

MBE/VSBE/SBR Procurement Programs

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February 18, 2020

PROGRAM OVERVIEW

The mission of the Minority Business Enterprise (MBE) Program is to increase the participation of small, minority and veteran-owned businesses in the Maryland Department of Health's procurement process.

In accordance with state laws and regulations, the Maryland Department of Health has a Small Business Reserve (SBR) participation **mandate** of 15%, a Minority Business Enterprise (MBE) participation **goal** of 29%, and Veteran-owned Small Business Enterprise (VSBE) participation **goal** of 1%. These programs are monitored by the Governor's Office of Small, Minority and Women's Business Affairs (GOSBA) and the Board of Public Works (BPW).

Procurements greater than \$50,000 are governed by the MBE/SBR/VSBE requirements.



SMALL BUSINESS RESERVE

In 2004, the State created the Small Business Reserve (SBR) Program, providing small businesses with the opportunity to participate as prime contractors on State contracts and procurements by establishing a unique marketplace where small businesses compete against other small businesses instead of larger, more established companies.

Every IFB and RFP begins as an SBR-designated contract. The Procurement Review Group (PRG) is responsible for making the final decision regarding SBR designation waiver requests. Once a solicitation has been designated as “SBR,” an award can only be made to a registered SBR vendor.

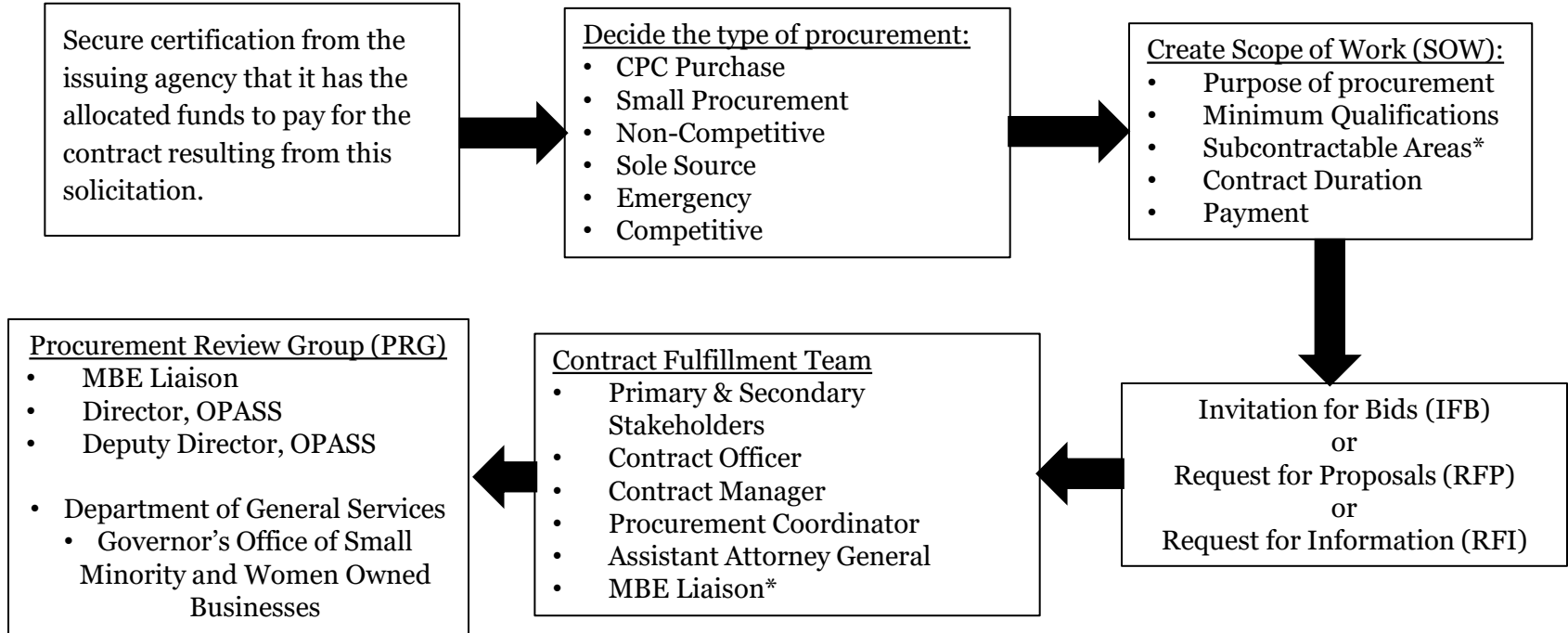
MINORITY BUSINESS ENTERPRISE

In 1978, Maryland's 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. The Department examines procurements and sets specific minority participation goals on a contract-by-contract basis. Procedures are followed to assure that an award of a contract is not made until a prime contractor has met the established MBE goal(s) by subcontracting with a certified small, minority- or women-owned firm(s), **or** has demonstrated a good faith effort to meet those goal(s).

