



# Department of Public Safety and Correctional Services

## Office of the Secretary

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## INFORMATIONAL MEMO RELATED TO MINORITY BUSINESS ENTERPRISE (MBE) UPDATED FORMS SOLICITATION NO. Q0016025 PHARMACY SERVICES

Ladies and Gentlemen:

This informational memo is being issued by the Department to accompany Amendment #31 to the RFP and the notes below directly pertain to this procurement. Amendment #31 amends the RFP with new MBE forms, as updated by the Governor's Office of Small, Minority, & Women Business Affairs. These updated forms **must** be completed and submitted by the Offeror with its complete proposal response, as instructed in RFP Section 4.4.3.2, by the Proposal Due (Closing) Date and Time of Thursday, April 4, 2019 at 2:00 PM Local Time. **The MBE forms currently in the RFP (as revised in Amendment #17 on February 28, 2018) should not be submitted. Submit only the updated forms included with Amendment #31.**

Failure to accurately complete and submit the Part 2 MBE Utilization and Fair Solicitation Affidavit, Part 3 MBE Participation Schedule (where applicable), and Part 4 Signature Page shall result in your proposal(s) being deemed not reasonably susceptible of being selected for award.

The significance of the MBE forms cannot be overstated. Under current Maryland law, errors, irregularities or omissions on these forms may not be fixed, and forms may generally not be amended except under very limited circumstances. Please carefully review the information provided in this Memo and read the instructions that accompany the forms.

### General

- MBE firms, including MBE primes, are firms that are MBE certified by the Maryland Department of Transportation (MDOT). An Offeror should confirm that each subcontracting partner is listed as an MBE in the MDOT directory (directory available here: <https://mbe.mdot.maryland.gov/directory/>) and NAICS-code certified to do the work proposed as described in the RFP's scope of work.
- A firm whose certification application is pending with MDOT may NOT be counted.
- A firm that is certified by another jurisdiction but not MDOT may NOT be counted.

- A firm that is certified by MDOT only as a federal DBE/SBE is NOT MBE certified and may not be counted for this solicitation. Check the MDOT directory to confirm current certification information.
- Make sure the commitment to the certified MBE firm, including an MBE prime, serves a commercially useful function on the Contract.
- Return all required pages, including original executed signature pages, with your submission.

**Part 1- Instructions**

- Carefully read the instructions in their entirety.

**Part 2 – MBE Utilization and Fair Solicitation Affidavit**

- If you intend to meet or exceed the 7% goal, check the upper box. No other information is needed on this page.
- If you intend to ask for a full or partial waiver, check the lower box. Carefully read all of the instructions including Attachment D1-B Waiver Guidance.
- You must check one of the two boxes.

**Part 3 – MBE Participation Schedule, Section A**

**(for MBE prime contractors only)**

**Complete Section A if the Offeror is an MBE prime or MBE prime in a joint venture and is MDOT certified to perform the work described in the solicitation.**

- Section A is only for MBE prime contractors. If your firm is not a MDOT Maryland certified MBE firm certified to perform the work described in the solicitation, leave Part 3, Section A blank.
- Since as a prime contractor you are limited to performing only up to 50% of the overall goal with your own forces, you will need to designate one or more MBEs other than yourself to perform the remainder of the MBE commitment and complete Section B: For all Contractors.
- Alternatively, if you are seeking a waiver of the balance of the goal commitment, check the waiver box on the Part 2 Affidavit. Before requesting a waiver, read Attachment D1-B Waiver Guidance.
- As set forth in RFP Attachment D1-B (Waiver Guidance), the MBE prime’s ability to self-perform portions of the work of the Contract in excess of the 50% limitation will not be deemed a substitute for the good faith efforts to meet the balance of the overall goal.

**Part 3 – MBE Participation Schedule, Section B**

**(for all Offerors including MBE Primes)**

Complete this section:

- If the Offeror is a self-performing MBE prime under Section A and is not requesting a waiver for the balance of the goal after self-performance, OR

- If the Offeror is not an MBE prime and has committed to meet all or a portion of the goal under Part 2.

In completing Section B:

- The Offeror must check the box to designate the area which its MBE subcontractors are certified to provide services:
  - Supplier, wholesaler and/or regular dealer (count 60%),
  - Manufacturer (count 100%),
  - Broker (count reasonable fee/commission only), **OR**
  - Furnish and Install and other Services (count 100%).
- Fill in the percentage commitment for the MBE under “A”, “B”, or “C” for the designated area that corresponds with the services identified in the above box. Example: If you committed to meet the full 7% goal and this MBE is fulfilling half of that commitment, you would write in 3.5% for your commitment to this MBE. You would then add additional MBEs as needed to complete the remaining 5% commitment. The “B” and “C” percentages should not be filled in. No supplies/commodities or brokerage fees are being procured under this Contract.
- Fill in a “Description of the Work to be Performed” the MBE will be performing in the line provided. Complete section B with separate entries if you use more than one MBE subcontractor. Add additional pages as needed.
- Specify the percentage of work for each MBE subcontractor listed on the Part 3 Participation Schedule and make sure the total of the percentages equals or exceeds the amount of the commitment on the Part 2 Affidavit. If you commit to meet the goal and you are dividing the work between more than one MBE subcontractor, the sum total of percentages committed to all MBEs should equal or exceed 7%. If your commitments fall short and you did not request a partial waiver, you will be eliminated from competition.

#### **RFP Att. D-1A, Part 4 – Signature Page**

- Submit a signed Part 4 – Signature Page in all circumstances, whether you are committing to meet the goal or requesting a waiver (full or partial).

Please carefully read and complete the amended forms, ask any questions prior to the due date and time for receipt of proposals and submit the forms with your firms complete proposals response, as instructed in RFP Section 4.4.3.2, by the **Proposal Due (Closing) Date and Time of Thursday, April 11, 2019 at 2:00 PM Local Time.**

**DATE ISSUED: MARCH 2, 2019**

**ISSUED AND AUTHORIZED BY:**

ANDREA R. LOCKETT,

DBM PROCUREMENT OFFICER