Maryland
GOVERNOR'S OFFICE
OF SMALL, MINORITY & WOMEN
BUSINESS AFFAIRS

Welcome, Minority Business Enterprise (MBE) Liaison!

We would like to take this time to welcome you as an MBE Program liaison and look forward to working with you! As an MBE liaison, you will assist your unit by performing duties to enhance procurement opportunities to MBE vendors, prepare MBE reports throughout the fiscal year, be an advocate for MBE vendors and provide outreach to the MBE community. You can utilize this packet as a guide to help you to prepare the MBE Reports, refer to regulations/statutes and other information that is pertinent to your position as an MBE liaison.

This packet was created for you to access at any time during your time as a liaison.

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MBE Program Overview

In 1978, the Maryland General Assembly enacted legislation creating the Minority Business Enterprise (MBE) Program to ensure that socially and economically disadvantaged small business owners are included in the state's procurement and contracting opportunities. Current regulations set the MBE Program's statewide aspirational goal at 29% across 70+ participating agencies and departments.

Maryland's MBE Program is well-recognized as a national model for minority inclusion. Administration of the MBE Program lies with the Governor's Office of Small, Minority & Women Business Affairs. Internally, we work with the participating agencies and departments on implementation, best practices, and reporting. Externally we work with small businesses interested in performing on state-funded contracts.

What is the Role of an MBE Liaison?

COMAR 21.11.03.05

> "The head of each procurement agency shall designate an employee to be an MBE liaison officer in the administration of that agency's minority business enterprise program. The MBE liaison officer shall be a high-level employee reporting directly to a Secretary, Deputy Secretary, or head of a procurement agency. The MBE liaison officer is responsible for coordinating agency outreach efforts to the minority business community, reviewing agency contracting procedures to ensure compliance with this chapter, assisting in the resolution of contracting issues, and for submitting required MBE program reports or information."

Statutes & Regulations

State Finance and Procurement Articles (SF&P)

- SF&P Articles § 14-501 - 14-505 is where the MBE Program statutes reside. SF&P contains the program laws passed through the legislative process. You can think of these SF&P articles as the foundation of the MBE Program.
- You can search the relevant statutes at the Maryland General Assembly website: https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gsf&section=14-501&enactments=false

Code of Maryland Regulations (COMAR)

- COMAR 21.11.03 is where the MBE Program regulations reside. COMAR is a great reference to understanding the program regulatory requirements. You can think of this title of COMAR as the rules for carrying out the MBE Program.
- You can search relevant regulations at the Division of State Documents website: https://dsd.maryland.gov/Pages/COMARSearch.aspx

Required MBE Reports & Reporting Deadlines:

Required Reports/Surveys:	Due Date:
MBE Annual Report (Includes the *New Annual Compliance Assessment* Report)	September 30th
MBE Quarterly Reports	30 days after the end of each Quarter (Qtrs. 1 – 3 only)
SBR & MBE Combined Strategic Plan	June 30th
Procurement Forecast	June 30th

Required Reports/Surveys:	Due Date:
MBE Participation Survey	October 31st
Liaison Survey	November 15th

Reporting Portals for Awards & Payment Data

ANSWERS Financial Reporting

- ANSWERS is utilized to pull the necessary financial reports to complete your MBE reports throughout the year. You will make your account following the instructions on the website. *Please be aware that you must be connected to a VPN to access the ANSWERS website.*
- https://net.md.gov/apps/answers/

Form 3 Payment Portal

- The Form 3 is the MBE Payment Portal and is used to report Annual MBE payment data. Our office provides you with the login information. If you are ever locked out of your account, please contact our office and we will gladly reset your password.
- https://www.doit.state.md.us/MBEForm3/

Reporting Resources

MBE Reporting Toolkit

- The toolkit provides liaisons with a plethora of resources to aid in the numerous liaison duties. We advise you to read through the Reporting Manual to understand the different reporting requirements in depth.
- https://gomdsmallbiz.maryland.gov/Pages/Reporting-Tool-MBE.aspx

GAD List

- The GAD list is the list of reporting exclusions that you can reference when preparing your reports throughout the fiscal year.
- https://gomdsmallbiz.maryland.gov/Documents/MBE_Toolkit/GADLISTEXCLUSIONDEFINITIONS0116.pdf

ADPICS Additional Elements

- The ADPICS Additional Elements list, is the list of reporting inclusions that you can reference when preparing your reports throughout the fiscal year.
- https://bpw.maryland.gov/Documents/1998%202%20Attachment.pdf

