

**Minority Business Enterprise Participation Goals  
Residential Child Care  
SSA/RCC 11-011-S**

An MBE subcontract participation goal of **5%** percent of the total Contract dollar amount has been established for this procurement for **Offerors with 25 or more beds**. By submitting a response to this solicitation, the bidder or Offeror agrees that this dollar amount of the Contract will be performed by certified Minority Business Enterprises as specified.

An Offeror must include with its offer:

1. A completed Certified MBE Utilization and Fair Solicitation Affidavit **Attachment G** whereby the Offeror acknowledges the certified MBE participation goal or requests a waiver, commits to make a good faith effort to achieve the goal, and affirms that MBE subcontractors were treated fairly in the Solicitation process.
2. A completed MBE Participation Schedule (**Attachment H**) whereby the Offeror responds to the expected degree of Minority Business Enterprise participation as stated in the solicitation, by identifying the specific commitment of certified MBEs at the time of submission. The Offeror shall specify the percentage of Contract value associated with each MBE subcontractor identified on the MBE Participation Schedule.

This document provides instructions for completing the Certified MBE Utilization and Fair Solicitation Affidavit (Attachment G), the MBE Participation Schedule (Attachment H) and COMAR citation 21.11.03.09. These instructions are also included in the Department's Request for Proposals SSA/RCC 01-011-S Residential Child Care.

**The failure of an Offeror to complete and submit Attachments G and H shall result in a determination that the Proposal is not susceptible of being selected for award (COMAR 21.11.03.09).**

Offerors who propose less than 25 beds are not required to comply with the MBE subcontract participation goal established for this procurement. Therefore, it is not necessary to complete Attachment G and Attachment H.

Offerors who propose 25 or more beds but are requesting a waiver of the entire 5% MBE goal on the Certified MBE Utilization and Fair Solicitation Affidavit (Attachment G) are not required to complete the MBE Participation Schedule (Attachment H).

## INSTRUCTIONS FOR COMPLETING THE MBE UTILIZATION AFFIDAVIT

**OFFERORS PLEASE MAKE SURE THIS DOCUMENT IS COMPLETED CORRECTLY AND SUBMITTED WITH THE TECHNICAL PROPOSAL. IF YOU DO NOT COMPLETE THIS DOCUMENT CORRECTLY AND SUBMIT IT WITH THE TECHNICAL PROPOSAL YOUR ENTIRE PROPOSAL WILL BE DETERMINED TO NOT BE SUSCEPTIBLE FOR AWARD BASED ON COMAR 21.11.03.09 (see below)**

1. ENTER THE AGENCY CONTROL NUMBER FOUND ON THE SOLICITATION COVER PAGE AND IN THE TOP RIGHT HAND CORNER OF THIS AFFIDAVIT – FOR EXAMPLE: DHR/CSU-10-001-S.
2. COMPLETING SECTION 1 - 1<sup>ST</sup> PARAGRAPH – BY INSERTING THE STATED MBE GOAL THE OFFEROR IS ACKNOWLEDGING THE MBE GOAL AND/OR SUB-GOALS AND AFFIRMING THAT THE OFFEROR INTENDS TO MAKE A GOOD FAITH EFFORT TO MEET THE ENTIRE MBE GOAL AND/OR MBE SUB-GOALS THAT HAVE BEEN ESTABLISHED IN SECTION 2.31 IN THIS SOLICITATION. IF NO SUB-GOALS HAVE BEEN ESTABLISHED BY THE DEPARTMENT, DO NOT PUT ANY PERCENTAGE IN THESE BLOCKS. **ONLY COMPLETE THIS SECTION IF YOU INTEND TO MEET THE ENTIRE MBE GOAL.**

THE TOTAL PERCENTAGE ON THE MBE PARTICIPATION SCHEDULE BELOW MUST BE THE SAME PERCENTAGE ON THE MBE UTILIZATION AFFIDAVIT

### OR

3. COMPLETING SECTION 1 – 2<sup>ND</sup> PARAGRAPH – COMPLETE THIS SECTION IF THE OFFEROR DOES NOT INTEND TO MEET ALL OF THE MBE GOAL. THE OFFEROR MUST INDICATE THE PERCENTAGE OF THE MBE GOAL FOR WHICH A WAIVER WILL BE REQUESTED.

IF A WAIVER WILL BE REQUESTED FOR THE ENTIRE MBE GOAL, NO MBE PARTICIPATION SCHEDULE IS NEEDED.

IF A WAIVER WILL BE REQUESTED FOR A PORTION OF THE MBE GOAL, A MBE PARTICIPATION SCHEDULE MUST BE CORRECTLY COMPLETED AND SUBMITTED WITH THE PROPOSAL

**REQUESTING A WAIVER** FOR THE ENTIRE MBE GOAL **OR** A PORTION OF THE MBE GOAL REQUIRES THE OFFEROR – IF RECOMMENDED FOR AWARD OF A CONTRACT RESULTING FROM THIS SOLICITATION – **TO PRESENT ALL DOCUMENTATION** REQUIRED IN RFP SECTION 2.32 F. WAIVER, (dated from the due date of the proposal or prior) **WITHIN 10 CALENDAR DAYS** AFTER NOTIFICATION OF AWARD RECOMMENDATION. FAILURE TO PRESENT THE REQUIRED DOCUMENTATION WITHIN THE SPECIFIED TIME PERIOD CAN RESULT IN THE RECOMMENDATION FOR AWARD BEING VOIDED.

