

EXHIBIT TO SOLICITATION

STATE OF MARYLAND DEPARTMENT OF JUVENILE SERVICES MINORITY BUSINESS ENTERPRISE PARTICIPATION

PURPOSE

The Contractor shall structure its procedures for the performance of the work required in this contract to attempt to achieve the Minority Business Enterprise (MBE) goal stated in the Invitation for Bids or Request for Proposals. MBE performance must be in accordance with this Exhibit, as authorized by Code of Maryland Regulations (COMAR) 21.11.03. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Exhibit.

MBE GOALS AND SUB GOALS

An MBE subcontract participation goal of ___ percent of the total contract dollar amount has been established for this procurement. 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.

OR

An overall MBE subcontract participation goal of ___ percent of the total contract dollar amount has been established for this procurement. This dollar amount includes:

- A sub goal of ___ percent of the total contract dollar amount to be allocated to certified minority business enterprises classified as women-owned businesses.
- A sub goal of ___ percent of the total contract dollar amount to be allocated to certified minority business enterprises classified as African American-owned businesses.

By submitting a response to this solicitation, the bidder or offeror agrees that these dollar amounts of the contract will be performed by certified minority business enterprises as specified.

- ◆ A prime contractor — including an MBE prime contractor — must accomplish an amount of work not less than the MBE subcontract goal with certified MBE subcontractors.
- ◆ A prime contractor comprising a joint venture that includes MBE partner(s) must accomplish the MBE subcontract goal with certified MBE subcontractors.

SOLICITATION AND CONTRACT FORMATION

- ◆ A bidder or offeror must include with its bid or offer:
 - (1) A completed Certified MBE Utilization and Fair Solicitation Affidavit (**Attachment A**) whereby the bidder or 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 B**) whereby the bidder or 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 bidder or offeror shall specify the percentage of contract value associated with each MBE subcontractor identified on the MBE Participation Schedule.

If a bidder or offeror fails to submit Attachment A and Attachment B at with the bid or offer as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

- ◆ Within 10 working days from notification that it is the apparent Successful Bidder/Offeror or from the date of the actual award, whichever is earlier, the apparent Successful Bidder/Offeror must provide the following documentation to the Procurement Officer.
 - (1) Outreach Efforts Compliance Statement (**Attachment C**)
 - (2) Subcontractor Project Participation Statement (**Attachment D**)
 - (3) If the apparent Successful Bidder/Offeror believes a waiver (in whole or in part) of the overall MBE goal or of any sub goal is necessary, it must submit a fully documented waiver request that complies with COMAR 21.11.03.11.
 - (4) Any other documentation required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal.

If the apparent Successful Bidder fails to return each completed document within the required time, the DJS Procurement Officer may determine that the apparent Successful Bidder/Offeror is not responsible and therefore not eligible for contract award. If the contract has already been awarded, the award is voidable.

CONTRACT ADMINISTRATION REQUIREMENTS

The Contractor shall:

1. Submit **Attachment E** monthly to the Department, listing all payments made to certified MBE contractor(s). This report shall also list all unpaid invoices, over 30 days old, received from any MBE subcontractor, the amount of each invoice and the reason payment has not been made.
2. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the Department **Attachment F**, a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed certified by all MBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

FORMS

- A. Certified MBE Utilization and Fair Solicitation Affidavit (**Attachment A**). This form must be submitted with bid or offer.
- B. MBE Participation Schedule (**Attachment B**) This form must be submitted with bid or offer.
- C. Outreach Efforts Compliance Statement (**Attachment C**) This form must be submitted within 10 working days of notification of apparent award or actual award, whichever is earlier.
- D. Subcontractor Project Participation Statement (**Attachment D**) This form must be submitted within 10 working days of notification of apparent award or actual award, whichever is earlier.
- E. Minority Business Enterprise Participation Prime Contractor Paid/Unpaid MBE Invoice Report (**Attachment E**) and Instructions. This form must be completed by the Prime Contractor

and be submitted each month electronically. It is due by the 15th of the month and shall reflect the previous month's MBE activities.

- F. Minority Business Enterprise Participation Subcontractor Paid/Unpaid MBE Invoice Report (**Attachment F**). This form must be completed by the certified MBE subcontractor(s) and be submitted each month electronically. It is due by the 15th of the month and shall reflect the previous month's MBE activities.

CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT

* * * * * EFFECTIVE OCTOBER 1, 2004 * * * * *

This document must be included with the bid or offer. If the bidder or offeror fails to submit this form with the bid or offer as required, the DJS Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Solicitation No. _____, I affirm the following:

1. I acknowledge the overall certified Minority Business Enterprise (MBE) participation goal of ____ percent and, if specified in the solicitation, sub goals of ____ percent for MBEs classified as African American-owned and ____ percent for MBEs classified as women-owned. I have made a good faith effort to achieve this goal.