Statewide & Master Contracts Search

- When reporting statewide or master contracts these websites are useful to cross reference whether a contract is indeed a statewide or master contract.
- DGS: https://dgs.maryland.gov/Pages/Procurement/BidsAwards.aspx
- DBM: https://dbm.maryland.gov/contracts/Pages/statewide-contracts/home.aspx
- DoIT: https://doit.maryland.gov/contracts/Pages/AllMasterContracts.aspx

MDOT MBE Directory

- The MDOT MBE Directory is the only place where you can verify whether an MBE is Maryland State certified.
- https://marylandmdbe.mdbecert.com/?TN=marylandmdbe

Other State Resources

Office of State Procurement- DGS

- https://procurement.maryland.gov/procurement-staff/

Board of Public Works

- Annual Waiver Report available on BPW website
- https://bpw.maryland.gov/Pages/adv-2003-2.aspx

Procurement Category Reporting Acronyms

Below are the acronyms used within the ANSWERS reports to define each procurement category.

- A = Architectural
- A/E = Architectural/Engineering
- E = Engineering
- C =Construction
- CRS = Construction Related Services
- M = Maintenance
- S = Services
- CSE = (Commodities)Supplies & Equipment
- ITS = IT Services
- ITE and/or ITW = IT Supplies and Equipment
- HCF= Human, Cultural, Social, & Educational Services

Available Resources Found in the MBE Toolkit

Guidelines, Templates, and Attachments:

Text of the MBE Toolkit screen shown in the original document:

MBE Program Resources

- MBE Program Subgoal Guidance
- MBE Program Subgoal Worksheet
- MBE RFP Solicitation Language
- PRG Guidance & Worksheets (located on the Office of State Procurement's website)
- Section 4 Sample PRG Template in Excel
- SAMPLE MBE FORMS

Button: Solicitation Templates & Attachments

There is **guidance** available in regards to MBE subgoals, MBE RFP Solicitation Language, PRG, and Sample MBE Forms to aid you in the various elements of the MBE Program.

Video Trainings:

Text of the MBE Toolkit screens shown in the original document:

Video Training Series

- Form 3 Payment Portal Training Video
- Form 3 Payment Portal Training Slide Deck
- MBE Forms Training Video
- MBE Forms Training Slide Deck

MBE Liaison Training

- SBR, MBE, and VSBE Combined Liaison Training Slide Deck February 9, 2023

- SBR, MBE, and VSBE Combined Liaison Training Video February 9, 2023
- SBR, MBE, and VSBE Combined Liaison Training Slide Deck October 4, 2022
- SBR, MBE, and VSBE Combined Liaison Training Video

Liaison Trainings- We host liaison trainings throughout the fiscal year and provide the slide decks and video the week after training.

Video Training Series- This series provides specific training on different topics. We currently have a Form 3 Payment Portal Training and MBE Forms Training video available 24/7 with timestamps to easily navigate through each section.

Compliance Calls:

Text of the MBE Toolkit screen shown in the original document: Upcoming Compliance Call TBA. Call 410-697-9605 to be added to our mailing list. Missed the last call? View our Compliance Call Library

Compliance calls are hosted quarterly as an open space to give updates and feedback to liaisons and procurement staff. Liaisons are encouraged to send in topics and/or questions to the compliance.gosba@maryland.gov email box to be discussed at the compliance call. The compliance call library is updated a week after the compliance call to all toolkits just in case you were unable to attend and needed to know any updates discussed at the call.

Compliance Bulletins:

Text of the MBE Toolkit screen shown in the original document: Procurement Compliance Bulletins: 5.18.2023, 4.20.2023, 3.22.2023

We send out **Procurement Compliance Bulletins** once a month with reminders and news for all three socioeconomic programs (MBE, SBR, and VSBE)

MBE Annual Report Section:

Text of the MBE Toolkit screen shown in the original document:

FY2023 MBE Annual Report

The MBE Annual Report must be completed and submitted on or before September 30, 2023. The Annual Report covers the period July 1, 2022 - June 30, 2023.

Please submit the following:

1. Form 1 & 2 as EXCEL sheets (1 file) and the signed signature page
2. Contracts Inventory Report as **EXCEL** sheets (1 file)
3. Data entry in the Form 3 Web Portal **OR** a completed Form 3 Data template **EXCEL** document(Contact GOSBA for technical assistance)
4. All backup documentation from both FMIS and non-FMIS users as **EXCEL** sheets
5. ****NEW:** A completed *FY2023 Annual Agency MBE Compliance Assessment Report* **EXCEL** workbook and a signed Compliance Report in **PDF format**
6. ****NEW Summary Statement Process**:
    1. After the submission of all required annual report documents and once any requested corrections are complete, GOSBA will send a completed Summary Sheet to the person(s) who submitted the report.
    2. The summary sheet, based on final figures matching your units Form 3 data and Form 1 & 2 reports, must be reviewed, signed, and returned to the designated reports email box within 5 business days.

