BIDDER REQUIREMENTS
PROJECTS WITH
MINORITY BUSINESS ENTERPRISE GOALS

Anne Arundel County Public Schools
Office of Minority and Small and Business Enterprise
Esther Leslie Avery, Fiscal Compliance Specialist
Purchasing Office
Mary Jo Childs, Supervisor
**MBE BASICS**

- MBE Forms required to be submitted with the bid - Must be accurate and complete;
- **Attachment A** - Certified Minority Business Enterprise Utilization and Fair Solicitation Affidavit
- **Attachment B** - MBE Participation Schedule

For projects with alternates, the MBE percentage is calculated based on the base bid.

- MBEs listed must be certified by the Maryland Department of Transportation (MDOT) for the work being proposed.
  - The NAIC codes listed in the MBE directory must match the work you are requesting of them.
Other required MBE forms after the selection of the lowest responsive bid from a responsible bidder.

❖ Attachment C-Outreach Efforts Compliance Statement

❖ Attachment D-Minority Business Enterprises Subcontractor Project Participation Statement

Required forms, if requesting a waiver.

❖ Attachment E-Minority Subcontractor Unavailability Certificate

❖ Attachment F-MBE Waiver Documentation

Evidence of good faith effort must be provided to the MSBE Office for approval.
BIDDERS WHO ARE CERTIFIED MBEs

An MBE prime contractor may self-perform up to 50% of the overall MBE contract goal and up to 100% of any one MBE contract sub-goal, provided the MBE prime contractor is:

❖ Properly identified on the MBE participation schedule; and
❖ NAICS code-certified to do the work.
GOOD FAITH EFFORTS TO MEET THE GOAL

❖ Outreach to MBEs should occur at least ten days before the bid due date. This is not a suggestion – it’s the Law. Check plan holders list on AACPS website for outreach opportunities.

❖ “My company can do all the work without any subs” is not adequate justification for a waiver request. It does not equate to a good faith effort.

❖ Document your outreach (emails, texts, phone calls, etc.). Documentation for outreach should be dated and must occur before bids are submitted.

❖ Attend the Pre-bid Conference to network with MBEs.

❖ The MSBE Office can assist bidders with identifying MBEs who are certified for the work you are seeking to subcontract.
MBEs WHO ARE SUPPLIERS — NEW LAW

SECTION 14-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, MARYLAND ANNOTATED CODE

New Law as of October 2017 – Only 60% of materials and supplies may be counted if provided by a certified MBE. MBEs listed as suppliers may only count 60% toward meeting the goal.

http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_438_sb0309e.pdf
MBEs WHO ARE SUPPLIERS — NEW LAW
SECTION 14-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, MARYLAND ANNOTATED CODE

MBE Suppliers Classifications

1. MBE Manufacturers
2. Furnish & Install
3. MBE Regular Dealers
4. MBE Brokers
MBEs WHO ARE SUPPLIERS — NEW LAW

SECTION 14-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, MARYLAND ANNOTATED CODE

1. Supplies from MBE manufacturer - Count 100% of cost of materials towards project MBE goal

2. Supplies from MBE wholesaler or Regular Dealer that furnishes and installs - Count 100% of cost of materials towards project MBE goal

A regular dealer means “a firm that owns, operates, or maintains a store, a warehouse, or any other establishment in which the materials, supplies, articles, or equipment are bought, kept in stock, or regularly sold or leased to the public in the usual course of business; and

3. Supplies from MBE Regular Dealer - Count 60% of cost of materials towards project MBE goal

4. Supplies from MBE broker - Count only the fee or commission the broker charges for the procurement towards the project MBE goal.
If this vendor is a **wholesaler who furnishes and installs** under the NAICS Code, count 100 percent of the cost of the material, supplies and labor toward MBE goals. If this vendor is being used as an **agent or broker**, the bidder may only **count the entire amount of fees or commissions** charged for assistance in the procurement of the material and supplies, fees, transportation charges for the delivery of materials and supplies required on a procurement, towards the MBE Contract goals, provided AACPS determines the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. In MBE broker cases, bidders may not count any portion of the cost of the materials and supplies toward MBE goals.
CERTIFIED MINORITY BUSINESS ENTERPRISE
UTILIZATION AND FAIR SOUTICNICATION AFFIDAVIT

NOTE: You must include this document with your bid or offer. If you do not submit the form with your bid or offer, the procurement officer shall deem your bid non-responsive or your offer not reasonably susceptible of being selected for award.

Part I.

I acknowledge that:

- Overall certified MBE subcontract participation goal of ___% and
- Subgoals, if applicable, of ___% for certified African American-owned businesses and ___% for certified Asian American-owned businesses.

I have made a good-faith effort to achieve this goal. If awarded the contract, I will continue to attempt to increase MBE participation during the project.

Part II.

NOTE: FAILURE TO CHECK ONE OF BOXES 1, 2, or 3 BELOW WILL RENDER A BID NON-RESPONSIVE OR AN OFFER NOT REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD

NOTE: INCONSISTENCY BETWEEN THE ASSERTIONS ON THIS FORM AND THE INFORMATION PROVIDED ON THE MBE PARTICIPATION SCHEDULE ATTACHED B MAY RENDER A BID NON-RESPONSIVE OR AN OFFER NOT REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD

- I have met the overall MBE and MBE subgoals for this project. I submit with this Affidavit [Attachment A] the MBE Participation Schedule [Attachment B], which details how I will reach that goal.

