

**APPENDIX A:
MDE’S MINORITY AND WOMEN’S BUSINESS ENTERPRISES
(M/WBES) PROGRAM**

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 M/WBE Participation - Good Faith Efforts Checklist: State Grant Recipients and Prime (Construction & A/E) Contractors (pg. 12).
 - 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.

MDE Form	Requirement	Provided By	Completed By	Submitted To
GOODFAITH EFFORTS CHECKLIST (Page 10)	Grant Recipients and Prime Contractor required to fill	MDE	Grant Recipient & Prime Contractor	MDE DBE Coordinator
SOLICITATION OF SUMMARY Attachment A (Page 11)	Grant Recipients and Prime Contractor required to fill	MDE	Grant Recipient & Prime Contractor	MDE DBE Coordinator