All documentation above is mandatory and must be submitted to the MBEreports.gosba@maryland.gov email box. The 2023 report templates and the 2023 reporting instruction manual are available below:

- FY23 MBE REPORTING MANUAL (*NEW - *Sample Reporting Documents and Supplemental Reporting Guidance is now included in the manual*)

- FY23 FORM 1 & 2 ANNUAL REPORT
- FY23 MBE CONTRACTS INVENTORY
- **NEW - FY2023 Annual Agency MBE Compliance Assessment Report
- Form 3 Data Import Template.xls
- Form 3 Web Portal: https://www.doit.state.md.us/MBEForm3/
- **NEW - MBE Supplemental Reporting Guidance

The **MBE Reporting Templates** are made available every FY on July 1 for procurement units to download for the new reporting season. The templates include:

- Form 1 & 2 Annual Report
- Form 3 Data Import Template
- Contracts Inventory
- MBE Compliance Assessment Report

The **MBE Reporting Manual** is an in-depth document that breaks down all of the reporting requirements for the FY. It is important to read through this manual prior to reporting to have a good understanding of all of the requirements for each report.

The **MBE Supplemental Reporting Guidance document** is available within the Reporting Manual as well as a stand-alone document for easy access. This document helps guide you through all of the Annual Reporting templates and indicates what data is required in each. It includes common errors/omissions, and a reporting checklist, etc.

PRG Requirements

The Procurement Review Group (PRG) shall review proposed procurement solicitations, proposals to exercise options or otherwise modify the contract, and proposals to award sole-source contracts to determine:

- (1) Eligibility for designation to the Small Business Reserve (SBR) Program when the total value is expected to be $50,000 or above
- (2) Minority Business Enterprise (MBE) and Veteran-Owned Small Business Enterprise (VSBE) participation goals when the total value is expected to be $100,000 or above.

The PRG shall determine the appropriate socioeconomic utilization methods to encourage maximum small, minority and/or veteran-owned business participation in each proposed contract; and shall make recommendations to the agency head and the solicitation's procurement officer concerning specific designations and/or participation goals. PRG Guidelines are provided in BPW Advisory 2001-1.

As the MBE Liaison your role within the PRG is vital to ensure MBE participation is considered in all areas and to determine the best possible outcome for an MBE goal. If you are not currently part of PRG reviews within your agency, be sure to speak with your procurement team to be included.

Visit the link below to download PRG Guidance & Worksheets:

https://procurement.maryland.gov/procurement-review-group-prg/

MBE Forms (Attachment D) Guidance

MBE Forms are an integral part of the procurement process in regard to procurements with MBE goals. As the MBE Liaison, you will be responsible for reviewing MBE Forms and assisting with any MBE form issues that may arise. As a Liaison, you may also be called on to provide guidance to vendors who may have questions about MBE Forms.

MBE Forms are required to be completed by the bidder/offeror on procurements that have MBE goals. ***Before bidding***, bidders/offerors must execute a search for eligible state certified MBE firms to meet subcontracting opportunities identified in the solicitations scope of work. Bidders/offerors must be sure to meet all requirements as outlined in solicitation documents, concerning MBE participation.

MBE Forms to be submitted ***At Bid*** include:

- Part 2 - MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT
- Part 3 - MBE PARTICIPATION SCHEDULE
- Part 4 - SIGNATURE PAGE

Additional MBE Documentation Section from the MBE Forms

> **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 working days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier:
>
> a. Good Faith Efforts Documentation to Support Waiver Request (Attachment D-1C)
> b. Outreach Efforts Compliance Statement (Attachment D-2);
> c. MBE Subcontractor/MBE Prime Project Participation Statement (Attachments D-3A and 3B);
> d. Any other documentation, including additional waiver documentation if applicable, required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the certified MBE participation goal and subgoals, if any.
>
> I understand 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.

MBE Forms to be submitted ***Within Ten Days of Notification of Apparent Award*** include:

- D- 2 - OUTREACH EFFORTS COMPLIANCE STATEMENT
- D-3B - MBE PRIME PROJECT PARTICIPATION CERTIFICATION *(only for MBE Primes Self-Performing)*
- D-3A - CERTIFED MBE SUBCONTRACTOR PARTICIPATION CERTIFICATION *(SECTIONS A, B, and D should be filled out by Prime and sent to each MBE Subcontractor, then Subcontractors should fill out SECTION C and submit DIRECTLY to the Procurement Officer listed in SECTION D.*

Throughout the duration of the contract the prime contractor and all MBE subcontractors are responsible for turning in monthly paid/unpaid invoice reports to the MBE Liaison.

