINANCIAL PROPOSAL

To: Director
Office of Commercial Management
Maryland Aviation Administration
P. O. Box 8766
BWI Airport MD 21240-0766

SUBJECT: Maryland Aviation Administration
Request for Proposal No. MDOT MAA-RFP-22-001

- A.** Pursuant to Request for Proposals No. MDOT MAA-RFP-22-001 for the Non-Exclusive Right to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at Baltimore/Washington International Thurgood Marshall Airport (“BWI Marshall Airport”), the undersigned hereby submits a Financial Proposal for the provision of such services based on and subject to the terms, provisions, and conditions contained in the Maryland Department of Transportation Maryland Aviation Administration’s Request for Proposals No. MDOT MAA-RFP-22-001 dated February 23, 2022, which document has been read by the undersigned and to which the undersigned agrees.
- B.** The undersigned hereby agrees to Redevelop, Renovate, Lease & Manage the Retail, Restaurant & Commercial Services at BWI Marshall and proposes to pay monthly to the Administration a compensation fee for the right and privilege of establishing and operating the proposed services.
- C.** The undersigned hereby provides in words and in numbers, its Financial Offer to the Administration which reflects the full Term of the proposed Contract. Based upon the

terms, provisions and conditions of RFP No. MDOT MAA-RFP-22-001, the undersigned hereby agrees to the following

1. Proponent shall state in words and in numbers its financial compensation to Administration, which shall be proposed as a percentage of gross concession revenues. The Selected Proponent shall pay to the Administration, the greater of a Minimum Monthly Guarantee (MMG) or percentage of gross concession revenue for each month of the Operation & Management Period of the Contract Term:

a. During the Operation & Management Period of the Contract Term, the Selected Proponent shall pay the greater of:

i. An MMG of Eight Hundred Thousand Dollars (\$800,000), which shall be paid in advance on or before the first day of each calendar month of the Operation & Management Period of the Contract Term.

OR

ii. The Financial Proposal of _____ percent (____%) of gross monthly revenues (express in words and in figures) derived from the operations at BWI Marshall Airport (Percentage Operating Concession Fee).

Note: No Financial Proposal will be accepted by the Administration in which the percentage Concession Fee is less than fifty-five percent (55%).

b. For each month of each succeeding year of the Operation & Management Period of the Contract Term, the Proponent shall pay to the Administration the greater of:

i. An MMG, which is adjusted annually to equal the greater of eighty-five percent (85%) of the financial compensation paid to the Administration for the

preceding Contract Year, then prorated to determine the MMG. At no time during the Contract Term shall the MMG be less than \$800,000.

OR

ii. The Financial Proposal of _____ percent (____%) of gross monthly revenues (express in words and in figures) derived from the operations at BWI Marshall Airport (entry must be the same as item 1.a.ii, above).

2. Nothing shall be entered on the Financial Proposal Form that alters or proposes conditions or contingencies on the financial compensation.

D. Should the undersigned become the Selected Proponent and be awarded the Contract, the undersigned will execute and submit the required Contract Performance Guarantee. Release of the Selected Proponent’s Proposal Guarantee shall not be made until fifteen (15) calendar days after approval and execution of the Contract and receipt of the required Contract Performance Guarantee.

ATTEST:

(COMPANY NAME)

(SIGNATURE AUTHORIZED OFFICIAL)

(PRINTED NAME)

(TITLE)

ADDRESS:

(NO. STREET)

(CITY STATE ZIP CODE)

TELEPHONE NO. _____

MARYLAND DEPARTMENT OF TRANSPORTATION
MARYLAND AVIATION ADMINISTRATION

REQUEST FOR PROPOSALS NO. MDOT MAA-RFP-22-001

FOR THE NON-EXCLUSIVE RIGHT TO REDEVELOP,
RENOVATE, LEASE & MANAGE THE RETAIL, RESTAURANT &
COMMERCIAL SERVICES

AT

BALTIMORE/WASHINGTON INTERNATIONAL

THURGOOD MARSHALL AIRPORT

TECHNICAL PROPOSAL SUBMITTAL CHECKLIST

See Section VIII of this RFP for information regarding how and where to submit Proposals. Proponents may use this Submittal Checklist to determine completeness of proposal, but the Administration makes no representation that this checklist is complete. Technical Submittals should include one (1) signed and bound original, twelve (12) bound copies, one (1) unbound copy, and one (1) electronic version in Microsoft compatible or PDF format on USB flash drive containing detailed information regarding Proponent's product services and equipment and should include the following:

- | | | |
|-----|--|--------------------------|
| 1. | Title Page | <input type="checkbox"/> |
| 2. | Transmittal Letter | <input type="checkbox"/> |
| 3. | Table of Contents | <input type="checkbox"/> |
| 4. | Executive Summary | <input type="checkbox"/> |
| 5. | Confidentiality Statement | <input type="checkbox"/> |
| 6. | Exceptions | <input type="checkbox"/> |
| 7. | Acknowledgement of Receipt & Commitment Statement | <input type="checkbox"/> |
| 8. | Proposal Guaranty | <input type="checkbox"/> |
| 9. | Procurement Affirmation and Bid/Proposal Affidavit | <input type="checkbox"/> |
| 10. | Consultant & Professional Acknowledgment | <input type="checkbox"/> |
| 11. | Non-Collusion Statement Affidavit | <input type="checkbox"/> |
| 12. | Maryland Public Ethics Law Affidavit | <input type="checkbox"/> |
| 13. | Description of Legal Entity | <input type="checkbox"/> |
| 14. | Guarantor | <input type="checkbox"/> |
| 15. | Qualifications | <input type="checkbox"/> |

16. Experience at Other Locations
17. Contracts Terminated, Bankruptcy, Debarment,
Taxes, Licenses and Other Affirmations
18. Audit Review or Investigation
19. References
20. Diversity & Inclusion Initiative
21. Team Composition Plan
22. Personnel Management Plan
23. Project Transition Plan
24. Architectural & Project Design Plan
25. Retail, Restaurant & Commercial Services Development Plan
26. Passenger/Guest Experience & Marketing Plan
27. Quality Assurance Plan
28. Facility Operation & Maintenance Plan
29. Delivery & Distribution Plan
30. Commercial Terms & Other Obligations
31. ACDBE Plan
32. Micro Business & Startup Entrepreneurship Program
33. Capital Investment Plan
34. Financing
35. Financial Ability to Perform
36. Pro-Forma Statement
37. Economic Benefits to the State
38. Other Information
39. Technical Proposal Checklist