APPENDIX M
MINORITY BUSINESS ENTERPRISE (MBE) PARTICIPATION GOAL

1) Establishment of Goal and Subgoals

An overall Minority Business Enterprise (MBE) subcontractor participation goal as identified in the solicitation has been established for this procurement, representing a percentage of the total Contract dollar value, including all renewal option terms, if any.

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

By submitting a response to this solicitation, the Bidder/Offeror acknowledges the overall MBE participation goal and subgoals and commits to achieving the overall goal and subgoals by utilizing certified MBEs, or requests a full or partial waiver of the overall goal and/or subgoals.

If a bidder or offeror fails to complete accurately or submit Attachment D-1A, MBE Utilization and Fair Solicitation Affidavit and 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 and Fair Solicitation 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.

A Bidder or Offeror that does not commit to meeting the entire MBE participation goal outlined in the solicitation must select and request a waiver with its bid or proposal submission (see Attachment D linked below for waiver forms).

2) Technical Proposal Requirements.

a) **MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule Form.** Complete and sign the form which can be accessed at this link: https://content.govdelivery.com/attachments/MDDGS/2026/09/01/file_attachments/3766548/Attachment%20D-1A%20-%20Effective%209-1-26%20-%20Compressed.pdf and include it with the Technical Proposal. This form is labeled as Attachment D-1A. The information on the form may not be submitted in another format.

i) NOTE: Prior to submitting its request for a waiver, the Bidder/Offeror requesting a waiver should review all waiver forms (D-1B and D-1C) in Attachment D which can be access at this link: https://procurement.maryland.gov/wp-content/uploads/sites/12/2026/09/Attachment-D-MBE_Forms-Effective-9-1-26.pdf.

3) **Attachment D – Minority Business Enterprise (MBE Forms)** linked above contains the following sub-attachments. The Bidder or Offeror should review each attachment contained in Attachment D.

a) Attachment D-1B Waiver Guidance
b) Attachment D-1C Good Faith Efforts Documentation to Support Waiver Request
c) Attachment D-2 Outreach Efforts Compliance Statement
d) Attachment D-3A MBE Subcontractor Project Participation Certification
e) Attachment D-3B MBE Prime Project Participation Certification
f) Attachment D-4A Prime Contractor Paid/Unpaid MBE Invoice Report
g) Attachment D-4B MBE Prime Contractor Report
h) Attachment D-5 Subcontractor Paid/Unpaid MBE Invoice Report

Bidders/Offerors are responsible for verifying that each MBE (including any MBE prime and MBE prime participating in a joint venture) selected to meet the goal and any subgoals and subsequently identified in Attachment D-1A is appropriately certified and has the correct NAICS codes allowing it to perform the committed work.

4) **After Notice of Award**: Within ten (10) Business Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, the Bidder/Offeror(s) must provide the following documentation to the Procurement Officer(s). This documentation can be found in Attachment D (linked above):

a) Outreach Efforts Compliance Statement (**Attachment D-2**);
b) MBE Subcontractor/Prime Project Participation Certification (**Attachment D-3A/3B**); and
c) Any other documentation required by the Procurement Officer to ascertain Bidder/Offeror responsibility in connection with the certified MBE subcontractor participation goal or any applicable subgoals.
d) A recommended awardee that requested a waiver of the goal or any of the applicable subgoals (in whole or in part) will be responsible for submitting the Good Faith Efforts Documentation to Support Waiver Request (**Attachment D-1C**) and all documentation, within ten (10) Business Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, as required in COMAR 21.11.03.11.

If the recommended awardee fails to return each completed document within the required time, the Procurement Officer may determine that the recommended awardee is not responsible and, therefore, not eligible for Contract award. If the Contract has already been awarded, the award is voidable.

A current directory of certified MBEs is available in the State MBE Directory.

All documents, including the MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule (Attachment D-1A), completed and submitted by the Bidder/Offeror in connection with its certified MBE participation commitment shall be considered a part of the Contract and are hereby expressly incorporated into the Contract by reference thereto. All of the referenced documents will be considered a part of the Bid/Proposal for order of precedence purposes.

As set forth in COMAR 21.11.03.12-1(D), when a certified MBE firm participates on a contract as a prime contractor (including a joint-venture where the MBE firm is a partner), 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 work force towards 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. (e.g., if the contract has a 5% MBE goal, the prime contractor can self-perform up to 2.5% of the goal)

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. Refer to MBE forms (Attachment D) for additional information.