- After having made a good-faith effort to achieve the overall MBE and MBE subgoals for this project, I can achieve partial success only. I submit with this Affidavit [Attachment A] the MBE Participation Schedule [Attachment B], which details the MBE participation I have achieved.

I request a partial waiver as follows:

- Waiver of overall MBE subcontract participation goal ___%.
- Waiver of MBE subcontract participation subgoals, if applicable: ___% for certified African American-owned businesses and ___% for certified Asian American-owned businesses.
### ATTACHMENT B

**MBE Participation Schedule**

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.

<table>
<thead>
<tr>
<th>Prime Contractor Name</th>
<th>Prime Contract Number</th>
<th>MBE Firm Name 1</th>
<th>MBE Firm Address 1</th>
<th>MBE Firm Phone Number 1</th>
<th>MBE Firm Certification Number 1</th>
<th>MBE Firm Percentage 1</th>
<th>Participation Amount 1</th>
</tr>
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<tbody>
<tr>
<td>Unique Contractors, Inc.</td>
<td>AAAGS</td>
<td>Repair Building &amp; Design, Inc.</td>
<td>222 South Ave., Annapolis, MD 21401</td>
<td>443-255-9999</td>
<td>21-B001</td>
<td>6%</td>
<td>40,000</td>
</tr>
<tr>
<td>Prime Contractor Name</td>
<td>Prime Contract Number</td>
<td>MBE Firm Name 2</td>
<td>MBE Firm Address 2</td>
<td>MBE Firm Phone Number 2</td>
<td>MBE Firm Certification Number 2</td>
<td>MBE Firm Percentage 2</td>
<td>Participation Amount 2</td>
</tr>
<tr>
<td>Unique Contractors, Inc.</td>
<td>AAAGS</td>
<td>Service Contractors, Inc.</td>
<td>400 Main St., Annapolis, MD 21401</td>
<td>443-255-9999</td>
<td>21-B002</td>
<td>8%</td>
<td>50,000</td>
</tr>
<tr>
<td>Prime Contractor Name</td>
<td>Prime Contract Number</td>
<td>MBE Firm Name 3</td>
<td>MBE Firm Address 3</td>
<td>MBE Firm Phone Number 3</td>
<td>MBE Firm Certification Number 3</td>
<td>MBE Firm Percentage 3</td>
<td>Participation Amount 3</td>
</tr>
<tr>
<td>Unique Contractors, Inc.</td>
<td>AAAGS</td>
<td>Western Mechanical, Inc.</td>
<td>123 Elm St., Annapolis, MD 21401</td>
<td>443-255-9999</td>
<td>21-B003</td>
<td>4%</td>
<td>30,000</td>
</tr>
<tr>
<td>Prime Contractor Name</td>
<td>Prime Contract Number</td>
<td>MBE Firm Name 4</td>
<td>MBE Firm Address 4</td>
<td>MBE Firm Phone Number 4</td>
<td>MBE Firm Certification Number 4</td>
<td>MBE Firm Percentage 4</td>
<td>Participation Amount 4</td>
</tr>
<tr>
<td>Unique Contractors, Inc.</td>
<td>AAAGS</td>
<td>ABC Construction, Inc.</td>
<td>456 Maple St., Annapolis, MD 21401</td>
<td>443-255-9999</td>
<td>21-B004</td>
<td>5%</td>
<td>70,000</td>
</tr>
</tbody>
</table>

**Total MBE Participation Amount:** $250,000

**Total MBE Participation:** 25.00%

**Total African-American Participation:** $70,000, 7.00%

**Total Asian-American MBE Participation:** $123,000, 12.50%

**Total Other Participation:** $60,000, 6.00%

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**Amended and Accepted by:**

Name: 
Title: 
Date: November 12, 2027

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**Signature:**

Date: September 1, 2027
AFTER CONTRACT AWARD

❖ Use the MBEs listed on Attachment B.

❖ Contractors may remove listed MBE for documented nonperformance but only with approval of MSBE Office.

❖ Contractors should make good faith efforts to replace MBE sub with another MBE sub, if removal is necessary.

❖ New Law in 2017 - Inability of MBE to obtain bonding cannot be sole reason for removing MBE.

http://mgaleg.maryland.gov/2017RS/Chapters_noln/CH_438_sb0309e.pdf
Resources:

❖ AACPS Office of Minority and Small Business Enterprise
  ▪ Esther Leslie Avery, Financial Compliance Specialist, 410-222-5130, eavery@aacps.org
  ▪ Jennifer McCoy, MSBE Support Specialist, 410-222-5131, jmccoy@aacps.org
  ▪ https://www.aacps.org/msbe

❖ Governor’s Office of Small, Minority & Women Business Affairs
  http://goma.maryland.gov/Pages/default.aspx

❖ State Finance and Procurement Article, Title 15, Subtitle 3

❖ COMAR Title 21
  http://www.dsd.state.md.us/COMAR/ComarHome.html