

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.

MBE BASICS

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.

[Complete Firm Profile](#)

[Frequently Asked Questions](#)

Firm Detail

NAICS - Product and Service Description

Firm Name:

ALLSTATE SHEET METAL, INC.

238220 - MBE/DBE/SBE - PLUMBING, HEATING, AND AIR-CONDITIONING CONTRACTORS
 (SPECIFICALLY: DUCTWORK INSTALLATION; AIR SYSTEM BALANCING AND TESTING; BLOWER AND FAN PLACEMENT; SCRUBBER, AIR PURIFICATION PLACEMENT; DUST COLLECTION PLACEMENT; HEATING EQUIPMENT PLACEMENT; CENTRAL A/C EQUIPMENT PLACEMENT [NO WIRING OR PLUMBING]; VENTILATING CONTRACTORS)

Minority Status - Cert # - Date:

FEMALE
 08-041
 2/1/2008

Address:

P. O. BOX 97
 BENSON, MD 21018
 HARFORD COUNTY

332313 - MBE/DBE/SBE - PLATE WORK **MANUFACTURING**
 (SPECIFICALLY: AIR CONDITIONING DUCTWORK)

Contact:

THERESA A. MAGNESS

423720 - MBE/DBE/SBE - PLUMBING AND HEATING EQUIPMENT AND SUPPLIES (HYDRONICS) **MERCHANT WHOLESALERS**
 (SPECIFICALLY: BOILERS AND HEATING EQUIPMENT)

Phone - Fax - Email - Website:

(P) 443-619-9486
 (no fax listed)
THERESAM@ALLSTATE-SHEETMETAL.COM
 (no website listed)

423730 - MBE/DBE/SBE - WARM AIR HEATING AND AIR-CONDITIONING EQUIPMENT AND SUPPLIES **MERCHANT WHOLESALERS**
 (SPECIFICALLY: WARM AIR HEAT EQUIPMENT AND SUPPLIES ONLY)

References:

NO REFERENCE DATA ON RECORD

425120 - MBE/DBE/SBE - **WHOLESALE TRADE AGENTS AND BROKERS**
 (SPECIFICALLY: BOILERS & HEATING EQUIPMENT AND SUPPLIES)

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.

Attachment A (page 1 of 2)
CERTIFIED MINORITY BUSINESS ENTERPRISE
UTILIZATION AND FAIR SOLICITATION 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 the:

- Overall certified MBE subcontract participation goal of ____% and
- The subgoals, if applicable, of:
 - ____% for certified African American-owned businesses and
 - ____% for certified Asian American-owned businesses.

Enter sub-goal for African American owned businesses from Specification Book.

Enter overall MBE goal. Information is located in the Specification Book.

Enter sub-goal for Asian American owned businesses from the Specification Book.

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.
Check ONE Box

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 (ATTACHMENT B) MAY RENDER A BID NON-RESPONSIVE OR AN OFFER NOT REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD

Check this box only if you have met the overall goal and sub-goals

I have met the overall MBE goal 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.

or

Check this box if you have met a portion of the goal and/or sub-goals.

After having made a good-faith effort to achieve the overall MBE goal 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.

Record the % of African American owned sub-goal needed for a waiver.

Record the % of the overall goal needed for a waiver. Ex. Goal is 10% and you have 6% participation, you need a waiver for 4%.

Record the % or the Asian American owned sub-goal needed for a waiver.

**ATTACHMENT B
MBE PARTICIPATION SCHEDULE**

REVISED

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.

1. Prime Contractor's Name Sample Contractors, Inc.		2. LEA and PSC No. AACPS	
3. Project/School Name Sunshine Elementary School-HVAC Renovation		4. Project/School Location 652 White Pine, Annapolis, MD	
5. Prime Contractor's Address/Telephone Number/Email 102 Maple Ave., Annapolis, MD 21401 (410) 355-3333		6. Base Bid Amount \$ 1,000,000 Acceptance Alternates \$ Do Not Include at Bid opening day Total \$ 1,000,000	
7a. Minority Firm Name: Poplar Plumbing and Heating, Inc. Minority Firm Address: 9 West Road, Annapolis, MD 21222 MDOT Firm Certification Number: 01-123 <input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Women <input type="checkbox"/> Hispanic <input type="checkbox"/> Disabled		Telephone Number: 410-555-1234 NAICS Code: 238220 Verify number on www.mdot.state.md.us	
<i>Subcontractor Firm (Select One)</i>	<i>Allowable Percentage</i>	<i>Percentage of Total Contract</i>	<i>Subcontractor Dollar Amount</i>
MDOT Certified Firm	100%	7%	\$ 70,000
MDOT Certified Prime Contractor	50% of established goal OR 100% of one subgroup contract subgoal		\$
MDOT Certified Supplier, Wholesaler and Regular Dealer	60%		\$
7b. Minority Firm Name: Sample Contractors, Inc. Minority Firm Address: 102 Maple Ave. Annapolis, MD 21401 MDOT Firm Certification Number: 14-789 <input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Women <input type="checkbox"/> Hispanic <input type="checkbox"/> Disabled		Telephone Number: 410-555-5555 NAICS Code: 238220	
<i>Subcontractor Firm (Select One)</i>	<i>Allowable Percentage</i>	<i>Percentage of Total Contract</i>	<i>Subcontractor Dollar Amount</i>
MDOT Certified Firm	100%		\$
MDOT Certified Prime Contractor	50% of established goal OR 100% of one subgroup contract subgoal	12.5%	\$ 125,000
MDOT Certified Supplier, Wholesaler and Regular Dealer	60%		\$
7c. Minority Firm Name: Bayberry Mechanical Supply, Co. Minority Firm Address: S. Lone Wav. Pasadena, MD 21273 MDOT Firm Certification Number: 13-768 <input type="checkbox"/> African American <input type="checkbox"/> Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Women <input type="checkbox"/> Hispanic <input type="checkbox"/> Disabled		Telephone Number: 410-555-8788 NAICS Code: 439940	
<i>Subcontractor Firm (Select One)</i>	<i>Allowable Percentage</i>	<i>Percentage of Total Contract</i>	<i>Subcontractor Dollar Amount</i>
MDOT Certified Firm	100%		\$
MDOT Certified Prime Contractor	50% of established goal OR 100% of one subgroup contract subgoal		
MDOT Certified Supplier, Wholesaler and Regular Dealer	60%	6%	\$ 100,000
8. MBE Total Participation Amount \$255,000		9. Total MBE Percent of Entire Contract 25.5%	
10. Form Prepared by: Name: Fred Sample Title: President Date: November 13, 2017		11. Reviewed and Accepted by Board of Edu. MBE Liaison Name: Internal Use Title: Internal Use Date: Internal Use	

Total MBE Participation:	\$255,000	25.50%
Total African-American Participation:	\$ 70,000	7.00%
Total Asian-American MBE Participation:	\$125,000	12.5%
Total Other Participation:	\$ 60,000	6.0%

October 1, 2017

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



QUESTIONS?

Resources:

- ❖ AACPS Office of Minority and Small Business Enterprise
 - Esther Leslie Avery, Financial Compliance Specialist, 410-222-5130, eavery@aacps.org
 - Lilliette Rivera, MSBE Support Specialist, 410-222-5131, lriviera2@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
 - <http://mgaleg.maryland.gov/webmga/frmStatutes.aspx?pid=statpage&tab=subject5>
- ❖ COMAR Title 21
 - <http://www.dsd.state.md.us/COMAR/ComarHome.html>





**PLEASE COMPLETE &
SUBMIT EVALUATIONS**

