

Additional MBE Documentation

I understand if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 working days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier:

- (a) Good Faith Efforts Documentation to Support Waiver Request (Attachment D-1C)
- (b) Outreach Efforts Compliance Statement (Attachment D-2);
- (c) Certified MBE Subcontractor/MBE Prime Project Participation Certification (Attachments D-3A and D-3B);
- (d) MBE Subcontractor agreement(s);
- (e) Any other documentation, including additional waiver documentation if applicable, required by the Procurement Officer to ascertain the Bidder/Offeror's responsibility in connection with the certified MBE participation goal and subgoals, if any.

I understand that if I fail to return each completed document within the required time, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

Information Provided to MBE Firms

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms

GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE) participation goal (including any MBE subgoals) on a contract, the Bidder/Offeror must either (1) meet the MBE Goal(s) and document its commitments for participation of MBE Firms, or (2) when it does not meet the MBE Goal(s), document its Good Faith Efforts to meet the goal(s).

I. Definitions

MBE Goal(s) – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

Good Faith Efforts - The “Good Faith Efforts” requirement means that when requesting a waiver, the Bidder/Offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE participation, even if those steps were not fully successful. Whether the Bidder/Offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the Bidder/Offeror has made. The efforts employed by the Bidder/Offeror should be those that one could reasonably expect the Bidder/Offeror to take if the Bidder/Offeror were actively and aggressively trying to obtain MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE contract requirements. The determination concerning the sufficiency of the Bidder’s/Offeror’s good faith efforts is a judgment call; meeting quantitative formulas is not required.

Identified Firms – “Identified Firms” means a list of the MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the Bidder/Offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-funded) the Bidder/Offeror identified as available to perform the Identified Items of Work and should include all appropriately certified firms that are reasonably identifiable.

Identified Items of Work – “Identified Items of Work” means the Proposal items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE Firms. It also may include additional portions of items of work the Bidder/Offeror identified for performance by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved. If the procurement does not include a list of Identified Items of Work, this term refers to all of the items of work the Bidder/Offeror identified as possible items of work for performance by MBE Firms and should include all reasonably identifiable work opportunities.

MBE Firms – “MBE Firms” refers to firms certified by the State of Maryland through the Maryland Department of Social and Economic Mobility’s (“DoSEM”) Office of Minority Business Enterprise under COMAR 21.11.03. Only certified MBE Firms can participate in the State’s MBE Program.

II. Types of Actions Agency will Consider

The Bidder/Offeror is responsible for making relevant portions of the work available to MBE subcontractors and suppliers and select those portions of the work or material needs consistent with the available MBE subcontractors and suppliers, so as to facilitate MBE participation. The following is a list of types of actions the procuring agency will consider as part of the Bidder’s/Offeror’s Good Faith Efforts when the Bidder/Offeror fails to meet the MBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Identify Proposal Items as Work for MBE Firms

1. Identified Items of Work in Procurements

- (a) Procurements will include a list of subcontracting opportunities identified during the goal setting process as possible work for performance by MBE Firms. The Bidder/Offeror shall make all reasonable efforts to solicit quotes from MBE Firms to perform that work.
- (b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved.

2. Identified Items of Work by Offerors

- (a) When the procurement does not include a list of Identified Items of Work or for additional Identified Items of Work, Bidders/Offerors should reasonably identify sufficient items of work to be performed by MBE Firms.
- (b) Where appropriate, Bidders/Offerors should break out contract work items into economically feasible units to facilitate MBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the Bidder/Offeror of the responsibility to make Good Faith Efforts.

B. Identify MBE Firms to Solicit

1. MBE Firms Identified in Procurements

- (a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the Bidder/Offeror shall make all reasonable efforts to solicit those MBE firms.
- (b) Offerors may, and are encouraged to, search the MBE Directory to identify additional MBEs who may be available to perform the items of work, such as MBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE Firms Identified by Offerors

- (a) When the procurement does not include a list of Identified MBE Firms, Bidders/Offerors should reasonably identify the MBE Firms that are available to perform the Identified Items of Work.
- (b) Any MBE Firms identified as available by the Bidder/Offeror should be certified to perform the Identified Items of Work.