VETERAN-OWNED SMALL BUSINESS ENTERPRISE ---

The Veteran-Owned Small Business Enterprise (VSBE) program was created to provide contracting opportunities to veteran-owned businesses. There is a Statewide goal of 1% VSBE participation for each agency. VSBE goals are set on a contract-by-contract basis. The PRG reviews and makes the final decision regarding VSBE goal setting.

PROCUREMENT PROCESS



SMALL PROCUREMENTS & CREDIT CARD PURCHASES

Category I (\$0 - \$5,000)

- Catering Services
- Laboratory Accessories
- Promotional Items
- Transcription/Court Reporting Services
- Housekeeping/Janitorial Supplies

(MDH directly solicits at least three vendors)

Category II (\$5,001 - \$15,000)

- Medical/Rehab Supplies
- Health Consultant Services
- Computer Peripherals
- Laboratory Equipment Maintenance
- Tobacco Cessation Toolkits

(MDH solicits via eMMA, direct solicitation list, and OPASS website)

Category III (\$15,001 - \$50,000)

- Media Buys (TV, radio) to promote specific DHMH programs
- Health Consultant Services
- Laboratory Testing Equipment
- Health Staffing Services
- Health Conference Facilities

(MDH solicits via eMMA, direct solicitation list, and OPASS website)

TYPES OF PROCUREMENTS

Non-Competitive – MDH is required to avail itself of the State’s Master Contracts for certain commonly acquired goods & services:

- Office Supplies
- Interpretation Services
- Travel Services
- IT Services
- Maryland Correctional Enterprises

TYPES OF PROCUREMENTS

Sole Source – Occasionally, only a single source exists for procurement of a needed product or service. Sole source procurements must be authorized by the agency head or designee in writing and posted to eMMA within 30 days of contract award.

Emergency – Any procurement made to avoid or mitigate serious damage to public health, safety or welfare. Once authorized, an attempt must be made to obtain as much competition as possible under the circumstances. *Failure to plan ahead for necessary goods or services does not constitute an emergency.*

Competitive – Used to acquire goods and services other than those which may be obtained through a blanket purchase order or under specialized programs (BISM, MCE, Maryland Works)

SETTING MBE/VSBE GOALS

SBR designation, and MBE and VSBE goals are set for each contract on a case-by-case basis. **These goals are developed by each unit and based on the scope of work and the estimated cost of the contract.**

Once the scope of work and cost of the contract has been determined, subcontractable areas and their respective costs should be determined by the unit.

Common Subcontractable Areas include:

Printing • Accounting • Staffing • Mail Services • Data Entry

SETTING MBE/VSBE GOALS

Some contracts do not have any areas available for subcontracting:

- Contracts for medical staffing (physicians, psychologists, nursing) do not have areas available for subcontracting.
- Contracts for proprietary hardware or software are considered Sole Source contracts and typically do not have areas available for subcontracting.

SEARCHING SBR DATABASE

The screenshot shows the eMMA website interface. At the top left is the eMMA logo. At the top right, there is a notification bell icon and a language dropdown menu set to "English". The main content area on the left features a large "emma" logo with "e" in red, "mma" in black, and "a" in yellow, with "SM" to its right. Below the logo is the text "eMaryland Marketplace Advantage". A welcome message reads: "Welcome to eMaryland Marketplace Advantage (eMMA)". Below this is a paragraph: "eMMA is Maryland's new online procurement platform used to connect the vendor community with contracting opportunities from state, county, and local government entities. Registered vendors will receive notices of bid opportunities, can submit bid responses online, and may obtain bid results online." Another paragraph follows: "Qualified vendors may also complete the self-certification process for the Small Business Reserve (SBR) Program and Veteran-owned Small Business Enterprise (VSBE) Program." The final paragraph states: "eMMA facilitates an open, transparent, and efficient procurement process. We look forward to doing business with you!". On the right side, there is a "LOGIN" section with input fields for "Email / Username" and "Password", a "Login" button, and a link for "Forgot Password?". Below the login section is a vertical list of navigation links, each with a small icon of people shaking hands: "New Vendor? Register Now", "Public Solicitations", "Public Contracts", and "Vendor Search". The "Vendor Search" link is circled in red.