OR

After having made a good faith effort to achieve the MBE participation goal, I conclude I am unable to achieve it. Instead, I intend to achieve MBE participation of _____% and request a waiver of the remainder of the goal. Within 10 business days of receiving notice that our firm is the apparent low bidder or the apparent awardee (competitive sealed proposal), I will submit a written waiver request that complies with COMAR 21.11.03.11. I acknowledge that the MBE subcontractors/suppliers listed in the MBE Participation Schedule will be used to accomplish the percentage of MBE participation that I intend to achieve.

2. I have identified the specific commitment of certified MBEs by completing and submitting an MBE Participation Schedule (**Attachment B**) with the bid or proposal.
3. I understand that if I am notified that I am the apparent Successful Bidder, within ten (10) working days from receiving this notice or from the date of the actual award, whichever is earlier, I must submit to the DJS Procurement Officer the following documentation:
 - (a) Outreach Efforts Compliance Statement (**Attachment C**)
 - (b) Subcontractor Project Participation Statement (**Attachment D**)
 - (c) MBE Waiver Request per COMAR 21.11.03.11 (if applicable)
 - (d) Any other documentation required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal.

I acknowledge 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.

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

I solemnly affirm under the penalties of perjury that the contents of this paper are true to the best of my knowledge, information, and belief.

Bidder/Offeror Name

Signature of Affiant

Address

Printed Name, Title

City, State, Zip

Date

SUBMIT THIS AFFIDAVIT WITH BID/PROPOSAL

MBE PARTICIPATION SCHEDULE

***** EFFECTIVE OCTOBER 1, 2004 *****

This document must be included with the bid or offer. If the bidder or offeror fails to submit this form with the bid or offer as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

Prime Contractor (Firm Name, Address)	Solicitation Name
Telephone, Fax, E-mail	Solicitation Number
List Information For Each Certified MBE Subcontractor On This Project	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	

Use Attachment B Continuation Page As Needed

SUMMARY

TOTAL MBE PARTICIPATION: _____ %
 TOTAL AFRICAN-AMERICAN MBE PARTICIPATION: _____ %
 TOTAL WOMAN-OWNED MBE PARTICIPATION: _____ %

Document Prepared By: (please print or type)
 Name: _____ Title: _____

MBE PARTICIPATION SCHEDULE (continued)

List Information For Each Certified MBE Subcontractor On This Project	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	
Minority Firm Name	MBE Certification Number
Work To Be Performed	
Percentage of Total Contract	

OUTREACH EFFORTS COMPLIANCE STATEMENT

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

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

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

3. Bidder/Offeror made the following attempts to contact personally the solicited MBEs:

4. Bidder/Offeror assisted MBEs to fulfill or to seek waiver of bonding requirements. (DESCRIBE EFFORTS)

- This project does not involve bonding requirements.

5. Bidder/Offeror did/did not attend the pre-bid conference
 No pre-bid conference was held.

Bidder/Offeror Name

By: _____
Name

Address

Title

State, Zip

Date

City,

**STATE OF MARYLAND
DEPARTMENT OF JUVENILE SERVICES
MINORITY BUSINESS ENTERPRISE PARTICIPATION**

PURPOSE

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CONTRACT ADMINISTRATION REQUIREMENTS

The Contractor shall:

1. Submit **Attachment E** monthly to the Department, listing all payments made to certified MBE contractor(s). This report shall also list all unpaid invoices, over 30 days old, received from any MBE subcontractor, the amount of each invoice and the reason payment has not been made.
2. Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit monthly to the Department **Attachment F**, a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed certified by all MBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
4. Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

**PRIME CONTRACTOR INSTRUCTIONS FOR COMPLETING
MBE FORMS- ATTACHMENTS E AND F**

CONTRACT #: _____

CONTRACT NAME #: _____

These instructions are meant to accompany the customized reporting forms sent to you by the Procurement Officer for the contract referenced above. If, after reading these instructions, you have additional questions or need further clarification, please contact the Procurement Officer immediately.

