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 SHALL 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 as the last page of this RFP. 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. Additional MBE Documentation

I understand that if I am notified that I am the apparent awardee or as requested by the Procurement Officer, I must submit the following documentation within 10 business days of receiving such notice:

(a) Outreach Efforts Compliance Statement (MJUD MBE Form C);
(b) Subcontractor Project Participation Statement (MJUD MBE Form D);
(c) MBE Waiver Request (MJUD MBE FORM E) and additional documentation per the Good Faith Efforts Checklist provided as the last page of this RFP (if waiver was requested); and
(d) Any other documentation required by the Procurement Officer to ascertain bidder’s responsibility/offeree’s susceptibility of being selected for award in connection with the certified MBE participation goal.

PAGE 1 OF 2
I acknowledge that if I fail to return each completed document (in 2 (a) through (d)) within the required time, the MBE Liaison may determine that I am not responsible and therefore not eligible for contract award.

3. **Information Provided to MBE firms**

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

4. **Products and Services Provided by MBE firms**

I hereby affirm that the MBEs will provide only those products and services for which they are MDOT certified.

I solemnly affirm under the penalties of perjury that the information in this affidavit is 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
**MBE FORMB**

**PART 2 – MBE PARTICIPATION SCHEDULE**

**Parts 2 and 3 must be included with the bid/proposal. If the bidder/offoror fails to accurately complete and submit Part 2 and 3 with the bid/proposal as required, the bid shall be deemed not responsive or the proposal shall be deemed not susceptible of being selected for award.**

<table>
<thead>
<tr>
<th>Prime Contractor</th>
<th>Project Description</th>
<th>Solicitation Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

List information for each certified MBE subcontractor you agree to use to achieve the MBE participation goal and subgoals, if any.

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
<th>COLUMN 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME OF MBE SUBCONTRACTOR</td>
<td>CERTIFICATION NO. AND MBE CLASSIFICATION</td>
<td>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. Rule.</td>
</tr>
</tbody>
</table>

**3.1. TOTAL PERCENTAGE TO BE PAID TO THE SUBCONTRACTOR** (STATE THIS PERCENTAGE AS A PERCENTAGE OF THE TOTAL CONTRACT VALUE)

| Certification Number: | | |
|-----------------------|-----------------------------|
| (If dually certified, check applicable boxes.) | | |
| ☐ African American-Owned | ☐ Hispanic Owned |
| ☐ Asian Owned Women-Owned | ☐ American Indian/Native American Owned |

3.2. LIST NORTH AMERICAN INDUSTRY CODES (NAICS) SUBCONTRACTOR WILL BE PERFORMING WORK UNDER

☐ Please check if Continuation Sheets are attached.
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 WILL 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. 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:

<table>
<thead>
<tr>
<th>NAICS CODE</th>
<th>WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)</th>
<th>DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES</th>
</tr>
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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

Signature of Representative: ____________________________________________

Printed Name and Title: ________________________________________________

Firm’s Name: _________________________________________________________

Federal Identification Number: ____________________________

Address: _____________________________________________________________

Telephone: ____________________________

Date: ____________________________

SUBCONTRACTOR (SECOND-TIER)

Signature of Representative: ____________________________________________

Printed Name and Title: ________________________________________________

Firm’s Name: _________________________________________________________

Federal Identification Number: ____________________________

Address: _____________________________________________________________

Telephone: ____________________________

Date: ____________________________
MARYLAND JUDICIARY (MJUD)
MINORITY CONTRACTOR UNAVAILABILITY CERTIFICATE
MBE FORME

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.