

Attachment D-1A
Minority Business Enterprise (MBE) Utilization and Fair Solicitation Affidavit &
MBE Participation Schedule

If a bidder or offeror fails to complete accurately or submit the MBE utilization affidavit or MBE participation schedule, an agency's procurement officer, after consultation with the agency's minority business liaison, shall notify the bidder or offeror of the deficiency and require the bidder or offeror to submit an amended MBE utilization affidavit, MBE participation schedule, or both within three business days.

If, within three business days, the bidder or offeror fails to submit the amended form or forms correcting the deficiency identified, the procurement officer may determine, in the case of a bid, that the bid is not responsive or, in the case of a proposal, that the proposal is not reasonably susceptible of being selected for award.

For detailed instructions on completing this Affidavit, please refer to [Appendix 4A](#) of the solicitation.

Part 1 – MBE Utilization and Fair Solicitation Affidavit

Solicitation Number:

Solicitation MBE Goal:

Solicitation Subgoals (If subgoals do not apply, please input 'NA' for each field):

_____ % African American-Owned MBE Firms	_____ % Hispanic American-Owned MBE Firms
_____ % Asian American-Owned MBE Firms	_____ % Women-Owned MBE Firms

IN CONNECTION WITH THE BID/PROPOSAL SUBMITTED IN RESPONSE TO THE SOLICITATION INDICATED ABOVE, I AFFIRM THE FOLLOWING MBE PARTICIPATION:

I acknowledge and intend to **MEET IN FULL OR EXCEED both the overall certified Minority Business Enterprise (MBE) participation goal and all applicable subgoals**. Therefore, I am not seeking a waiver pursuant to COMAR 21.11.03.11. I acknowledge that by selecting and agreeing to meet the stated goal and all applicable subgoals (if any), I must complete the MBE Participation Schedule (Part 2) and the Signature Page (Part 3) to be considered for award.

OR

After making good faith outreach efforts prior to making this submission, I conclude that I am **unable to achieve the MBE participation goal and/or subgoals**. I hereby request a waiver, in whole or in part, of the overall goal and/or subgoals. [Access Waiver Guidance here](#).

I acknowledge that by requesting a *partial* waiver of the stated goal and/or one or more of the stated subgoals (if any), I must complete the MBE Participation Schedule (Part 2) and the Signature Page (Part 3) for the portion of the goal and/or subgoal for which I am not seeking a waiver in order to be considered for award. Similarly, I acknowledge that by requesting a *full* waiver of the stated goal and the stated subgoals (if any), I must complete the Signature Page (Part 3) to be considered for award.

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Part 2 – MBE Participation Schedule

For detailed instructions on completing this participation schedule, please refer to [Appendix 4A](#) of the solicitation.

Note: MBE Prime Contractors, who are self performing, must complete both Section A and Section B.

Prime Contractor	
Project/Solicitation Number	
Project Description	

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

MBE Prime Name: _____

MBE Certification Number: _____

NAICS: _____

MBE Prime Classification:

If the MBE Prime is counting its self-performed work towards any subgoal, select the appropriate classification for the subgoal:

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

Brief description of the work to be performed by MBE Prime Contractor:

Section A1 (MBE Prime Self-Performance):

The percentage of total contract value to be performed with your own forces and counted towards the overall MBE goal cannot exceed 50% of the overall goal. For example, if an overall goal is set at 20%, an MBE Prime may perform a maximum of 10% of the overall goal (50% of the established 20% goal). [Details.](#)

Percentage of Total Contract Value to Be Performed by MBE Prime (auto-calculation):

Overall Participation Goal _____%

✕ _____% (50% max) = _____

Category of Work and Calculations:

Select one category that applies to the type of work your firm is self-performing to calculate the amount being counted towards achieving the MBE Participation Goal(s):

Supplier, Wholesaler, and/or Regular Dealer (count 60%)

Enter the percentage amount for work in which the MBE Prime is being utilized in this category. The percentage entered should match that of the 50% maximum overall participation goal computed in Section A1. [\[Details\]](#)

Total Percentage as Supplier: _____% ✕ 60% = _____%

Manufacturer (count 100%)

Enter the percentage amount for work in which the MBE Prime is being utilized in this category. The percentage entered should match that of the 50% maximum overall participation goal computed in Section A1. [\[Details\]](#)

Total Percentage as Manufacturer: _____%

Furnish & Install and/or Other Services (count 100%)

Enter the percentage amount for work in which the MBE Prime is being utilized in this category. The percentage entered should match that of the 50% maximum overall participation goal computed in Section A1. [\[Details\]](#)

Total Percentage as Furnish & Install/Other Services: _____%

Broker (count reasonable fees / commission only)

Enter the percentage amount for work in which the MBE Prime is being utilized in this category. [\[Details\]](#)

Total Percentage as a Broker: _____%

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SECTION B: For ALL MBE Subcontractors and Third-Tier Contractors

