

**AMENDMENT ACKNOWLEDGEMENT FORM**

**CATS+ TORFP # OTHS/OTHS-14-002-S  
Blanket Purchase Order #: N00B4400085  
ENTERPRISE CONTENT MANAGEMENT  
SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES**

Amendment Acknowledgement:

The Offeror: \_\_\_\_\_ acknowledges receipt of Amendment No. 5 and is made aware of the changes contained therein. By signing this form the Offeror accepts the changes as part of the contract requirement.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

Note: This form must be signed and returned to the Procurement Officer by 2:00 p.m. on December 19, 2014.

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SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES**

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Authorized Signature

\_\_\_\_\_  
Date

Note: This form must be signed and returned to the Procurement Officer by 2:00 p.m. on December 19, 2014.

**ENTERPRISE CONTENT MANAGEMENT SYSTEM (ECMS) TORFP  
SOLICITATION #: N00B4400085 OTHS/OTHS -14-002-S**

**QUESTIONS and RESPONSES: SERIES 2**

QUESTION #1: Given the length of our audited financial statements, can Bidders provide these documents via website URL link or in electronic format only?

RESPONSE: No. Master Contractors shall provide hard copies of the audited financial statements.

QUESTION #2: Please confirm if the correct delivery address for proposals (both mail or hand delivery) is:

Department of Human Resources Information Services  
1100 Eastern Boulevard  
Essex, MD 21221

RESPONSE: Yes. This will be addressed via Amendment #4.

QUESTION #3 Can bidders include a transmittal letter to precede the Technical proposal?

RESPONSE: Master Contractors may include a transmittal letter. However, one is not required.

QUESTION #4: Who is responsible for the ECMS software costs?

RESPONSE: The TO Contractor is responsible for ECMS software costs. Please refer to TORFP Sections 2.5.1.H and 2.5.7.1.2.

QUESTION #5: Confirm the list of software that would need to be maintained. What is the current list of software and the end date for the current licenses in place?

RESPONSE: A list will be provided as Attachment #31 via Amendment #4.

QUESTION #6: Confirm the business hours of operations Mon-Sat 7am-8pm.

RESPONSE: Confirmed. The hours of operation are Mon.- Sat. from 7 a.m. to 8 p.m.

QUESTION #7: Need to confirm the key and non-key personnel. There is a discrepancy of resources defined in the RFP for the non key personnel. Also, please provide qualifications for non-key positions.

RESPONSE: See Amendment #4. Per Section 2.10, in reference to non-key personnel: The TO Contractor shall ensure the individuals it uses to fill these categories meet the required qualifications outlined in the CATS+ RFP.

QUESTION #8: States the business hours for TO Contractor to manage the application from 7 AM - 8 PM, but also mentions these application needs to be supported 24x7. Need Clarification on whether the hours supported outside the regular hours are billed hourly on a T&M basis.

RESPONSE: Master Contractors are expected to include costs associated with this support into their fully burdened rates.

QUESTION #9: The TORFP mentions about 20 spare workstations. Do we need to procure these or does DHR already have them?

RESPONSE: The TO Contractor is required to procure the workstations. See revisions to Attachment 1-C via Amendment #4.

QUESTION #10: DHR will provide standards for response within 30 calendar days after NTP. Then how would we estimate for proposal? Need to add assumption and risk to SLA response times listed in Sec 2.5.14.

RESPONSE: Please see Amendment #4.

QUESTION #11: In regards to the ECMS user database- Does the database already exist or does the successful Bidder need to build one from scratch ? If so, can this be done via Excel or Access?

RESPONSE: Yes, a database exists within the ECMS. The TO Contractor is not required to build one.

QUESTION #12: In 2.5.1.Y, the vendor is directly performing database administration for the ECMS databases. Please confirm that this is the expectation for the new contract period.

RESPONSE: Yes, the TO Contractor is responsible for database administration.

QUESTION #13: Can you provide more information about the Trouble Resolution Confirmation Call, such as what it is? The Minimum Acceptable Service Level for this standard does not seem to sync with the information in 2.5.14 Table 1 which does not call for 24x7x365 response availability. Which table takes precedence?

RESPONSE: Information on the Resolution Call may be found in TORFP Section 2.5.6. The Department revised the Service Level- see Amendment #4.

QUESTION #14: Call Pickup. RFP Section 2.5.6 reads in part, “In the event that the OTHS help desk cannot successfully resolve the issue, the Remedy ticket/request will be emailed to the ECMS Help Desk.” Given that tickets will be sent to the TO Contractor via email, what incoming calls are required to meet this measure?

RESPONSE: Normally there are no incoming calls. As is explained in 2.5.6: “In the event the ECMS Help Desk receives any phone calls, faxes or e-mails directly from end users, the ECMS Help Desk shall direct the worker to first contact the OTHS help desk.”

QUESTION #15: System Trouble Resolution Time to repair system and peripheral hardware. The Minimum Acceptable Service Level for this standard does not seem to sync with the information in 2.5.14 Table 1 which allow for 1 to 3 business days is an onsite visit is required, depending on the classification. Which table takes precedence?

RESPONSE: See Amendment #4.

QUESTION #16: Are the training and surplus workstations required under Section 2.5.1.U and 2.5.1.V to be stored at the DHR location considered “State property provided for Contractor use” under this requirement? Will DHR issue a new TO to purchase additional equipment if the number of surplus workstations required exceeds expectations? If not, how many surplus workstations should the TO Contractor purchase?

RESPONSE: See the response to Question #9 above.

QUESTION #17: TORFP Section 2.10.A.2 reads, “Possess three (5) years of experience...” Is the required number of years of experience 3 or 5?

RESPONSE: It should read “three (3).” See Amendment #4.

QUESTION #18: Does DHR expect 1 semi-monthly timesheet with information about all employees or a semi-monthly timesheet for each employee? The TORFP text reads, “...shall submit a semi-monthly timesheet...” but later reads, “Title: ‘Time Sheet for Staff Name.’”

RESPONSE: DHR requires one (1) semi-monthly timesheet that contains information for all employees. See Amendment #4.

By:  
*Richard Wright*  
Procurement Officer  
Issued: November 21, 2014

**ENTERPRISE CONTENT MANAGEMENT SYSTEM (ECMS) TORFP  
SOLICITATION #: N00B4400085 OTHS/OTHS -14-002-S**

**QUESTIONS and RESPONSES: SERIES 3**

QUESTION #1: In the DHR hardware standards, under desktop standards. Uninterrupted Power Supply (UPS) is listed as a workstation requirement. Since UPS is not listed on the pricing sheet, we would like to confirm if UPS is part of the Tech Refresh, and if so, how should the UPS cost be provided in the response?

RESPONSE: Master Contractors should include the cost for UPSs as part of their proposed workstation prices. Minimum standards for the UPS units can be found in Attachment 30.

QUESTION #2: The Computers and Scanners listed in the Tech Refresh pricing sheet may no longer be available. We assume that the TO Contractor is allowed to refresh this equipment using the DHR HW standards requirements set forth in Attachment 30. Please confirm.

RESPONSE: If any hardware listed on Attachment 1-C is unavailable, the TO Contractor may refresh the equipment pursuant to DHR's Minimum Hardware Standards (see Attachment 30).

QUESTION #3: Who owns the current ECMS licenses? If it is not DHR, can the current licenses be transferred to DHR? Since the current licenses are not on the pricing sheet, how should this cost be provided in the response?

RESPONSE: DHR owns the licenses identified in Attachment 31 of the TOFRP, "Current ECMS Software." Master Contractors may refer to TORFP Section 2.5.7.1 for additional information regarding software licenses. Master Contractors shall incorporate software costs into the fully burdened labor rates they provide.

By:  
*Richard Wright*  
Procurement Officer  
Issued: December 2, 2014



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

OTHS/OTHS/14-002-S
ENTERPRISE CONTENT MANAGEMENT
SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES (REVISED)

No. N00B4400085
AMENDMENT NO. 5

November 25, 2014

Dear Master Contractors:

This Amendment is being issued to clarify certain information contained in the above named TORFP. All information contained herein is binding on all Master Contractors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in bold (i.e. word) and language that has been deleted has been marked with a strikethrough (i.e. ~~word~~). Master Contractors shall submit the attached Amendment Acknowledgement Form by 2 p.m. local time, December 19, 2014

1. Revise the Key Information Summary Sheet (page 6), as follows:

Table with 2 columns: Closing Date and Time, December 12 19 2014 at 2:00 PM Local Time

2. Revise TORFP Section 1.14 MINORITY BUSINESS ENTERPRISE, as follows:

This TORFP has MBE goals and sub-goals as stated in the Key Information Summary Sheet above. A Master Contractor that responds to this TORFP shall complete, sign, and submit all required MBE documentation at the time of TO Proposal submission (See Attachment 2 Minority Business Enterprise Forms and Section 3 Task Order Proposal Format and Submission Requirements). Failure of the Master Contractor to complete, sign, and submit all required MBE documentation at the time of TO Proposal submission will result in the State's rejection of the Master Contractor's TO Proposal.

1.14.1 MBE PARTICIPATION REPORTS

DHR will monitor both the TO Contractor's efforts to achieve the MBE participation goal and compliance with reporting requirements.

- A. Monthly reporting of MBE participation is required in accordance with the terms and conditions of the CATS+ Master Contract by the 15th day of each month.
- B. The TO Contractor shall provide a completed MBE Prime Contractor Paid/Unpaid MBE Invoice Report (Attachment 2—Form D-5) to DHR/OTHS at the same time the invoice is formally submitted.
- C. The TO Contractor shall ensure that each MBE Subcontractor provides a completed monthly MBE Participation Form (Attachment 2—Form D-6).
- D. The TO Contractor shall provide all completed forms, copies of invoices and checks paid to the MBE directly to the TO Procurement Officer and TO Manager, if requested for audit.
- E. The prime and sub-contractor must submit their respective monthly MBE Participation Forms (Attachment 2—Forms D5 and D6) electronically to the designated email address to be determined at a later time. DHR/OTHS will monitor both the TO Contractor's efforts to achieve the MBE participation goal and compliance with reporting requirements.

**This TORFP has MBE goals and sub-goals as stated in the Key Information Summary Sheet above.**

**A Master Contractor that responds to this TORFP shall complete, sign, and submit all required MBE documentation at the time of TO Proposal submission (See Attachment 2 Minority Business Enterprise Forms and Section 3 Task Order Proposal Format and Submission Requirements). Failure of the Master Contractor to complete, sign, and submit all required MBE documentation at the time of TO Proposal submission will result in the State's rejection of the Master Contractor's TO Proposal.**

**In 2014, Maryland adopted new regulations as part of its Minority Business Enterprise (MBE) program concerning MBE primes. Those new regulations, which became effective June 9, 2014 and are being applied to this task order, provide that when a certified MBE firm participates as a prime contractor on a contract, an agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. Please see the attached MBE forms and instructions.**

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- C) **The TO Contractor shall ensure that each MBE subcontractor provides a completed Subcontractor Paid/Unpaid MBE Invoice Report (Attachment 2-5).**





**D) Subcontractor reporting shall be sent directly from the subcontractor to the TO Requesting Agency. The TO Contractor shall e-mail all completed forms, copies of invoices and checks paid to the MBE directly to the TO Manager.**

**3. Revise TORFP Section 3.3, SUMMARY OF ATTACHMENTS, as follows:**

No attachment forms shall be altered and signatures shall be clearly visible.

A. The following attachments shall be included with the TO Technical Proposal:

1. Minority Business Enterprise Participation (~~Attachments D-1—D-2~~); **(Attachment 2 – MBE forms D-1A)**;
2. Attachment 4 – Conflict of Interest Affidavit and Disclosure;
3. Attachment 5 – Labor Classification Personnel Resume Summaries;
4. Attachment 13 – Living Wage Affidavit of Agreement;
5. Attachment 15 – VSBE Utilization Form; and
6. Attachment 16 – Certification Regarding Investments in Iran.

**4. Revise TORFP LIST OF ATTACHMENTS, page 107, as follows:**

Attachment 2	Minority Business Enterprise Participation ( <del>Attachments D-1—D-7</del> <b><u>D-1A</u></b> )	Applicable	Submit with TO Technical Proposal
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**5. Replace all MBE Attachments (Attachment 2) with new attachments.**

Should you require clarification of the information provided in this Amendment, please contact me by email at [richard.wright@maryland.gov](mailto:richard.wright@maryland.gov) or by phone at 410-238-1267

By:  
*Richard Wright*  
Procurement Officer  
Issued: November 25, 2014

## ATTACHMENT 31 – CURRENT ECMS SOFTWARE

License Maintenance Type	Last Known Renewal Date	# of Licenses
Tier 1 <b>Compass Capture</b> License Maintenance	6/1/2014	150
Tier 2 <b>Compass Capture</b> License Maintenance	6/1/2014	71
Concurrent Client <b>OnBase</b> License Maintenance	6/1/2014	200
Concurrent Client <b>OnBase</b> License Maintenance	7/1/2014	268
Concurrent Client <b>OnBase</b> License Maintenance	10/1/2014	200
Concurrent Client <b>OnBase</b> License Maintenance	11/1/2014	100
<b>OnBase</b> EDM Services Maintenance	11/1/2014	1
<b>OnBase</b> Document Retention Maintenance	11/1/2014	1
<b>OnBase</b> Distributed Disk Service Maintenance	11/1/2014	1
<b>OnBase</b> Multi-User Service Maintenance	11/1/2014	1
<b>OnBase</b> Virtual Print Driver Maintenance	11/1/2014	1
<b>OnBase</b> Report Services Maintenance	11/1/2014	1
<b>OnBase</b> Unity Integration Toolkit Maintenance	11/1/2014	1
<b>OnBase</b> Unity Client Server Maintenance	11/1/2014	1
<b>OnBase</b> Workflow Concurrent Client SL Maintenance	11/1/2014	3
Concurrent Client <b>Onbase</b> License Maintenance	12/1/2014	200
Concurrent Client <b>OnBase</b> Lic Maintenance	12/1/2014	200
Concurrent Client <b>OnBase</b> Lic Maintenance	4/1/2015	200

**ENTERPRISE CONTENT MANAGEMENT SYSTEM (ECMS) TORFP  
SOLICITATION #: N00B4400085 OTHS/OTHS -14-002-S**

**QUESTIONS and RESPONSES: SERIES 4**

QUESTION #1: Are Contractors to purchase maintenance licenses for all software listed on Attachment 31?

RESPONSE: Yes.

QUESTION #2: Are Contractors to purchase three years of maintenance to cover the base contract period?

RESPONSE: Yes. Contractors shall ensure the License Maintenance Types listed in Attachment 31 cover/run for the duration of the base contract period as well as renewal periods (if DHR exercises a renewal option).

QUESTION #3: Are Contractors to purchase new software licenses for the 20 new workstations and scanners?

RESPONSE: Yes. Master Contractors may refer to TORFP Section 2.5.1.J for additional information regarding software updates/replacement.

QUESTION #4: Are Contractors to purchase three years of maintenance for the 20 new workstations and scanners?

RESPONSE: Yes. The TO Contractor is required to include a three-year warranty for all workstation hardware components. Please refer to Attachment 30 for additional information.

QUESTION #5: How exactly are Contractors to apply software costs to the labor rates provided? Should they be applied evenly across all labor categories or applied to only a single labor type?

RESPONSE: That is for the Master Contractors to determine in the course of preparing their proposals. See Questions and Responses, Series #3; Question #3.

QUESTION #6: Will the State consider modifying the price sheet to isolate software and software maintenance separate from labor rates?

RESPONSE: No. As stated in the response to Questions and Responses, Series #3; Question #3, Master Contractors shall incorporate software costs into the fully burdened labor rates they provide.

By:  
*Richard Wright*  
Procurement Officer  
Issued: December 4, 2014



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

OTHS/OTHS/14-002-S
ENTERPRISE CONTENT MANAGEMENT
SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES (REVISED)

No. N00B4400085
AMENDMENT NO. 5

November 25, 2014

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2. Attachment 4 – Conflict of Interest Affidavit and Disclosure;
3. Attachment 5 – Labor Classification Personnel Resume Summaries;
4. Attachment 13 – Living Wage Affidavit of Agreement;
5. Attachment 15 – VSBE Utilization Form; and
6. Attachment 16 – Certification Regarding Investments in Iran.

**4. Revise TORFP LIST OF ATTACHMENTS, page 107, as follows:**

Attachment 2	Minority Business Enterprise Participation ( <del>Attachments D-1—D-7</del> <b><u>D-1A</u></b> )	Applicable	Submit with TO Technical Proposal
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Should you require clarification of the information provided in this Amendment, please contact me by email at [richard.wright@maryland.gov](mailto:richard.wright@maryland.gov) or by phone at 410-238-1267

By:  
*Richard Wright*  
Procurement Officer  
Issued: November 25, 2014



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

OTHS/OTHS/14-002-S
ENTERPRISE CONTENT MANAGEMENT
SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES (REVISED)

No. N00B4400085
AMENDMENT NO. 6

November 25, 2014

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- 1. Minority Business Enterprise Participation;
(Attachment 2 - MBE forms D-1A - (Attachment 2 -1A));
2. Attachment 4 - Conflict of Interest Affidavit and Disclosure;
3. Attachment 5 - Labor Classification Personnel Resume Summaries;
4. Attachment 13 - Living Wage Affidavit of Agreement;
5. Attachment 14- Mercury Affidavit
6. Attachment 15 - VSBE Utilization Form; and
7. Attachment 16 - Certification Regarding Investments in Iran.

2. Revise TORFP LIST OF ATTACHMENTS, page 107, as follows:.

Table with 4 columns: Attachment 2, Minority Business Enterprise Participation D-1A) 2-1A, Applicable, Submit with TO Technical Proposal



Should you require clarification of the information provided in this Amendment, please contact me by email at [richard.wright@maryland.gov](mailto:richard.wright@maryland.gov) or by phone at 410-238-1267

By:  
*Richard Wright*  
Procurement Officer  
Issued: November 25, 2014

ATTACHMENT 1-C - PRICE PROPOSAL FOR TECH REFRESH				Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed			
				Proposed Price		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
				Computers				Scanners				
OFFICE NAME	ADDRESS	ADMIN	TOTAL WORKSTATIONS	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed	TOTAL NON-FLATBED (FEEDER)	TOTAL FLATBED	PRICE FOR REFRESH PER LOCATION
Saratoga State Center (SSC)	311 W. Saratoga Street Baltimore, MD 21201	FIA, CSEA	7	6	1	1	6			1	6	\$0.00
Office of Special Projects	311 W. Saratoga Street Baltimore, MD 21201	FIA	2		2		2			0	2	\$0.00
DHRIS	1100 Eastern Blvd Essex, MD 21221		1		1		1			0	1	\$0.00
<b>ALLEGANY COUNTY</b>												
Allegany County Department of Social Services (DSS)	1 Frederick Street Cumberland, MD 21502	FIA, CSEA	9	6	3	7	2			7	2	\$0.00
Allegany County Human Resources Development Commission, Inc. (HRDC)	19 Frederick Street Cumberland, MD 21502	OHEP	1		1		1			0	1	\$0.00
<b>ANNE ARUNDEL COUNTY</b>												
Anne Arundel County DSS - Annapolis	80 West Street Annapolis, MD 21401	FIA	7	4	3	5	2			5	2	\$0.00
Anne Arundel County DSS - Glen Burnie	7500 Ritchie Highway Glen Burnie, MD 21061	FIA	7	4	3	5	2			5	2	\$0.00
Anne Arundel County Office of Child Support Enforcement (OCSE) (Metro Office)	44 Calvert Street Annapolis, MD 21401	CSEA	5	4	1	2	3			2	3	\$0.00
Anne Arundel County Economic Opportunity Committee, Inc.	251 West Street Annapolis, MD 21401	OHEP	1		1		1			0	1	\$0.00
<b>BALTIMORE CITY</b>												
Baltimore City DSS – Dunbar-Orangeville Center	2919 E. Biddle Street, 1 <sup>st</sup> Fl. Baltimore, MD 21213	FIA	5	3	2	2	3			2	3	\$0.00
Baltimore City Central Office & FIA Customer Care Center	1510 Guilford Avenue, 2 <sup>nd</sup> Fl Rm 271 Baltimore, MD 21202	FIA	4	2	2	3	1			3	1	\$0.00
Baltimore City DSS – Southwest Center	1223 W. Pratt Street Baltimore, MD 21223	FIA	10	6	4	4	6			4	6	\$0.00
Baltimore City DSS – NERO (merged with Clifton Johnson Square to form NERO)	2000 N. Broadway Baltimore, MD 21213	FIA	11	8	3	7	4			7	4	\$0.00
Baltimore City DSS – Hilton Heights Center	500 N. Hilton Street Baltimore, MD 21229	FIA	6	4	2	4	2			4	2	\$0.00
Baltimore City DSS – Northwest Center	5818 Reisterstown Road Baltimore, MD 21215	FIA	6	4	2	1	5			1	5	\$0.00
Baltimore City DSS – Penn-North Center	2500 Pennsylvania Avenue Baltimore, MD 21217	FIA	6	4	2	2	4			2	4	\$0.00
Baltimore City DSS – Harbor View Center	18 Reedbird Avenue Baltimore, MD 21225	FIA	5	3	2	2	3			2	3	\$0.00
Baltimore City DSS – Central Medical Assistance	2000 N. Broadway, 2 <sup>nd</sup> Fl Baltimore, MD 21213	FIA	4	2	2	2	2			2	2	\$0.00

ATTACHMENT 1-C - PRICE PROPOSAL FOR TECH REFRESH												
				Proposed Price	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed		
					\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
				Computers				Scanners				
OFFICE NAME	ADDRESS	ADMIN	TOTAL WORKSTATIONS	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed	TOTAL NON-FLATBED (FEEDER)	TOTAL FLATBED	PRICE FOR REFRESH PER LOCATION
Baltimore City DSS – FIB Quality Assurance & P/IM Operations/Job	1510 Gullford Avenue Baltimore, MD 21202	FIA	5	2	3	2	3			2	3	\$0.00
Baltimore City DHCD	2700 N Charles Street Baltimore, MD 21218	CREATES (Baltimore City OHEP)	2		2	1	1			1	1	\$0.00
Northern CAC	5225 York Rd Baltimore, MD	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
Southern CAC	606 Cherry Hill Rd Baltimore MD	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
Eastern CAC	1400 E Federal St Baltimore MD	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
Southeast CAC	3411 Bank St Baltimore MD	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
Northwest CAC	3939 Reisterstown Rd Baltimore MD	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
Weatherization	2700 N Charles Street Baltimore MD 21218	CREATES (Baltimore City OHEP)	1		1		1			0	1	\$0.00
<b>BALTIMORE COUNTY</b>												
Baltimore County OCSE (Metro Office)	170 Ridgely Road, Ste 200	CSEA	4	4		2	2			2	2	\$0.00
FIA Long Term Care Center	910 Frederick Road Catonsville, MD 21228	FIA	5	3	2	1	4			1	4	\$0.00
Baltimore County DSS – Catonsville	910 Frederick Road Catonsville, MD 21228	FIA	4	3	1	2	2			2	2	\$0.00
Baltimore County DSS – Dundalk	1400 Merritt Boulevard, Ste C Dundalk, MD 21222	FIA	4	3	1	1	3			1	3	\$0.00
Baltimore County DSS – Essex	439 Eastern Avenue Essex, MD 21221	FIA	5	3	2	1	4			1	4	\$0.00
Baltimore County DSS – Reisterstown	134 Chartley Drive Reisterstown, MD 21136	FIA	5	3	2	1	4			1	4	\$0.00
Baltimore County DSS – Towson	6401 York Road Towson, MD 21286	FIA	19	5	14	1	8	5	5	6	13	\$0.00
Baltimore County Health and Human Services	6401 York Road Baltimore MD 21212	OHEP	2		2	1	1			1	1	\$0.00
<b>CALVERT COUNTY</b>												
Calvert County DSS	200 Duke Street Prince Frederick, MD 20678	FIA, CSEA	8	6	2	0	8			0	8	\$0.00
Southern Maryland Tri-County Community Action Committee, Inc.	8371 Old Leonardtown Rd Hughesville, MD 20637	OHEP	1		1		1			0	1	\$0.00
<b>CAROLINE COUNTY</b>												
Caroline County DSS (Satellite office)	300 Market Street Denton, MD 21629	FIA, CSEA	4	4		1	3			1	3	\$0.00

ATTACHMENT 1-C - PRICE PROPOSAL FOR TECH REFRESH				Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed			
				Proposed Price	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
				Computers				Scanners				
OFFICE NAME	ADDRESS	ADMIN	TOTAL WORKSTATIONS	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed	TOTAL NON-FLATBED (FEEDER)	TOTAL FLATBED	PRICE FOR REFRESH PER LOCATION
Caroline County DSS	207 S. 3rd Street Denton, MD 21629	CSEA	4	1	3	1	3			1	3	\$0.00
Caroline County Dept of Social Services - OHEP	300 Market Street PO Box 400 Denton, MD 21629	OHEP	1		1		1			0	1	\$0.00
<b>CARROLL COUNTY</b>												
Carroll County DSS	1232 Tech Court Westminster, MD 21157	FIA, CSEA	11	6	5	7	4			7	4	\$0.00
Human Services Programs of Carroll County, Inc.	10 Distillery Drive, Suite G1 PO Box 489 Westminster, MD 21158	OHEP	1		1		1			0	1	\$0.00
<b>CECIL COUNTY</b>												
Cecil County DSS	170 E. Main Street Elkton, MD 21921	FIA, CSEA	10	6	4	6	4			6	4	\$0.00
Cecil County Department of Social Services	170 E Main Street Elkton, MD 21921	OHEP	1		1		1			0	1	\$0.00
<b>CHARLES COUNTY</b>												
Charles County DSS	200 Kent Avenue La Plata, MD 20646	FIA, CSEA	11	6	5	7	4			7	4	\$0.00
<b>DORCHESTER COUNTY</b>												
Dorchester County DSS	627 Race Street Cambridge, MD 21613	FIA, CSEA	7	4	3	2	5			2	5	\$0.00
Dorchester County Department of Social Services	627 Race St Cambridge, MD 21613	OHEP	1		1		1			0	1	\$0.00
<b>FREDERICK COUNTY</b>												
Frederick County DSS	100 E. All Saints Street Frederick, MD 21701	FIA, CSEA	12	6	6	7	5			7	5	\$0.00
Frederick County Department of Social Services	100 S Market St Frederick, MD 21701 NOTE: Office will be moving	OHEP	1		1		1			0	1	\$0.00
<b>GARRETT COUNTY</b>												
Garrett County DSS	12578 Garrett Highway Oakland, MD 21550	FIA, CSEA	6	4	2	3	3			3	3	\$0.00
Garrett County DSS (Satellite office)	28 Hershberger Lane Grantsville, MD 21536	FIA, CSEA	2	2		1	1			1	1	\$0.00
Garrett County Community Action Committee, Inc.	104 East Center Street Oakland, MD 21550	OHEP	1		1		1			0	1	\$0.00
<b>HARFORD COUNTY</b>												
Harford County OCSE	101 S. Main Street, Ste. 200 Bel Air, MD 21014	CSEA	3	3		2	1			2	1	\$0.00
Harford County - W.A.G.E. Connection DHR/Department of Labor.	975 Beards Hill Road Aberdeen, MD 21001	FIA	3	2	1	1	2			1	2	\$0.00
Harford County DSS	2 S. Bond Street, Ste 300 Bel Air, MD 21014	FIA	6	3	3	4	2			4	2	\$0.00
Harford Community Action Agency, Inc.	1321 B Woodbridge Station Way Edgewood, MD 21040	OHEP	1		1		1			0	1	\$0.00
<b>HOWARD COUNTY</b>												
Howard County DSS	7121 Columbia Gateway Drive Columbia, MD 21044	FIA, CSEA	10	6	4	6	4			6	4	\$0.00

ATTACHMENT 1-C - PRICE PROPOSAL FOR TECH REFRESH				Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed			
					Proposed Price	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
				Computers				Scanners				
OFFICE NAME	ADDRESS	ADMIN	TOTAL WORKSTATIONS	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed	TOTAL NON-FLATBED (FEEDER)	TOTAL FLATBED	PRICE FOR REFRESH PER LOCATION
Community Action Council of Howard County, Md. Inc.	6751 Columbia Gateway Dr Columbia, MD 21046	OHEP	1		1		1			0	1	\$0.00
<b>KENT COUNTY</b>												
Kent County OCSE	315 High Street Chestertown, MD 21620	CSEA	3	2	1	1	2			1	2	\$0.00
Kent County DSS	350 High Street Chestertown, MD 21620	FIA	4	2	2	2	2			2	2	\$0.00
Kent County Department of Social Services	350 High Street PO Box 670 Chestertown, MD 21620	OHEP	1		1		1			0	1	\$0.00
<b>MONTGOMERY COUNTY</b>												
Montgomery County OCSE (Metro office)	51 Monroe Street Rockville, MD 20850	CSEA	4	4		2	2			2	2	\$0.00
Montgomery County DHHS – MA Outreach	401 Hungerford Drive, 4th floor Rockville, MD 20850	FIA	2	2		1	1			1	1	\$0.00
Montgomery County DHHS – Rockville Center	1301 Piccard Dr. 2nd Fl Rockville, MD 20850	FIA	6	3	3	2	4			2	4	\$0.00
Montgomery County – Silver Spring Regional Center	8818 Georgia Ave. Silver Spring, MD 20910	FIA	6	3	3	3	3			3	3	\$0.00
Montgomery County DHHS - Suburban Washington	8719 Colesville Road, 3rd Floor Silver Spring, MD 20910	FIA	2	2		1	1			1	1	\$0.00
Montgomery County DHHS – Up County Regional	12900 Middlebrook Rd Germantown MD 20874	FIA	6	3	3	2	4			2	4	\$0.00
Montgomery County	1301 Piccard Drive Rockville, MD 20850	OHEP	1		1		1			0	1	\$0.00
<b>PRINCE GEORGE'S COUNTY</b>												
Prince George's County OCSE	4235 28th Avenue Temple Hills, MD 20748	CSEA	12	5	7	4	8			4	8	\$0.00
Prince George's County DSS – South County	4235 28th Avenue Temple Hills, MD 20748	FIA	5	2	3	2	3			2	3	\$0.00
Prince George's County DSS – Hyattsville	6505 Belcrest Rd Hyattsville, MD 20782	FIA, CSEA	5	2	3	2	3			2	3	\$0.00
Prince George's County DSS – 425 RISE	425 Brightseat Road Landover, MD 20785	FIA, CSEA	6	3	3	3	3			3	3	\$0.00
Prince George's Works	1200 Merchantile Lane Largo, MD 20774	FIA	2		2	0	2			0	2	\$0.00
Administration	805 Brightseat Road Landover, MD 20785	FIA	2		2	0	2			0	2	\$0.00
Prince George's County Department of Social	805 Brightseat Road Landover, MD 20785	OHEP	1		1		1			0	1	\$0.00
<b>QUEEN ANNE'S COUNTY</b>												
Queen Anne's County OCSE	125 Comet Drive Centreville, MD 21617	CSEA	3	2	1	1	2			1	2	\$0.00
Queen Anne's County DSS	125 Comet Drive Centreville, MD 21617	FIA	5	2	3	1	4			1	4	\$0.00
Queen Anne's County Department of Social	125 Comet Drive Centreville, MD 21617	OHEP	1		1		1			0	1	\$0.00
<b>ST. MARY'S COUNTY</b>												

ATTACHMENT 1-C - PRICE PROPOSAL FOR TECH REFRESH													
				Proposed Price	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
				Computers				Scanners					
OFFICE NAME	ADDRESS	ADMIN	TOTAL WORKSTATIONS	Dell Optiplex 790	Dell Optiplex 7010	Fujitsu fi-6140 / fi-6140z non-flatbed (feeder)	Fujitsu fi-6240 / fi-6240z flatbed	Fujitsu fi-7160 non-flatbed	Fujitsu fi-7260 flatbed	TOTAL NON-FLATBED (FEEDER)	TOTAL FLATBED	PRICE FOR REFRESH PER LOCATION	
St. Mary's County DSS (Satellite office) Note: All users configured under St. Mary's County DSS at site's request	21775 Great Mills Road Lexington Park, MD 20653	FIA, CSEA	5	2	3	3	2			3	2	\$0.00	
St. Mary's County DSS	23110 Leonard Hall Drive Leonardtown, MD 20650	FIA, CSEA	10	6	4	7	3			7	3	\$0.00	
<b>SOMERSET COUNTY</b>													
Somerset County DSS	30397 Mt. Vernon Road Princess Anne, MD 21853	FIA, CSEA	7	4	3	3	4			3	4	\$0.00	
SHORE UPI INC	520 Snow Hill Road Salisbury, MD 21803	OHEP	1		1		1			0	1	\$0.00	
<b>TALBOT COUNTY</b>													
Talbot County DSS	301 Bay Street, Unit 5 Easton, MD 21601	FIA, CSEA	7	4	3	1	6			1	6	\$0.00	
Neighborhood Services Center, Inc.	126 Port Street Easton, MD 21601	OHEP	1		1		1			0	1	\$0.00	
<b>WASHINGTON COUNTY</b>													
Washington County DSS	122 N. Potomac Street Hagerstown, MD 21740	FIA, CSEA	12	6	6	9	3			9	3	\$0.00	
Community Action Council, Inc.	101 Summit Avenue Hagerstown, MD 21740	OHEP	1		1		1			0	1	\$0.00	
<b>WICOMICO COUNTY</b>													
Wicomico County DSS	201 Baptist Street, Ste 27 Salisbury, MD 21801	FIA	8	4	4	4	4			4	4	\$0.00	
Wicomico County DSS – One Stop	31901 Tri-County Way Salisbury, MD 21804	FIA, CSEA	4	4		2	2			2	2	\$0.00	
<b>WORCESTER COUNTY</b>													
Worcester County DSS	299 Commerce Street Snow Hill, MD 21863	FIA	3	2	1	1	2			1	2	\$0.00	
Worcester County OCSE		CSEA	2	2		1	1			1	1	\$0.00	
TRAINING WORKSTATIONS	stored at 1100 Eastern Blvd, Essex MD 21221 + 1 is at PSI's VT ofc to use for testing		5	5		3	2			3	2	\$0.00	
SURPLUS FROM ADVANCED FEATURES TO ORDER	currently with PSI hardware vendor		2		2		2			0	2	\$0.00	
Additional Surplus Workstations to be purchased by TO Contractor	stored at 1100 Eastern Blvd, Essex MD 21221 + 1 is at PSI's VT ofc to use for testing		20		20		10		10	0	20	\$0.00	
<b>TOTALS</b>			<b>429</b>	<b>221</b>	<b>208</b>	<b>169</b>	<b>240</b>	<b>5</b>	<b>15</b>	<b>174</b>	<b>255</b>	<b>\$0.00</b>	<b>TOTAL PRICE FOR TECH REFRESH &amp; SURPLUS WORKSTATIONS</b>
<b>Cross-Check for Total Price</b>				\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	



TASK ORDER REQUEST FOR PROPOSALS (TORFP)
STATE OF MARYLAND
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF TECHNOLOGY FOR HUMAN SERVICES

OTHS/OTHS/14-002-S
ENTERPRISE CONTENT MANAGEMENT
SYSTEM (ECMS) OPERATIONS AND MAINTENANCE (O&M) SUPPORT SERVICES (REVISED)

No. N00B4400085
AMENDMENT NO. 4

November 21, 2014

Dear Master Contractors:

This amendment is being issued to amend certain information in the above-named TORFP. All information contained herein is binding on all Offerors who respond to this TORFP. Specific parts of the TORFP have been amended. The changes are listed below. New language has been double underlined and marked in bold (i.e. word), and language that has been deleted has been marked with a strikethrough (i.e. word).

1. Revise TORFP TABLE OF CONTENTS (page 5) as follows:

ATTACHMENT 31 – CURRENT ECMS SOFTWARE.....212

2. Add to TORFP “Key Information Summary Sheet” (page 6), as follows:

Table with 2 columns: Contact information for questions and TO proposals, and contact details for Richard Wright at DHRIS.

3. Revise TORFP Section 2.1 as follows:

2.1 PURPOSE

DHR’s OTHS is issuing this CATS + TORFP to obtain maintenance and system operation support services, as well as enhancement upgrades, for DHR’s web-based ECMS application from one (1) Master Contractor. Additional information regarding DHR’s ECMS is located in Section 2.3.



As part of the evaluation of the proposal for this TO, **Master Contractors shall propose exactly four (4) named key resources** and shall describe in a Staffing Plan how additional resources shall be acquired to meet the needs of the DHR, and shall do so by proposing a Service Level Agreement that details the timing plan and methodology for initial staffing.

While only four (4) labor categories are identified as Key Personnel to be available for evaluation, DHR will issue a Sub Task Order immediately upon TO award for ~~four (4)~~ six (6) additional Non-Key resources following the Sub Task Order Process in Section 2.17 for a total of ~~eight (8)~~ ten (10) resources at the start of the TO. DHR may request an additional ~~ten (10)~~ nine (9) resources, using the Sub Task Order process, for a maximum concurrent resource count of ~~eighteen (18)~~ nineteen (19).

The following Labor Categories are Key Resources:

- Project Manager;
- Database Manager;
- Help Desk Specialist (Senior); and
- Administrator, Systems.

The following Labor Categories are Non- Key Resources DHR will add through a Sub Task Order upon TO award:

- Applications Development Expert;
- Help Desk Specialist (Senior);
- Help Desk Specialist (Junior) (2)
- Analyst, Systems (Senior); and
- Network Technician (Senior).

Additionally, DHR may, via the Sub Task Order process, request additional resources in any of the following Labor Categories:

- Project Manager
- Applications Development Expert
- Database Manager
- Help Desk Specialist (Junior) (2)
- Analyst, Systems (Senior)
- Network Technician (Senior)
- Administrator, Systems
- Testing Specialist; and
- Training Specialist/Instructor.





4. Revise TORFP Section 2.5.1.W, TO CONTRACTOR RESPONSIBILITIES, as follows:

Adhere to standards for application response times and meet all prescribed SLAs as outlined in Section 2.5.14 of this TORFP. DHR will provide the standards for response times within 30 Calendar Days of the NTP.

5. Revise TORFP Section 2.5.14, SERVICE LEVEL AGREEMENT – Table, as follows:

Trouble Resolution Confirmation Call – Total time elapsed to provide trouble resolution confirmation.	All problems resolved	<del>100% within 15 minutes of trouble resolution 24x7x365</del> <b><u>Sev 1 -100% within 15 minutes of resolution 24X7X365;</u></b> <b><u>Sev 2 &amp; Sev 3 – 100% within 15 minutes of resolution during normal hours of operation</u></b>	Immediately upon completion of transition-in
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System Trouble Resolution Time to repair system and peripheral hardware.	Workstations and scanners running ECMS applications	<del>90% within 2 hours during Normal hours of operation</del> <b><u>Sev. 1- Normal hours of operation 90% within 2 hours</u></b> <b><u>Sev. 2- Normal hours of operation. Monday-Friday excluding DHR holidays. 90% within 8 hours For repairs that require distance travel: Critical – 1 business day; Medium/Low – 2 business days; No urgency – 5 business</u></b>	Immediately upon completion of transition-in
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		<u>days</u>	
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**6. Revise TORFP Section 2.10, TO CONTRACTOR AND OTHER PERSONNEL OTHER REQUIREMENTS, as follows:**

~~As stated in Section 2.1, DHR will issue Sub Task Orders to obtain resources for the following labor categories:~~

- ~~• Project Manager;~~
- ~~• Database Manager;~~
- ~~• Senior Help Desk Specialist;~~
- ~~• Junior Help Desk Specialist (2);~~
- ~~• Analyst, Systems (Senior);~~
- ~~• Network Technician (Senior);~~
- ~~• Administrator, Systems;~~
- ~~• Testing Specialist; and~~
- ~~• Training Specialist/Instructor.~~

**As stated in Section 2.1, DHR will issue Sub Task Orders to obtain resources for the following labor categories:**

- **Applications Development Expert;**
- **Help Desk Specialist (Senior);**
- **Help Desk Specialist (Junior) (2)**
- **Analyst, Systems (Senior); and**
- **Network Technician (Senior).**

**Additionally per Section 2.1, DHR may issue Sub Task Orders for the following labor categories:**

- **Project Manager**
- **Applications Development Expert**
- **Database Manager**
- **Help Desk Specialist (Junior)**
- **Analyst, Systems (Senior)**
- **Network Technician (Senior)**
- **Administrator, Systems**
- **Testing Specialist; and**
- **Training Specialist/Instructor.**

**7. Revise TORFP Section 2.10.A.2, TO CONTRACTOR AND OTHER PERSONNEL REQUIREMENTS, as follows:**

A. The Master Contractor's proposed Help Desk Specialist (Junior) shall:



- 2. Possess three ~~(5)~~ **(3)** years of experience diagnosing, troubleshooting and resolving client issues with hardware maintenance, installations and upgrades.

**8. Revise TORFP Section 2.16, TIME SHEET SUBMISSION AND ACCEPTANCE, as follows:**

**2.16 TIME SHEET SUBMISSION AND ACCEPTANCE**

Within three (3) business days after the 15th and last day of the month, the TO Contractor shall submit a semi-monthly timesheet for the preceding half month ~~providing~~ **that contains** data for ~~all resources~~ **each resource** provided under the TO.

At a minimum, each semi-monthly timesheet shall show:

- A. Title: "Time Sheet for ~~Staff Name~~"
- B. Issuing company name, address, and telephone number
- C. For each employee /resource:
  - 1) Employee / resource name
  - 2) The period's end date, e.g., "Period Ending: mm/dd/yyyy" (Periods run 1<sup>st</sup> through 15<sup>th</sup> and 16<sup>th</sup> through last day of the month):
  - 3) Tasks completed that week and the associated deliverable names and ID#s
  - 4) Number of hours worked each day
  - 5) Total number of hours worked that Period
  - 6) Period variance above or below 40 hours
  - 7) Annual number of hours planned under the TO
  - 8) Annual number of hours worked to date
  - 9) Balance of hours remaining
  - 10) Annual variance to date (Sum of periodic variances)
- D. Signature and date lines for the TO Manager

Time sheets shall be submitted to the TO Manager for approval by signature. TO Manager acceptance of timesheets shall acknowledge the accuracy of the time reported.

**9. Add to TORFP Section 4.4, LIST OF ATTACHMENTS:**

<u>Attachment 31</u>	<u>Current ECMS Software</u>	<u>Applicable</u>	<u>Do Not Submit with Technical Proposal</u>
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- 10. Remove Attachment 1-A, provided on 10/9/2014 and replace it with Attachment 1-A (revised) provided on 11/19/2014.
- 11. Remove Attachment 1-C, provided on 10/9/2014 and replace it with Attachment 1-C (revised) provided on 11/19/2014.
- 12. Add TORFP Attachment #31.



Should you require clarification of the information provided in this Amendment, please contact me by email at [richard.wright@maryland.gov](mailto:richard.wright@maryland.gov) or by phone at 410-238-1267.

By:  
*Richard Wright*  
Procurement Officer  
Issued: November 21, 2014

**(REVISED) ATTACHMENT 1A PRICE PROPOSAL**

**PRICE PROPOSAL FOR CATS+ TORFP # N00B4400085**

The total class hours (Column B) are not to be construed as “guaranteed” hours; the total number of hours is an estimate only for purposes of price sheet evaluation.

A year for this task order shall be calculated as one calendar year from NTP. **Labor Rate Maximums:** The maximum labor rate that may be proposed for any CATS+ Labor Category shall not exceed the maximum for the CATS+ Master Contract year in effect on the TO Proposal due date.

Job Title from TORFP	CATS+ Labor Category	Hourly Labor Rate	Total Hours	Total Proposed Price
<b>Three (3) Year Base – Year 1</b>				
Project Manager - <b>Key</b>	Project Manager	\$	1960	\$
Administrator, Systems - <b>Key</b>	Administrator, Systems	\$	1960	\$
Database Manager - <b>Key</b>	Database Manager	\$	1960	\$
Senior Help Desk Specialist (2 Resources, but only 1 is <b>Key</b> )	Senior Help Desk Specialist	\$	3920	\$
Junior Help Desk Specialist (2)	Junior Help Desk Specialist (2)	\$	3920	\$
Applications Development Expert	Applications Development Expert	\$	1960	\$
Analyst, Systems (Senior)	Analyst, Systems (Senior)	\$	1960	\$
Network Technician (Senior)	Network Technician (Senior)	\$	1960	\$
<b>Three (3) Year Base – Year 2</b>				
Project Manager - <b>Key</b>	Project Manager	\$	1960	\$
Administrator, Systems - <b>Key</b>	Administrator, Systems	\$	1960	\$
Database Manager - <b>Key</b>	Database Manager	\$	1960	\$
Senior Help Desk Specialist (2 Resources, but only 1 is <b>Key</b> )	Senior Help Desk Specialist	\$	3920	\$
Junior Help Desk Specialist (2)	Junior Help Desk Specialist (2)	\$	3920	\$
Applications Development Expert	Applications Development Expert	\$	1960	\$
Analyst, Systems (Senior)	Analyst, Systems (Senior)	\$	1960	\$

Job Title from TORFP	CATS+ Labor Category	Hourly Labor Rate	Total Hours	Total Proposed Price
Network Technician (Senior)	Network Technician (Senior)	\$	1960	\$
<b>Three (3) Year Base – Year 3</b>				
Project Manager - <b>Key</b>	Project Manager	\$	1960	\$
Administrator, Systems - <b>Key</b>	Administrator, Systems	\$	1960	\$
Database Manager - <b>Key</b>	Database Manager	\$	1960	\$
Senior Help Desk Specialist (2 Resources, but only 1 is <b>Key</b> )	Senior Help Desk Specialist	\$	3920	\$
Junior Help Desk Specialist (2)	Junior Help Desk Specialist (2)	\$	3920	\$
Applications Development Expert	Applications Development Expert	\$	1960	\$
Analyst, Systems (Senior)	Analyst, Systems (Senior)	\$	1960	\$
Network Technician (Senior)	Network Technician (Senior)	\$	1960	\$
		<b>Proposed Price- 3 Yr. Base Period</b>		\$
<b>Option Year 1</b>				
Project Manager - <b>Key</b>	Project Manager	\$	1960	\$
Administrator, Systems - <b>Key</b>	Administrator, Systems	\$	1960	\$
Database Manager - <b>Key</b>	Database Manager	\$	1960	\$
Senior Help Desk Specialist (2 Resources, but only 1 is <b>Key</b> )	Senior Help Desk Specialist	\$	3920	\$
Junior Help Desk Specialist (2)	Junior Help Desk Specialist (2)	\$	3920	\$
Applications Development Expert	Applications Development Expert	\$	1960	\$
Analyst, Systems (Senior)	Analyst, Systems (Senior)	\$	1960	\$
Network Technician (Senior)	Network Technician (Senior)	\$	1960	\$
		<b>Proposed Price- Option Yr. 1</b>		\$
<b>Option Year 2</b>				
Project Manager - <b>Key</b>	Project Manager	\$	1960	\$
Administrator, Systems - <b>Key</b>	Administrator, Systems	\$	1960	\$
Database Manager - <b>Key</b>	Database Manager	\$	1960	\$

Job Title from TORFP	CATS+ Labor Category	Hourly Labor Rate	Total Hours	Total Proposed Price
Senior Help Desk Specialist (2 Resources, but only 1 is <b>Key</b> )	Senior Help Desk Specialist	\$	3920	\$
Junior Help Desk Specialist (2)	Junior Help Desk Specialist (2)	\$	3920	\$
Applications Development Expert	Applications Development Expert	\$	1960	\$
Analyst, Systems (Senior)	Analyst, Systems (Senior)	\$	1960	\$
Network Technician (Senior)	Network Technician (Senior)	\$	1960	\$
		<b>Proposed Price- Option Yr. 2</b>		\$
		<b>Total Proposed Price</b>		\$

\_\_\_\_\_  
Authorized Individual Name

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company Tax ID #

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The Hourly Labor Rate is the actual rate the State will pay for services and shall be recorded in dollars and cents. The Hourly Labor Rate cannot exceed the Master Contract Rate but may be lower. Rates shall be fully loaded, all-inclusive, i.e., include all direct and indirect costs and profits for the Master Contractor to perform under the TO Agreement.

**In The Matter Of:**  
*PRE-PROPOSAL CONFERENCE*  
*ENTERPRISE CONTENT MANAGEMENT SYSTEM*

---

*TASK ORDER REQUEST FOR PROPOSALS*  
*October 31, 2014*  
*OTHS/OTHS-14-002-S*

---

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1 STATE OF MARYLAND  
 2 DEPARTMENT OF HUMAN RESOURCES  
 3 \* \* \* \* \*  
 4 PRE-PROPOSAL CONFERENCE  
 5 TASK ORDER REQUEST FOR PROPOSALS  
 6 ENTERPRISE CONTENT MANAGEMENT SYSTEM (ECMS)  
 7 AND MAINTENANCE (O&M) SUPPORT SERVICES  
 8 (OTHS/OTHS-14-002-S) NOOB4400085  
 9 \* \* \* \* \*  
 10 Friday, October 31, 2014  
 11 10:00 a.m. to 10:30 a.m.  
 12 \* \* \* \* \*  
 13 Held at:  
 14 State of Maryland  
 15 Department of Human Resources  
 16 1100 Eastern Blvd.  
 17 Essex, Maryland  
 18 COURT REPORTERS, ETCetera, INC.  
 19 Maryland Washington  
 20 (410) 653-1115 (202) 628-DEPO  
 21 1-800-947-DEPO

Page 3

1 IN ATTENDANCE (cont'd.)  
 2 TVCOFA Corporation:  
 Brandon Humphries  
 3  
 4 SQN Systems:  
 Louis Bullock  
 5  
 6 FIA:  
 Joyce Westbrook  
 7  
 8  
 9 -oOo-  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21

Page 2

1 IN ATTENDANCE  
 2 STATE OF MARYLAND:  
 3 Kenyatta Powers, CIO  
 4 Tanya Williams, Deputy CIO  
 5 Tiyashi Dastidar, Chief of Staff  
 6 Joe Reese, Procurement Specialist  
 7 L'Aaron Johnson, Procurement  
 8 Richard Wright, Procurement Specialist  
 9 Donna Foster, MBE Administrator  
 10 Sharon Little, OTHS  
 11 ATTORNEY GENERAL'S OFFICE:  
 12 Scott Moore  
 13 Maximus:  
 14 Brian Shea, Director  
 15 Powersolv, Inc.:  
 16 Beth Wong, VP, Business Development  
 17 CantonGroup:  
 18 Thomas Gardner, Director  
 19 PTS Solutions:  
 20 Khin Contrino, President  
 21

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1 A-G-E-N-D-A  
 2 ITEM: PAGE:  
 3 I. Welcome and Introduction 5  
 Richard Wright, Procurement  
 4  
 5 II. Opening Remarks 9  
 Kenyatta Powers, CIO  
 6  
 7 III. Key Information  
 8 MBE Goal: Donna Foster, MBE Liaison 11  
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 Richard Wright  
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 Richard Wright  
 12 Section 4: Procedure for Awarding 19  
 L'Aaron Johnson  
 13  
 14 \*\*\*Amendments\*\*\* 20  
 15  
 16 Section 2: Scope of Work 22  
 Kenyatta Powers  
 17  
 18 V. Questions 26  
 19  
 20 VI. Closing Remarks 33  
 Kenyatta Powers  
 21

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1 PRE-PROPOSAL CONFERENCE  
2 Welcome and Introduction:  
3 **RICHARD WRIGHT:** Welcome to the  
4 Pre-Proposal Conference. My name is Richard  
5 Wright, a Procurement Specialist with OTHS.  
6 Before we begin, just a few  
7 housekeeping notes:  
8 Restrooms are located along the main  
9 hallway near the entrance. Water fountains can  
10 also be found near the restrooms.  
11 All visitors should have signed in  
12 with the security guard upon entering the  
13 building and received a visitor's sticker.  
14 Please note visitors are not permitted throughout  
15 the building without an escort.  
16 In the event of an emergency, please  
17 proceed to the nearest exit. Exits are located  
18 at the front of the building, the rear of the  
19 building, and the western side of the building.  
20 Today we'll be sharing information  
21 regarding the TORFP for Enterprise Content

Page 6

1 Management System Operations and Maintenance  
2 Support Services, originally designated with  
3 Agency Control Number OTHS/OTHS-15-029-S.  
4 If you haven't done so already, please  
5 make sure you sign in on the Sign-In Sheet; leave  
6 your business card, and identify yourself as  
7 either a Minority Business Enterprise, or  
8 Veterans Business Enterprise, or Small Business  
9 Reserve Vendor, if applicable.  
10 As we move through each section of the  
11 Agenda, please hold your questions until we reach  
12 the end of each section.  
13 Also, for the purposes of the  
14 transcription, please remember to state your name  
15 and identify your firm or corporation prior to  
16 asking your question. Court Reporters ETCetera,  
17 Incorporated is recording today's proceedings.  
18 We'll proceed now with introductions.  
19 First we'll go around the room and have State  
20 personnel introduce themselves.  
21 **KENYATTA POWERS:** Kenyatta Powers,

Page 7

1 Chief Information Officer for DHR.  
2 **TANYA WILLIAMS:** Tanya Williams,  
3 Deputy CIO.  
4  
5 **TIYASHI DASVIDA:** Tiyashi Dastidar,  
6 OTHS. I'm Chief of Staff.  
7 **DONNA FOSTER:** Donna Foster, Minority  
8 Business Enterprise.  
9 **SCOTT MOORE:** Scott Moore, Office of  
10 the Attorney General.  
11 **SHARON LITTLE:** Sharon Little, OTHS  
12 Procurement.  
13 **JOE REESE:** Joe Reese, OTHS  
14 Procurement.  
15 **RICHARD WRIGHT:** Now I would ask the  
16 representatives from our Master Contractors  
17 introduce themselves, our guests.  
18 **BRIAN SHEA:** Would that be us?  
19 **RICHARD WRIGHT:** Yes.  
20 **BRIAN SHEA:** Good morning. Brian Shea  
21 with Maximus.

Page 8

1 **BETH WONG:** Beth Wong from Powersolv,  
2 Inc.  
3 **TOM GARDNER:** Tom Gardner with the  
4 Canton Group, and we're an MBE.  
5 **KHIN CONTRINO:** Khin Contrino with  
6 Preferred Technology Solutions, MBE.  
7 **BRANDON HUMPHRIES:** Brandon Humphries  
8 TVCOFA Corporation, MBE.  
9 **LOUIS BULLOCK:** Louis Bullock, SQN  
10 Systems, MBE and Veteran.  
11 **RICHARD WRIGHT:** Okay. Thank you.  
12 We'll proceed now with opening remarks  
13 from Kenyatta Powers, the Chief Information  
14 Officer for OTHS.  
15 **THE COURT REPORTER:** Another person  
16 just came in.  
17 **RICHARD WRIGHT:** That's Joyce  
18 Westbrook.  
19 **KENYATTA POWERS:** From Family  
20 Investment Administration.  
21 Good morning, Joyce.

Page 9

1           **JOYCE WESTBROOK:** Good morning.  
2           Opening Remarks:  
3           **KENYATTA POWERS:** Good morning, ladies  
4 and gentlemen, and welcome to the Pre-Proposal  
5 Conference for the Enterprise Content Management  
6 System, Task Order Request for Proposal. The  
7 ECMS TORFP is intended to obtain maintenance and  
8 support services as well as enhancement upgrades  
9 for DHR's existing Enterprise Content Management  
10 System.  
11           This TORFP is essential to DHR, as the  
12 current ECM System provided DHR with improvements  
13 in accessing case documents, improvements in case  
14 work efficiency, improvements with customer  
15 service, and it also provided a foundation for  
16 future automation.  
17           The ECM system has also caught the eye  
18 of the Department of Information Technology,  
19 where they have actually asked DHR to conduct  
20 demos, provide presentations and lessons learned  
21 of our experience with the system to other state

Page 10

1 agencies.  
2           DHR is seeking a highly-qualify  
3 business partner with experience in managing  
4 large scale ECMS operations, and they will also  
5 continue to allow DHR to lead state agencies with  
6 ECMS guidance and support.  
7           This TORFP is primarily structured to  
8 provide maintenance and operation to the current  
9 system. However, it is also designed with the  
10 flexible to, at minimum: Make enhancements,  
11 integrate other systems, and add equipment, as  
12 funding becomes available.  
13           We are delighted to have released this  
14 TORFP and look forward to working with a business  
15 partner that will help us mature our technology  
16 services.  
17           Thank you.  
18           **RICHARD WRIGHT:** Thank you, Kenyatta.  
19           We'll now proceed with remarks from  
20 Donna Foster, the MBE Liaison for the Department  
21 of Human Resources, Central Procurement Unit.

Page 11

1           **DONNA FOSTER:** Thank you, Rick.  
2           Key Information:  
3           Good morning. Again, I'm Donna  
4 Foster, Minority Business Enterprise  
5 Administrator for the Department of Human  
6 Resources.  
7           Minority businesses are encouraged to  
8 respond to this Task Order and network after the  
9 Pre-Proposal Conference, as long as the room is  
10 available.  
11           It should be noted that the new  
12 regulation regarding a Certified MBE Prime  
13 Contractor meeting up to 50 percent of the  
14 overall MBE goal, and 100 of any one sub-goal,  
15 does not apply to this Task Order, as it results  
16 from a Master Contract that was executed prior to  
17 the effective date of the change.  
18           There has been a 35 percent MBE goal  
19 established for this Task Order, and sub-goals of  
20 9 percent women, 6 percent African American, and  
21 2 percent Hispanic American.

Page 12

1           Now we'll cover highlights of Section  
2 1.14, which covers Attachment 2 of the Task Order  
3 Request for Proposal.  
4           There are two MBE documents that must  
5 be submitted with the Task Order proposal: The  
6 MBE Utilization and Fair Solicitation Affidavit,  
7 and the MBE Participation Schedule.  
8           The MBE Utilization and Fair  
9 Solicitation Affidavit, on this form the offeror  
10 must indicate whether they plan to meet the MBE  
11 goal and sub-goals, or indicate that they plan to  
12 request a waiver, in whole or in part, of the MBE  
13 goal and sub-goals.  
14           The MBE Participation Schedule will  
15 list all the subcontractors that will be  
16 associated with this Task Order, the percentage  
17 toward the MBE goal and sub-goals, and work to be  
18 performed.  
19           In addition, the offeror will  
20 acknowledge that other MBE forms will be  
21 required.

Page 13

1 Failure to submit the MBE Utilization  
2 and Fair Solicitation Affidavit, and the MBE  
3 Participation Schedule with the Task Order  
4 Proposal, the Procurement Officer shall deem the  
5 bidder or offeror to be nonresponsive, or shall  
6 determine that the offeror is not reasonably  
7 susceptible of being selecting for award.  
8 Within 10 days of notification as the  
9 apparent awardee, the following documents are to  
10 be submitted: The Outreach Efforts Compliance  
11 Form, the Subcontractor Project Participation  
12 Certification, and Waiver documentation, if  
13 indicated on the MBE Utilization and Fair  
14 Solicitation Affidavit.  
15 If for any reason, after demonstrating  
16 a good faith effort, the successful bidder or  
17 offeror is unable to achieve the MBE goal or  
18 sub-goals, the bidder or offeror may request, in  
19 writing, a Request for a Waiver.  
20 Please pay close attention to Items 1  
21 through 5 on Form D-7, for this information

Page 14

1 supports good faith efforts and documentation to  
2 support the Waiver.  
3 Please note that if the Waiver is  
4 denied, the bid or offer is rejected, and any  
5 other documents that are required by the  
6 Procurement Officer.  
7 Failure to submit these documents  
8 within the required time frame, the Procurement  
9 Officer may determine that the bidder or offeror  
10 is not responsible and, therefore, not eligible  
11 for award. If the Task Order Agreement has been  
12 awarded, the award is voidable.  
13 Any questions?  
14 (No Response.)  
15 **DONNA FOSTER:** Thank you.  
16 **RICHARD WRIGHT:** Thank you, Donna.  
17 Section 1:  
18 We'll proceed with an overview of  
19 Section 1, in short order, but first a couple of  
20 reminders.  
21 First of all, a reminder that the

Page 15

1 following attachments must be submitted with each  
2 Technical Proposal: Attachment 2, you must  
3 submit MBE Forms D-1 and D-2; Attachment 4, the  
4 Conflict of Interest Affidavit and Disclosure;  
5 Attachment 5, the Labor Classification Personnel  
6 Resume Summaries; Attachment 13, the Living Wage  
7 Affidavit of Agreement; Attachment 15, the VSBE  
8 Utilization form; and Attachment 16,  
9 Certification Regarding Investments in Iran.  
10 The following attachments shall be  
11 included with the TO Financial Proposal:  
12 Attachments 1A, 1B, 1C, and 1D, Price Proposals.  
13 The Office of Technology for Human  
14 Services is seeking a TO Contractor to provide  
15 maintenance and system operations support  
16 services, as well as enhancement upgrades for  
17 DHR's web-based ECMS application from one Master  
18 Contractor.  
19 A resulting TO Contract will be a  
20 combination of fixed price and time and  
21 materials. Only one Contract will be awarded,

Page 16

1 and the Contract will be awarded for a period of  
2 three years with two one-year options to be  
3 exercised at the sole discretion of the State.  
4 As part of the evaluation of the  
5 proposal for this TO Contract, Master Contractors  
6 shall propose exactly four named Key Resources,  
7 and shall describe in a Staffing Plan how  
8 additional resources shall be acquired to meet  
9 the needs of the DHR, and shall do so by  
10 proposing a Service Level Agreement that details  
11 the timing, plan, and methodology for initial  
12 staffing.  
13 While only four labor categories are  
14 identified as Key Personnel to be available for  
15 evaluation, DHR will issue a Sub Task Order  
16 immediately upon TO award for 4 additional  
17 Non-Key Resources, following the Sub Task Order  
18 process in Section 2.17, for a total of 8  
19 resources at the start of the TO Contract.  
20 DHR may request an additional 10  
21 resources using the Sub Task Order process, for a

Page 17

1 maximum concurrent resource count of 18.  
2 The Key Resources and Non-Key  
3 Resources are listed in Section 2.1, Page 23 of  
4 the TORFP.  
5 As you're no doubt aware, if you're  
6 doing business with the State of Maryland, you're  
7 required to register with the Maryland Department  
8 of Assessments and Taxation, as well as with the  
9 Department of Labor and Licensing.  
10 Failure to complete registration with  
11 the Department of Assessments and Taxation may  
12 disqualify an otherwise successful Master  
13 Contractor from final consideration and  
14 recommendation for contract award.  
15 Also, please remember that I am the  
16 sole point of contact for any questions you may  
17 have during the procurement process, both before  
18 and after the closing date. If you have any  
19 questions, or if you are sending in any  
20 documentation, you need to send them to my  
21 attention.

Page 18

1 The deadline for submitting questions  
2 prior to the closing date is 2:00 p.m., November  
3 25th, 2014, and this deadline will be strictly  
4 enforced.  
5 Proposals must be received no later  
6 than 2:00 p.m. local time on December 12th, 2014.  
7 This deadline will also be strictly enforced.  
8 The subsections of Section 1 are  
9 primarily TORFP boilerplate, developed by the  
10 State of Maryland Department of Information  
11 Technology. I'm confident everyone has had a  
12 chance to review these subsections.  
13 At this time, I'll open the floor to  
14 anyone who has any questions pertaining to  
15 Section 1. Please remember to state your name  
16 and identify your firm or corporation prior to  
17 asking your question.  
18 Any questions on Section 1?  
19 (No Response.)  
20 Section 3 - Proposal Format:  
21 **RICHARD WRIGHT:** Very well.

Page 19

1 Now we'll move on to Section 3, which  
2 details the manner in which Technical and  
3 Financial Proposals are to be submitted.  
4 Please remember that electronic  
5 submissions are not acceptable for this TORFP,  
6 and must be delivered to the address listed in  
7 the Key Information Sheet, in the form of hard  
8 copies and CD-ROM, exactly as specified in  
9 Sections 3.1 through 3.4.  
10 I'll now open the floor to any  
11 questions pertaining to Section 3. Please  
12 remember to state your name and identify your  
13 firm or corporation prior to asking your  
14 question.  
15 (No Response.)  
16 **RICHARD WRIGHT:** Very well. Thank  
17 you.  
18 Section 4 - Procedure for Awarding Agreement:  
19 We'll now move on to Section 4, which  
20 describes the procedures that will be used for  
21 evaluation and award. I trust that everyone has

Page 20

1 had a chance to read Section 4.  
2 Please remember that prior to Price  
3 Proposals being opened, the Technical Proposals  
4 will be evaluated and ranked. The Technical  
5 Proposal carries more weight in terms of  
6 evaluation.  
7 At this time, I'll open the floor to  
8 anyone who has any questions pertaining to  
9 Section 4. Please remember to state your name  
10 and identify your firm or corporation prior to  
11 asking your question.  
12 (No Response.)  
13 **RICHARD WRIGHT:** Okay. Very well.  
14 Thank you.  
15 Before we get into Section 2, the  
16 Scope of Work, I'd like to draw your attention to  
17 the two Amendments that have been issued thus  
18 far.  
19 Amendments:  
20 Amendment Number 1, issued on October  
21 20th, 2014, adds Procurement Officer information

Page 21

1 to the Key Information Summary Sheet; revises the  
2 deadline for the submission of questions to  
3 November 25th, 2014; and revises the TORFP  
4 closing date and time to December 12th, 2014.  
5 Amendment Number 2, issued on October  
6 22nd, 2014, revises the Control Number of the  
7 TORFP, changing it from OTHS/OTHS-15-029-S to  
8 OTHS/OTHS-14-002-S.  
9 At this time, I'll open the floor to  
10 any questions pertaining to the Amendments.  
11 Please remember to state your name and identify  
12 your firm or corporation prior to asking your  
13 questions.  
14 Are there any questions on the  
15 Amendments?  
16 (No Response.)  
17 **RICHARD WRIGHT:** Very well. At this  
18 time, Kenyatta Powers, the Chief Information  
19 Officer for the Office of Technology, Human  
20 Sources, will discuss Section 2, the Scope of  
21 Work.

Page 22

1 Section 2 - Scope of Work:  
2 **KENYATTA POWERS:** I wanted to  
3 highlight a few sections in Section 2 that are  
4 key features that you all may need to pay very  
5 close attention to.  
6 The Purpose on Page 23, as Rick has  
7 stated, and I think is very key to repeat again:  
8 The TO Contractor shall propose exactly four (4)  
9 named resources listed as Key Personnel that DHR  
10 will evaluate for purposes of TO award.  
11 The TO Contractor shall describe in a  
12 Staffing Plan how additional resources shall be  
13 acquired to meet the needs of DHR.  
14 At Contract award, DHR will issue a  
15 Sub Task Order with Notice to Proceed to  
16 authorize an additional four (4) Non-Key  
17 personnel staff, for a maximum startup total of  
18 eight (8) resources.  
19 DHR may request an additional ten (10)  
20 resources using the Sub Task Order process, for a  
21 maximum concurrent resource count of eighteen

Page 23

1 (18) resources.  
2 In Section 2.2, it provides the DHR  
3 background information, including information on  
4 the three DHR program administrations and the  
5 three divisions within OTHS.  
6 2.2.1 and 2.2.2 provides details of  
7 DHR's current network architecture and DHR's  
8 current systems that this TORFP is supporting.  
9 Section 2.2.3 provides the background  
10 of three major contracts that this TORFP will  
11 also support, that includes DHR's Application  
12 Maintenance, Hosting, and Enterprise Project  
13 Management Office contracts.  
14 Section 2.3 explains the software  
15 vendors, which is Compass and OnBase, the  
16 document process and functionality, ECMS  
17 capabilities, equipment, and how data's actually  
18 transferred. Knowing this section is very key in  
19 understanding the structure of how ECMS currently  
20 operates.  
21 Section 2.5, starting on Page 46 to

Page 24

1 Page 69, consists of the requirements for this  
2 TORFP, that includes Contractor Responsibilities,  
3 that consists of interaction with the other key  
4 contracting vendor, maintaining the ECMS help  
5 desk, hardware, software, and N-1 requirements,  
6 technology refresh, SLAs, backup and discovery,  
7 disaster recovery, continuity plan, and details  
8 around IV&V.  
9 2.6.7.1 describes the Background  
10 Checks. The TO Contractor shall ensure its  
11 employees and subcontractors background check  
12 certifications are renewed annually at the TO  
13 Contractor's sole expense.  
14 Section 2.7, please note that the  
15 Deliverable Acceptance criteria in Section 2.7.5,  
16 and the descriptions of each deliverable starting  
17 on Page 75 through 79.  
18 In addition to the experience  
19 identified in the CATS+ Master Contract in  
20 Section 2.10, labor categories and  
21 qualifications, the TO Contractor personnel must

Page 25

1 also meet the specific qualifications in Section  
2 2.9.2.  
3 Section 2.14, Invoicing: The TO  
4 Contractor shall submit invoices monthly, by the  
5 15th business day of each month, which should  
6 include an itemized billing for all work  
7 completed and services rendered for the previous  
8 month.  
9 Section 2.16 for Time Sheet Submission  
10 and Acceptance: Within three business days after  
11 the 15th, and the last day of the month, the TO  
12 Contractor shall submit a semi-monthly time sheet  
13 for the preceding half month, providing data for  
14 all resources provided under the Task Order.  
15 This section explains in detail the minimum  
16 information that must be included in the time  
17 sheets.  
18 Time sheets shall be submitted to the  
19 TO Manager for approval by signature.  
20 Page 93, Section 2.17 explains the new  
21 Sub Task Order process.

Page 26

1 The issuance of Sub Task Orders will  
2 be subject to Department priorities and  
3 availability of funds.  
4 Additional services or resources may  
5 be provided via the Sub Task Order process. The  
6 TO Contractor shall be required to respond to the  
7 initial DHR request for a Sub Task Order within  
8 ten (10) business days, or within the time frame  
9 designated by the TO Manager.  
10 Proposed personnel on any type of Sub  
11 Task Order shall be approved by the TO Manager.  
12 The TO Manager will issue an NTP after the Sub  
13 Task Order is approved and/or interviews are  
14 completed.  
15 Are there any questions on Section 2?  
16 Yes ma'am.  
17 Questions:  
18 **BETH WONG:** Beth Wong, Powersolv, Inc.  
19 Is there an incumbent doing all this?  
20 **KENYATTA POWERS:** Correct. Yes, it  
21 is.

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1 **BETH WONG:** And can you identify who  
2 is?  
3 **KENYATTA POWERS:** Maximus.  
4 **BETH WONG:** Say it again.  
5 **KENYATTA POWERS:** Maximus is currently  
6 doing -- is the incumbent for the current  
7 contract.  
8 **BETH WONG:** Second question is that it  
9 says the company provides proof of certification,  
10 CMMI Level 3. So, I guess that's mandatory, as  
11 well?  
12 **KENYATTA POWERS:** No.  
13 **BETH WONG:** It is not company's  
14 minimum qualification?  
15 **KENYATTA POWERS:** Let me get back to  
16 you. We'll follow up with that answer. That  
17 shouldn't be there. But let's follow up on that  
18 answer to that question.  
19 **TOM GARDNER:** Tom Gardener with The  
20 Canton Group.  
21 Minimal qualifications by the Master

Page 28

1 Contractor. Can the team meet those  
2 qualifications?  
3 **KENYATTA POWERS:** The team?  
4 **TOM GARDNER:** The proposed team with  
5 your subcontractors, or is that just for the  
6 Master Contractor?  
7 **KENYATTA POWERS:** They're more -- I  
8 need to look at it in more detail and we can  
9 answer a more detailed question in writing. But  
10 more specifically it's more around the prime, but  
11 we'll answer that more in writing.  
12 **TOM GARDNER:** Okay. Thank you.  
13 **KENYATTA POWERS:** Yes.  
14 **BETH WONG:** Beth Wong, Powersolv, Inc.  
15 The evaluation criteria, do you focus  
16 more on the Master Contractor, rather the prime  
17 vendor, and not the sub? Or it's both,  
18 combination?  
19 **KENYATTA POWERS:** It's both, a  
20 combination of.  
21 Sir?

Page 29

1           **BRANDON HUMPHRIES:** Brandon Humphries,  
2 TVCOFA Corporation.  
3           Regarding the Minimum Qualifications,  
4 DBA certification from an accredited institution,  
5 will that course qualify as oracle (phonetic),  
6 service certifications, or formal college?  
7           **KENYATTA POWERS:** Repeat the question;  
8 I didn't hear the first part.  
9           **BRANDON HUMPHRIES:** Section, Minimum  
10 Qualification, "The Master Contractor's proposed  
11 Database Manager shall," and on Page 84, "Possess  
12 a DBA certification from an accredited  
13 institution." So, specifically, which  
14 institution -- I mean, what form of --  
15           **KENYATTA POWERS:** What form of a  
16 accredited institution?  
17           **BRANDON HUMPHRIES:** Yeah.  
18           **KENYATTA POWERS:** We'll have that  
19 answer in writing.  
20           **TANYA WILLIAMS:** I'm sorry, you're  
21 asking what type of certification?

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1           **BRANDON HUMPHRIES:** Right.  
2           **TANYA WILLIAMS:** The specific type of  
3 database, like if a SQL or --  
4           **BRANDON HUMPHRIES:** Right.  
5           **TANYA WILLIAMS:** So, we'll answer  
6 that.  
7           **KENYATTA POWERS:** So, I just want to  
8 be clear on your question: About the  
9 certification, or the type of institution?  
10           **BRANDON HUMPHRIES:** The certification,  
11 the SQL server, or would other ones qualify as  
12 well.  
13           **KENYATTA POWERS:** Okay. Any other  
14 questions?  
15           (No Response.)  
16           **KENYATTA POWERS:** Thank you.  
17           **BETH WONG:** Beth Wong again from  
18 Powersolv.  
19           I notice all the required key  
20 resources doesn't provide the education  
21 qualification in terms of their background. It's

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1 more emphasized on the experience. Is that  
2 something it's a must, is more experience rather  
3 than education?  
4           **L'AARON JOHNSON:** Part of the answer  
5 in the Master Contract has the qualifications for  
6 all positions, so that is the basis for the  
7 persons beginning to be qualified. And what  
8 we've done is specify the additional experience  
9 expected for the person to be evaluated on.  
10           **BETH WONG:** So, it's again more  
11 focused on the experience rather than the  
12 education?  
13           **KENYATTA POWERS:** It's both, because  
14 if you look at the Master Contract, it has  
15 specific qualifications for that particular  
16 category, so you have that qualification that you  
17 have to meet, in addition to what's stated in  
18 this TORFP.  
19           **BETH WONG:** Okay.  
20           **KENYATTA POWERS:** So, it's both.  
21           **BETH WONG:** It's both, combination.

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1 Okay.  
2           **KENYATTA POWERS:** Yes?  
3           **BRANDON HUMPHRIES:** Brandon Humphries,  
4 TVCOFA.  
5           Can a totally new solution be proposed  
6 for the ECM application?  
7           **KENYATTA POWERS:** Are we asking for a  
8 totally new --  
9           **BRANDON HUMPHRIES:** Is that possible?  
10 Could that be proposed as well, too?  
11           **KENYATTA POWERS:** You can propose it,  
12 but that's not necessarily what we're asking for.  
13           **BRANDON HUMPHRIES:** Okay.  
14           **CLARENCE HAWKINS:** We're trying to  
15 maintain and operate our current solution. But,  
16 I mean, of course we'll listen to anything you  
17 got.  
18           **KENYATTA POWERS:** Any other questions?  
19           (No Response.)  
20           **RICHARD WRIGHT:** Okay. Once again, no  
21 further questions?



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1 (No Response.)  
2 **RICHARD WRIGHT:** Kenyatta will be  
3 offering closing remarks momentarily. Give you a  
4 chance to ask any that you haven't asked. So,  
5 looks like you don't, so Kenyatta will be  
6 offering closing remarks.  
7 Closing Remarks:  
8 **KENYATTA POWERS:** So, first I'd just  
9 like to thank you for your interest in possibly  
10 bidding on the ECMS TORFP, and for attending this  
11 Pre-Proposal Conference. I hope the information  
12 that was provided was valuable and beneficial to  
13 you and that could assist you in better preparing  
14 for your Proposal.  
15 DHR is eager to award this Contract to  
16 dedicated and committed business partners.  
17 Thank you again for your time.  
18 **RICHARD WRIGHT:** Thank you, Kenyatta.  
19 Please remember that any additional questions  
20 must be e-mailed to me at:  
21 Richard.wright@maryland.gov. The

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1 cut-off date for submitting questions is November  
2 25th, 2014 at 2:00 p.m.  
3 Thank you.  
4 (Conference concluded at 10:30 a.m.)  
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1 CERTIFICATE OF REPORTER  
2 I, CHERYL JEFFERIES, a certified court  
3 reporter, do hereby certify that the foregoing  
4 Pre-Proposal Conference was stenographically and  
5 electronically recorded by me and transcribed to  
6 the best of my ability.  
7 As witness my hand this 12th day of  
8 November, 2014.  
9  
10  
11 -----  
12 CHERYL JEFFERIES  
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19  
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21

<p><b>A</b></p>	<p>11:20,21 and/or (1) 26:13</p>	<p><b>background (5)</b> 23:3,9;24:9,11;30:21</p>	<p>20:5 <b>case (2)</b> 9:13,13</p>	<p>17:10 <b>completed (2)</b> 25:7;26:14</p>
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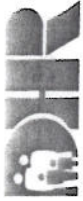
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**Maryland's Human Services Agency**

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**OFFICE OF TECHNOLOGY FOR HUMAN SERVICES**

**OTHS/OTHS-14-002-S**  
**ENTERPRISE CONTENT MANAGEMENT SOLUTION (ECM)**  
October 31, 2014

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## ATTACHMENT 2 MINORITY BUSINESS ENTERPRISE FORMS

The Minority Business Enterprise (MBE) subcontractor participation goal for this solicitation is 35 % with sub-goals for Women-owned of 9 %, African American-owned of 6 %, and Hispanic American-owned of 2 %

### TO CONTRACTOR MINORITY BUSINESS ENTERPRISE REPORTING REQUIREMENTS

CATS+ TORFP # N00B4400085

If after reading these instructions you have additional questions or need further clarification, please contact the TO Manager immediately.

- 1) As the TO Contractor, you have entered into a TO Agreement with the State of Maryland. As such, your company/firm is responsible for successful completion of all deliverables under the contract, including your commitment to making a good faith effort to meet the MBE participation goal(s) established for TORFP. Part of that effort, as outlined in the TORFP, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms 2-4A (Prime Contractor Paid/Unpaid MBE Invoice Report), 2-4B (MBE Prime Contractor Report) and 2-5 (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
- 2) The TO Contractor must complete a separate Form 2-4A for each MBE subcontractor for each month of the contract and submit one copy to each of the locations indicated at the bottom of the form. The report is due no later than the 15th of the month following the month that is being reported. For example, the report for January's activity is due no later than the 15th of February. With the approval of the TO Manager, the report may be submitted electronically. Note: Reports are required to be submitted each month, regardless whether there was any MBE payment activity for the reporting month.
- 3) The TO Contractor is responsible for ensuring that each subcontractor receives a copy of Form 2-5 (e-copy of and/or hard copy). The TO Contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, including all of the information located in the upper right corner of the form. It may be wise to customize Form 2-5 (upper right corner of the form) for the subcontractor. This will help to minimize any confusion for those who receive and review the reports.
- 4) It is the responsibility of the TO Contractor to make sure that all subcontractors submit reports no later than the 15th of each month, **including reports showing zero MBE payment activity**. Actual payment data is verified and entered into the State's financial management tracking system from the **subcontractor's 2-5 report only**. Therefore, if the subcontractor(s) do not submit 2-5 payment reports, the TO Contractor cannot and will not be given credit for subcontractor payments, regardless of the TO Contractor's proper

submission of Form 2-4A. The TO Manager will contact the TO Contractor if reports are not received each month from either the prime contractor or any of the identified subcontractors.

- 5) The TO Contractor must promptly notify the TO Manager if, during the course of the contract, a new MBE subcontractor is utilized. Failure to comply with the MBE contract provisions and reporting requirements may result in sanctions, as provided by COMAR 21.11.03.13.

**ATTACHMENT 2-1A MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT &  
MBE PARTICIPATION SCHEDULE**

**INSTRUCTIONS**

**PLEASE READ BEFORE COMPLETING THIS FORM**

**This form includes Instructions and the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule which must be submitted with the bid/proposal. If the bidder/offeree 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.**

1. Contractor shall structure its procedures for the performance of the work required in this Contract to attempt to achieve the minority business enterprise (MBE) subcontractor participation goal stated in the Invitation for Bids or Request for Proposals. Contractor agrees to exercise good faith efforts to carry out the requirements set forth in these Instructions, as authorized by the Code of Maryland Regulations (COMAR) 21.11.03.
2. MBE Goals and Subgoals: Please review the solicitation for information regarding the Contract's MBE overall participation goals and subgoals. After satisfying the requirements for any established subgoals, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.
3. MBE means a minority business enterprise that is certified by the Maryland Department of Transportation ("MDOT"). Only entities certified by MDOT may be counted for purposes of achieving the MBE participation goals. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm, including a MBE prime, must be MDOT-certified for the services, materials or supplies that it is committed to perform on the MBE Participation Schedule.
4. Please refer to the MDOT MBE Directory at [www.mdot.state.md.us](http://www.mdot.state.md.us) to determine if a firm is certified with the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit [www.naics.com](http://www.naics.com). Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals. **WARNING:** If the firm's NAICS Code is in graduated status, such services/products **may not be counted** for purposes of achieving the MBE participation goals. A NAICS Code is in the graduated status if the term "Graduated" follows the Code in the MDOT MBE Directory.
5. **NOTE: New Guidelines Regarding MBE Prime Self-Performance.** Please note that when a certified MBE firm participates as a prime contractor on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the

certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. In order to receive credit for self-performance, an MBE prime must list its firm in Section 4A of the MBE Participation Schedule, including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the subgoals, the MBE prime must also identify other certified MBE subcontractors (see Section 4B of the MBE Participation Schedule) used to meet those goals or request a waiver. For example, for a construction contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms and 4% for Asian American firms, subject to Section 4 above and this Section 5, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

For a services contract with a 30% percent MBE participation goal (overall) and subgoals of 7% for African-American firms, 4% for Asian American firms and 12% for women-owned firms, subject to Sections 4 above and this Section 5, a dually-certified Asian American/Woman MBE prime can self-perform (a) up to 15% of the overall goal and (b) up to four percent (4%) of the Asian American subgoal OR up to twelve percent (12%) of the women subgoal. Because it is dually-certified, the company can be designated as only ONE of the MBE classifications (Asian American or women) but can self-perform up to one hundred percent (100%) of the stated subgoal for the single classification it selects.

6. Subject to the restrictions stated in Section 5 above, when a certified MBE that performs as a participant in a joint venture, a procurement agency may count a portion of the total dollar value of the contract equal to the distinct, clearly-defined portion of the work of the contract that the certified MBE performs with its own forces toward fulfilling the contract goal, and not more than one of the contract subgoals, if any. For example, if a MBE firm is a joint venture partner and the State determines that it is performing with its own forces 35 percent of the work in the contract, it can use this portion of the work towards fulfilling up to fifty percent (50%) of the overall goal and up to one hundred percent (100%) of one of the stated subgoals, if applicable.

7. As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract. Please refer to COMAR 21.11.03.12-1 for more information regarding these requirements.

8. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email to [mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us) sufficiently prior to the submission due date.



9. Worksheet: The percentage of MBE participation, calculated using the percentage amounts for all of the MBE firms listed on the Participation Schedule **MUST** at least equal the MBE participation goal **and** subgoals (if applicable) set forth in the solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), the bidder/offeror must request a waiver in Item 1 of the MBE Utilization and Fair Solicitation Affidavit (Attachment 2-1A) or the bid will be deemed not responsive, or the proposal determined to be not susceptible of being selected for award. You may wish to use the Subgoal summary below to assist in calculating the percentages and confirm that you have met the applicable MBE participation goal and subgoals, if any.

**Subgoals (if applicable)**

Total African American MBE Participation: \_\_\_\_\_ %  
Total Asian American MBE Participation: \_\_\_\_\_ %  
Total Hispanic American MBE Participation: \_\_\_\_\_ %  
Total Women-Owned MBE Participation: \_\_\_\_\_ %

**Overall Goal**

Total MBE Participation (include all categories): \_\_\_\_\_ %

**ATTACHMEN 2-1A: MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT  
& MBE PARTICIPATION SCHEDULE**

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule **MUST BE** included with the bid/proposal for any solicitation with an MBE goal greater than 0%. If the Bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or offer as required, the TO Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Solicitation No. \_\_\_\_\_, I affirm the following:

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

I acknowledge and intend to meet the overall certified Minority Business Enterprise (MBE) participation goal of \_\_\_\_ percent and, if specified in the solicitation, the following subgoals (complete for only those subgoals that apply):

- \_\_\_\_ percent African American-owned MBE firms
- \_\_\_\_ percent Asian American-owned MBE firms
- \_\_\_\_ percent Hispanic American-owned MBE firms
- \_\_\_\_ percent Woman-Owned MBE firms

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11.

Notwithstanding any subgoals established above, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

**OR**

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. Within 10 working days of receiving notice that our firm is the apparent awardee, I will submit completed Good Faith Efforts Documentation to Support Waiver Request (Attachment 2-1C) and all required waiver documentation in accordance with COMAR 21.11.03.

**2. 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 business 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) Outreach Efforts Compliance Statement (Attachment 2-2);
- (b) MBE Subcontractor Project Participation Statement (Attachment 2-3);

(c) Any other documentation, including 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.

**3. Information Provided to MBE firms**

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

**4. MBE Participation Schedule**

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount 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 are performing work activities for which they are MDOT certified.

Prime Contractor: (Firm Name, Address, Phone)	Project Description:
Project Number:	

**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.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	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): _____%  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): _____%  Description of the Work to be performed with MBE prime's own forces: _____ _____
---	--

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

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____

**CONTINUE ON SEPARATE PAGE IF NEEDED**

I solemnly affirm under the penalties of perjury that I have reviewed the instructions for the MBE MBE Utilization & Fair Solicitation Affidavit and MBE Schedule and that the information included in the 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 AS INSTRUCTED IN TORFP**

**ATTACHMENT 2- 1B: WAIVER GUIDANCE**

**GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS**

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE) participation goal (including any MBE subgoals) on a contract, the bidder/offeror must either (1) meet the MBE Goal(s) and document its commitments for participation of MBE Firms, or (2) when it does not meet the MBE Goal(s), document its Good Faith Efforts to meet the goal(s).

**I. Definitions**

**MBE Goal(s)** – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

**Good Faith Efforts** – The “Good Faith Efforts” requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror were actively and aggressively trying to obtain MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE contract requirements. The determination concerning the sufficiency of the bidder's/offeror's good faith efforts is a judgment call; meeting quantitative formulas is not required.

**Identified Firms** – “Identified Firms” means a list of the MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-funded) the bidder/offeror identified as available to perform the Identified Items of Work and should include all appropriately certified firms that are reasonably identifiable.

**Identified Items of Work** – “Identified Items of Work” means the bid items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved. If the procurement does not include a list of Identified Items of Work, this term refers to all of the items of work the bidder/offeror identified as possible items

of work for performance by MBE Firms and should include all reasonably identifiable work opportunities.

**MBE Firms** – “MBE Firms” refers to a firm certified by the Maryland Department of Transportation (“MDOT”) under COMAR 21.11.03. Only MDOT-certified MBE Firms can participate in the State’s MBE Program.

## **II. Types of Actions Agency will Consider**

The bidder/offeror is responsible for making relevant portions of the work available to MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE subcontractors and suppliers, so as to facilitate MBE participation. The following is a list of types of actions the procuring agency will consider as part of the bidder's/offeror’s Good Faith Efforts when the bidder/offeror fails to meet the MBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

### **A. Identify Bid Items as Work for MBE Firms**

#### **1. Identified Items of Work in Procurements**

(a) Certain procurements will include a list of bid items identified during the goal setting process as possible work for performance by MBE Firms. If the procurement provides a list of Identified Items of Work, the bidder/offeror shall make all reasonable efforts to solicit quotes from MBE Firms to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved.

#### **2. Identified Items of Work by Bidders/Offerors**

(a) When the procurement does not include a list of Identified Items of Work or for additional Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make Good Faith Efforts.

### **B. Identify MBE Firms to Solicit**

#### **1. MBE Firms Identified in Procurements**

(a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those MBE firms.

(b) Bidders/offerors may, and are encouraged to, search the MBE Directory to identify additional MBEs who may be available to perform the items of work, such as MBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE Firms Identified by Bidders/Offerors

(a) When the procurement does not include a list of Identified MBE Firms, bidders/offerors should reasonably identify the MBE Firms that are available to perform the Identified Items of Work.

(b) Any MBE Firms identified as available by the bidder/offeror should be certified to perform the Identified Items of Work.

**C. Solicit MBEs**

1. Solicit all Identified Firms for all Identified Items of Work by providing written notice. The bidder/offeror should:

(a) provide the written solicitation at least 10 days prior to bid opening to allow sufficient time for the MBE Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; and

(c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE, and other requirements of the contract to assist MBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. “All” Identified Firms includes the MBEs listed in the procurement and any MBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE Firms who are no longer certified to perform the work as of the date the bidder/offeror provides written solicitations.

3. “Electronic Means” includes, for example, information provided via a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible to the interested MBE.



4. Follow up on initial written solicitations by contacting MBEs to determine if they are interested. The follow up contact may be made:

(a) by telephone using the contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; or

(b) in writing *via* a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, use all other reasonable and available means to solicit the interest of MBE Firms certified to perform the work of the contract. Examples of other means include:

(a) attending any pre-bid meetings at which MBE Firms could be informed of contracting and subcontracting opportunities; and

(b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/women community organizations, minority/women contractors' groups, and local, state, and federal minority/women business assistance offices listed on the MDOT Office of Minority Business Enterprise website.

**D. Negotiate With Interested MBE Firms**

Bidders/Offerors must negotiate in good faith with interested MBE Firms.

1. Evidence of negotiation includes, without limitation, the following:

(a) the names, addresses, and telephone numbers of MBE Firms that were considered;

(b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

(c) evidence as to why additional agreements could not be reached for MBE Firms to perform the work.

2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.

3. The fact that there may be some additional costs involved in finding and using MBE Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract MBE goal(s), as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE Firm's quote is excessive or unreasonable include, without limitation, the following:

(a) the dollar difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

- (b) the percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
  - (c) the percentage that the MBE subcontractor's quote represents of the overall contract amount;
  - (d) the number of MBE firms that the bidder/offeror solicited for that portion of the work;
  - (e) whether the work described in the MBE and Non-MBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and
  - (f) the number of quotes received by the bidder/offeror for that portion of the work.
4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.
5. The bidder/offeror may not use its price for self-performing work as a basis for rejecting a MBE Firm's quote as excessive or unreasonable.
6. The "average of the other subcontractors' quotes received" by the bidder/offeror refers to the average of the quotes received from all subcontractors. Bidder/offeror should attempt to receive quotes from at least three subcontractors, including one quote from a MBE and one quote from a Non-MBE.
7. A bidder/offeror shall not reject a MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE that is rejected as unqualified or that placed a subcontract quotation or offer that the bidder/offeror concludes is not acceptable, the bidder/offeror must provide a written detailed statement listing the reasons for this conclusion. The bidder/offeror also must document the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.
- (a) The factors to take into consideration when assessing the capabilities of a MBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.
  - (b) The MBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the efforts to meet the project goal.

**E. Assisting Interested MBE Firms**

When appropriate under the circumstances, the decision-maker will consider whether the bidder/offeror:

- 1. made reasonable efforts to assist interested MBE Firms in obtaining the bonding, lines of credit, or insurance required by the procuring agency or the bidder/offeror; and

2. made reasonable efforts to assist interested MBE Firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

### **III. Other Considerations**

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between certified MBE and Non-MBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether a bidder/offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. The decision-maker also may take into account the performance of other bidders/offerors in meeting the contract. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful bidder/offeror could have met the goal. If the apparent successful bidder/offeror fails to meet the goal, but meets or exceeds the average MBE participation obtained by other bidders/offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful bidder/offeror having made Good Faith Efforts.

### **IV. Documenting Good Faith Efforts**

At a minimum, a bidder/offeror seeking a waiver of the MBE Goal(s) or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 business days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

#### **A. Items of Work (Complete Good Faith Efforts Documentation Attachment 2-1C, Part 1)**

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE Goal(s).

#### **B. Outreach/Solicitation/Negotiation**

1. The record of the bidder's/offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a). (Complete Outreach Efforts Compliance Statement – Attachment 2-2).

2. A detailed statement of the efforts made to contact and negotiate with MBE Firms including:

- (a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) (**Complete Good Faith**

**Efforts Attachment 2-1C Part 2, and submit letters, fax cover sheets, emails, etc. documenting solicitations); and**

(b) a description of the information provided to MBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE Firms (Complete Good Faith Efforts Attachment 2-1C, Part 3)

1. For each MBE Firm that the bidder/offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.

2. For each certified MBE Firm that the bidder/offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the quotes received from all MBE and Non-MBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**

3. A list of MBE Firms contacted but found to be unavailable. This list should be accompanied by a MBE Unavailability Certificate (see Exhibit A to this Part 1) signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the MBE Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the bidder's/offeror's Good Faith Efforts.

2. Submit any other documentation the bidder/offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

**Exhibit A**  
**MBE Subcontractor Unavailability Certificate**

1. It is hereby certified that the firm of \_\_\_\_\_  
(Name of Minority firm)

located at \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. \_\_\_\_\_  
in \_\_\_\_\_ County by \_\_\_\_\_  
(Name of Prime Contractor's Firm)

\*\*\*\*\*  
\*\*\*\*

2. \_\_\_\_\_ (Minority Firm), is either unavailable  
for the work/service or unable to prepare a bid for this project for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature of Minority Firm's MBE Representative**      **Title**      **Date**

\_\_\_\_\_  
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**

**ATTACHMENT 2-1C: MBE ATTACHMENT  
GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

**Parts 1, 2, and 3 must be included with this certificate along with all documents supporting your waiver request.**

I affirm that I have reviewed Attachment 2-1B, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this Attachment 2-1C Good Faith Efforts Documentation Form are true to the best of my knowledge, information, and belief.

_____ Company Name	_____ Signature of Representative
_____ Address	_____ Printed Name and Title
_____ City, State and Zip Code	_____ Date

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 1 – Identified items of work bidder/offeror made available to MBE firms**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

Identify those items of work that the bidder/offeror made available to MBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the bidder's/offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE goal set for the procurement. Note: If the procurement includes a list of bid items identified during the goal setting process as possible items of work for performance by MBE Firms, the bidder/offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement?	Does bidder/offeror normally self-perform this work?	Was this work made available to MBE Firms? If no, explain why?
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No



	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 2 – identified MBE firms and record of solicitations**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

Identify the MBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE participation. Include the name of the MBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE provided a quote, and whether the MBE is being used to meet the MBE participation goal. MBE Firms used to meet the participation goal must be included on the MBE Participation Schedule. Note: If the procurement includes a list of the MBE Firms identified during the goal setting process as potentially available to perform the items of work, the bidder/offeror should solicit all of those MBE Firms or explain why a specific MBE was not solicited. If the bidder/offeror identifies additional MBE Firms who may be available to perform Identified Items of Work, those additional MBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE Firms must be attached to this form. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the Minority Contractor Unavailability Certificate (see Exhibit A to MBE Attachment 2-1B). If the bidder/offeror used a Non-MBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
<b>Firm Name:</b>  <b>MBE Classification (Check only if requesting waiver of MBE subgoal.)</b> <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date:  <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date:  <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call:  Spoke With:  <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE  <input type="checkbox"/> Self-performing

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
<b>Firm Name:</b>  <b>MBE Classification (Check only if requesting waiver of MBE subgoal.)</b> <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date:  <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date:  <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call:  Spoke With:  <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE  <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 3 – additional information regarding rejected MBE quotes**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

This form must be completed if Part 1 indicates that a MBE quote was rejected because the bidder/offeror is using a Non-MBE or is self-performing the Identified Items of Work. Provide the Identified Items Work, indicate whether the work will be self-performed or performed by a Non-MBE, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE (Include spec/ section number from bid)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing  <input type="checkbox"/> Using Non-MBE	\$_____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$_____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing  <input type="checkbox"/> Using Non-MBE	\$_____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$_____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Describe Identified Items of Work Not Being Performed by MBE (Include spec/ section number from bid)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Please check if Additional Sheets are attached.

**ATTACHMENT 2 -2: MBE ATTACHMENT  
OUTREACH EFFORTS COMPLIANCE STATEMENT**

Complete and submit this form within 10 working days of notification of apparent award or actual award, whichever is earlier.

In conjunction with the bid/proposal submitted in response to Solicitation No. N00B4400085, I state the following:

1. Bidder/Offeror identified subcontracting opportunities in these specific work categories: \_\_\_\_\_
2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Bidder/Offeror made the following attempts to personally contact the solicited MDOT-certified MBE firms: \_\_\_\_\_
4. **Please Check One:**
  - This project does not involve bonding requirements.
  - Bidder/Offeror assisted MDOT-certified MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS): \_\_\_\_\_

5. **Please Check One:**
  - Bidder/Offeror did attend the pre-bid/pre-proposal conference.
  - No pre-bid/pre-proposal meeting/conference was held.
  - Bidder/Offeror did not attend the pre-bid/pre-proposal conference.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date

**ATTACHMENT 2- 3A: MBE ATTACHMENT  
 MBE SUBCONTRACTOR PROJECT PARTICIPATION CERTIFICATION**

**Please complete and submit one form for each certified MBE firm listed on the MBE Participation Schedule (Attachment 2-1A) within 10 Working Days of notification of apparent award. If the Bidder/Offeror fails to return this affidavit within the required time, the Procurement Officer may determine that the Bidder/Offeror is not responsible and therefore not eligible for Contract award.**

Provided that \_\_\_\_\_ (Prime Contractor’s Name) is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such Prime Contractor intends to enter into a subcontract with \_\_\_\_\_ (Subcontractor’s Name) committing to participation by the MBE firm \_\_\_\_\_ (MBE Name) with MDOT Certification Number \_\_\_\_\_ which will receive at least \$\_\_\_\_\_ which equals to \_\_\_% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

Each of the Contractor and Subcontractor acknowledges that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes. Each of the Contractor and Subcontractor solemnly affirms under the penalties of perjury that: (i) the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of its knowledge, information and belief, and (ii) has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a Bid/Proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified Minority Business Enterprise in its Bid/Proposal;
- (2) fail to notify the certified Minority Business Enterprise before execution of the Contract of its inclusion of the Bid/Proposal;

- (3) fail to use the certified Minority Business Enterprise in the performance of the Contract;  
 or  
 (4) pay the certified Minority Business Enterprise solely for the use of its name in the Bid/Proposal.

<b>PRIME CONTRACTOR</b>	<b>SUBCONTRACTOR</b>
Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Date: _____	Date: _____

**ATTACHMENT 2 MBE ATTACHMENT 2-3B**

**MBE PRIME PROJECT PARTICIPATION CERTIFICATION**

PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE FIRM HAS LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT 2-1A) FOR PURPOSES OF MEETING THE MBE PARTICIPATION GOALS. THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.

Provided that \_\_\_\_\_ (Prime Contractor's Name) with Certification Number \_\_\_\_\_ is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such MBE Prime Contractor intends to perform with its own forces at least \$ \_\_\_\_\_ which equals to \_\_\_\_% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) For Construction Projects, General Conditions must be listed separately.	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

**MBE PRIME CONTRACTOR**

Signature of Representative:  
 \_\_\_\_\_

Printed Name and Title:  
 \_\_\_\_\_

Firm's Name:  
 \_\_\_\_\_

Federal Identification Number:  
 \_\_\_\_\_



_____
Address:
_____
_____
Telephone:
_____
Date:

*This form must be completed monthly by the prime contractor.*

**ATTACHMENT 2-4A: MBE PRIME CONTRACTOR PAID/UNPAID MBE INVOICE  
 REPORT**

**Department of Human Resources – Office of Technology for Human Resources  
 Minority Business Enterprise Participation**

**Prime Contractor Paid/Unpaid MBE Invoice Report**

Report #: _____ Reporting Period (Month/Year): _____ <b>Report is due to the MBE Officer by the 15th of the month following the month the services were provided.</b> <b>Note: Please number reports in sequence</b>	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ MBE Subcontract Amt: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
---	--

Prime Contractor:	Contact Person:		
Address:			
City:		State:	ZIP:
Phone:	FAX:	Email:	
MBE Subcontractor Name:		Contact Person:	
Phone:	FAX:		
Subcontractor Services Provided:			
List all payments made to MBE subcontractor named above during this reporting period:		List dates and amounts of any outstanding invoices:	
Invoice#	Amount	Invoice #	Amount
1.		1.	
2.		2.	
3.		3.	
4.		4.	
Total Dollars Paid: \$_____		Total Dollars Unpaid: \$_____	
<b>**If more than one MBE subcontractor is used for this contract, you must use separate 2-4A forms.                  Information regarding payments that the MBE prime will use for purposes of meeting the MBE participation goals must be reported separately in Attachment 2-4B.                  **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):</b>			
_____ Contract Manager _____ Contracting Unit (Department or Agency) _____ _____ mailto:			

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Required)

**ATTACHMENT 2 MBE ATTACHMENT 2-4B MBE PRIME CONTRACTOR REPORT**

**Department of Human Resources Office of Technology for Human Resources  
 Minority Business Enterprise Participation  
 MBE Prime Contractor Report**

MBE Prime Contractor: Certification Number: Report #: _____ Reporting Period (Month/Year): _____ <b>Report is due to the MBE Officer by the 15th of the month following the month the services were provided.</b> <b>Note: Please number reports in sequence</b>	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ Total Value of the Work to the Self-Performed for purposes of Meeting the MBE participation goal/subgoals: _____ Project Begin Date: _____ Project End Date: _____
---	--

Contact Person:		
Address:		
City:	State:	ZIP:
Phone:	Fax:	E-mail:

INVOICE NUMBER	VALUE OF THE WORK	NAICS CODE	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

**Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**

Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

_____ Contract Monitor _____ Contracting Unit (Department) _____ _____ _____
---

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Required)

*This form must be completed monthly by MBE subcontractor*

**ATTACHMENT 2 MBE 2-5 SUBCONTRACTOR PAID/UNPAID MBE INVOICE  
 REPORT**

**Minority Business Enterprise Participation  
 Subcontractor Paid/Unpaid MBE Invoice Report**

Report#: _____	Contract #
Reporting Period (Month/Year): _____	Contracting Unit:
<b>Report is due by the 15th of the month following the month the services were performed.</b>	MBE Subcontract Amount:
	Project Begin Date:
	Project End Date:
	Services Provided:

MBE Subcontractor Name:		
MDOT Certification #:		
Contact Person:		Email:
Address:		
City:	State:	ZIP:
Phone:	FAX:	
Subcontractor Services Provided:		
List all payments received from Prime Contractor during reporting period indicated above.		List dates and amounts of any unpaid invoices over 30 days old.
Invoice Amount	Date	Invoice Amount      Date
1.		1.
2.		2.
3.		3.
4.		4.
Total Dollars Paid: \$ _____		Total Dollars Unpaid: \$ _____
Prime Contractor:		Contact Person:
**Return one copy of this form to the following address (electronic copy with signature & date is preferred):		
_____ Contract Manager		
_____ Contracting Unit		
Department of Human Resources – OTHS		

\_\_\_\_\_ mailto:  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ (Required)

## ATTACHMENT 2 MINORITY BUSINESS ENTERPRISE FORMS

The Minority Business Enterprise (MBE) subcontractor participation goal for this solicitation is 35 % with sub-goals for Women-owned of 9 %, African American-owned of 6 %, and Hispanic American-owned of 2 %

### TO CONTRACTOR MINORITY BUSINESS ENTERPRISE REPORTING REQUIREMENTS

CATS+ TORFP # N00B4400085

If after reading these instructions you have additional questions or need further clarification, please contact the TO Manager immediately.

- 1) As the TO Contractor, you have entered into a TO Agreement with the State of Maryland. As such, your company/firm is responsible for successful completion of all deliverables under the contract, including your commitment to making a good faith effort to meet the MBE participation goal(s) established for TORFP. Part of that effort, as outlined in the TORFP, includes submission of monthly reports to the State regarding the previous month's MBE payment activity. Reporting forms 2-4A (Prime Contractor Paid/Unpaid MBE Invoice Report), 2-4B (MBE Prime Contractor Report) and 2-5 (Subcontractor Paid/Unpaid MBE Invoice Report) are attached for your use and convenience.
- 2) The TO Contractor must complete a separate Form 2-4A for each MBE subcontractor for each month of the contract and submit one copy to each of the locations indicated at the bottom of the form. The report is due no later than the 15th of the month following the month that is being reported. For example, the report for January's activity is due no later than the 15th of February. With the approval of the TO Manager, the report may be submitted electronically. Note: Reports are required to be submitted each month, regardless whether there was any MBE payment activity for the reporting month.
- 3) The TO Contractor is responsible for ensuring that each subcontractor receives a copy of Form 2-5 (e-copy of and/or hard copy). The TO Contractor should make sure that the subcontractor receives all the information necessary to complete the form properly, including all of the information located in the upper right corner of the form. It may be wise to customize Form 2-5 (upper right corner of the form) for the subcontractor. This will help to minimize any confusion for those who receive and review the reports.
- 4) It is the responsibility of the TO Contractor to make sure that all subcontractors submit reports no later than the 15th of each month, **including reports showing zero MBE payment activity**. Actual payment data is verified and entered into the State's financial management tracking system from the **subcontractor's 2-5 report only**. Therefore, if the subcontractor(s) do not submit 2-5 payment reports, the TO Contractor cannot and will not be given credit for subcontractor payments, regardless of the TO Contractor's proper



submission of Form 2-4A. The TO Manager will contact the TO Contractor if reports are not received each month from either the prime contractor or any of the identified subcontractors.

- 5) The TO Contractor must promptly notify the TO Manager if, during the course of the contract, a new MBE subcontractor is utilized. Failure to comply with the MBE contract provisions and reporting requirements may result in sanctions, as provided by COMAR 21.11.03.13.

**ATTACHMENT 2-1A MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT &  
MBE PARTICIPATION SCHEDULE**

**INSTRUCTIONS**

**PLEASE READ BEFORE COMPLETING THIS FORM**

**This form includes Instructions and the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule which must be submitted with the bid/proposal. If the bidder/offeree 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.**

1. Contractor shall structure its procedures for the performance of the work required in this Contract to attempt to achieve the minority business enterprise (MBE) subcontractor participation goal stated in the Invitation for Bids or Request for Proposals. Contractor agrees to exercise good faith efforts to carry out the requirements set forth in these Instructions, as authorized by the Code of Maryland Regulations (COMAR) 21.11.03.
2. MBE Goals and Subgoals: Please review the solicitation for information regarding the Contract's MBE overall participation goals and subgoals. After satisfying the requirements for any established subgoals, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.
3. MBE means a minority business enterprise that is certified by the Maryland Department of Transportation ("MDOT"). Only entities certified by MDOT may be counted for purposes of achieving the MBE participation goals. In order to be counted for purposes of achieving the MBE participation goals, the MBE firm, including a MBE prime, must be MDOT-certified for the services, materials or supplies that it is committed to perform on the MBE Participation Schedule.
4. Please refer to the MDOT MBE Directory at [www.mdot.state.md.us](http://www.mdot.state.md.us) to determine if a firm is certified with the appropriate North American Industry Classification System ("NAICS") Code **and** the product/services description (specific product that a firm is certified to provide or specific areas of work that a firm is certified to perform). For more general information about NAICS, please visit [www.naics.com](http://www.naics.com). Only those specific products and/or services for which a firm is certified in the MDOT Directory can be used for purposes of achieving the MBE participation goals. **WARNING:** If the firm's NAICS Code is in graduated status, such services/products **may not be counted** for purposes of achieving the MBE participation goals. A NAICS Code is in the graduated status if the term "Graduated" follows the Code in the MDOT MBE Directory.
5. **NOTE: New Guidelines Regarding MBE Prime Self-Performance.** Please note that when a certified MBE firm participates as a prime contractor on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the

certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. In order to receive credit for self-performance, an MBE prime must list its firm in Section 4A of the MBE Participation Schedule, including the certification category under which the MBE prime is self-performing and include information regarding the work it will self-perform. For the remaining portion of the overall goal and the subgoals, the MBE prime must also identify other certified MBE subcontractors (see Section 4B of the MBE Participation Schedule) used to meet those goals or request a waiver. For example, for a construction contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms and 4% for Asian American firms, subject to Section 4 above and this Section 5, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

For a services contract with a 30% percent MBE participation goal (overall) and subgoals of 7% for African-American firms, 4% for Asian American firms and 12% for women-owned firms, subject to Sections 4 above and this Section 5, a dually-certified Asian American/Woman MBE prime can self-perform (a) up to 15% of the overall goal and (b) up to four percent (4%) of the Asian American subgoal OR up to twelve percent (12%) of the women subgoal. Because it is dually-certified, the company can be designated as only ONE of the MBE classifications (Asian American or women) but can self-perform up to one hundred percent (100%) of the stated subgoal for the single classification it selects.

6. Subject to the restrictions stated in Section 5 above, when a certified MBE that performs as a participant in a joint venture, a procurement agency may count a portion of the total dollar value of the contract equal to the distinct, clearly-defined portion of the work of the contract that the certified MBE performs with its own forces toward fulfilling the contract goal, and not more than one of the contract subgoals, if any. For example, if a MBE firm is a joint venture partner and the State determines that it is performing with its own forces 35 percent of the work in the contract, it can use this portion of the work towards fulfilling up to fifty percent (50%) of the overall goal and up to one hundred percent (100%) of one of the stated subgoals, if applicable.

7. As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract. Please refer to COMAR 21.11.03.12-1 for more information regarding these requirements.

8. If you have any questions as to whether a firm is certified to perform the specific services or provide specific products, please contact MDOT's Office of Minority Business Enterprise at 1-800-544-6056 or via email to [mbe@mdot.state.md.us](mailto:mbe@mdot.state.md.us) sufficiently prior to the submission due date.

9. Worksheet: The percentage of MBE participation, calculated using the percentage amounts for all of the MBE firms listed on the Participation Schedule **MUST** at least equal the MBE participation goal **and** subgoals (if applicable) set forth in the solicitation. If a bidder/offeror is unable to achieve the MBE participation goal and/or any subgoals (if applicable), the bidder/offeror must request a waiver in Item 1 of the MBE Utilization and Fair Solicitation Affidavit (Attachment 2-1A) or the bid will be deemed not responsive, or the proposal determined to be not susceptible of being selected for award. You may wish to use the Subgoal summary below to assist in calculating the percentages and confirm that you have met the applicable MBE participation goal and subgoals, if any.

**Subgoals (if applicable)**

Total African American MBE Participation: \_\_\_\_\_ %  
Total Asian American MBE Participation: \_\_\_\_\_ %  
Total Hispanic American MBE Participation: \_\_\_\_\_ %  
Total Women-Owned MBE Participation: \_\_\_\_\_ %

**Overall Goal**

Total MBE Participation (include all categories): \_\_\_\_\_ %

**ATTACHMEN 2-1A: MBE UTILIZATION AND FAIR SOLICITATION AFFIDAVIT  
& MBE PARTICIPATION SCHEDULE**

This MBE Utilization and Fair Solicitation Affidavit and MBE Participation Schedule **MUST BE** included with the bid/proposal for any solicitation with an MBE goal greater than 0%. If the Bidder/offeror fails to accurately complete and submit this Affidavit and Schedule with the bid or offer as required, the TO Procurement Officer shall deem the bid non-responsive or shall determine that the offer is not reasonably susceptible of being selected for award.

In conjunction with the bid or offer submitted in response to Solicitation No. \_\_\_\_\_, I affirm the following:

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

I acknowledge and intend to meet the overall certified Minority Business Enterprise (MBE) participation goal of \_\_\_\_ percent and, if specified in the solicitation, the following subgoals (complete for only those subgoals that apply):

- \_\_\_\_ percent African American-owned MBE firms
- \_\_\_\_ percent Asian American-owned MBE firms
- \_\_\_\_ percent Hispanic American-owned MBE firms
- \_\_\_\_ percent Woman-Owned MBE firms

Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11.

Notwithstanding any subgoals established above, the Contractor is encouraged to use a diverse group of subcontractors and suppliers from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

**OR**

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. Within 10 working days of receiving notice that our firm is the apparent awardee, I will submit completed Good Faith Efforts Documentation to Support Waiver Request (Attachment 2-1C) and all required waiver documentation in accordance with COMAR 21.11.03.

**2. 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 business 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) Outreach Efforts Compliance Statement (Attachment 2-2);
- (b) MBE Subcontractor Project Participation Statement (Attachment 2-3);

(c) Any other documentation, including 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.

**3. Information Provided to MBE firms**

In the solicitation of subcontract quotations or offers, MBE firms were provided not less than the same information and amount of time to respond as were non-MBE firms.

**4. MBE Participation Schedule**

Set forth below are the (i) certified MBEs I intend to use, (ii) the percentage of the total Contract amount 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 are performing work activities for which they are MDOT certified.

Prime Contractor: (Firm Name, Address, Phone)	Project Description:
Project Number:	

**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.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	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): _____%  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): _____%  Description of the Work to be performed with MBE prime's own forces: _____ _____
---	--

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

MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____
MBE Prime Firm Name: _____ MBE Certification Number: _____ (If dually certified, check only one box.) <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American- Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification	Percentage of Total Contract to be performed by this MBE: _____% Description of the Work to be Performed: _____ _____ _____

**CONTINUE ON SEPARATE PAGE IF NEEDED**

I solemnly affirm under the penalties of perjury that I have reviewed the instructions for the MBE MBE Utilization & Fair Solicitation Affidavit and MBE Schedule and that the information included in the 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 AS INSTRUCTED IN TORFP**



## **ATTACHMENT 2- 1B: WAIVER GUIDANCE**

### **GUIDANCE FOR DOCUMENTING GOOD FAITH EFFORTS TO MEET MBE PARTICIPATION GOALS**

In order to show that it has made good faith efforts to meet the Minority Business Enterprise (MBE) participation goal (including any MBE subgoals) on a contract, the bidder/offeror must either (1) meet the MBE Goal(s) and document its commitments for participation of MBE Firms, or (2) when it does not meet the MBE Goal(s), document its Good Faith Efforts to meet the goal(s).

#### **I. Definitions**

**MBE Goal(s)** – “MBE Goal(s)” refers to the MBE participation goal and MBE participation subgoal(s).

**Good Faith Efforts** – The “Good Faith Efforts” requirement means that when requesting a waiver, the bidder/offeror must demonstrate that it took all necessary and reasonable steps to achieve the MBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE participation, even if those steps were not fully successful. Whether a bidder/offeror that requests a waiver made adequate good faith efforts will be determined by considering the quality, quantity, and intensity of the different kinds of efforts that the bidder/offeror has made. The efforts employed by the bidder/offeror should be those that one could reasonably expect a bidder/offeror to take if the bidder/offeror were actively and aggressively trying to obtain MBE participation sufficient to meet the MBE contract goal and subgoals. Mere *pro forma* efforts are not good faith efforts to meet the MBE contract requirements. The determination concerning the sufficiency of the bidder's/offeror's good faith efforts is a judgment call; meeting quantitative formulas is not required.

**Identified Firms** – “Identified Firms” means a list of the MBEs identified by the procuring agency during the goal setting process and listed in the procurement as available to perform the Identified Items of Work. It also may include additional MBEs identified by the bidder/offeror as available to perform the Identified Items of Work, such as MBEs certified or granted an expansion of services after the procurement was issued. If the procurement does not include a list of Identified Firms, this term refers to all of the MBE Firms (if State-funded) the bidder/offeror identified as available to perform the Identified Items of Work and should include all appropriately certified firms that are reasonably identifiable.

**Identified Items of Work** – “Identified Items of Work” means the bid items identified by the procuring agency during the goal setting process and listed in the procurement as possible items of work for performance by MBE Firms. It also may include additional portions of items of work the bidder/offeror identified for performance by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved. If the procurement does not include a list of Identified Items of Work, this term refers to all of the items of work the bidder/offeror identified as possible items

of work for performance by MBE Firms and should include all reasonably identifiable work opportunities.

**MBE Firms** – “MBE Firms” refers to a firm certified by the Maryland Department of Transportation (“MDOT”) under COMAR 21.11.03. Only MDOT-certified MBE Firms can participate in the State’s MBE Program.

## **II. Types of Actions Agency will Consider**

The bidder/offeror is responsible for making relevant portions of the work available to MBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE subcontractors and suppliers, so as to facilitate MBE participation. The following is a list of types of actions the procuring agency will consider as part of the bidder's/offeror’s Good Faith Efforts when the bidder/offeror fails to meet the MBE Goal(s). This list is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

### **A. Identify Bid Items as Work for MBE Firms**

#### **1. Identified Items of Work in Procurements**

(a) Certain procurements will include a list of bid items identified during the goal setting process as possible work for performance by MBE Firms. If the procurement provides a list of Identified Items of Work, the bidder/offeror shall make all reasonable efforts to solicit quotes from MBE Firms to perform that work.

(b) Bidders/Offerors may, and are encouraged to, select additional items of work to be performed by MBE Firms to increase the likelihood that the MBE Goal(s) will be achieved.

#### **2. Identified Items of Work by Bidders/Offerors**

(a) When the procurement does not include a list of Identified Items of Work or for additional Identified Items of Work, bidders/offerors should reasonably identify sufficient items of work to be performed by MBE Firms.

(b) Where appropriate, bidders/offerors should break out contract work items into economically feasible units to facilitate MBE participation, rather than perform these work items with their own forces. The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder/offeror of the responsibility to make Good Faith Efforts.

### **B. Identify MBE Firms to Solicit**

#### **1. MBE Firms Identified in Procurements**

(a) Certain procurements will include a list of the MBE Firms identified during the goal setting process as available to perform the items of work. If the procurement provides a list of Identified MBE Firms, the bidder/offeror shall make all reasonable efforts to solicit those MBE firms.

(b) Bidders/offerors may, and are encouraged to, search the MBE Directory to identify additional MBEs who may be available to perform the items of work, such as MBEs certified or granted an expansion of services after the solicitation was issued.

2. MBE Firms Identified by Bidders/Offerors

(a) When the procurement does not include a list of Identified MBE Firms, bidders/offerors should reasonably identify the MBE Firms that are available to perform the Identified Items of Work.

(b) Any MBE Firms identified as available by the bidder/offeror should be certified to perform the Identified Items of Work.

**C. Solicit MBEs**

1. Solicit all Identified Firms for all Identified Items of Work by providing written notice. The bidder/offeror should:

(a) provide the written solicitation at least 10 days prior to bid opening to allow sufficient time for the MBE Firms to respond;

(b) send the written solicitation by first-class mail, facsimile, or email using contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; and

(c) provide adequate information about the plans, specifications, anticipated time schedule for portions of the work to be performed by the MBE, and other requirements of the contract to assist MBE Firms in responding. (This information may be provided by including hard copies in the written solicitation or by electronic means as described in C.3 below.)

2. “All” Identified Firms includes the MBEs listed in the procurement and any MBE Firms you identify as potentially available to perform the Identified Items of Work, but it does not include MBE Firms who are no longer certified to perform the work as of the date the bidder/offeror provides written solicitations.

3. “Electronic Means” includes, for example, information provided via a website or file transfer protocol (FTP) site containing the plans, specifications, and other requirements of the contract. If an interested MBE cannot access the information provided by electronic means, the bidder/offeror must make the information available in a manner that is accessible to the interested MBE.

4. Follow up on initial written solicitations by contacting MBEs to determine if they are interested. The follow up contact may be made:

(a) by telephone using the contact information in the MBE Directory, unless the bidder/offeror has a valid basis for using different contact information; or

(b) in writing *via* a method that differs from the method used for the initial written solicitation.

5. In addition to the written solicitation set forth in C.1 and the follow up required in C.4, use all other reasonable and available means to solicit the interest of MBE Firms certified to perform the work of the contract. Examples of other means include:

(a) attending any pre-bid meetings at which MBE Firms could be informed of contracting and subcontracting opportunities; and

(b) if recommended by the procurement, advertising with or effectively using the services of at least two minority focused entities or media, including trade associations, minority/women community organizations, minority/women contractors' groups, and local, state, and federal minority/women business assistance offices listed on the MDOT Office of Minority Business Enterprise website.

**D. Negotiate With Interested MBE Firms**

Bidders/Offerors must negotiate in good faith with interested MBE Firms.

1. Evidence of negotiation includes, without limitation, the following:

(a) the names, addresses, and telephone numbers of MBE Firms that were considered;

(b) a description of the information provided regarding the plans and specifications for the work selected for subcontracting and the means used to provide that information; and

(c) evidence as to why additional agreements could not be reached for MBE Firms to perform the work.

2. A bidder/offeror using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration.

3. The fact that there may be some additional costs involved in finding and using MBE Firms is not in itself sufficient reason for a bidder's/offeror's failure to meet the contract MBE goal(s), as long as such costs are reasonable. Factors to take into consideration when determining whether a MBE Firm's quote is excessive or unreasonable include, without limitation, the following:

(a) the dollar difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;

- (b) the percentage difference between the MBE subcontractor's quote and the average of the other subcontractors' quotes received by the bidder/offeror;
  - (c) the percentage that the MBE subcontractor's quote represents of the overall contract amount;
  - (d) the number of MBE firms that the bidder/offeror solicited for that portion of the work;
  - (e) whether the work described in the MBE and Non-MBE subcontractor quotes (or portions thereof) submitted for review is the same or comparable; and
  - (f) the number of quotes received by the bidder/offeror for that portion of the work.
4. The above factors are not intended to be mandatory, exclusive, or exhaustive, and other evidence of an excessive or unreasonable price may be relevant.
5. The bidder/offeror may not use its price for self-performing work as a basis for rejecting a MBE Firm's quote as excessive or unreasonable.
6. The "average of the other subcontractors' quotes received" by the bidder/offeror refers to the average of the quotes received from all subcontractors. Bidder/offeror should attempt to receive quotes from at least three subcontractors, including one quote from a MBE and one quote from a Non-MBE.
7. A bidder/offeror shall not reject a MBE Firm as unqualified without sound reasons based on a thorough investigation of the firm's capabilities. For each certified MBE that is rejected as unqualified or that placed a subcontract quotation or offer that the bidder/offeror concludes is not acceptable, the bidder/offeror must provide a written detailed statement listing the reasons for this conclusion. The bidder/offeror also must document the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.
- (a) The factors to take into consideration when assessing the capabilities of a MBE Firm, include, but are not limited to the following: financial capability, physical capacity to perform, available personnel and equipment, existing workload, experience performing the type of work, conduct and performance in previous contracts, and ability to meet reasonable contract requirements.
  - (b) The MBE Firm's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the efforts to meet the project goal.

**E. Assisting Interested MBE Firms**

When appropriate under the circumstances, the decision-maker will consider whether the bidder/offeror:

- 1. made reasonable efforts to assist interested MBE Firms in obtaining the bonding, lines of credit, or insurance required by the procuring agency or the bidder/offeror; and

2. made reasonable efforts to assist interested MBE Firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

### **III. Other Considerations**

In making a determination of Good Faith Efforts the decision-maker may consider engineering estimates, catalogue prices, general market availability and availability of certified MBE Firms in the area in which the work is to be performed, other bids or offers and subcontract bids or offers substantiating significant variances between certified MBE and Non-MBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

The decision-maker may take into account whether a bidder/offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. The decision-maker also may take into account the performance of other bidders/offerors in meeting the contract. For example, when the apparent successful bidder/offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful bidder/offeror could have met the goal. If the apparent successful bidder/offeror fails to meet the goal, but meets or exceeds the average MBE participation obtained by other bidders/offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful bidder/offeror having made Good Faith Efforts.

### **IV. Documenting Good Faith Efforts**

At a minimum, a bidder/offeror seeking a waiver of the MBE Goal(s) or a portion thereof must provide written documentation of its Good Faith Efforts, in accordance with COMAR 21.11.03.11, within 10 business days after receiving notice that it is the apparent awardee. The written documentation shall include the following:

#### **A. Items of Work (Complete Good Faith Efforts Documentation Attachment 2-1C, Part 1)**

A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE Goal(s).

#### **B. Outreach/Solicitation/Negotiation**

1. The record of the bidder's/offeror's compliance with the outreach efforts prescribed by COMAR 21.11.03.09C(2)(a). (Complete Outreach Efforts Compliance Statement – Attachment 2-2).

2. A detailed statement of the efforts made to contact and negotiate with MBE Firms including:

- (a) the names, addresses, and telephone numbers of the MBE Firms who were contacted, with the dates and manner of contacts (letter, fax, email, telephone, etc.) (**Complete Good Faith**

**Efforts Attachment 2-1C Part 2, and submit letters, fax cover sheets, emails, etc. documenting solicitations); and**

(b) a description of the information provided to MBE Firms regarding the plans, specifications, and anticipated time schedule for portions of the work to be performed and the means used to provide that information.

C. Rejected MBE Firms (Complete Good Faith Efforts Attachment 2-1C, Part 3)

1. For each MBE Firm that the bidder/offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work.

2. For each certified MBE Firm that the bidder/offeror concludes has provided an excessive or unreasonable price, a detailed statement of the reasons for the bidder's/offeror's conclusion, including the quotes received from all MBE and Non-MBE firms bidding on the same or comparable work. **(Include copies of all quotes received.)**

3. A list of MBE Firms contacted but found to be unavailable. This list should be accompanied by a MBE Unavailability Certificate (see Exhibit A to this Part 1) signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the MBE Unavailability Certificate.

D. Other Documentation

1. Submit any other documentation requested by the Procurement Officer to ascertain the bidder's/offeror's Good Faith Efforts.

2. Submit any other documentation the bidder/offeror believes will help the Procurement Officer ascertain its Good Faith Efforts.

**Exhibit A**  
**MBE Subcontractor Unavailability Certificate**

1. It is hereby certified that the firm of \_\_\_\_\_  
(Name of Minority firm)

located at \_\_\_\_\_  
(Number) (Street)

\_\_\_\_\_  
(City) (State) (Zip)

was offered an opportunity to bid on Solicitation No. \_\_\_\_\_  
in \_\_\_\_\_ County by \_\_\_\_\_  
(Name of Prime Contractor's Firm)

\*\*\*\*\*  
\*\*\*\*

2. \_\_\_\_\_ (Minority Firm), is either unavailable  
for the work/service or unable to prepare a bid for this project for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature of Minority Firm's MBE Representative**      **Title**      **Date**

\_\_\_\_\_  
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**

**ATTACHMENT 2-1C: MBE ATTACHMENT  
GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

**Parts 1, 2, and 3 must be included with this certificate along with all documents supporting your waiver request.**

I affirm that I have reviewed Attachment 2-1B, Waiver Guidance. I further affirm under penalties of perjury that the contents of Parts 1, 2, and 3 of this Attachment 2-1C Good Faith Efforts Documentation Form are true to the best of my knowledge, information, and belief.

_____ Company Name	_____ Signature of Representative
_____ Address	_____ Printed Name and Title
_____ City, State and Zip Code	_____ Date

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 1 – Identified items of work bidder/offeror made available to MBE firms**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

Identify those items of work that the bidder/offeror made available to MBE Firms. This includes, where appropriate, those items the bidder/offeror identified and determined to subdivide into economically feasible units to facilitate the MBE participation. For each item listed, show the anticipated percentage of the total contract amount. It is the bidder's/offeror's responsibility to demonstrate that sufficient work to meet the goal was made available to MBE Firms, and the total percentage of the items of work identified for MBE participation equals or exceeds the percentage MBE goal set for the procurement. Note: If the procurement includes a list of bid items identified during the goal setting process as possible items of work for performance by MBE Firms, the bidder/offeror should make all of those items of work available to MBE Firms or explain why that item was not made available. If the bidder/offeror selects additional items of work to make available to MBE Firms, those additional items should also be included below.

Identified Items of Work	Was this work listed in the procurement?	Does bidder/offeror normally self-perform this work?	Was this work made available to MBE Firms? If no, explain why?
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 2 – identified MBE firms and record of solicitations**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

Identify the MBE Firms solicited to provide quotes for the Identified Items of Work made available for MBE participation. Include the name of the MBE Firm solicited, items of work for which bids/quotes were solicited, date and manner of initial and follow-up solicitations, whether the MBE provided a quote, and whether the MBE is being used to meet the MBE participation goal. MBE Firms used to meet the participation goal must be included on the MBE Participation Schedule. Note: If the procurement includes a list of the MBE Firms identified during the goal setting process as potentially available to perform the items of work, the bidder/offeror should solicit all of those MBE Firms or explain why a specific MBE was not solicited. If the bidder/offeror identifies additional MBE Firms who may be available to perform Identified Items of Work, those additional MBE Firms should also be included below. Copies of all written solicitations and documentation of follow-up calls to MBE Firms must be attached to this form. This list should be accompanied by a Minority Contractor Unavailability Certificate signed by the MBE contractor or a statement from the bidder/offeror that the MBE contractor refused to sign the Minority Contractor Unavailability Certificate (see Exhibit A to MBE Attachment 2-1B). If the bidder/offeror used a Non-MBE or is self-performing the identified items of work, Part 4 must be completed.

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
<b>Firm Name:</b>  <b>MBE Classification (Check only if requesting waiver of MBE subgoal.)</b> <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date:  <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date:  <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call:  Spoke With:  <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE  <input type="checkbox"/> Self-performing

Name of Identified MBE Firm & MBE Classification	Describe Item of Work Solicited	Initial Solicitation Date & Method	Follow-up Solicitation Date & Method	Details for Follow-up Calls	Quote Rec'd	Quote Used	Reason Quote Rejected
<b>Firm Name:</b>  <b>MBE Classification (Check only if requesting waiver of MBE subgoal.)</b> <input type="checkbox"/> African American-Owned <input type="checkbox"/> Hispanic American-Owned <input type="checkbox"/> Asian American-Owned <input type="checkbox"/> Women-Owned <input type="checkbox"/> Other MBE Classification		Date:  <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Date:  <input type="checkbox"/> Phone <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Email	Time of Call:  Spoke With:  <input type="checkbox"/> Left Message	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Used Other MBE <input type="checkbox"/> Used Non-MBE  <input type="checkbox"/> Self-performing

Please check if Additional Sheets are attached.

**GOOD FAITH EFFORTS DOCUMENTATION TO SUPPORT WAIVER REQUEST**

**Part 3 – additional information regarding rejected MBE quotes**

Page \_\_ of \_\_

Prime Contractor:	Project Description:
Solicitation Number:	

This form must be completed if Part 1 indicates that a MBE quote was rejected because the bidder/offeror is using a Non-MBE or is self-performing the Identified Items of Work. Provide the Identified Items Work, indicate whether the work will be self-performed or performed by a Non-MBE, and if applicable, state the name of the Non-MBE. Also include the names of all MBE and Non-MBE Firms that provided a quote and the amount of each quote.

Describe Identified Items of Work Not Being Performed by MBE (Include spec/ section number from bid)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing  <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing  <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Describe Identified Items of Work Not Being Performed by MBE (Include spec/ section number from bid)	Self-performing or Using Non-MBE (Provide name)	Amount of Non-MBE Quote	Name of Other Firms who Provided Quotes & Whether MBE or Non-MBE	Amount Quoted	Indicate Reason Why MBE Quote Rejected & Briefly Explain
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other
	<input type="checkbox"/> Self-performing <input type="checkbox"/> Using Non-MBE	\$ _____	_____ <input type="checkbox"/> MBE <input type="checkbox"/> Non-MBE	\$ _____	<input type="checkbox"/> Price <input type="checkbox"/> Capabilities <input type="checkbox"/> Other

Please check if Additional Sheets are attached.

**ATTACHMENT 2 -2: MBE ATTACHMENT  
OUTREACH EFFORTS COMPLIANCE STATEMENT**

Complete and submit this form within 10 working days of notification of apparent award or actual award, whichever is earlier.

In conjunction with the bid/proposal submitted in response to Solicitation No. N00B4400085, I state the following:

1. Bidder/Offeror identified subcontracting opportunities in these specific work categories: \_\_\_\_\_
2. Attached to this form are copies of written solicitations (with bidding/proposal instructions) used to solicit certified MBE firms for these subcontract opportunities.
3. Bidder/Offeror made the following attempts to personally contact the solicited MDOT-certified MBE firms: \_\_\_\_\_
4. **Please Check One:**
  - This project does not involve bonding requirements.
  - Bidder/Offeror assisted MDOT-certified MBE firms to fulfill or seek waiver of bonding requirements. (DESCRIBE EFFORTS): \_\_\_\_\_

5. **Please Check One:**
  - Bidder/Offeror did attend the pre-bid/pre-proposal conference.
  - No pre-bid/pre-proposal meeting/conference was held.
  - Bidder/Offeror did not attend the pre-bid/pre-proposal conference.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Signature of Representative

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Date



**ATTACHMENT 2- 3A: MBE ATTACHMENT  
 MBE SUBCONTRACTOR PROJECT PARTICIPATION CERTIFICATION**

**Please complete and submit one form for each certified MBE firm listed on the MBE Participation Schedule (Attachment 2-1A) within 10 Working Days of notification of apparent award. If the Bidder/Offeror fails to return this affidavit within the required time, the Procurement Officer may determine that the Bidder/Offeror is not responsible and therefore not eligible for Contract award.**

Provided that \_\_\_\_\_ (Prime Contractor’s Name) is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such Prime Contractor intends to enter into a subcontract with \_\_\_\_\_ (Subcontractor’s Name) committing to participation by the MBE firm \_\_\_\_\_ (MBE Name) with MDOT Certification Number \_\_\_\_\_ which will receive at least \$\_\_\_\_\_ which equals to \_\_\_% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE)	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

Each of the Contractor and Subcontractor acknowledges that, for purposes of determining the accuracy of the information provided herein, the Procurement Officer may request additional information, including, without limitation, copies of the subcontract agreements and quotes. Each of the Contractor and Subcontractor solemnly affirms under the penalties of perjury that: (i) the information provided in this MBE Subcontractor Project Participation Affidavit is true to the best of its knowledge, information and belief, and (ii) has fully complied with the State Minority Business Enterprise law, State Finance and Procurement Article §14-308(a)(2), Annotated Code of Maryland which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a Bid/Proposal and:

- (1) fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified Minority Business Enterprise in its Bid/Proposal;
- (2) fail to notify the certified Minority Business Enterprise before execution of the Contract of its inclusion of the Bid/Proposal;

- (3) fail to use the certified Minority Business Enterprise in the performance of the Contract;  
 or  
 (4) pay the certified Minority Business Enterprise solely for the use of its name in the Bid/Proposal.

<b>PRIME CONTRACTOR</b>	<b>SUBCONTRACTOR</b>
Signature of Representative: _____	Signature of Representative: _____
Printed Name and Title: _____	Printed Name and Title: _____
Firm's Name: _____	Firm's Name: _____
Federal Identification Number: _____	Federal Identification Number: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Date: _____	Date: _____

**ATTACHMENT 2 MBE ATTACHMENT 2-3B**

**MBE PRIME PROJECT PARTICIPATION CERTIFICATION**

PLEASE COMPLETE AND SUBMIT THIS FORM TO ATTEST EACH SPECIFIC ITEM OF WORK THAT YOUR MBE FIRM HAS LISTED ON THE MBE PARTICIPATION SCHEDULE (ATTACHMENT 2-1A) FOR PURPOSES OF MEETING THE MBE PARTICIPATION GOALS. THIS FORM MUST BE SUBMITTED WITHIN 10 WORKING DAYS OF NOTIFICATION OF APPARENT AWARD. IF THE BIDDER/OFFEROR FAILS TO RETURN THIS AFFIDAVIT WITHIN THE REQUIRED TIME, THE PROCUREMENT OFFICER MAY DETERMINE THAT THE BIDDER/OFFEROR IS NOT RESPONSIBLE AND THEREFORE NOT ELIGIBLE FOR CONTRACT AWARD.

Provided that \_\_\_\_\_ (Prime Contractor's Name) with Certification Number \_\_\_\_\_ is awarded the State contract in conjunction with Solicitation No. \_\_\_\_\_, such MBE Prime Contractor intends to perform with its own forces at least \$ \_\_\_\_\_ which equals to \_\_\_\_% of the Total Contract Amount for performing the following products/services for the Contract:

NAICS CODE	WORK ITEM, SPECIFICATION NUMBER, LINE ITEMS OR WORK CATEGORIES (IF APPLICABLE) For Construction Projects, General Conditions must be listed separately.	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES	VALUE OF THE WORK

**MBE PRIME CONTRACTOR**

Signature of Representative:  
 \_\_\_\_\_

Printed Name and Title:  
 \_\_\_\_\_

Firm's Name:  
 \_\_\_\_\_

Federal Identification Number:  
 \_\_\_\_\_

_____
Address:
_____
_____
Telephone:
_____
Date:

*This form must be completed monthly by the prime contractor.*

**ATTACHMENT 2-4A: MBE PRIME CONTRACTOR PAID/UNPAID MBE INVOICE  
 REPORT**

**Department of Human Resources – Office of Technology for Human Resources  
 Minority Business Enterprise Participation**

**Prime Contractor Paid/Unpaid MBE Invoice Report**

Report #: _____ Reporting Period (Month/Year): _____ <b>Report is due to the MBE Officer by the 15th of the month following the month the services were provided.</b> <b>Note: Please number reports in sequence</b>	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ MBE Subcontract Amt: _____ Project Begin Date: _____ Project End Date: _____ Services Provided: _____
---	--

Prime Contractor:	Contact Person:																														
Address:																															
City:	State:	ZIP:																													
Phone:	FAX:	Email:																													
MBE Subcontractor Name:	Contact Person:																														
Phone:	FAX:																														
Subcontractor Services Provided:																															
List all payments made to MBE subcontractor named above during this reporting period: <table border="0"> <thead> <tr> <th></th> <th>Invoice#</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> </tbody> </table> Total Dollars Paid: \$_____		Invoice#	Amount	1.			2.			3.			4.			List dates and amounts of any outstanding invoices: <table border="0"> <thead> <tr> <th></th> <th>Invoice #</th> <th>Amount</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td><td></td></tr> <tr><td>2.</td><td></td><td></td></tr> <tr><td>3.</td><td></td><td></td></tr> <tr><td>4.</td><td></td><td></td></tr> </tbody> </table> Total Dollars Unpaid: \$_____		Invoice #	Amount	1.			2.			3.			4.		
	Invoice#	Amount																													
1.																															
2.																															
3.																															
4.																															
	Invoice #	Amount																													
1.																															
2.																															
3.																															
4.																															
<b>**If more than one MBE subcontractor is used for this contract, you must use separate 2-4A forms.                  Information regarding payments that the MBE prime will use for purposes of meeting the MBE participation goals must be reported separately in Attachment 2-4B.                  **Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):</b>																															
_____ Contract Manager _____ Contracting Unit (Department or Agency) _____ _____ mailto:																															

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Required)

**ATTACHMENT 2 MBE ATTACHMENT 2-4B MBE PRIME CONTRACTOR  
 REPORT**

**Department of Human Resources Office of Technology for Human Resources  
 Minority Business Enterprise Participation  
 MBE Prime Contractor Report**

MBE Prime Contractor: Certification Number: Report #: _____ Reporting Period (Month/Year): _____ <b>Report is due to the MBE Officer by the 15th of the month following the month the services were provided.</b> <b>Note: Please number reports in sequence</b>	Contract #: _____ Contracting Unit: _____ Contract Amount: _____ Total Value of the Work to the Self-Performed for purposes of Meeting the MBE participation goal/subgoals: _____ Project Begin Date: _____ Project End Date: _____
---	--

Contact Person: _____		
Address: _____		
City: _____	State: _____	ZIP: _____
Phone: _____	Fax: _____	E-mail: _____

INVOICE NUMBER	VALUE OF THE WORK	NAICS CODE	DESCRIPTION OF SPECIFIC PRODUCTS AND/OR SERVICES

**Return one copy (hard or electronic) of this form to the following addresses (electronic copy with signature and date is preferred):**

Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

_____ Contract Monitor _____ Contracting Unit (Department) _____ _____ _____
---

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Required)



*This form must be completed monthly by MBE subcontractor*

**ATTACHMENT 2 MBE 2-5 SUBCONTRACTOR PAID/UNPAID MBE INVOICE  
 REPORT**

**Minority Business Enterprise Participation  
 Subcontractor Paid/Unpaid MBE Invoice Report**

Report#: _____	Contract #
Reporting Period (Month/Year): _____	Contracting Unit:
<b>Report is due by the 15th of the month following the month the services were performed.</b>	MBE Subcontract Amount:
	Project Begin Date:
	Project End Date:
	Services Provided:

MBE Subcontractor Name:		
MDOT Certification #:		
Contact Person:		Email:
Address:		
City:	State:	ZIP:
Phone:	FAX:	
Subcontractor Services Provided:		
List all payments received from Prime Contractor during reporting period indicated above.		List dates and amounts of any unpaid invoices over 30 days old.
Invoice Amount	Date	Invoice Amount      Date
1.		1.
2.		2.
3.		3.
4.		4.
Total Dollars Paid: \$ _____		Total Dollars Unpaid: \$ _____
Prime Contractor:		Contact Person:
**Return one copy of this form to the following address (electronic copy with signature & date is preferred):		
_____ Contract Manager		
_____ Contracting Unit		
Department of Human Resources – OTHS		

\_\_\_\_\_ mailto:  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ (Required)