C. Solicit MBEs

1. Solicit all Identified Firms for all Identified Items of Work by providing written notice. The Bidder/Offeror should:

- (a) provide the written solicitation at least 10 days prior to Proposal opening to allow sufficient time for the MBE Firms to respond;
- (b) send the written solicitation by first-class mail, facsimile, or e-mail using contact information in the MBE Directory, unless the Bidder/Offeror has a valid basis for using different contact information; and
- (c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE, and other requirements of the contract to assist MBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. “All” Identified Firms includes the MBEs listed in the procurement and any MBE Firms the Bidder/Offeror identifies as potentially available to perform the Identified Items of Work, but it does not include MBE Firms who are no longer certified to perform the work as of the date the Bidder/Offeror provides written solicitations.

3. “Electronic Means” includes, for example, information provided *via* a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE cannot access the information provided by electronic means, the Bidder/Offeror must make the information available in a manner that is accessible to the interested MBE.

4. Follow up on initial written solicitations by contacting MBEs to determine if they are interested. The follow up contact may be made:

- (a) by telephone using the contact information in the MBE Directory, unless the Bidder/Offeror has a valid basis for using different contact information; or
- (b) in writing *via* a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow-up required in C.4, use all other reasonable and available means to solicit the interest of MBE Firms certified to perform the work of the contract. Examples of other means include:

- (a) attending any pre-Proposal meetings at which MBE Firms could be informed of contracting and subcontracting opportunities; and
- (b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/women community organizations, minority/women contractors' groups, and local, state, and federal minority/women business assistance offices listed on the Office of Minority Business Enterprise website.

D. Negotiate with Interested MBE Firms

Bidders/Offerors must negotiate in good faith with interested MBE Firms.

1. Evidence of negotiation includes, without limitation, the following:
 - (a) the names, addresses, and telephone numbers of MBE Firms that were considered;
 - (b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means to provide that information; and
 - (c) evidence as to why additional agreements could not be reached for MBE Firms to perform the work.
2. The Bidder/Offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.
3. The fact that there may be some additional costs involved in finding and using MBE Firms is not in itself sufficient reason for the Bidder's/Offeror's failure to meet the contract MBE goal(s), as long as such costs are reasonable. Factors to take into consideration when determining whether an MBE Firm's quote is excessive or unreasonable include, without limitation, the following:
 - (a) dollar difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the Bidder/Offeror;
 - (b) percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the Bidder/Offeror;
 - (c) percentage that the MBE subcontractor's quote represents of the overall contract amount;
 - (d) number of MBE Firms that the Bidder/Offeror solicited for that portion of the work;
 - (e) whether the work described in the MBE and Non-MBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and
 - (f) number of quotes received by the Bidder/Offeror for that portion of the work.
4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.
5. The Bidder/Offeror may not use its price for self-performing work as a basis for rejecting an MBE Firm's quote as excessive or unreasonable.
6. The "average of the other subcontractors' quotes received" by the Bidder/Offeror refers to the average of the quotes received from all subcontractors. Bidder/Offeror should attempt to receive quotes from at least three subcontractors, including one quote from an MBE and one quote from a Non-MBE.
7. The Bidder/Offeror shall not reject an MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE that is rejected as unqualified or that placed a subcontract quotation or offer that the Bidder/Offeror concludes is not acceptable, the Bidder/Offeror must provide a written detailed statement listing the reasons for this conclusion. The Bidder/Offeror also must document the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.
 - (a) The factors to take into consideration when assessing the capabilities of an MBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.

- (b) The MBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of Proposals in the efforts to meet the project goal.

E. Assisting Interested MBE Firms

When appropriate under the circumstances, the decision-maker will consider whether the Bidder/Offeror made reasonable efforts to assist interested MBE Firms in obtaining:

1. The bonding, lines of credit, or insurance required by the procuring agency or the Bidder/Offeror; and
2. Necessary equipment, supplies, materials, or related assistance or services.

III. Other Considerations

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE Firms in the area in which the work is to be performed, other Proposals or offers and subcontract Proposals or offers substantiating significant variances between certified MBE and Non-MBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether the Bidder/Offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. The decision-maker also may take into account the performance of other Bidders/Offerors in meeting the contract. For example, when the apparent successful Bidder/Offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful Bidder/Offeror could have met the goal. If the apparent successful Bidder/Offeror fails to meet the goal but meets or exceeds the average MBE participation obtained by other Offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful Bidder/Offeror having made Good Faith Efforts.

