EXAMPLE

PART 2 - MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT & MBE PARTICIPATION SCHEDULE

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule must be completed in its entirety and included with the bid/proposal. If the bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or proposal as required, the Procurement Officer shall deem the bid non-responsive or shall determine that the proposal is not reasonably susceptible of being selected for award.

In connection with the bid/proposal submitted in response to Solicitation No. 00-1234, I affirm the following:

1. **MBE Participation (PLEASE CHECK ONLY ONE)**

☑ I acknowledge and intend to meet IN FULL both the overall certified Minority Business Enterprise (MBE) participation goal of 15% percent and all of the following subgoals:

_____ percent for African American-owned MBE firms

_____ percent for Hispanic American-owned MBE firms

_____ percent for Asian American-owned MBE firms

_____ percent for Women-owned MBE firms

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11. I acknowledge that by checking the above box and agreeing to meet the stated goal and subgoal(s), if any, I **must** complete PART 3 - MBE Participation Schedule and Part 4 Signature Page in order to be considered for award.

OR

☐ After making good faith outreach efforts prior to making this submission, I conclude that I am unable to achieve the MBE participation goal and/or subgoals. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals I acknowledge that by checking this box and requesting a partial waiver of the stated goal and/or one or more of the stated subgoal(s) if any, I must complete Part 3, the MBE Participation Schedule and Part 4 Signature Page for the portion of the goal and/or subgoal(s) if any, for which I am not seeking a waiver, in order to be considered for award. I acknowledge that by checking this box and requesting a full waiver of the stated goal and the stated subgoal(s) if any, I must complete Part 4 Signature Page in order to be considered for award.

PART 3 - MBE PARTICIPATION SCHEDULE

SET FORTH BELOW ARE THE (I) CERTIFIED MBES I INTEND TO USE, (II) THE PERCENTAGE OF THE TOTAL CONTRACT VALUE ALLOCATED TO EACH MBE FOR THIS PROJECT AND, (III) THE ITEMS OF WORK EACH MBE WILL PROVIDE UNDER THE CONTRACT. I HAVE CONFIRMED WITH THE MDOT DATABASE THAT THE MBE FIRMS IDENTIFIED BELOW (INCLUDING ANY SELF-PERFORMING MBE PRIME FIRMS) ARE PERFORMING WORK ACTIVITIES FOR WHICH THEY ARE MDOT-CERTIFIED.

Prime Contractor	Project Description	Project/Contract Number
XYZ, Inc.	Title of Procurement	00-1234

LIST INFORMATION FOR EACH CERTIFIED MBE FIRM YOU AGREE TO USE TO ACHIEVE THE MBE PARTICIPATION GOAL AND SUBGOALS, IF ANY. MBE PRIMES: PLEASE COMPLETE BOTH SECTIONS A AND B BELOW.

SECTION A: For MBE Prime Contractors ONLY (including MBE Primes in a Joint Venture)

MBE Prime Firm
Name:_____

MBE Certification Number: _____

(If dually certified, check only one box.)

☐ African American-Owned
☐ Hispanic American- Owned
☐ Asian American-Owned
☐ Women-Owned
☐ Other MBE Classification

NAICS code: _____

If you are **not** an MBE-certified company, **DO NOT** enter any information in this section.

Percentage of total Contract Value to be performed with own forces and counted towards the MBE **overall participation goal** (up to 50% of the overall goal): _____% **Please refer to Item #8 in Part 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.**

Percentage of total Contract Value to be performed with own forces and counted towards the **subgoal**, if any, for my MBE classification (up to 100% of not more than one subgoal): _____%

☐ Supplier, wholesaler and/or regular dealer (count 60%)
☐ Manufacturer (count 100%)
☐ Broker (count reasonable fee/commission only)
☐ Furnish and Install and other Services (count 100%)

Complete the applicable prompt (select only one) from prompts A-C below that applies to the type of work your firm is self-performing to calculate amount to be counted towards achieving the MBE Participation Goal and Subgoal, if any.

A. Percentage amount of subcontract where the MBE Prime firm is being used for manufacturer, furnish and install, and/or services (excluding products / services from suppliers, wholesalers, regular dealers and brokers) **___%**

B. Percentage amount for items of work where the MBE Prime firm is being used as supplier, wholesaler, and/or regular dealer (60% Rule).
Total percentage of Supplies/Products ___% x 60% = **___%**

C. Percentage amount of fee where the MBE Prime firm is being used as broker (count reasonable fee/commission only) **___ %**

Description of the Work to be performed with MBE prime's own forces:
_____
_____

SECTION B: For all Contractors (including MBE Primes and MBE Primes in a Joint Venture)

MBE Firm Name: ABC, LLC

MBE Certification Number: 12-345

(If dually certified, check only one box.)
- ☑ African American-Owned
- ☐ Hispanic American- Owned
- ☐ Asian American-Owned
- ☐ Women-Owned
- ☐ Other MBE Classification

NAICS code: 55555

The MBE Firm **must** be certified to perform the work listed in the description

Please refer to Item #8 in Part 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.

- ☐ Supplier, wholesaler and/or regular dealer (count 60%)
- ☐ Manufacturer (count 100%)
- ☐ Broker (count reasonable fee/commission only)
- ☐ Furnish and Install and other Services (count 100%)

Complete the applicable prompt (select only one) from prompts A-C below that applies to the type of work that the MBE firm named to the left will be performing to calculate the amount to be counted towards achieving the MBE Participation Goal and Subgoal, if any.