SEARCHING SBR DATABASE

emma

English

Vendor Name Commodities Areas Served

Country: UNITED STATES State:

VSBE Vendor SBR Vendor

Filters Country: UNITED STATES x

eMMA Vendor ID	Company Name	City	State	Zip Code	Vendor Contact	Company Phone #	SBR Vendor	SBR Certification #	SBR Expiration
SUP015416		Hyattsville	MD	20783			<input type="checkbox"/>		
SUP019044		aurora	CO	80013	toby cooper		<input type="checkbox"/>		
SUP017332	Arthur W Burger	Santa Fe	NM	87501	Arthur Burger		<input type="checkbox"/>		
SUP016246	Bellman & Symfon North America	Wilmington	NC	28405	Catherine DeVito	910-239-5796	<input type="checkbox"/>		
SUP020521	BSN Sports US Games				Ellen Ormsby		<input type="checkbox"/>		
-----	CLARK						<input type="checkbox"/>		

SEARCHING SBR DATABASE

emma

English

Maximize

Commodity selector

Keywords

Search **Reset**

Check all

- 10000000 - Live Plant and Animal Material and Accessories and Supplies
- 11000000 - Mineral and Textile and Inedible Plant and Animal Materials
- 12000000 - Chemicals including Bio Chemicals and Gas Materials
- 13000000 - Resin and Rosin and Rubber and Foam and Film and Elastomeric Materials
- 14000000 - Paper Materials and Products
- 15000000 - Fuels and Fuel Additives and Lubricants and Anti corrosive Materials
- 20000000 - Mining and Well Drilling Machinery and Accessories
- 21000000 - Farming and Fishing and Forestry and Wildlife Machinery and Accessories
- 22000000 - Building and Construction Machinery and Accessories
- 23000000 - Industrial Manufacturing and Processing Machinery and Accessories
- 24000000 - Material Handling and Conditioning and Storage Machinery and their Accessories and Supplies
- 25000000 - Commercial and Military and Private Vehicles and their Accessories and Components

SEARCHING MBE DATABASE



Office of Minority Business Enterprise

Maryland's Official Certification Agency

The MDOT Directory of Certified MBE, DBE, SBE and ACDBE Firms

Pre-Defined Directory Searches

[Frequently Asked Questions](#)

Search Type	Firms	Options	Downloads
Download the entire directory	6,664	download only	xls file (3613 kB)
Download all MBE/DBE contract eligible firms	6,630	download only	xls file (3601 kB)
Download all SBE eligible firms	6,165	download only	xls file (3348 kB)
View or download all SBE ONLY firms	228	display all	xls file (118 kB)
View or download all fully graduated firms	34	display all	xls file (12 kB)
View or download all partially graduated firms	99	display all	xls file (62 kB)
View or download all new firms (certified less than a year)	760	display all	xls file (351 kB)
View or download all ACDBE eligible firms	127	display all	xls file (68 kB)
Track your application for MDOT certification	386	display all	xls file (59 kB)

How Would You Like To Search?

Select as many fields as may be appropriate for your search. Criteria will be entered on the next screen.

[Select All](#) | [Clear All](#)

Firm Name <input checked="" type="checkbox"/>	County (Maryland firms only) <input type="checkbox"/>	Zip Code <input type="checkbox"/>
Minority Status <input type="checkbox"/>	City <input type="checkbox"/>	Phone Number <input type="checkbox"/>
Product or Service <input type="checkbox"/>	State <input type="checkbox"/>	Contact Name <input type="checkbox"/>
NAICS Code <input type="checkbox"/>	Street Address <input type="checkbox"/>	Certification Number <input type="checkbox"/>

[Search and Display Options](#)

Next

SEARCHING MBE DATABASE



Office of Minority Business Enterprise

Maryland's Official Certification Agency

The MDOT Directory of Certified MBE, DBE, SBE and ACDBE Firms

Custom Directory Search

[Frequently Asked Questions](#)

Fields left empty will not be searched and will have no effect on the result.

Field Name

Search Terms [\[clear all fields\]](#)

Search Context

Product or Service:

Find ALL of these words ▼



Search

- Find ANY of these words
- Find this EXACT phrase



SEARCHING VSBE DATABASE

Find Veteran Businesses

[Advanced Search](#)

Business Name

DUNS

DBA

NAICS Codes

Keywords - Separate keywords
with blank spaces

Search by VOSB or SDVOSB?
All



State/Territory

- Alabama
- Alaska
- Alberta
- American Samoa
- Arizona
- Arkansas
- British Columbia

Selected Search Areas



PROCUREMENT REVIEW GROUP

In order to enhance the procurement and MBE Program process by maximizing opportunities for participation of small, minority and veteran-owned businesses on contracts with the Department of Health, and to facilitate the achievement of these goals, we have established a Procurement Review Group (PRG). The PRG reviews contracts over \$100,000 for subcontracting opportunities for small, minority and veteran-owned businesses.

Procurements between \$50,000 and \$100,000 are reviewed and approved by the Director of OPASS & the MBE Liaison.

PROCUREMENT REVIEW GROUP

As a part of the new Statewide Procurement process, MDH is required to submit all PRG paperwork to the Department of General Services (DGS) Office of State Procurement (OSP), for peer review.

Submissions to DGS OSP are made by the MBE Liaison only.

Once completed packets are received by the OSP PRG, the submissions will be placed in the queue for the next scheduled meeting.

SBR DESIGNATION

Every contract starts as an SBR Designated contract. Using eMaryland Marketplace Advantage, each unit should search for vendors able to complete the Scope of Work.

If there are **three (3) or more** registered and qualified SBRs, the contract **must** be designated as an SBR Procurement.

eMaryland Marketplace Advantage SBR Vendor Search:

<https://emma.maryland.gov/>

SBR EXEMPTION

In order to qualify for an exemption to the SBR designation, the unit must provide a valid justification. Valid justifications include:

- Sole Source
- Large scope of work/dollar amount of contract
- No available SBR vendors

The exemption justification **must** include a brief description of the scope of work, the amount of available vendors and the reason for the exemption request.

PRG DOCUMENTATION

The documents **required** to be reviewed by the PRG are:

- SBR Exemption Form (if applicable) (including first page of search results)
- MBE Goal Setting Form (including first page of search results)
- VSBE Goal Setting Form (including first page of search results)
- Scope of Work

MBE FORM

MBE GOAL
PRG Review and Approval Form
for Minority Business Enterprises (MBE)
 MARYLAND DEPARTMENT OF HEALTH (MDH)
 Office of Procurement and Support Services (OPASS)

SBR Procurement

ADPIC #: M00R M00 CO		OPASS #: Previous OPASS #:		Solicitation Title: Neuropathology Services			
Select: <input type="checkbox"/> New Procurement <input type="checkbox"/> Retro/Emergency <input type="checkbox"/> Sole Source <input type="checkbox"/> IGCP <input type="checkbox"/> Option <input type="checkbox"/> Mod							
Administration: OCME Contact Name: CONTRACT MONITOR Procurement Coordinator: BUYER/PROC STAFF Phone: Phone:							
OPASS Contract Officer Name: OPASS STAFF Phone:							
Anticipated Dollar Amount (including options): \$1,000,000				Anticipated Start Date: 1/1/2020			
Incumbent Vendor: Yes <input type="checkbox"/> No <input type="checkbox"/>							
Vendor Name: VENDOR NAME <i>*If incumbent vendor, please attach most recent budget</i>			Non-Profit: <input type="checkbox"/>	MBE: <input type="checkbox"/>	SBR: <input type="checkbox"/>		
For new procurements only: Duration of Contract Base: 3 year(s) month(s) Option 1: 365 day(s) Option 2: day(s) Option 3: day(s) Option 4: day(s) Option 5: day(s)							
For options only Option Term: <input type="checkbox"/> Option: day(s)							
For modifications only: Modification Term: <input type="checkbox"/> Modification: day(s)							
MBE Subcontract Goal: 0 %	Previous Goal: %	Goal Met <input type="checkbox"/>	Sub Goal Total:	African American:	Asian American:	Hispanic American:	Women:

Goal Explanation/Justification: Your goal-setting factors should consider which portions of the prime contract can be subcontracted to available MBEs certified by MDOT to perform required tasks that are a part of the solicitation.

THE JUSTIFICATION SHOULD INCLUDE A BRIEF DESCRIPTION OF THE WORK. IF THERE ARE SUBCONTRACTABLE ELEMENTS, THEY SHOULD BE LISTED HERE. IF THERE ARE NOT SUBCONTRACTABLE ELEMENTS, THAT SHOULD BE STATED HERE.

ADPIC #: M00R 9400536 M00 CO	OPASS #: Previous OPASS #:	Solicitation Title: Gas Chromatograph/Mass Spectrometer for OCME
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MBE SEARCH RESULTS

Categories Subcontractable	Number of Certified Companies in each Category	Estimated Dollar Value	Percentage of Anticipated Award
TOTAL	0	\$0.00	0%

If a goal is not feasible for this contract, attach a list of those companies certified by MDOT which will be directly solicited with their names and certification number.



VSBE FORM

VSBE GOAL

PRG Review and Approval Form

for Veteran-Owned Small Business Enterprises (VSBE)

MARYLAND DEPARTMENT OF HEALTH (MDH)
Office of Procurement and Support Services (OPASS)

SBR Procurement

ADPICS #: M00R M00 CO		OPASS #: Previous OPASS #:	Solicitation Title: NEUROPATHOLOGY SERVICES		
Select: <input type="checkbox"/> New Procurement <input type="checkbox"/> Retro/Emergency <input type="checkbox"/> Sole Source <input type="checkbox"/> IGCP <input type="checkbox"/> Option <input type="checkbox"/> Mod					
Administration: OCME					
Contact Name: CONTRACT MONITOR Phone:			Procurement Coordinator: BUYER/PROC STAFF Phone:		
OPASS Contract Officer Name: OPASS STAFF Phone:					
Anticipated Dollar Amount (including options): \$1,000,000			Anticipated Start Date:		
Incumbent Vendor*: <input type="checkbox"/> Yes <input type="checkbox"/> No		Non-Profit: <input type="checkbox"/>	MBE: <input type="checkbox"/>	SBR: <input type="checkbox"/>	
Vendor Name: CURRENT VENDOR		VSBE Goal: 0 %		Goal Met: <input type="checkbox"/> Yes <input type="checkbox"/> No	
*If incumbent vendor, please attach most recent budget					
For new procurements only: Duration of Contract Base: 3 year(s) month(s) Option 1: 365 day(s) Option 2: day(s) Option 3: day(s) Option 4: day(s) Option 5: day(s)					
For options only Option Term: <input type="checkbox"/> Option: day(s)					
For modifications only Modification Term: <input type="checkbox"/> Modification: day(s)					

Goal Explanation/Justification:
Include an explanation and justify your goal. Your goal factors should include available VSBEs who are verified by the Center for Veterans Enterprise of the United States Department of Veterans Affairs (<http://www.vetbiz.gov>).

THE JUSTIFICATION SHOULD INCLUDE A BRIEF DESCRIPTION OF THE WORK. IF THERE ARE SUBCONTRACTABLE ELEMENTS, THEY SHOULD BE LISTED HERE. IF THERE ARE NOT SUBCONTRACTABLE ELEMENTS, THAT SHOULD BE STATED HERE.

Recommendation:

- Approved as submitted**
 Approved with recommended changes (see comments)
 Denied:
- Stated goal is insufficient. Recommended goal is %.
 - Failure to include justification for VSBE subcontracting goal.
 - Other (see comments below)

ADPICS #: M00R M00 CO	OPASS #: Previous OPASS #:	Solicitation Title:
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VSBE SEARCH RESULTS

Categories Subcontractable	Number of Certified Companies in each Category	Estimated Dollar Value	Percentage of Anticipated Award
TOTAL	0	\$0.00	0%

JUSTIFICATION EXAMPLES

SBR Exemption: The Prevention and Health Promotion Administration requests a SBR exemption for this RFP. This is one of the Center for Cancer Prevention and Control's largest contracts and it involves specialized services that would not be suitable for small businesses. The incumbent contractor, Westat, Inc., does not qualify for the SBR program and while we hope to expand the competition for the new contract, we do not want to exclude the incumbent from competing for it.

JUSTIFICATION EXAMPLES

MBE Goal (0%): The Prevention and Health Promotion Administration recommends a 0% goal for this contract because of the highly specialized tasks involved that are not available from MBE vendors. The work described in this solicitation must be performed by individuals who are both knowledgeable and have experience with the reporting requirements for submitting cancer data.

JUSTIFICATION EXAMPLES

MBE Goal (>0%): It is the Commissions' determination that a MBE subcontractor would be most suitable providing the functions of printing, preparing and mailing the survey; entering and transmitting data; performing follow up correspondence; receiving, tabulating and categorizing comments, complaints and inquiries about the survey; formatting and distributing the final report.

JUSTIFICATION EXAMPLES

VSBE Goal (0%): The Health Services Cost Review Commission is looking for one individual to support the work activities under this RFP to be performed primarily by a senior level individual. Given the nature of the senior level consulting, and the expertise required, this work does not lend itself to subcontracting. Therefore, we are asking for an exemption from the VSBE requirement.

JUSTIFICATION EXAMPLES

VSBE Goal (>0%): It is the Commissions' determination that a subcontractor would be most suitable providing the functions of printing, preparing and mailing the survey; entering and transmitting data; performing follow up correspondence; receiving, tabulating and categorizing comments, complaints and inquiries about the survey; formatting and distributing the final report. The Commission will comply with the state recommended minimum goal of 1%.

MBE SUBGOALS

MDH sets subgoals on contracts with an MBE goal of **25% or higher**. Subgoals are based on the dollar amount of the contract, the MBE goal and the type of subcontractable work available. A prime vendor who is also a certified MBE may count 100% towards **one (1)** of the categories they are certified for.

Recommended Subgoals				
Industry Category	Main	IT	Serv	CSE
Subgroups				
African American	8%	7%	7%	6%
Hispanic American	3%	2%	--	--
Asian American	3%	--	4%	5%
Women	--	8%	12%	10%
Subgoal Total	14%	17%	23%	21%

VENDOR SEARCHES

A list of certified SBR vendors can be found at:

<https://emma.maryland.gov/>

A list of certified MBE vendors can be found at:

<https://mbe.mdot.maryland.gov/directory/>

A list of VSBE vendors can be found at

<https://www.vip.vetbiz.va.gov/>

DIRECT SOLICITATION

Direct solicitation is recommended for every contract. Direct solicitations can increase the pool of vendors, specifically small and minority-owned businesses.

- Previous bidders
- Vendor Outreaches
- Keyword searches
- Internet search

COMPLIANCE

COMAR regulates contract compliance before and after award. Along with bid or proposal submissions, if applicable, bidders/offerors are required to submit the following:

- MDOT Certified MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule (Attachment D-1)
- VSBE Utilization Affidavit & Subcontractor Participation Schedule (Attachment M-1)

These forms require the vendors to acknowledge their intention to meet the overall goal(s) set for the solicitation. These forms also require the vendors to provide the name(s) of the minority business enterprises the vendor intends to use, their MDOT MBE or DUNS certification number, as well as their certification category. Additionally, the percentage of the **total contract value** to be provided by the particular subcontractor should be entered, as well as a specific description of the work that is to be performed by that particular subcontractor.

COMPLIANCE

Payment Forms

After the solicitation is awarded, it is **MANDATORY** that the subcontractor information is entered in ADPICS. The subcontractor information should include:

- Name of subcontractor
- MBE/VSBE Designation
- Amount promised to subcontractor

Prime vendors and subcontractors are required to submit the **D-4** and the **D-5** forms, respectively. This payment information should be entered into ADPICS on a monthly basis.

These payment reports are an essential part of the MBE reporting process.

COMPLIANCE

Waiver Requests & Good Faith Efforts

Bidders/offerors may request a waiver of either the MBE or VSBE goal, or both. In order to obtain a waiver, a bidder must demonstrate that it took all necessary and reasonable steps to achieve the goal(s). An adequate good faith effort will be determined by considering the **quality, quantity** and **intensity** of the different kinds of efforts that the bidder has made.

Mere pro forma efforts are not good faith efforts.

The determination regarding good faith efforts is a judgment call; meeting quantitative formulas is not required.

COMPLIANCE

Corrective Action Plans

Upon determining that a contractor did not make good faith efforts to comply with contract MBE participation goals, the procurement agency shall notify the contractor in writing of its findings and shall specify what corrective actions are required. The contractor is required to initiate the corrective actions within 10 days and complete them within the time specified by the procurement agency.

IMPORTANT!

- If there are 3 or more SBR vendors available, the contract **must** be designated as an SBR Procurement
- Scope of Work **must** be included with PRG documentation for review
- **“There are no subcontractable elements” is not an acceptable justification**
- Procurements **less than** \$100,000 are reviewed by the Director of OPASS and the MBE Liaison