1. As the prime contractor, you have entered into a contractual agreement with the State of Maryland. As such, your company/firm is responsible for successful completion of all deliverables under the contract, including your commitment to making a good faith effort to meet the MBE participation goal(s) established for this contract. Part of that effort, as outlined in the solicitation, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms **Attachment E** (Prime Contractor Paid/Unpaid MBE Invoice Report) and **Attachment F** (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
2. The prime contractor must complete a separate form **Attachment E** for each MBE subcontractor for each month of the contract and submit one copy the address indicated at the bottom of the form. The report is due not later than the 15th of the month following the month that is being reported. For example, the report for January's activity is due not later than the 15th of February.
Note: Reports are required to be submitted each month, regardless of whether there was any MBE payment activity for the reporting month.
3. The prime contractor is responsible for ensuring that each subcontractor receives a copy (e-copy and/or hard copy) of form **Attachment F**. The prime contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, i.e., all of the information located in the upper right corner of the form. It may be wise to customize form **Attachment F** (upper right corner of the form) for the subcontractor the same as **Attachment E** was customized by the Procurement Officer for the benefit of the prime contractor. This will help to minimize any confusion for those who receive and review the reports.
4. **It is the responsibility of the prime contractor to make sure that all subcontractors submit reports not later than the 15th of each month regardless of whether there was any MBE payment activity for the reporting month.** Actual payment data is verified and entered into the State's financial management tracking system from the subcontractor's **Attachment F** report only. Therefore, if the subcontractor(s) do not submit their **Attachment F** payment reports, the prime contractor cannot and will not be given credit for subcontractor payments, regardless of the prime contractor's proper submission of the **Attachment E** reports. The MBE Administrator for the Department of Juvenile Services will contact the prime contractor if reports are not received each month from either the prime contractor or any of the identified subcontractors. The prime contractor must promptly notify the MBE Administrator if, during the course of the contract, a new MBE subcontractor is utilized. Failure to comply with the MBE reporting requirements and/or failure to make a good faith effort to meet the MBE goal(s) will cause the prime contractor to have an unfavorable standing with the Department for future contracting opportunities.

This form is to be completed monthly by the **PRIME** contractor.

ATTACHMENT E

**Maryland Department of Juvenile Services
Minority Business Enterprise Participation
Prime Contractor Paid/Unpaid MBE Invoice Report**

Report #: _____ Reporting Period (Month/Year): _____/_____ <p align="center">Report Due By the 15th of the following Month.</p>	Contract # _____ Contract Name _____ Contract Amount _____ MBE Sub Contract Amt. _____ MBE Contract Begin Date _____ MBE Contract End Date _____
Services Provided	

Prime Contractor:		Contact Person:	
Address:			
City:		State:	Zip:
Phone:	Fax:	E-mail:	
Subcontractor Name:		Contact Person:	
Address:		MDOT Certification #:	MBE Status:
City	State:		Zip:
Phone:	Fax:	E-mail	
Subcontractor Services Provided:			
List all payments made to MBE subcontractor named above during this reporting period. 1. 2. 3. 4. Total Dollars Paid: \$ _____		List dates/amounts of any unpaid invoices received from subcontractor during this reporting period. 1. 2. 3. 4. Total Dollars Unpaid: \$ _____	

Form Completed By: _____ Title: _____ Date: _____

USE A SEPARATE FORM FOR EACH MBE SUBCONTRACTOR USED FOR THIS CONTRACT.

QUESTIONS? CONTACT: VECCHIONIA DIXON AT 410-230-3421 OR dixonv@djs.state.md.us

E-MAIL THIS COMPLETED FORM TO: DJScontract@djs.state.md.us

This form is to be completed monthly by the MBE contractor.

**Maryland Department of Juvenile Services
Minority Business Enterprise Participation
Subcontractor Paid/Unpaid MBE Invoice Report**

Report # _____ Reporting Period (Month/Year) ____/_____ Report Due By the 15th of the following Month.	Contract # _____ Contract Name: _____ Contract Amount _____ MBE Sub Contract Amt. _____ MBE Contract Begin Date _____ MBE Contract End Date _____
Services Provided:	

MBE Subcontractor Name		Contact Person	
MDOT Certification #		MBE Status	
Address:			
City		State:	Zip:
Phone:	Fax:	E-Mail:	
Prime Contractor Name:		Contact Person:	
Address:			
City		State:	Zip:
Phone:	Fax:	E-Mail:	
List all payments received from Prime Contractor in the preceding 30 days. 1. 2. 3. Total Dollars Paid: \$ _____		List dates and amounts of any outstanding invoices. 1. 2. 3. Total Dollars Unpaid: \$ _____	

Form Completed By: _____ Title: _____ Date: _____

USE A SEPARATE FORM FOR EACH PRIME CONTRACTOR USED FOR THIS CONTRACT.

QUESTIONS? CONTACT: VECCHIONIA DIXON AT 410-230-3421 OR dixonv@djs.state.md.us

E-MAIL THIS COMPLETED FORM TO: DJScontract@djs.state.md.us