5) **Contract Administration Requirements.** The awarded Contractor shall:

a) Submit the following reports to the Contract Monitor and the MBE Liaison Officer (Pamela Welzenbach - pamela.welzenbach@umgc.edu). These reports may be found in Attachment D linked above:

1) A Prime Contractor Paid/Unpaid MBE Invoice Report (**Attachment D-4A**) Certified MBE subcontractors are required to submit to the procurement agency a report for each month during which the MBE performs work or receives payment under the contract. Monthly payment reporting requirements do not apply when the MBE subcontractor is not actively engaged in its designated phase of work, has completed its contractual work, or has no outstanding invoices to be paid; and

2) (If Applicable) An MBE Prime Contractor Report (**Attachment D-4B**) identifying an MBE prime's self-performing work to be counted towards the MBE participation goals.

b) Include in its agreements with its certified MBE subcontractors a requirement that those subcontractors submit an MBE Subcontractor Paid/Unpaid Invoice Report (**Attachment D-5**) to the Contract Monitor and the MBE Liaison Officer that identifies the Contract and lists all payments to the MBE subcontractor received from the Contractor in the preceding reporting period month, as well as any outstanding invoices, and the amounts of those invoices.

c) Maintain such records as are necessary to confirm compliance with its MBE participation obligations. These records must indicate the identity of certified minority and non-minority subcontractors employed on the Contract, type of work performed by

each, and actual dollar value of work performed. Subcontract agreements documenting the work performed by all MBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.

d) Consent to provide such documentation as reasonably requested and to provide right-of-entry at reasonable times for purposes of the State's representatives verifying compliance with the MBE participation obligations. Contractor must retain all records concerning MBE participation and make them available for State inspection for three years after final completion of the Contract.

e) Upon completion of the Contract and before final payment and release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from MBE subcontractors.

MINORITY BUSINESS ENTERPRISE (MBE) FREQUENTLY ASKED QUESTIONS AND ANSWERS (FAQ)

Who should I contact if I have questions about MBE Participation?	Offerors are encouraged to reach out for help with MBE questions. Please contact the current UMGC MBE Liaison – Pamela Welzenbach at pamela.welzenbach@umgc.edu for assistance.
What is the Minority Business Enterprise (MBE) program?	The MBE program is a Maryland state procurement program developed to encourage minority-owned firms to participate in the state procurement process. The program creates contracting opportunities specifically for certified Minority Business Enterprises (MBEs).
What is a certified Minority Business Enterprise (MBE)?	A certified MBE is a company that has obtained its MBE certification through the Maryland Department of Social and Economic Mobility's Office of Minority Business Enterprise (OMBE). For more information on MBE certification, visit this page: https://www.mdot.maryland.gov/tso/pages/index.aspx?pageid=91
What is the difference between a Prime Contractor and an MBE Prime Contractor?	The Proposer who is awarded the contract is known as the Prime Contractor. If that Proposer is also a DOSEM-certified MBE firm, then the Proposer/Awardee will be known as an MBE Prime Contractor.
How are goals set on contracts?	The Procurement Review Group (PRG) Administrator sets goals based on the type of work being requested and the availability of certified MBE companies to perform the work. Prior to setting the goal, the PRG Administrator uses the official database of certified MBEs on the DOSEM website to confirm that there are a sufficient number of companies that are certified with the proper NAICS codes to perform the work being requested.
Does an MBE goal apply to the initial scope of work as well as any change orders?	Yes. The MBE goal applies to the total of all dollars paid to the prime contractor. This would include the initial work order and any subsequent change orders.

If my company is certified as a Federal MBE or if my company is certified as an MBE in another state, will this count as the required MBE certification for this contract?	No. A company MUST be certified as an MBE by the State of Maryland in order for the certification to be recognized and counted towards the MBE goal. Maryland does not offer reciprocity at this time.
Does my business have to be certified as an MBE to participate on a state contract as a subcontractor?	No. Certification is not required to participate on a contract as a prime contractor or as a subcontractor; however, a non-certified subcontractor will not count towards satisfying any MBE goal on a contract.
How do I register my business with the State of Maryland?	Go to https://egov.maryland.gov/businessexpress. Click "Register – a New Business, Trade Name or Tax Account." Log in or create a user account to proceed with registration. You will need to select your Maryland business type from the drop-down menu. Also select your Foreign (Non-Maryland) business type. If your company was formed in another state, i.e., not in Maryland, then your company is considered "Foreign." If your company was formed in Maryland, then your company is "Domestic."
How do I find a Resident Agent?	You can perform a search on your browser for "Resident Agents." UMGC cannot recommend a specific firm. However, several companies that provide Resident 'Agent services, include Northwest Registered Agents, Harbor Compliance, CT Corporation, Universal Registered Agents, and URS Agents LLC. Please note that UMGC has NOT vetted any of these firms.
How do I become a subcontractor on a state contract?	Prime contractors are responsible for identifying qualified subcontractors to work on projects; however, the state does provide resources to help prime contractors identify potential subcontractors: 1. MBE Directory – As certified MBEs, businesses will be listed in the public directory of certified MBEs. Prime contractors are encouraged to use this directory to identify certified MBEs. 2. Pre-Bid Meetings or Pre-Proposal Conferences (if applicable to the RFP) – All prime contractors and subcontractors

	are encouraged to attend all pre-bid meetings to discuss upcoming projects. Pre-bid meetings provide opportunities for prime contractors to meet MBE companies.
Who is required to submit MBE documentation?	MBE documentation must be submitted by all Offerors at the time of proposal submission. Following award of the project, the Prime Contractor MBE Unpaid Invoice Report (Form M-4A), is to be provided by the prime contractor to the MBE Liaison on a monthly basis. In addition, all MBE subcontractors are required to provide the Subcontractor MBE Unpaid Invoice Report (Form M-5) on a monthly basis to the MBE Liaison.
What forms are required for the Technical Proposal Submission?	• The MBE Utilization and Fair Solicitation Affidavit & MBE Participation Schedule Form is due with submission of the Technical Proposal. **If a bidder or offeror fails to complete accurately or submit Attachment D-1A, MBE Utilization and Fair Solicitation Affidavit and 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 and Fair Solicitation 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.**
Can an MBE goal be waived?	UMGC will only assign an MBE goal if UMGC has conducted sufficient research to confirm that there are sufficient certified MBEs that can provide subcontracting services in accordance with the contract's scope of work. If needed, UMGC's MBE Liaison will work with prime contractors/offerors who need assistance identifying one or more MBE subcontractors for the contract. The

	MBE Liaison can be reached at: pamela.welzenbach@umgc.edu. Prior to submitting its request for a waiver, the Bidder/Offeror requesting a waiver should review all waiver forms (D-1B and D-1C) in Attachment D which can be accessed at this link: https://procurement.maryland.gov/wp-content/uploads/sites/12/2026/09/Attachment-D-MBE_Forms-Effective-9-1-26.pdf. A waiver of a certified MBE contract goal may be granted only upon a reasonable demonstration by the prime contractor/offeror that certified MBE subcontract participation was unable to be obtained or was unable to be obtained at a reasonable price or in the appropriate MBE classifications, and if UMGC determines that the public interest is served by a waiver. In making a determination, UMGC may consider engineering estimates, catalogue prices, general market availability and availability of certified MBEs 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 cost of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.
What forms are required if I am awarded the Contract?	• The MBE Attachment D-2 – Outreach Efforts Compliance Statement is due within 10 working days from notification that the Offeror is the apparent awardee or from the date of the actual award, whichever is earlier. This MBE Attachment D-2 form must be completed, executed and submitted to the Procurement Officer. • The MBE Attachment D-3A – Subcontractor Project Participation Statement is due within 10 working days from notification that the Offeror is the apparent awardee or from the date of the actual award, whichever is earlier. This MBE Attachment D-3A form must be completed, executed, and submitted to the Procurement Officer for each DOSEM-certified MBE listed on Attachment D-3A. • The MBE Attachment D-3B – MBE Prime Project Participation Certification (if applicable) is due within 10 working days of notification that the Offeror is the apparent awardee or from the date of actual award, whichever is earlier. NOTE: This MBE

