MARYLAND JUDICIARY (MJUD)
CERTIFIED MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
MBE FORM A

THIS AFFIDAVIT MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT THIS AFFIDAVIT AS REQUIRED, THE BID MAY BE DEEMED NOT RESPONSIVE OR THE PROPOSAL NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

In connection with the bid/proposal submitted in response to Solicitation No. _____ I affirm the following:

1. MBE Participation (PLEASE CHECK ONLY ONE)

☐ I intend to meet the overall certified Minority Business Enterprise (MBE) participation goal of percent (%)

I agree that the MBE participation percentage of the total dollar amount of the Contract will be performed by certified Maryland Department of Transportation (MDOT) MBE firms as set forth in the MJUD MBE Participation Schedule - Part 2, MBE Form B.

OR

☐ I conclude that I am unable to achieve the MBE participation goal. I hereby request a waiver, in whole or in part, of the overall goal. Within 10 business days of receiving notice that our firm is the apparent awardee or as requested by the Procurement Officer, I will submit a written waiver request, MJUD MBE FORM E and all required documentation in accordance with the Good Faith Efforts Checklist provided in the RFP, Attachment ___. For a partial waiver request, I agree that certified MBE firms will be used to accomplish the percentage of the total dollar amount of the Contract for the MBE goal, as set forth in the MBE Participation Schedule - Part 2, MJUD MBE Form B.

2. New Guidelines Regarding MBE Prime Self-Performance

When a certified MBE firm participates as a prime contractor on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall). In order to receive credit for self-performance, an MBE prime must list its firm in MJUD MBE FORM B "MBE Participation Schedule", including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform. For the remaining portion of the goal, the MBE prime must also identify other certified MBE subcontractors.

The work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract

MARYLAND JUDICIARY (MJUD)
MBE PARTICIPATION SCHEDULE
MBE FORM B

PART 1 – INSTRUCTIONS

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2 AND 3 WITH THE BID/PROPOSAL AS REQUIRED, THE BID MAY BE DEEMED NOT RESPONSIVE OR THE PROPOSAL MAY BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

PLEASE READ BEFORE COMPLETING THIS FORM

1. Please refer to the Maryland Department of Transportation (MDOT) MBE Directory at www.mdot.state.md.us to determine if a firm is certified for the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit www.naics.com. Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals.

2. **WARNING:** If the firm's NAICS Code is in **graduated status**, such services/products **will not be counted** for purposes of achieving the MBE participation goals. Graduated status is clearly identified in the MDOT Directory (such graduated codes are designated with the word graduated after the appropriate NAICS Code).

3. Examining the NAICS Code is the **first step** in determining whether an MBE firm is certified and eligible to receive MBE participation credit for the specific products/services to be supplied or performed under the contract. The **second step** is to determine whether a firm's Products/Services Description in the MBE Directory includes the products to be supplied and/or services to be performed that are being used to achieve the MBE participation goals.

4. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email at mbe@mdot.state.md.us.

5. The Contractor's subcontractors are considered second-tier subcontractors. Third-tier contracting may not be used to meet an MBE goal.

6. For each MBE firm that is being used as a supplier/wholesaler/regular dealer/broker/manufacturer, please follow these instructions for calculating the **amount of the subcontract for purposes of achieving the MBE participation goals:**

   A. If the firm is certified as a broker of the products/supplies, for purposes of achieving the MBE participation goal, you may count only the amount of any reasonable fee that the MBE firm will receive for the provision of such products/supplies - not the total subcontract amount or the value (or a percentage thereof) of such products and/or supplies. For Column 3 of the MBE Participation Schedule, please divide the amount of any reasonable fee that the MBE firm will receive for the provision of such products/services by the total Contract value and insert the percentage in Line 3.1.

7. For each MBE firm being used as a supplier/wholesaler/regular dealer/manufacturer or providing a service, to calculate the **amount of the subcontract for purposes of achieving the MBE participation goals**, divide the total amount of the subcontract by the total Contract value and insert the percentage in Line 3.1.

   Example: $ 2,500 (Total Subcontract Amount) ÷ $10,000 (Total Contract Value) x 100 = 25%

WARNING: The percentage of MBE participation, computed using the percentage amounts in Column 3 for all of the MBE firms listed in Part 1, MUST at least equal the MBE participation goal as set forth in MJUD MBE Form A for this solicitation. If a bidder/offeror is unable to achieve the MBE participation goal, then the bidder/offeror must request a waiver in Form A or the bid will be deemed not responsive, or the proposal not susceptible of being selected for award.