IV. Documenting Good Faith Efforts

At a minimum, the Bidder/Offeror seeking a waiver of the MBE Goal(s), or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 Business Days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

A. Items of Work (Complete Good Faith Efforts Documentation Attachment D-1C, Part 1)

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE Goal(s).

B. Outreach/Solicitation/Negotiation

1. The record of the Bidder's/Offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a). **(Complete Outreach Efforts Compliance Statement - D-2).**
2. A detailed statement of the efforts made to contact and negotiate with MBE Firms including:
 - (a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, e-mail, telephone, etc.) **(Complete Good Faith Efforts Attachment D-1C-Part 2, and submit letters, fax cover sheets, e-mails, etc. documenting solicitations);** and
 - (b) a description of the information provided to MBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE Firms (Complete Good Faith Efforts Attachment D-1C, Part 3)

1. For each MBE Firm that the Bidder/Offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the Bidder's/Offeror's conclusion, including the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.
2. For each certified MBE Firm that the Bidder/Offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the Bidder's/Offeror's conclusion, including the quotes received from all MBE and Non-MBE Firms proposing on the same or comparable work. **(Include copies of all quotes received.)**

D-1B - Exhibit A
MBE Subcontractor Unavailability Certificate

Unavailability Certificate (see **D-1B - Exhibit A** to this Part 1) signed by the MBE contractor or a statement from the Bidder/Offeror that the MBE contractor refused to sign the MBE Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the Bidder's/Offeror's Good Faith Efforts.
2. Submit any other documentation the Bidder/Offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

1. It is hereby certified that the firm of _____
(Name of MBE Firm)

located at _____
(Address)

(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. _____

in _____ County by _____
(Name of Prime Contractor's Firm)

2. _____ (MBE Firm), is either
unavailable for the work/service or unable to prepare a Bid/Proposal for this project for the following reason(s):

Signature of MBE Representative:
Title:
Date:
DoSEM Certification #:
Phone #:

3. To be completed by the Prime Contractor if Section 2 of this form is not completed by the MBE Firm.

To the best of my knowledge and belief, said certified MBE is either unavailable for the work/service for this project, is unable to prepare a Proposal, or did not respond to a request for a Proposal and has not completed the above portion of this submittal.

Signature of Prime Contractor:

Title:

Date:

D-1C
GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST

PAGE ____ OF ____

Prime Contractor:	Project Description:	PROJECT/CONTRACT
<i>Bidder/Offeror Company Name, Address, Phone</i>		Solicitation #:

Parts 1, 2, and 3 must be included with this certificate along with all documents supporting this waiver request.

I affirm that I have reviewed **Attachment D-1B**, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this **Attachment D-1C** Good Faith Efforts Documentation to Support the Waiver Request forms are true to the best of my knowledge, information, and belief.

Company Name:
Signature of Authorized Representative:
Printed Name:
Title:
Company Address:
Date:

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST PART 1 –
IDENTIFIED ITEMS OF WORK BIDDER/OFFEROR MADE AVAILABLE TO MBE FIRMS**

PAGE ____ OF ____

Prime Contractor:	Project Description:	PROJECT/CONTRACT
<i>Bidder/Offeror Company Name, Address, Phone</i>		Solicitation #:

Identify those items of work that the Bidder/Offeror made available to MBE Firms. This includes, where appropriate, those items the Bidder/Offeror identified and determined to subdivide into economically feasible units to facilitate the MBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the Bidder's/Offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE goal set for the procurement. Note: If the procurement includes a list of Proposal items identified during the goal setting process as possible items of work for performance by MBE Firms, the Bidder/Offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the Bidder/Offeror selects additional items of work to make available to MBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement?	Does Bidder/Offeror normally self-perform this work?	Was this work made available to MBE Firms? If no, explain why not.
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

☐ Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST
PART 2 – IDENTIFIED MBE FIRMS AND RECORD OF SOLICITATIONS**

PAGE _____ OF _____

Prime Contractor:	Project Description:	Project/Contract:
<i>Bidder/Offeror Company Name, Address, Phone</i>		Solicitation #:

