

**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:

The overall MBE Goal and sub-goals will be filled in. Double check that they match the numbers from 00800. Do not change these percentages.

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

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 all of the sub-goals.

1 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

2 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 women-owned businesses.

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

Write in the percentage of the women-owned sub-goal you need a waiver for.

Within 10 days of being informed that I am the apparent awardee, I will submit *MBE Waiver Documentation* [Attachment F] (with supporting documentation).

Check this box if you have met a portion of the overall goal or a portion of any of the sub-goals. Any partial waiver must be checked here.

Write in the percentage of the African American-owned sub-goal you need a waiver for.

Check this box only if you have been unable to achieve any of the overall goal or sub-goals and are requesting a full waiver.

or

- 3 After having made a good faith effort to achieve the overall MBE goal and MBE subgoals for this project, I am unable to achieve any portion of the goal or subgoals. I submit with this Affidavit [Attachment A] the *MBE Participation Schedule* [Attachment B].

I request a full waiver.

Within 10 days of being informed that I am the apparent awardee, I will submit *MBE Waiver Documentation* [Attachment F] (with supporting documentation).

Part III.

I understand that if I am the apparent awardee or conditional awardee, I must submit **within 10 working days** after receiving notice of the potential award or within 10 days after the date of conditional award – whichever is earlier – the:

- *Outreach Efforts Compliance Statement* (Attachment C)
- *Subcontractor Project Participation Statement* (Attachment D)
- *Minority Subcontractors Unavailability Certificate* (Attachment E) (if applicable)
- Any other documentation the Procurement Officer requires to ascertain my responsibility in connection with the MBE participation goal and subgoals

I acknowledge that if I fail to timely return complete documents, the Procurement Officer may determine that I am not responsible and therefore not eligible for contract award. If the contract has been awarded, the award is voidable.

I acknowledge that the MBE subcontractors/suppliers listed in the *MBE Participation Schedule* and any additional MBE subcontractor/suppliers identified in the *Subcontractor Project Participation Statement* will be used to accomplish the percentage of MBE participation that I intend to achieve.

In the solicitation of subcontract quotations or offers, MBE subcontractors were provided the same information and amount of time to respond as were non-MBE subcontractors.

The solicitation process was conducted in such a manner so as to not place MBE subcontractors at a competitive disadvantage to non-MBE subcontractors.

I solemnly affirm under the penalties of perjury that this Affidavit is true to the best of my knowledge, information, and belief.

Sample Contractors, Inc.
Bidder/Offeror Name
2096 Gaither Rd.
Address
Rockville, MD 20850
Address (continued)

Fred Sample
Affiant Signature
Fred Sample, President
Printed Name & Title
April 30, 2009
Date

Attachment C

OUTREACH EFFORTS COMPLIANCE STATEMENT

In conjunction with the bid or offer submitted in response to Baltimore County Public Schools for the Argyle Middle HVAC project, PSC # 03.XXX.10, I state the following: (name)

- 1) Bidder/Offeror identified opportunities to subcontract in these specific work categories:

supply boiler, unit ventilators, piping, hauling of old equipment and debris, install boiler, unit ventilators, piping, insulation, abatement, roofing

- 2) Attached to this form are copies of written solicitations (with bidding instructions) used to solicit certified MBEs for these subcontract opportunities.

Solicitations must include date and method sent, instructions on how to submit a price, when prices are due, when work will be performed, where plans and specs can be reviewed, bonding requirements (if any)

- 3) Bidder/Offeror made the following attempts to contact personally the solicited MBEs:

fax, telephone, e-mail (A listing of who was contacted and when will be needed in the event of a request for waiver. A single attempt is not enough.)

- 4) Bidder/Offeror assisted MBEs to fulfill or to seek waiver of bonding Requirements (Described Efforts)

Check one of these two boxes. If you required the subs to provide bonds, you need to describe your efforts to help them obtain bonding.

- This project does not involve bonding requirements.

- 5) Bidder/Offeror did/did not attend the pre-bid conference

Check one of these two boxes.

- No pre-bid conference was held.

Sample Contractors, Inc. Company Name

By: Fred Sample Name

2096 Gaither Rd. Address

President Title

Rockville, MD 20850

April 30, 2009 Date

Attachment D

MINORITY BUSINESS ENTERPRISES SUBCONTRACTOR PROJECT PARTICIPATION STATEMENT

PROJECT/ SCHOOL NAME: Argyle Middle School HVAC Renovations
PROJECT/ SCHOOL LOCATION: 2400 Bel Pre Rd., Silver Spring, MD 20906
LEA: Baltimore County Public Schools
NAME OF PRIME CONTRACTOR: Sample Contractors, Inc.
NAME OF MBE SUBCONTRACTOR: Poplar Plumbing and Heating, Inc.
45-098
MDOT Certification Number

- 1. Work/Services to be performed by MBE Subcontractor: install unit ventilators
2. Subcontract Amount: \$ 75,200.00
3. Bonds - Amount and type required of Subcontractor if any: None
4. MBE Anticipated or Actual Commencement Date: May 31, 2009 Completion Date: August 15, 2010
5. This MBE subcontract represents the following percentage of the total contract cost: 7.52%
6. This is an African American Firm: Yes [X] No
7. This is a Women Owned Business Firm: Yes No [X]
8. This is an Asian, American Indian, Hispanic or Disabled Firm: Yes No [X]

(Circle One)

The undersigned subcontractor and prime contractor will enter into a contract for the work/service indicated above upon the prime contractor's execution of a contract for the above referenced project with the Board of Education. The undersigned subcontractor is a MDOT certified Minority Business Enterprise. The terms and conditions stated above are consistent with our agreements.

Signature of Subcontractor: Sam Poplar

Date: April 28, 2009

The term and conditions stated above are consistent with our agreements.

