MBE Quarterly Compliance Check-In

Compliance to the statutes, regulations, policies, and guidelines is essential to the successful implementation of Maryland's MBE Program. Per State Finance & Procurement Articles §14–302 and §14–303, as well as COMAR 21.11.03.10, 21.11.03.11, 21.11.03.12, 21.11.03.11, and 21.11.03.13, there are several MBE Program compliance requirements that procurement units must meet when processing procurements and awarding contracts with MBE goals. In addition, the Governor's Office of Small, Minority & Women Business Affairs communicated requirements through the Executive Memorandum issued in 2019 concerning the review of procurements valued at $25 Million or more.

The following is a quarterly assessment of your unit's compliance relevant to MBE Program statutes, regulations, and directives. **The assessment should be completed by the Procurement Director or Senior Procurement Official in collaboration with the MBE Liaison.** The Quarterly Compliance Check-in, similar to the MBE quarterly report, is due ***30 days after the end of each quarter***. Unlike the regular MBE quarterly report, a ***4th quarter*** submission is required by ***October 15th***.

For questions or issues, please contact the MBE Ombudsman Unit: mbe.ombudsman@maryland.gov or call 410-697-9605

* Indicates required question

Contact and unit information

1. Email *

2. Quarter Submission *

Mark only one oval.

- ☐ Quarter 1
- ☐ Quarter 2
- ☐ Quarter 3
- ☐ Quarter 4

3. Procurement Director or Senior Procurement Official's Name *

4. Procurement Director or Senior Procurement Official's Email *

5. Procurement Director or Senior Procurement Official's Phone No. *

Enter using this format ##########

6. Choose Your Procurement Unit *

Mark only one oval.

- ☐ Aging
- ☐ Agriculture
- ☐ Archives
- ☐ Assessments & Taxation
- ☐ Attorney General's Office

- ☐ Baltimore City Community College
- ☐ Board of Elections
- ☐ Board of Public Works
- ☐ Bowie State University
- ☐ Budget & Management
- ☐ Aviation Administration
- ☐ Canal Place Preservation
- ☐ Commerce
- ☐ Commission on Civil Rights
- ☐ Comptroller
- ☐ Coppin State University
- ☐ Maryland School for the Deaf
- ☐ Education
- ☐ Emergency Management
- ☐ Environment
- ☐ Environmental Services
- ☐ Executive Department
- ☐ Food Center Authority
- ☐ Frostburg State University
- ☐ Department of General Services
- ☐ Governor's Office of Crime Control & Prevention
- ☐ Health
- ☐ Health Benefit Exchange
- ☐ Higher Education Commission
- ☐ Housing & Community Development
- ☐ Human Services
- ☐ Information Technology
- ☐ Insurance Administration
- ☐ Juvenile Services
- ☐ Labor
- ☐ Lottery & Gaming Control
- ☐ Maryland State Library
- ☐ Military
- ☐ Morgan State University
- ☐ Motor Vehicle Administration
- ☐ Natural Resources
- ☐ People's Counsel
- ☐ Planning
- ☐ Police
- ☐ Port Authority
- ☐ Public Defender
- ☐ Public Safety & Corrections
- ☐ Public Service Commission
- ☐ Public Television
- ☐ State Highway Administration
- ☐ State Retirement

- ☐ Saint Mary's College
- ☐ Salisbury University
- ☐ Supplemental Retirement
- ☐ Stadium Authority
- ☐ State Prosecutor
- ☐ Subsequent Injury Fund
- ☐ Tax Court
- ☐ Towson University
- ☐ Transit Administration
- ☐ Transportation (TSO)
- ☐ Transportation Authority
- ☐ Treasurer's Office
- ☐ University of Maryland Baltimore County
- ☐ University of Baltimore
- ☐ University of Maryland Baltimore
- ☐ University of Maryland College Park
- ☐ University of Maryland Eastern Shore
- ☐ University of Maryland Global Campus
- ☐ Veteran Affairs
- ☐ Workers Compensation Commission

7. During the reporting period, did your procurement unit have any activity for contracts with MBE goals? *

This may include solicitations, contract awards, waivers, MBE form amendments, or closeouts on contracts with MBE goals.

Mark only one oval.

- ☐ Yes
- ☐ No

Compliance Data Section 1

PRGs

8. Did your procurement unit conduct PRGs for solicitations with an estimated value of $25 Million or more? *

Mark only one oval.

- ☐ Yes *Skip to question 9*
- ☐ No *Skip to question 12*

$25 Million and Over PRGs

Details

9. How many PRGs for procurements with an estimated value of $25 Million or more did your procurment unit have? *

10. Did your procurement unit submit ALL PRGs for procurements with an estimated value of $25 Million or more to GOSBA for review? *

Mark only one oval.

- ☐ Yes *Skip to question 12*
- ☐ No *Skip to question 11*

$25 Million and Over PRGs - Unsubmitted

11. If your procurement unit did NOT submit ALL PRGs for procurements with an estimated value of $25 Million or more to GOSBA for review, please explain why? *

Compliance Data Section 2

Subcontract Agreements

12. Has your procurement unit had contract awards and/or notified a contractor that they are the apparent awardee during the reporting period? *

Mark only one oval.