Identify the MBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE participation. Include the name of the MBE Firm solicited, items of work for which quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE provided a quote, and whether the MBE is being used to meet the MBE participation goal. MBE Firms used to meet the participation goal must be included on the MBE Participation Schedule. Note: If the procurement includes a list of the MBE Firms identified during the goal setting process as potentially available to perform the items of work, the Bidder/Offeror should solicit all of those MBE Firms or explain why a specific MBE was not solicited. If the Bidder/Offeror identifies additional MBE Firms who may be available to perform Identified Items of Work, those additional MBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE Firms must be attached to this form. This list should be accompanied by a MBE Subcontractor Unavailability Certificate signed by the MBE contractor or a statement from the Bidder/Offeror that the MBE contractor refused to sign the MBE Subcontractor Unavailability Certificate (**Attachment D-1B - Exhibit A**). If the Bidder/Offeror used a Non-MBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
Firm Name: MBE Classification: (Check only if requesting waiver of MBE subgoal.) ☐ African American ☐ Asian American ☐ Hispanic American ☐ Native American ☐ Women ☐ Disabled / Disadvantaged		Date: ☐ Mail ☐ Facsimile ☐ E-mail	Date: ☐ Phone ☐ Mail ☐ Facsimile ☐ E-mail	Time of Call: Spoke with: ☐ Left Message	☐ Yes ☐ No	☐ Yes ☐ No	☐ Used Other MBE ☐ Used Non-MBE ☐ Self-performing
Firm Name: MBE Classification: (Check only if requesting waiver of MBE subgoal.) ☐ African American ☐ Asian American ☐ Hispanic American ☐ Native American ☐ Women ☐ Disabled / Disadvantaged		Date: ☐ Mail ☐ Facsimile ☐ E-mail	Date: ☐ Phone ☐ Mail ☐ Facsimile ☐ E-mail	Time of Call: Spoke with: ☐ Left Message	☐ Yes ☐ No	☐ Yes ☐ No	☐ Used Other MBE ☐ Used Non-MBE ☐ Self-performing

☐ Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST
PART 3 – ADDITIONAL INFORMATION REGARDING REJECTED MBE QUOTES**

PAGE _____ OF _____

Prime Contractor:	Project Description:	Project/Contract #:
<i>Bidder/Offeree Company Name, Address, Phone</i>		Solicitation #:

This form must be completed if Part 1 indicates that an MBE quote was rejected because the Bidder/Offeree is using a Non-MBE or is self-performing the Identified Items of Work. Provide the Identified Items Work, indicate whether the work will be self-performed or performed by a Non-MBE, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE (Include spec/ section number from Proposal)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other
	☐ Self-performing ☐ Using Non-MBE	\$ _____	☐ MBE ☐ Non-MBE	\$ _____	☐ Price ☐ Capabilities ☐ Other

☐ Please check if Additional Sheets are attached.

D- 2
OUTREACH EFFORTS COMPLIANCE STATEMENT

Page 1 of 2

Complete and submit this form within 10 Business Days of notification of apparent award or actual award, whichever is earlier.

In conjunction with the Proposal submitted in response to Solicitation No. _____, I state the following:

1. Bidder/Offeror identified subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with Proposal instructions) used to solicit certified MBE Firms for these subcontract opportunities.

3. Bidder/Offeror made the following attempts to personally contact the solicited certified MBE Firms:

4. **Please Check One:**

- ☐ This project does not involve bonding requirements.
- ☐ Bidder/Offeror assisted certified MBE Firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS):

5. **Please Check One:**

_____ Bidder/Offeror did attend the pre-Proposal conference.

_____ Bidder/Offeror did not attend the pre-Proposal conference.

_____ No Pre-proposal meeting/conference was held.

PLEASE PRINT OR TYPE

Company Name:

Company Address:

Signature of Authorized Representative:

Printed Name of Authorized Representative:

Title:

Date:

D-3A
CERTIFIED MBE SUBCONTRACTOR PARTICIPATION CERTIFICATION

INSTRUCTIONS:

PRIME CONTRACTOR: After completing SECTIONS A, B and E, provide this form to *each Second-tier subcontractor and the* certified MBE Firm listed on the MBE Participation Schedule (Attachment D-1A) allowing sufficient time for the MBE to respond within the required timeframe.

A Copy of the Subcontract Agreement with the MBE Firm must be provided to the Procurement Officer identified in Section E.

SECOND-TIER SUBCONTRACTOR: Complete SECTION C to acknowledge and certify the information in SECTION A.