MBE Forms to be submitted for the ***Duration of the Contract*** include:

- D-4A - MINORITY BUSINESS ENTERPRISE PARTICIPATION PRIME CONTRACTOR PAID/UNPAID INVOICE REPORT *(Should be submitted by ALL Prime Contractors)*
- D-4B - MINORITY BUSINESS ENTERPRISE PARTICIPATION MBE PRIME CONTRACTOR REPORT *(Should be submitted ONLY by MBE Primes who are self-performing)*
- D-5 - MINORITY BUSINESS ENTERPRISE PARTICIPATION MBE SUBCONTRACTOR PAID/UNPAID INVOICE REPORT *(Should be submitted by each MBE subcontractor)*

Waiver Guidance

The State of Maryland’s procurement process allows Bidders/Offerors to request a waiver, partial or in full, if they have determined that they are unable to meet an MBE subcontracting participation goal. Bidders/Offers who make a waiver request must submit the appropriate forms with the bid/proposal package and fully document Good Faith Efforts to meet the established participation goal(s). Waiver Guidance along with the applicable forms, is provided in the solicitation package.

Visit the link below for a full breakdown of Waiver Guidance/Good Faith Effort Review & Determination:

https://procurement.maryland.gov/wp-content/uploads/sites/12/2022/11/BP-MBE_VSBE-Waiver-Guidance-v1-10.17.2022.pdf

The bidder/offeror is responsible for making a good faith effort to find MBEs available to work on the contract. If the bidder/offeror is awarded the contract, they will have to submit the following documents ONLY if bidder/offeror is requesting a full or partial waiver of the MBE goal:

- D-1B - EXHIBIT A: MBE SUBCONTRACTOR UNAVAILABILITY CERTIFICATE
- D-1C - GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST which includes:
    - PART 1 – IDENTIFIED ITEMS OF WORK OFFEROR MADE AVAILABLE TO MBE FIRMS
    - PART 2 – IDENTIFIED MBE FIRMS AND RECORD OF SOLICITATIONS
    - PART 3 – ADDITIONAL INFORMATION REGARDING REJECTED MBE QUOTES

Visit the link below to view the MBE Forms:

https://procurement.maryland.gov/wp-content/uploads/sites/12/2018/05/AttachmentDMBE-Forms-1.pdf

Visit the link below to view Sample MBE Forms & Guidance:

https://gomdsmallbiz.maryland.gov/SiteAssets/Pages/Reporting-Tool-MBE/SAMPLE%20FORMS_AttachmentDMBE-Forms-1%20as%20of%202.2021%20AS%20OF%209.15.2021.pdf

Resources Available for MBE Vendors

The liaison role often results in you meeting with and guiding vendors to available resources. The resources below are great to refer to vendors depending on their needs:

MDOT Office of Minority Business Enterprise

- https://www.mdot.maryland.gov/tso/pages/Index.aspx?PageId=90
    - Handles MBE, DBE, SBE, and ACDBE certification
    - Hosts monthly certification workshops

Governor’s Office of Small, Minority, & Women Business Affairs

- https://gomdsmallbiz.maryland.gov/Pages/default.aspx
    - Our office hosts Training and Insights for Procurement Success (T.I.P.S.) Webinars for MBE vendors to learn about contracting and their rights and responsibilities.
    - Procurement Forecasts allows vendors to see what agencies have coming up the pipeline for that FY
    - Public Liaison directory gives them access to all agency liaison direct contacts for any questions
    - Ready, Set, Grow! We host year-round (1 in person, 2 virtual) to connect vendors with agencies
    - MBE Fraud Hotline
        - 410-697-9611 if an MBE suspects fraud

eMaryland Marketplace Advantage (eMMA)

- https://emma.maryland.gov/page.aspx/en/usr/login?ReturnUrl=%2fpage.aspx%2fen%2fbuy%2fhomepage
    - Vendors should sign up to:
        - Participate in state contracting
        - View what solicitations are available for bid
        - Apply for SBR or VSBE Certifications

Contact Us:

If you ever need assistance with anything MBE related feel free to contact your designated MBE Compliance Manager:

MBE Compliance Manager	Email	Phone
Nichelle Johnson	nichelle.johnson1@maryland.gov	410-697-9605
Karen Reyes	karen.reyes@maryland.gov	410-697-9608