MARYLAND JUDICIARY (MJUD)
MBE PARTICIPATION SCHEDULE
MBE FORM B

PART 2 – MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2AND 3 WITH THE BID/PROPOSAL AS REQUIRED, THE BID MAY BE DEEMED NOT RESPONSIVE OR THE PROPOSAL MAY BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

THE WORK PERFORMED BY A CERTIFIED MBE FIRM, INCLUDING AN MBE PRIME, CAN ONLY BE COUNTED TOWARDS THE MBE PARTICIPATION GOAL(S) IF THE MBE FIRM IS PERFORMING A COMMERCIALLY USEFUL FUNCTION ON THE CONTRACT

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL. IN ORDER TO RECEIVE CREDIT FOR SELF-PERFORMANCE, AN MBE PRIME CONTRACTOR MUST LIST ITS FIRM BELOW. PLEASE INCLUDE THE CERTIFICATION CATEGORY UNDER WHICH THE MBE PRIME CONTRACTOR WILL SELF-PERFORM AND INCLUDE INFORMATION REGARDING THE WORK IT WILL SELF-PERFORM. FOR THE REMAINING PORTION OF THE GOAL, THE MBE PRIME CONTRACTOR MUST ALSO IDENTIFY OTHER CERTIFIED MBE SUBCONTRACTORS.

COLUMN 1	COLUMN 2	COLUMN 3 **Unless the bidder/offeror requested a waiver in MJUD MBE Form for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal set forth in Form A.**
NAME OF MBE SUBCONTRACTOR	**CERTIFICATION NO. AND MBE CLASSIFICATION**	**FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL, refer to sections 6 and 7 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1.**
	Certification Number: _____ **(If dually certified, check applicable boxes.)** ☐ African American-Owned ☐ Hispanic Owned ☐ Asian Owned ☐ Women-Owned ☐ American Indian/Native American Owned	3.1. **TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR** (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE _____% (Total Percentage for purposes of calculating achievement of MBE Participation goal). 3.2. **LIST NORTH AMERICAN INDUSTRY CODES (NAICS) SUBCONTRACTOR WILL BE PEFORMING WORK UNDER** _____ _____ _____

☐Please check if Continuation Sheets are attached.

MARYLAND JUDICIARY (MJUD)
MBE PARTICIPATION SCHEDULE
MBE FORM B (CONTINUED)

PART 2 – MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL. IF THE BIDDER/OFFEROR FAILS TO ACCURATELY COMPLETE AND SUBMIT PART 2AND 3 WITH THE BID/PROPOSAL AS REQUIRED, THE BID MAY BE DEEMED NOT RESPONSIVE OR THE PROPOSAL MAY BE DEEMED NOT SUSCEPTIBLE OF BEING SELECTED FOR AWARD.

THE WORK PERFORMED BY A CERTIFIED MBE FIRM, INCLUDING AN MBE PRIME, CAN ONLY BE COUNTED TOWARDS THE MBE PARTICIPATION GOAL(S) IF THE MBE FIRM IS PERFORMING A COMMERCIALLY USEFUL FUNCTION ON THE CONTRACT

Prime Contractor	Project Description	Solicitation Number

LIST INFORMATION FOR EACH CERTIFIED MBE SUBCONTRACTOR YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL. IN ORDER TO RECEIVE CREDIT FOR SELF-PERFORMANCE, AN MBE PRIME CONTRACTOR MUST LIST ITS FIRM BELOW. PLEASE INCLUDE THE CERTIFICATION CATEGORY UNDER WHICH THE MBE PRIME CONTRACTOR IS SELF-PERFORMING AND INCLUDE INFORMATION REGARDING THE WORK IT WILL SELF-PERFORM. FOR THE REMAINING PORTION OF THE GOAL, THE MBE PRIME CONTRACTOR MUST ALSO IDENTIFY OTHER CERTIFIED MBE SUBCONTRACTORS.

