MDE’s Minority and Women’s Business Enterprises (M/WBEs) Program applies to contract procurement actions funded in part by MDE assistance agreements awarded after October 1, 2008. The authorization is found at Maryland State regulation, Environment Article 9: Section 9-345(d); Section 9-421(d); and, Section 9-1605.2(i) (4).

Grant Recipient Responsibilities:

- Include MDE’s guidance in each contract with a primary contractor.
- Employ the six Good Faith Efforts during prime contractor procurement.
- Require prime contractor to comply with the following prime contractor requirements:
  - Provide to prime contractor MDE form Solicitation Summary and Results: – Attachment A: Grant Recipients and Prime (Construction & A/E) Contractors. (pg. 13)
  - Prime contractor to pay its subcontractor for satisfactory performance no more than 30 days from the prime contractor’s receipt of payment from the recipient.
  - Prime contractor to notify grant recipient in writing prior to any termination of a M/WBE subcontractor for convenience by the prime contractor.
  - Prime contractor to notify subcontractor in writing prior to any termination of a M/WBE subcontractor for convenience by the prime contractor.
  - To employ the six good faith efforts if soliciting a replacement subcontractor after a M/WBE subcontractor fails to complete work under the subcontract for any reason.
  - To employ the six good faith efforts even if MDE’s fair share goals objectives are achieved.
- Maintain records documenting its compliance with the requirements, including a BIDDERS LIST and documentation of its and its prime contractors’ good faith efforts.
Prime Contractor Responsibilities:

- Employ the five Good Faith Efforts steps (1) through (5) if the prime contractor awards subcontracts.

- Provide completed MDE M/WBE Participation - Good Faith Efforts Checklist: State Grant Recipients and Prime (Construction & A/E) Contractors to MDE’s DBE Coordinator (pg. 12).

- Provide completed MDE form Solicitation Summary and Results - Attachment A: Grant Recipients and Prime (Construction & A/E) Contractors MDE’s DBE Coordinator. Complete one form for each subcontract. (pg. 13)

- Pay subcontractors for satisfactory performance no more than 30 days from the prime contractor’s receipt of payment from the recipient.

- Notify the subcontractor in writing prior to termination for convenience.

- Employ the five good faith efforts if soliciting a replacement subcontractor after a M/WBE subcontractor fails to complete work under the subcontract for any reason.

- Employ the five good faith efforts even if the prime contractor has achieved its fair share goals.

- Maintain records documenting its compliance with the requirements, including BIDDERS LIST documentation good faith efforts.

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