**TO ALL BIDDERS/OFFERORS – IT IS IMPERATIVE THAT YOU CAREFULLY READ THE SECTIONS OF THIS COMAR CITATION**

***21.11.03.09 – CODE OF MARYLAND REGULATIONS (COMAR)***

**.09 Procurement Solicitations.**

(3) On forms provided by the procurement agency, a Bidder or Offeror shall submit with its bid or proposal:

- (a) A completed MBE Utilization and Fair Solicitation Affidavit including an agreement to meet the certified MBE participation goal or a request for a waiver; and
- (b) A completed MBE Participation Schedule that identifies the certified minority businesses that the Bidder or Offeror agrees to utilize in the performance of the contract and the dollar amount or percentage of contract value attributed to each MBE.

(4) The MBE Participation Schedule shall:

- (a) Include the name of each certified MBE that will participate in the project including its respective MBE classification; and
- (b) Include the items of work to be performed or furnished and the committed price or the percentage of the contract to be paid to each MBE for the work or supply.

**(For Invitations for Bids)**

**(5) The failure of a Bidder to complete and submit the MBE utilization affidavit and the MBE participation schedule shall result in a determination that the bid is not responsive.**

**(For Requests for Proposals)**

**(6) The failure of an Offeror to complete and submit the MBE utilization affidavit and the MBE participation schedule shall result in a determination that the proposal is not susceptible of being selected for award.**

## INSTRUCTIONS FOR COMPLETING THE MBE PARTICIPATION SCHEDULE

### **WHEN RESPONDING TO A SOLICITATION:**

WHEN COMPLETING THE MBE PARTICIPATION SCHEDULE IN RESPONSE TO A SOLICITATION, THE TOTAL CONTRACT DOLLAR AMOUNT (located on the first page, upper right hand side - underneath Project Description **and** Jurisdiction), **AND** THE DOLLAR AMOUNT (located underneath Work to Be Performed) IS TO BE **LEFT BLANK**. ALL OTHER FIELDS **MUST** BE COMPLETED AND COMPLETED CORRECTLY (read COMAR 21.11.03.09 yellow highlighted areas above) OR ELSE THE PROPOSAL CAN BE DETERMINED TO BE NOT SUSCEPTIBLE OF AWARD.

**IN THE TOP SECTION:** PLEASE ENTER YOUR COMPANY'S NAME, ADDRESS, AND TELEPHONE NUMBER. IN THE PROJECT DESCRIPTION & JURISDICTION SECTION, ENTER THE TITLE OF THE SOLICITATION (LOCATED ON THE COVER PAGE OF THE SOLICITATION) **AND** THE JURISDICTION THIS PROPOSAL IS REPRESENTING. IN THE PROJECT NUMBER FIELD, ENTER THE AGENCY CONTROL NUMBER, LOCATED IN THE TOP RIGHT-HAND CORNER OF THE PARTICIPATION SCHEDULE. **DO NOT FILL IN THE SECTION FOR TOTAL CONTRACT AMOUNT.**

### **FOR EACH MBE SUBCONTRACTOR LISTED:**

LIST THE NAME OF THE MBE FIRM, ADDRESS, AND TELEPHONE NUMBER. INCLUDE THE MBE SUBCONTRACTOR'S FEIN NUMBER **AND** MBE CERTIFICATION NUMBER IN THE APPROPRIATE FIELDS.

**WORK TO BE PERFORMED** - MUST BE DIRECTLY ASSOCIATED WITH THE SCOPE OF SERVICES FOR THIS SOLICITATION.

### **DO NOT FILL IN THE SECTION FOR DOLLAR AMOUNT.**

**PERCENTAGE OF TOTAL CONTRACT** – MUST BE FEASIBLE (ACHIEVABLE) WITH REGARD TO THE OFFEROR'S ANTICIPATED CONTRACT DOLLAR AMOUNT. FAILURE TO CONSIDER THE FEASIBILITY OF THE STATED PERCENTAGE IN LIGHT OF THE TOTAL CONTRACT AMOUNT MAY RESULT IN A DETERMINATION THAT THE PROPOSAL IS NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

INCLUDE THE PROJECT COMMITMENT AND COMPLETION DATES FOR EACH SUBCONTRACTOR.

THE FORM MUST ALSO BE SIGNED BY A REPRESENTATIVE OF THE CONTRACTOR ABLE TO BIND THE COMPANY TO THE SERVICES AND PRICES LISTED IN THE MBE PARTICIPATION SCHEDULE.

**WHEN RESPONDING TO A NOTICE FOR RECOMMENDATION OF AWARD:**

WHEN COMPLETING THE MBE PARTICIPATION SCHEDULE IN RESPONSE TO A NOTICE FOR RECOMMENDATION OF AWARD, **ALL** FIELDS MUST BE COMPLETED AND COMPLETED CORRECTLY FOR EACH MBE SUBCONTRACTOR **INCLUDING** THE **OFFEROR'S INDIVIDUAL PROJECT NUMBER** (Agency Control Number - the Offeror's individual contract number as noted on the recommendation for award letter from the Procurement Officer), **TOTAL CONTRACT DOLLAR AMOUNT AND DOLLAR AMOUNT for each individual MBE subcontractor.**

AT THE TIME OF AWARD RECOMMENDATION YOU CANNOT CHANGE MBE SUBCONTRACTORS FROM THOSE LISTED ON THE MBE PARTICIPATION SCHEDULE SUBMITTED WITH THE PROPOSAL **UNLESS** WRITTEN JUSTIFICATION IS PROVIDED TO THE PROCUREMENT OFFICER WITH THE MBE PARTICIPATION SCHEDULE. EXAMPLES OF JUSTIFICATION FOR MBE SUBCONTRACTOR CHANGE INCLUDE: (1) proposed subcontractor failed to respond timely to signing the Offeror's MBE Participation Statement (see form below); (2) proposed subcontractor refuses to sign the MBE Participation Statement at the point of award recommendation; or (3) proposed subcontractor can no longer provide the required service(s).