CERTIFIED MBE SUBCONTRACTOR: Complete SECTION D to acknowledge and certify the information in SECTION A. Return the completed form directly to the Procurement Officer identified in SECTION E within 10 days after notice from the Prime Contractor of the State's intent to award the Contract. Provide a copy to the Prime Contractor.

If this form is not returned within the required time, the Procurement Officer may determine that the Prime Contractor is not responsible and therefore not eligible for contract award.

SECTION A (1-2)

(1) Provided that (Prime Contractor)_____ is awarded the State contract in conjunction with Solicitation Number _____, this Prime Contractor intends to enter into a subcontract with (Second-tier Subcontractor)_____.

(2) Provided that (Second-tier Subcontractor)_____ intends to enter into a subcontract with (Certified MBE Third-tier Subcontractor) _____ with MBE Certification Number _____, committing to participation of at least _____ % of the total amount paid to the Prime Contractor. The projected value for the products/services identified in the table below is \$ _____
(Note: Enter N/A in this field if no total contract value has been established for contracts such as "Not to Exceed" or "Indefinite Delivery/Quantity").

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

PAGE 2 – CERTIFIED MBE SUBCONTRACTOR PARTICIPATION CERTIFICATION

The Prime Contractor, Subcontractor, and MBE Firm each acknowledge that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes. The Prime Contractor, Subcontractor, and certified MBE each solemnly affirms under the penalties of perjury that: (1) the information provided in this Certified MBE Subcontractor Participation Certification is true to the best of its knowledge, information and belief, and (2) 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 MBE in a Bid/Proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the MBE to identify the MBE in its Bid/Proposal;
- (2) fail to notify the MBE before execution of the Contract of its inclusion of the Bid/Proposal;
- (3) fail to use the MBE in the performance of the Contract; or
- (4) pay the MBE solely for the use of its name in the Bid/Proposal.

SECTION B – Prime Contractor

Signature of Authorized Representative
Printed Name:
Title:
Company Name:
Federal Identification Number:
Company Address:
Phone #:
Date:

SECTION C – Second-tier Subcontractor

Signature of Authorized Representative
Printed Name:
Title:
Printed Company Name:
Federal Identification Number:
Company Address:
Phone #:
Date:

SECTION D – Certified MBE Third-tier Subcontractor

Signature of Authorized Representative
Printed Name:
Title:
Company Name:
Federal Identification Number:
Company Address:
Phone:
Date:

SECTION E - This section is to be completed by the Prime Contractor with procurement officers contact information as listed on the applicable Key Information Summary Sheet (KISS).

<i>This completed form is due to the Procurement Officer on or before:</i>
Solicitation #:
Solicitation Title:
Procuring Agency:
Procurement Officer (PO):
PO Phone:
PO Email:
Procuring Agency Address:

D-3B
MBE PRIME CONTRACTOR PROJECT PARTICIPATION CERTIFICATION

Please complete and submit this form to attest to each specific item of work this MBE Firm has listed on the MBE Participation Schedule (Attachment D-1A) for purposes of meeting the MBE participation goal(s). This form must be submitted within 10 Business Days of notification of apparent award. If this form is not returned within the required time, the Procurement Officer may determine that the Prime Contractor is not responsible and therefore not eligible for contract award.

Provided that _____ (Prime Contractor) with
 Certification Number _____ is awarded the State contract in conjunction with
 Solicitation No. _____, such MBE Prime Contractor
 intends to perform with its own forces at least _____%. The projected value for the products/services
 identified in the table below is \$ _____ (Note: Enter N/A in this field if no total contract value
 has

been established for contracts such as “Not to Exceed” or “Indefinite Delivery/Quantity”).

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) For Construction Projects, General Conditions must be listed separately	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

MBE Prime Contractor

Company Name:
Federal Identification Number:
Company Address:
Phone:
Printed Name:
Title:
Signature of Authorized Representative:
Date:

D-4A
MBE PARTICIPATION
Prime Contractor Paid/Unpaid Invoice Report

Page 1 of 2

Report #:	Contract #:
Reporting Period (Month/Year):	Contracting Unit:
Prime Contractor: Report is due to the MBE Liaison by the 10th of the month following the month the invoices were submitted. Note: Please number reports in sequence.	Contract Amount:
	MBE Subcontract Amount:
	Project Begin Date:
	Project End Date:
	Services Provided:

Prime Contractor:			Contact Person:		
Address:					
City:			State:		ZIP:
Phone:		FAX:		E-mail:	
MBE Subcontractor Name:			Contact Person:		
Phone:		FAX:		E-mail:	
Subcontractor Services Provided:					
List all payments made to MBE subcontractor named above during this reporting period:			List dates and amounts of any outstanding invoices:		
	Invoice #	Amount		Invoice #	Amount
1.			1.		
2.			2.		
3.			3.		
4.			4.		
Total Dollars Paid: \$			Total Dollars Unpaid: \$		

D-4A
MBE PARTICIPATION
Prime Contractor Paid/Unpaid Invoice Report

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- If more than one MBE subcontractor is used for this contract, use a separate **Attachment D-4A** form for each. Information regarding payments that the MBE Prime Contractor will use for purposes of meeting the MBE participation goal(s) must be reported separately in **Attachment D-4B**.
- Certified MBE subcontractors are required to submit to the procurement agency a report for each month during which the MBE performs work or receives payment under the contract. Monthly payment reporting requirements do not apply when the MBE subcontractor is not actively engaged in its designated phase of work, has completed its contractual work, or has no outstanding invoices to be paid.
- Return one copy (hard or electronic) of this form to the MBE Liaison for the procurement unit, identified on the [Office of Small, Minority & Women Business Affairs Website](#) (electronic copy with signature and date is preferred). **For questions, contact the procurement officer identified in the applicable Key Information Summary Sheet (KISS).**

Contract Monitor Name:
Contracting Unit:
Contracting Unit Address:
Phone:
Signature of Prime Contractor:
Date:

D-4B
MBE PARTICIPATION
MBE Prime Contractor Report

MBE Prime Contractor:	Contract #:
Certification #:	Contracting Unit:
Report #:	Contract Amount:
Reporting Period (Month/Year):	Total Value of the Work to the Self-Performed for the purposes of meeting the MBE participation goal/subgoals:
MBE Prime Contractor: Report is due to the MBE Liaison by the 10th of the month following the month the services were provided. Note: Please number reports in sequence.	Project Begin Date:
	Project End Date:

Contact Person:		
Address:		
City:	State:	ZIP:
Phone:	FAX:	E-mail:

Invoice #	Value of the Work	NAICS Code	Description of Specific Products and/or Services

Return one copy (hard or electronic) of this form to the MBE Liaison for the procurement unit, identified on the [Office of Small, Minority, & Women Business Affairs Website](#) (electronic copy with signature and date is preferred). For questions, contact the procurement officer identified in the applicable Key Information Summary Sheet (KISS).

Contract Monitor Name:
Contracting Unit:
Contracting Unit Address:
Phone:
Signature of Prime Contractor:
Date:

D-5
MBE PARTICIPATION
MBE Subcontractor Paid/Unpaid Invoice Report

Page 1 of 2

Report #:	Contract #:
Reporting Period (Month/Year):	Contracting Unit:
Report is due to the MBE Liaison by the 10th of the month following the month the invoices were submitted.	MBE Subcontract Amt:
	Project Begin Date:
	Project End Date:
	Services Provided:

MBE Subcontractor Name:					
MBE Certification #:					
Contact Person:					
Address:					
City:			State:		ZIP:
Phone:		FAX:		E-mail:	
Subcontractor Services Provided:					
List all payments received from Prime Contractor during the reporting period indicated above.			List dates and amounts of any unpaid invoices over 30 days old.		
	Invoice Amount	Date		Invoice Amount	Date
1.			1.		
2.			2.		
3.			3.		
4.			4.		
Total Dollars Paid: \$			Total Dollars Unpaid: \$		

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MBE PARTICIPATION
MBE Subcontractor Paid/Unpaid Invoice Report

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- Certified MBE subcontractors are required to submit to the procurement agency a report for each month during which the MBE performs work or receives payment under the contract. Monthly payment reporting requirements do not apply when the MBE subcontractor is not actively engaged in its designated phase of work, has completed its contractual work, or has no outstanding invoices to be paid.
- Return one copy (hard or electronic) of this form to the MBE Liaison for the procurement unit, identified on the [Office of Small, Minority & Women Business Affairs Website](#) (electronic copy with signature and date is preferred). **For questions, contact the procurement officer identified in the applicable Key Information Summary Sheet (KISS).**

Contract Monitor Name:
Contracting Unit:
Contracting Unit Address:
Phone:
Signature of Subcontractor:
Date: