

October 2025 SPAG Q&A

2025 Procurement Reform Act Feedback Google Form

Following sections in order of the slide presentation:

SBR DESIGNATION:

Q1: Is OSBA the same as GOSBA?

- *Answer:* The Governor’s Office of Small, Minority, and Women Business Affairs (GOSBA) is now a part of the Department of Social and Economic Mobility (DoSEM), and as a part of that new agency “GOSBA’s” name is the Office of Small, Minority, and Women Business Affairs (OSBA).

Q2: What types of small procurements fall under the SBR designation changes (for example, the purchase of routine office supplies generally less than \$100-\$150 per purchase)?

- *Answer:* The change in law applies to all procurements, regardless of type or dollar amount. This means that SBR designation—or at minimum, consideration of purchasing from a certified small business—must be applied to all categories of small procurements, including Category I purchases typically made with a PCard.

Key points to remember:

- Apply the “Rule of Two”: If at least two certified small businesses can reasonably provide the goods or services, the purchase should be designated for SBR participation.
- Document exceptions: If it is determined not practicable to use a certified small business, the reason must be documented in the procurement or PCard file.
- No PRG or OSBA review required: Small procurements valued at \$50,000 or less continue to be exempt from PRG review and OSBA submission.

Please review the updated [SBR Implementation Guidelines](#) on our website for additional information. OSBA, OSP, and GAD are working on additional guidance and training related to making these types of purchases.

Q3: There is language about exceptions being permitted when using a certified small business is “not practicable,” but what does that mean in practice?

- *Answer:* The determination that it is not practicable to purchase from a certified small business must be made case by case by the procurement officer or PCard holder. This decision must be justified and documented in the procurement or purchase file.

In practice, “not practicable” means that, after conducting reasonable market research or due diligence, the procurement officer determines that using a certified small business would not reasonably meet the agency’s needs. Examples of potential conditions may include:

- No qualified or available certified vendors can provide the required goods or services.
- Excessive cost — certified small business pricing is unreasonably higher than market rates.
- Specialized or proprietary requirement available only from non-certified vendors.

Q4: Do preferred providers still take priority over SBR? Does this affect the use of statewide contracts?

- *Answer:* While the PRA adds a new definition of “statewide contract,” it does not address the order of precedence between statewide contracts and preferred providers, thus, the existing guidance remains unchanged. Preferred providers and existing statewide contracts take priority over conducting any new procurements that may be SBR designated. However, The Office of State Procurement is planning to update and clarify existing language on this in the near future.

Q5: So how does this affect the Executive Order issued in 2021 that reflects up to \$500K.

- *Answer:* PRA is law and takes precedence. Please also note that the [E.O. 01.01.2024.38](#) issued last December encourages the rule of two for awards of any amount.

Q6: Can someone provide approved language regarding Small Business Preference for our solicitations?

- *Answer:* We are working on adding pre-approved language to OSP’s templates.

Q7: Has the maximum dollar threshold for a small business to remain as such increased beyond the \$10 million limit?

- *Answer:* The PRA did not change this requirement.

CORRECTING DEFICIENCIES ON MBE/VSBE FORMS:

Q8: Will the MBE Forms and solicitation templates (Attachment D and Appendix 4) be updated to reflect the change with the MBE/VSBE form with deficiencies?

- *Answer:* Yes, Appendix 4 and Attachment D (the MBE forms) will be updated to better allow for implementation of the greater flexibility provided in the PRA. Correcting deficiencies will be allowed moving forward. The updates to the forms

are pending BPW promulgation of the COMAR regulatory sections related to the PRA statutory updates. Those regulatory sections will include further guidance on the ability to cure deficiencies.

Q9: How many times can we allow contractors to fix their forms?

- *Answer:* The PRA amendments to [SFP §14-302\(a\)\(11\)](#) are meant to provide broader flexibility and discretion to procurement officers to allow bidders and offerors to cure the deficiency within a reasonable time. The exact amount of times a contractor is able to cure deficiencies in the forms will depend on the circumstances in each situation and will be left to the procurement officer's discretion at the Unit involved. That determination shall be made in consultation with the Unit's Minority Business Enterprise Liaison.

Q10: Will primes be allowed to change the MBE percentage or \$ amount on the MBE forms?

- *Answer:* Primes will not be able to change the MBE percentage (or monetary amount) on the MBE forms unless the change is due to a deficiency as identified by the procurement officer. The procurement officer is able, within certain parameters outlined in SFP §14-302(a)(11), to make determinations about deficiencies to allow bidders and offerors to cure the deficiency within a reasonable time. That determination shall be made in consultation with the Unit's Minority Business Enterprise Liaison.

Q11: The procurement officer shall notify the bidder or offeror of the deficiency and require the bidder or offeror to submit an amended form correcting the deficiency within a reasonable time period. What is a reasonable time?

- *Answer:* BPW is currently drafting regulations to implement the PRA and determine what a "reasonable time period" should be considered. DGS OSP proposed 3 business days as a reasonable time period.

Q12: How do we address current solicitation then?

- *Answer:* Until the updated forms are available, the procurement officers should continue using existing forms until the new ones are available.

MODIFICATION OF PARTICIPATION GOALS:

Q13: Would changes to MBE/VSBE goals be considered material changes that require BPW approval?

- *Answer:* BPW Advisory 1995-1 on contract modifications requires contract modifications to include information on goal compliance, either in packages (if meeting the dollar threshold) or in data on the PAAR; this is a case-specific issue.

Q14: Is the intent of the statutory change to adjust the goals?

- *Answer:* For goal decreases, the intent of these changes is to account for significant and unusual changes in the contract circumstances that impacted the vendor's compliance with the established goals, when doing so is in the best interest of state and taxpayer funds. For example, a contract modification related to participation goals may be warranted if there is a change in the original scope of work that impacts the use of MBE or VSBE vendors.
- For goal increases, the intent is to update reporting accuracy for MBE and VSBE participation in contracts, ensuring that contributions of these enterprises are adequately recognized and tracked.

Q15: What will the process look like to modify the MBE/VSBE goals after award?

- *Answer:* There is updated guidance shared in the procurement manual. Most importantly, POs must discuss the specific situation with the liaison, management, and potentially the procurement review group. Then, POs must speak with your Attorney General to have a clear consultation and a strategy to move forward, document the case, and gain any approvals.

Q16: If a procurement includes an established participation goal that the vendor agreed to before contract execution, but after execution the vendor argues that the goal should apply only to a portion of a deliverable rather than the total contract value—and the procurement officer agrees—can the goal be reduced?

- *Answer:* It depends. Reducing a participation goal after contract execution is permissible only in limited circumstances. The statutory intent of goal modifications is to address significant and unforeseen changes in contract circumstances that materially affect the vendor's ability to meet the original goal, and only when such a change serves the best interests of the State and taxpayers.

When evaluating a request to decrease a goal, it is essential to consider whether the modification would have materially affected the outcome of the procurement,

including whether other vendors might have chosen to compete had the original goal been lower.

TRANSFER OF MARYLAND WORKS TO OSBA:

Q17: Should the scope of work still be sent directly to MD Works to evaluate?

- *Answer:* Current processes should remain in place for now. OSBA took over management of Maryland Works effective October 1st, so if there are any operational changes to process they will share those across agencies.

VSBE RESERVE PROGRAM:

Q18: Can we designate procurements as VSBR, the same as SBR?

- *Answer:* There will be additional information coming on the VSBR program. Please note that per statute, the only two agencies that will have access to the VSBR program at this time will be DVMMF and MMD. The team will be working on regulatory guidelines, any system updates, and operational guidelines in the near future and will share additional information.

“STATEWIDE CONTRACT” DEFINITION:

Q19: Should a procurement officer use a statewide contract before considering preferred providers?

- *Answer:* While the PRA adds a new definition of “statewide contract,” which fosters consistent understanding and use of statewide contracts, it does not address the order of precedence between statewide and preferred providers, so the existing guidance remains unchanged.

NON-PRA RELATED QUESTIONS:

Q20: Is the current BPW checklist agenda submission still usable?

- *Answer:* Yes.

Q21: Would OSP provide updated BPW agenda submission/agenda dates? How can this information be found?

- *Answer:* The 2026 Submission Schedule will be shared once it is available.

Q22: Is the current process for any project up to \$200k, agencies can send their SOW directly to MD Works, and if it exceeds \$200k, the SOW should be sent to DGS-Requisitions mailbox?

- *Answer:* Yes.

Q23: What is the timeline for OSP to review a solicitation before it can be placed on eMMA? How long does the agency wait to receive the approval to post on eMMA or required updates before doing so?

- *Answer:* This question refers to procurements over the small procurement threshold. For non-complex procurements, we follow the guidelines in the **DGS OSP Procurement Timeline and Milestone Tool**. However, that requires the agency to submit a “**fully completed procurement package**.” If OSP is waiting for the agency to submit missing documentation or information, the solicitation review will take longer. Additionally, if it is a complex procurement, the review process could take longer. Regardless of the procurement complexity, the agency cannot post a solicitation without approval from OSP for procurements over \$100,000. It is in the agency’s best interest to provide all required documentation in the procurement package and follow up with OSP if you have not heard anything within three business days.

Q24: Where do we register for training?

- *Answer:* Participants may register for any of our training cohorts via the following link: [Procurement Professionals Training Resources](#).