	Attachment D-3B form only applies if the apparent awardee is an DOSEM-certified MBE Prime Contractor. If the Offeror is not an MBE Prime Contractor, this form should not be submitted.
What reporting forms are required after the Contract is signed?	The MBE Liaison will provide the awarded firm with the following required MBE Reporting Forms as well as instructions for completion prior to the start of the contract. The Prime Contractor/MBE Prime Contractor Reporting Forms are due to start with the beginning of the prime contract, and the MBE Subcontractor Reporting Forms are due to start with the beginning of the subcontract issued under the prime contract. • MBE Attachment D-4A – Prime Contractor Paid/Unpaid MBE Invoice Report. After the start of an awarded contract, the Prime Contractor or MBE Prime Contractor will complete this report each month to reflect its subcontractors' services provided during the prior month (for example, will report October data in November, etc.). The completed form is due to the MBE Liaison by the 15th of each month and should be sent to the MBE Liaison EVERY month regardless of whether there was subcontracting activity. If there was no subcontracting activity, simply write "NO ACTIVITY" on the report, then sign, date, and send to the MBE Liaison at pamela.welzenbach@umgc.edu. • MBE Attachment D-4B – MBE Prime Contractor Report (if applicable). After the start of an awarded contract, if the awardee is an MBE firm, then the awardee is considered an MBE Prime Contractor. In addition to completing the Attachment D-3B form above, the MBE Prime Contractor must also complete this Attachment D-4B report each month to reflect all services performed by the MBE Prime with its own forces. The form shall reflect services performed during the prior month (for example, will report October data in November, etc.). The completed form is due to the MBE Liaison by the 15th of each month and should be sent to the MBE Liaison EVERY month regardless of whether there was activity. If no activity, simply write "NO ACTIVITY" on the report, then sign, date, and send to the MBE Liaison at pamela.welzenbach@umgc.edu. This Attachment D-4B form is only required if the awardee is an MBE Prime Contractor.

	• MBE Attachment D-5 – MBE Subcontractor Paid/Unpaid MBE Invoice Report. THIS FORM IS NOT DUE UNTIL AFTER AN AWARDED SUBCONTRACT STARTS. The MBE Subcontractor will complete this report each month to reflect its services provided to the Prime Contractor or MBE Prime Contractor during the prior month (for example, the MBE Subcontractor will send October data in November, etc.). The completed form is due to the MBE Liaison by the 15th of each month and should be sent to the MBE Liaison EVERY month regardless of whether there was activity. If no activity, simply write "NO ACTIVITY" on the report, then sign, date, and send to the MBE Liaison at pamela.welzenbach@umgc.edu.
Where do I find an MBE subcontractor's classification?	The MBE classification [ex: African-American, Asian, Hispanic, Women-owned, etc.] is listed on the MBE firm's profile page available in the DOSEM Directory of Certified Firms.
On D-1A Part 2 MBE Participation Schedule, how do we determine if an MBE subcontractor is "Supplier, wholesaler and/or regular dealer," "Manufacturer," Broker," or "Furnish and Install and Other Services?"	Offerors should select the most appropriate of the four categories listed based on the services the MBE subcontractor will be providing.
What is the process by which an Awarded Vendor would contract with and pay an MBE subcontractor?	Any awarded vendor under an RFP would be considered a Prime Contractor. The Prime Contractor needs to have a subcontract with any/all MBE subcontractor(s) they contract to work with to provide services to UMGC. The MBE subcontractor will never invoice UMGC directly for services. All services provided by the MBE subcontractor should be invoiced to the Prime Contractor, and the Prime Contractor should invoice UMGC.
Can an MBE be the prime contractor on a contract with MBE goals?	Yes. However, an MBE prime is still responsible for identifying MBE subcontractors to fulfill some or all of the established MBE goal.
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Can an MBE prime contractor satisfy all of the MBE goals on a contract?	No. An MBE prime contractor may satisfy up to Fifty Percent (50%) of the established MBE goal. The remainder of the goal must be satisfied by certified MBE subcontractors.
Where can I find laws and regulations regarding the MBE program?	https://mgaleg.maryland.gov/2024RS/Statute_Web/gsf/14-301.pdf https://regs.maryland.gov/us/md/exec/comar/21.11.03
What is expected of the MBE subcontractor once a contract is awarded?	All firms are expected to meet performance standards established by contract specifications. This relates to the quality of work done, the submission of reports and written information to the MBE Liaison in a timely manner, and the firm's compliance with applicable regulations and laws. Once an MBE has been awarded a subcontract, the MBE is responsible for submitting verification of all payments received to the MBE Liaison at the contracting agency. This includes the payment amount and date received.
What are the prime contractor's responsibilities?	The prime contractor must first meet the MBE goals established on the contract by seeking out and using certified MBEs. Once work begins, the prime contractor is responsible for all project activities, including those of subcontractors. Regular monitoring assures that contractual items are performed in accordance with specifications. Monthly reports must be submitted by the prime contractor. When changes are needed, the prime contractor must get approval from the agency procurement officer. Any changes in MBE participation must be approved.