COLUMN 1	COLUMN 2	COLUMN 3 **Unless the bidder/offeror requested a waiver in MJUD MBE Form for this solicitation, the cumulative MBE participation for all MBE firms listed herein must equal at least the MBE participation goal set forth in Form A.**
NAME OF MBE SUBCONTRACTOR	**CERTIFICATION NO. AND MBE CLASSIFICATION**	**FOR PURPOSES OF ACHIEVING THE MBE PARTICIPATION GOAL, refer to sections 6 and 7 in Part 1 - Instructions. State the percentage amount of the products/services in Line 3.1.**
	Certification Number: _____ **(If dually certified, check only one box.)** ☐ African American-Owned ☐ Hispanic American- Owned ☐ Asian American-Owned ☐ Women-Owned ☐ American Indian/Native American Owned _____	3.1. **TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR** (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE _____% (Total Percentage for purposes of calculating achievement of MBE Participation goal). 3.2. **LIST NORTH AMERICAN INDUSTRY CODES (NAICS) SUBCONTRACTOR WILL BE PEFORMING WORK UNDER** _____ _____ _____

☐Please check if Continuation Sheets are attached.

MARYLAND JUDICIARY (MJUD)
MBE PARTICIPATION SCHEDULE
MBE FORM B

PART 3 – CERTIFICATION FOR MBE PARTICIPATION SCHEDULE

PARTS 2 AND 3 MUST BE INCLUDED WITH THE BID/PROPOSAL AS DIRECTED IN THE INVITATION TO BID/ REQUEST FOR PROPOSALS.

I hereby affirm that I have reviewed the Products and Services Description (specific product that a firm is certified to provide or areas of work that a firm is certified to perform) set forth in the MDOT MBE Directory for each of the MBE firms listed in Part 2 of this MJUD MBE Form B for purposes of achieving the MBE participation goals that were identified in the MJUD MBE Form A that I submitted with this solicitation, and that the MBE firms listed are only performing those products/services/areas of work for which they are certified. I also hereby affirm that I have read and understand the form instructions set forth in Part 1 of this MJUD MBE Form B.

The undersigned Prime Contractor hereby certifies and agrees that he/she has fully complied with the MJUD'S Minority Business Enterprise requirements,

Please Note: A contractor may not identify a certified minority business enterprise in a bid or proposal and:

(1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority business enterprise in its bid or proposal;

(2) fail to notify the certified minority business enterprise before execution of the contract of its inclusion of the bid or proposal;

(3) fail to use the certified minority business enterprise in the performance of the contract; or

(4) pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

I solemnly affirm under the penalties of perjury that the contents of Parts 2 and 3 of MJUD MBE Form B are true to the best of my knowledge, information and belief.

Company Name	Signature of Representative
Address	Printed Name and Title
City, State and Zip Code	Date

MARYLAND JUDICIARY (MJUD)
OUTREACH EFFORTS COMPLIANCE STATEMENT
MBE FORM C

In conjunction with the bid/proposal submitted in response to Solicitation No._____, I certify that :

1. I took the following efforts to identify subcontracting opportunities in these specific work categories:

2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for the identified subcontract opportunities.

3. I made the following attempts to personally contact the solicited MBE firms:

4. **Please Check One:**

□ This project does not involve bonding requirements.

□ I assisted MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS)

5. **Please Check One:**

□ I did attend the pre-bid/pre-proposal meeting/conference.

□ No pre-bid/pre-proposal meeting/conference was held.

□ I did not attend the pre-bid/pre-proposal meeting/conference.

Company Name	Signature of Representative
Address	Printed Name and Title
City, State and Zip Code	Date

MARYLAND JUDICIARY (MJUD)
MBE SUBCONTRACTOR PROJECT PARTICIPATION AFFIDAVIT
MBE FORM D

FAILURE TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME (10 BUSINESS DAYS) MAY RESULT IN THE BID/OFFER BEING DEEMED NOT ELIGIBLE FOR CONTRACT AWARD. SUBMIT ONE FORM FOR EACH CERTIFIED MBE FIRM LISTED IN THE MBE PARTICIPATION SCHEDULE.

PLEASE NOTE: BIDDERS/OFFERORS ARE HIGHLY ENCOURAGED TO SUBMIT FORM D PRIOR TO THE TEN (10) DAY DEADLINE.

Provided that _____ (Prime Contractor's Name) is awarded the contract in conjunction with Solicitation No. _____, such Prime Contractor will enter into a subcontract with _____(Subcontractor's Name) committing to participation by the MBE firm _____ (MBE Name) with MDOT Certification Number _____ (if subcontractor previously listed is also the MBE firm, please restate name and provide MBE Certification Number) which will receive at least $_____ or ___% (Total Subcontract Amount/ Percentage) for performing the following products/services for the Contract:

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

I solemnly affirm under the penalties of perjury that the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of my knowledge, information and belief. I 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.