A. Percentage amount of subcontract where the MBE firm is being used for manufacturer, furnish and install, and/or services (excluding products/services from suppliers, wholesalers, regular dealers and brokers) 10 **%**

B. Percentage amount for items of work where the MBE firm is being used as supplier, wholesaler, and/or regular dealer (60% Rule)**)**.
Total percentage of Supplies/Products ___% X 60% = __**%**

C. Percentage amount of fee where the MBE firm is being used as broker (count reasonable fee/commission only) ___ **%**

Description of the Work to be Performed:
Printing Services

MBE Firm Name: DEF, Inc.

MBE Certification Number: 23-456

(If dually certified, check only one box.)
- ☐ African American-Owned
- ☐ Hispanic American- Owned
- ☐ Asian American-Owned
- ☑ Women-Owned
- ☐ Other MBE Classification

NAICS code: 99999

Please refer to Item #8 in Part 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.

- ☐ Supplier, wholesaler and/or regular dealer (count 60%)
- ☐ Manufacturer (count 100%)
- ☐ Broker (count reasonable fee/commission only)
- ☐ Furnish and Install and other Services (count 100%)

Complete the applicable prompt (select only one) from prompts A-C below that applies to the type of work that the MBE Firm named to the left will be performing to calculate the amount to be counted towards achieving the MBE Participation Goal and Subgoal, if any.

A. Percentage amount of subcontract where the MBE Firm is being used for manufacturer, furnish and install, and/or services (excluding products/services from suppliers, wholesalers, regular dealers and brokers) 5 **%**

B. Percentage amount for items of work where the MBE firm is being used as supplier, wholesaler, and/or regular dealer (60% Rule)**)**.
Total percentage of Supplies/Products ___% X 60% = __**%**

C. Percentage amount of fee where the MBE firm is being used as broker (count reasonable fee/commission only) ___ **%**

Description of the Work to be Performed:
Marketing Services

MBE Firm Name:_____ MBE Certification Number: _____ (If dually certified, check only one box.) ☐ African American-Owned ☐ Hispanic American- Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other MBE Classification NAICS code: _____	**Please refer to Item #8 in Part 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.** ☐ Supplier, wholesaler and/or regular dealer (count 60%) ☐ Manufacturer (count 100%) ☐ Broker (count reasonable fee/commission only) ☐ Furnish and Install and other Services (count 100%) **Complete the applicable prompt (select only one) from prompts A-C below that applies to the type of work that for the MBE firm named to the left will be performing to calculate the amount to be counted towards achieving the MBE Participation Goal and Subgoal, if any.** **A. Percentage amount of subcontract where the MBE firm is being used for manufacturer, furnish and install, and/or services** (excluding products/services from suppliers, wholesalers, regular dealers and brokers) **___%** **B. Percentage amount for items of work where the MBE firm is being used as supplier, wholesaler, and/or regular dealer** (60% Rule). Total percentage of Supplies/Products ___% X 60% = **___%** **C. Percentage amount of fee where the MBE firm is being used as broker** (count reasonable fee/commission only) **___ %** Description of the Work to be Performed: _____ _____
MBE Firm Name:_____ MBE Certification Number: _____ (If dually certified, check only one box.) ☐ African American-Owned ☐ Hispanic American- Owned ☐ Asian American-Owned ☐ Women-Owned ☐ Other MBE Classification NAICS code: _____	**Please refer to Item #8 in Part 1- Instructions of this document for new MBE participation guidelines regarding materials and supplies.** ☐ Supplier, wholesaler and/or regular dealer (count 60%) ☐ Manufacturer (count 100%) ☐ Broker (count reasonable fee/commission only) ☐ Furnish and Install and other Services (count 100%) **Complete the applicable prompt (select only one) from prompts A-C below that applies to the type of work that the MBE firm named to the left will be performing to calculate the amount to be counted towards achieving the MBE Participation Goal and Subgoal, if any.** **A. Percentage amount of subcontract where the MBE firm is being used for manufacturer, furnish and install, and/or services** (excluding products/services from suppliers, wholesalers, regular dealers and brokers) **___%** **B. Percentage amount for items of work where the MBE firm is being used as supplier, wholesaler, and/or regular dealer** (60% Rule)**)**. Total percentage of Supplies/Products ___% X 60% = **___%** **C. Percentage amount of fee where the MBE firm is being used as broker___ %** Description of the Work to be Performed: _____ _____

CONTINUE ON SEPARATE PAGE IF NEEDED

PART 4 – SIGNATURE PAGE

To complete Affidavit committing to MBE(s) or requesting waiver, Bidder/Offeror must sign below:

I solemnly affirm under the penalties of perjury that: (i) I have reviewed the instructions for the MBE Utilization & Fair Solicitation Affidavit and MBE Schedule, and (ii) the information contained in the MBE Utilization & Fair Solicitation Affidavit and MBE Schedule is true to the best of my knowledge, information and belief.

_____	_____
Bidder/Offeror Name *(PLEASE PRINT OR TYPE)*	Signature of Authorized Representative
_____	_____
Address	Printed Name and Title
_____	_____
City, State and Zip Code	Date

SUBMIT THIS AFFIDAVIT WITH BID/PROPOSAL

If this page is not signed, your bid or proposal will be deemed non-responsive.