- ☐ Yes *Skip to question 13*
- ☐ No *Skip to question 17*

Subcontract Agreements

Details

13. Please attest below to your compliance with COMAR 21.11.03.10(B) 2b: When an apparent awardee has been identified and notified, is your procurement unit currently requesting a copy of the MBE subcontractor project participation statement (commonly known as the D-3A) along with *a copy of each subcontract agreement between the apparent successful bidder or offeror and each proposed MBE subcontractor, that the apparent successful bidder or offeror and each proposed MBE subcontractor intend to enter into contingent upon the State's contract award to the apparent successful bidder or offeror, containing all necessary terms, including pricing, required for the MBE to perform its proposed work and for the apparent successful bidder or offeror to pay the MBE for its work during the contract term; and (c) The amount and type of bonds required of MBE subcontractors, if any***?** *

Mark only one oval.

- ☐ Yes *Skip to question 15*
- ☐ No *Skip to question 14*

Subcontract Agreements - Noncompliance

14. You reported that your procurement unit is not in compliance with COMAR 21.11.03.10(B) 2b, could you explain why? *

Compliance Data Section 3

Liquidated Damages Provisions

15. Did all contracts with MBE goals, executed by your procurment unit, during the reporting period, contain a liquidated damages provision? *

Mark only one oval.

- ☐ Yes *Skip to question 17*
- ☐ No

Liquidated Damages Provisions - Noncompliance

16. You reported that your procurement unit is not in compliance with COMAR 21.11.03.10E (the requirement to include liquidated damages provisions in contracts with MBE goals), could you explain why? *

Compliance Data Section 4

Waivers

17. Did your procurement unit receive any waiver requests during the reporting period? *

Mark only one oval.

- ☐ Yes
- ☐ No *Skip to question 21*

Waivers

Details

18. How many waiver requests did your procurement unit have? *

19. Did you submit all waiver determinations to the Governor's Office of Small, Minority & Women Business Affairs per COMAR 21.11.03.11D and the Guidelines as stated in the MBE & VSBE Goal Waiver Guidance? *

Mark only one oval.

- ☐ Yes *Skip to question 21*
- ☐ No *Skip to question 20*

Waiver Submissions - Noncompliance

20. You may provide additional information regarding your procurement units non-compliance with COMAR 21.11.03.11D and the Guidelines as stated in the MBE & VSBE Goal Waiver Guidance: *

(Please explain why your unit did not comply with the requirements of COMAR)

Compliance Data Section 5

MBE Form Amendments

21. Did your procurement unit receive any requests to amend MBE forms during the reporting period? *

(A request to remove and replace an MBE subcontractor with another eligible MBE subcontractor or by fulfilling the goal through other agreed upon and acceptable means)

Mark only one oval.

- ☐ Yes *Skip to question 22*
- ☐ No *Skip to question 27*

MBE Form Amendments

Details

22. How many MBE Form amendment requests did your procurement unit receive? *

23. Did your procurement unit approve any of the MBE Form amendment requests that were received during the reporting period? *

Mark only one oval.

- ☐ Yes *Skip to question 24*
- ☐ No *Skip to question 27*

MBE Form Amendments 2

Additonal Details

24. How many MBE Form amendment requests did your procurement unit approve? *

25. Per COMAR 21.11.03.12, did your procurement unit submit a copy of the MBE liaison's written consent to the Governor's Office of Small, Minority & Women Business Affairs for ALL of the MBE Form amendment requests your procurement unit approved? *

Mark only one oval.

- ☐ Yes *Skip to question 27*
- ☐ No *Skip to question 26*

MBE Form Amendments - Noncompliance

26. Please provide additional information regarding your procurement units non-compliance with COMAR 21.11.03.12: *

(Please explain why your unit did not comply with the requirements of COMAR)

Compliance Data Section 6

Compliance Monitoring

27. Did your procurement unit monitor active contract compliance for all contracts with MBE goals, per the requirements of COMAR 21.11.03.13? *

This includes: A(1) Verify that the certified MBEs listed in the MBE participation schedule are actually performing work and receiving compensation as set forth in the participation schedule; and(2) Monitor and collect data on contractor compliance with contract MBE participation goals.

Mark only one oval.

- ☐ Yes *Skip to question 29*
- ☐ No *Skip to question 28*

Compliance Monitoring - Noncompliance

28. Please provide additional information regarding your procurement units non-compliance with COMAR 21.11.03.13A regarding monitoring contract compliance: *

(Please explain why your unit did not comply with the requirements of COMAR)

Compliance Data Section 7

Compliance Assessment

29. Did your procurement unit have any contracts with MBE goals that closed out during the reporting period? *

Mark only one oval.

- ☐ Yes *Skip to question 30*
- ☐ No *Skip to question 33*

Compliance Assessment 2

Details

30. How many contracts with MBE goals did your procurement unit close out during the reporting period? *

31. Did your procurement unit close out ALL contracts with MBE goals per the requirements of COMAR 21.11.03.13 (E-G): *E. Upon completion of the project, the procurement agency shall:(1) Prepare a report that compares the dollar value of the payments actually received by MBEs with the*

dollar value of the amount that MBEs were intended to have received under the contract's MBE participation goal; and (2) Include in the report an explanation of any discrepancy.
F. A procurement agency may use any other compliance mechanism authorized by contract or this title.
*G. A procurement agency may, upon completion of a contract, and before final payment or release of retainage or both, require that a prime contractor on any contract having an MBE subcontract goal, submit a final report, in affidavit form and under penalty of perjury, of all payments made to, or withheld from, MBE subcontractors. The solicitation shall contain notice of this provision.***?** *

Mark only one oval.

- ☐ Yes
- ☐ No *Skip to question 33*

Compliance Assessment - Noncompliance

32. Please provide additional information regarding your procurement units non-compliance with COMAR 21.11.03.13 (E-G) regarding contract closeout requirements: *

(Please explain why your unit did not comply with the requirements of COMAR)

Additional Comments

33. Please provide any additional comments you feel are relevant.

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