PRIME CONTRACTOR	SUBCONTRACTOR (SECOND-TIER)
Signature of Representative:	Signature of Representative:
_____	_____
Printed Name and Title:_____	Printed Name and Title:_____
_____	_____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____	Address: _____
_____	_____
Telephone: _____	Telephone: _____
Date: _____	Date: _____

MARYLAND JUDICIARY (MJUD)
MINORITY CONTRACTOR UNAVAILABILITY CERTIFICATE
MBE FORM E

PLEASE NOTE: SUBMIT ONE FORM FOR EACH CERTIFIED UNAVAILABE MBE FIRM

Section I (to be completed by PRIME CONTRACTOR)

I, hereby, certify that on this _____ day of _____, 2014, the firm of

_____
(Name of Prime Contractor)

located at

_____,
(Number)

contacted certified minority business enterprise, (Date)

_____
(Name of certified Minority Business Enterprise)

Note: Certified minority business enterprise must complete Section II.

_____	_____
Company Name	**Signature of Representative**
_____	_____
Address	**Printed Name and Title**
_____	_____
City, State and Zip Code	**Date**

Section II (to be completed by CERTIFIED MINORITY BUSINESS ENTERPRISE)

I hereby certify that on this _____ day of _____, 2014, the firm of

_____ MBE Cert.#_____
(Name of MBE Firm)

located at _____
(Number) (Street) (City) (State) (Zip)

was offered the opportunity to bid on project number_____
(Date)

by _____
(Prime Contractor's Name) (Prime Contractor Official's Name) (Title)

The statements contained in Section I and Section II of this document are, to the best of my knowledge and belief, true and accurate.

_____ _____
(Name) (Title) (Phone)

Individual is presumed to be socially and economically disadvantaged if that individual belongs to one of the following groups: African American, Hispanic American, Asian American, Native American, and Women.

(Signature) (Fax Number)

PRIME CONTRACTORS'
GOOD FAITH EFFORTS/WAIVER CHECKLIST

Prime Contractors who put Good Faith into action will:

- ✓ Use direct solicitation, minority/women community organizations, contractors' groups, and local, state minority/women-owned business assistance offices to reach MBE's;
- ✓ Identify and assist firms that may need bonding, lines of credits, insurance, equipment, and other related issues; or assist firms that are not certified but could possibly serve on a contract and satisfy MBE goals by becoming certified;
- ✓ Identify clear sub-contractible work that will enable MBE's to compete;
- ✓ Provide the MBEs with proper information regarding the job; to include plans, specifications, and anticipated time schedule for portions of the work to be performed;
- ✓ Coordinate pre-bid meetings to inform MBEs of contracting and subcontracting opportunities;
- ✓ Advertise in general circulation, trade associations, and minority focused media concerning the subcontracting opportunities;
- ✓ Provide written notice to all certified MBEs who are certified in the work areas and have capabilities of the contract for which their participation is solicited (Contractor must allow a minimum of 10 days for the MBEs to respond to the written solicitation.); and
- ✓ Follow up on initial solicitations of interest by contacting MBEs to determine if the MBEs are interested (Contractor must detail the efforts showing names, addresses, dates, and telephone numbers of the certified MBEs contacted along with a description of information provided.)

Prime Contractors who have done the above and are submitting a waiver will:

- ✓ Document everything listed above;
- ✓ Provide a written request for a waiver;
- ✓ Provide detailed statements of efforts to achieve the goal; to include the name, address and telephone number of all MBEs contacted, as well as the date of contact;
- ✓ Provide a list of unavailable MBEs, including a Minority Contractor Unavailability Certification Form (MJUD MBE FORM E) signed by an owner or officer of each unavailable MBE (If the MBE refused to sign MJUD MBE FORM E, the contractor will should submit a statement regarding this refusal.);
- ✓ If the contractor deems a MBE to be unqualified and rejects the MBE, the contractor will provide written explanation of this decision (Contractor's reasoning must be based on a thorough investigation of MBE capabilities.);
- ✓ Provide evidence that the contractor tried to negotiate in good faith with interested MBEs; and
- ✓ Demonstrate that certified MBE participation was unable to be obtained at a reasonable price or that public interest is best served by a waiver.