MBE Firm Name: _____ MBE Certification Number: _____ NAICS: _____ MBE Firm Email Address: _____ MBE Classification(Select All That Apply): ☐ African American-Owned ☐ Hispanic American-Owned ☐ Asian American-Owned ☐ Native American-Owned ☐ Women-Owned ☐ Other MBE Classification Brief description of the work to be performed by MBE Firm: _____ Indicate Subcontractor Type: ☐ This MBE firm is a subcontractor ☐ This MBE firm is a third-tier contractor Third-tier subcontracting requires either preapproval as specified in the solicitation or separate written approval in accordance with policy. [Details] ☐ This third-tier contractor will be working with this subcontractor:	Percentage of Total Contract Value to Be Performed by MBE Firm: Participation Goal for MBE Firm: _____% Category of Work and Calculations: Select one category that applies to the type of work this subcontractor is performing to calculate the amount being counted towards achieving the MBE Participation Goal(s): Supplier, Wholesaler, and/or Regular Dealer (count 60%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Supplier: _____% × 60% = _____% Manufacturer (count 100%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Manufacturer: _____% Furnish & Install and/or Other Services (count 100%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Furnish & Install/Other Services: _____% Broker (count reasonable fees / commission only) Enter the percentage amount for work in which the subcontractor is being utilized in this category. [Details] Total Percentage as a Broker: _____% Prime Contractor's Attestation to Subcontractor Engagement: As Prime Contractor, I acknowledge and attest to having engaged with the listed MBE and intend to continue engagement if this solicitation results in the award of a contract. As Prime Contractor, I agree to State check-ins to verify subcontractor engagement.
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For instructions and applicable worksheets to assist in completing any part of this D-1A form, including worksheets and/or tutorials to calculate percentages for MBEs being utilized in certain job categories (i.e. 60% Rule), please refer to [Appendix 4A](#) of the solicitation.

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SECTION B: For ALL MBE Subcontractors and Third-Tier Contractors

MBE Firm Name: _____ MBE Certification Number: _____ NAICS: _____ MBE Firm Email Address: _____ MBE Classification(Select All That Apply): ☐ African American-Owned ☐ Hispanic American-Owned ☐ Asian American-Owned ☐ Native American-Owned ☐ Women-Owned ☐ Other MBE Classification Brief description of the work to be performed by MBE Firm: Indicate Subcontractor Type: ☐ This MBE firm is a subcontractor ☐ This MBE firm is a third-tier contractor Third-tier subcontracting requires either preapproval as specified in the solicitation or separate written approval in accordance with policy. [Details] ☐ This third-tier contractor will be working with this subcontractor:	Percentage of Total Contract Value to Be Performed by MBE Firm: Participation Goal for MBE Firm: _____% Category of Work and Calculations: Select one category that applies to the type of work this subcontractor is performing to calculate the amount being counted towards achieving the MBE Participation Goal(s): Supplier, Wholesaler, and/or Regular Dealer (count 60%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Supplier: _____% × 60% = _____% Manufacturer (count 100%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Manufacturer: _____% Furnish & Install and/or Other Services (count 100%) Enter the percentage amount for work in which the subcontractor is being utilized in this category. The percentage entered should match that of the participation goal entered for this MBE Firm above. [Details] Total Percentage as Furnish & Install/Other Services: _____% Broker (count reasonable fees / commission only) Enter the percentage amount for work in which the subcontractor is being utilized in this category. [Details] Total Percentage as a Broker: _____% Prime Contractor's Attestation to Subcontractor Engagement: As Prime Contractor, I acknowledge and attest to having engaged with the listed MBE and intend to continue engagement if this solicitation results in the award of a contract. As Prime Contractor, I agree to State check-ins to verify subcontractor engagement.
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To list additional MBE firms as part of Section B within Part 2 – MBE Participation Schedule, please add continuation sheets of this page (Page 2, Section B) to this section as needed and select the box below. Additional pages of this section are available for download [here](#). Submit each additional page as a separate attachment. Do not combine pages into a single file.

Select this box if you are adding continuation sheets to list additional MBE firms.

For instructions and applicable worksheets to assist in completing any part of this D-1A form, including worksheets and/or tutorials to calculate percentages for MBEs being utilized in certain job categories (i.e. 60% Rule), please refer to [Appendix 4A](#) of the solicitation.

Part 3 – Signature Page

To Complete the Affidavit and Participation Schedule Committing to MBE(s) or Requesting a Waiver, the Bidder/Offeror Must Sign Below:

I solemnly affirm under the penalties of perjury that:

- i. I have reviewed the instructions for the MBE Utilization & Fair Solicitation Affidavit and MBE Participation Schedule;**
- ii. All MBE certified firms listed have consented to be included in this bid or proposal;**
- iii. The information contained in the MBE Utilization & Fair Solicitation Affidavit and MBE Participation Schedule is true to the best of my knowledge, information, and belief; and**
- iv. I acknowledge and commit to meeting the MBE participation goal as indicated on this completed participation schedule and stated below.**

Total MBE Commitment %

Bidder/Offeror Name (Print or Type)

Signature of Authorized Representative

Address

Printed Name and Title

City, State, and ZIP Code

Date

SUBMIT THIS ENTIRE COMPLETED FORM WITH YOUR BID/PROPOSAL