Signature of Prime Contractor: Fred Sample

Date: April 29, 2009

MINORITY SUBCONTRACTOR UNAVAILABILITY CERTIFICATE

You will need one form for each sub-contractor or supplier who can not participate. If they provide a price you can not use, you need to document that on a separate page.

1. It is hereby certified that the firm of 123 Heating and Cooling, Inc.
 (Name of Minority firm)
 located at 356 Georgia Ave
 (Number) (Street)
Olney, MD 20832
 (City) (State) (Zip)
 was offered an opportunity to bid on the Argyle Middle School school project in
 Baltimore County by Sample Contractors, Inc.
 (Name of Prime Contractor's Firm)

2. The Sassafras Heating and Cooling, Inc. (Minority Firm), is either unavailable for the work/service or unable to prepare a bid for this project for the following reason(s):

too busy

Roberta Sassafras Owner April 23, 2009
 Signature of Minority Firm's MBE Representative Title Date
91-083 301-555-5555
 MDOT Certification # Telephone #

3. To be completed by the prime contractor if Section 2 of this form is not completed by the minority firm.

To the best of my knowledge and belief, said Certified Minority Business Enterprise is either unavailable for the work/service for this project, is unable to prepare a bid, or did not respond to a request for a price proposal and has not completed the above portion of this submittal.

 Signature of Prime Contractor Title Date

This section only needs to be signed if the sub-contractor refuses to sign above.

Attachment F

MBE WAIVER DOCUMENTATION

Project Name: Argyle MS HVAC Renovations PSC No. 03.XXX.10

Base Contract Amount \$ 1,000,000.00

Plus Accepted Alternates Do not include alternates until requested

Equals Total Contract Amount \$ 1,000,000

Write in the percentage of the overall goal you need a waiver for. (See Attachment A: Part II)

I have previously requested that a waiver be granted to the overall MBE goal for this project of percent, with a minimum of percent from certified African American-owned businesses, a minimum of percent from certified women-owned businesses, and the balance from all certified minority business enterprises, if applicable. This would include the total dollar value of all materials, supplies, equipment, and services, including construction services directly or indirectly, from Minority Business Enterprises (MBE) which are currently certified by the Maryland Department of Transportation (MDOT).

Write in the percentage of the African American-owned sub-goal you need a waiver for.

Fred Sample
(Name of Company Representative)

, hereby certify that my position is

President
(Position Title)

, and I am the duly authorized representative of

Sample Construction, Inc.
(Company Name)

Write in the percentage of the women-owned sub-goal you need a waiver for.

I further certify that I have submitted a *Schedule for Participation of Certified Minority Business Enterprises* which reflects the percentage and dollar value of certified Minority Business Enterprise participation which my company expects to achieve for this contract. Therefore, the request for the waiver is as follows:

Summary MBE Participation Schedule from Attachment B

Minority Group	MBE GOAL		Actual MBE Dollar Participation		Request For Waiver	
	Percent of Total Contract	Dollar Value of Total Contract*	Dollar Value	Percent of Total Contract	Dollar Value	Percent of Total Contract
a. Sub Goal African American	<u>10%</u>	<u>\$100,000</u>	<u>\$75,200</u>	<u>7.52%</u>	<u>\$24,800</u>	<u>2.48%</u>
b. Sub Goal Women	<u>35%</u>	<u>\$350,000</u>	<u>\$347,000</u>	<u>34.7%</u>	<u>\$3,000</u>	<u>.3%</u>
c. Other * in Sub Goal group a/b above			<u>\$7,800</u>	<u>.78%</u>	<u>\$0.00</u>	<u>0.0%</u>
TOTALS	<u>50%</u>	<u>\$500,000</u>	<u>\$430,000</u>	<u>43.0%</u>	<u>\$70,000</u>	<u>7.0%</u>

* with accepted/rejected alternates

The balance of the overall goal can be achieved in any category.

To support this request for a waiver, I include the following information as attachments which I certify to be true to the best of my knowledge.

1. A detailed statement of the efforts made by the contractor to identify and select portions of the work proposed to be performed by subcontractors in order to increase the likelihood of achieving the stated goal;
2. A detailed statement of the efforts made by the contractor prior to and up to 10 days before the bid opening to solicit minority business enterprises through written notices that describe the categories of work for which subcontracting is being solicited, the type of work to be performed, and specific instructions on how to submit a bid;
3. A detailed statement of the contractor's efforts to make personal contact with MBE firms identified for Item 2. above;
4. A record of the name, address, telephone number, and dates contacted for each MBE identified under items 2. and 3. above;
5. A description of the information provided to MBE's regarding the plans, specifications and the anticipated time schedule for portions of the work to be performed;
6. Information on activities to assist minority business enterprises to fulfill bonding requirements, or to obtain a waiver of these requirements;
7. Information on activities to publicize contracting opportunities to minority business enterprises, attendance at pre-bid meetings, or other meetings scheduled by the MBE Liaison or designated representative;
8. As to each MBE that placed a subcontract quotation or offer which the apparent low bidder or successful offeror considers not to be acceptable, a detailed statement of reasons for this conclusion; and
9. A list of minority subcontractors found to be unavailable. This shall be accompanied by a Minority Subcontractor Unavailability Certificate signed by the minority business enterprise or from the apparent low bidder or successful offeror indicating that the minority business did not provide the written certification.

Signature Fred Sample
(Company Representative Name)

Date April 30, 2009

Sworn and subscribed before me this _____ day.

Have this form notarized.

of _____ in the year _____ Notary Public _____

Reviewed and accepted by the Baltimore County Board of Education MBE Liaison.

Signature _____
(County Representative Name)

Date _____

MBE Request For Waiver Master Form (July 2002)

Leave this section blank.