



DOING BUSINESS WITH THE MARYLAND TRANSPORTATION AUTHORITY

Division of Civil Rights & Fair Practices



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Civil Rights & Fair Practices (CRFP)

Overview

- MBE/VSBE/DBE/SBR Program Objectives
- MBE/VSBE/DBE Program Goals
- Governing Policies, Procedures, and Regulations
- Procurement Review Group (PRG)
- Pre-Bid Meetings
- Bid/Award
- Waiver Requests
- Pre-Work/Kick Off Meetings
- Compliance & Enforcement
- Prompt Payment
- Revised Schedule of Participation
- Complaints
- NEW “PRISM” Compliance System



Program Objectives



MBE/VSBE/DBE Program Objectives:

- Ensure nondiscrimination in the award and administration of contracts
- Create a level playing field in which MBEs/VSBEs/DBEs can compete fairly
- Monitor, track and report participation, compliance and payments or gross receipts for contract goals and agency overall goals
- Assist MBEs, DBEs, VSBEs & SBRs with opportunities on MDTA Contracts
- Meet MBE, DBE, & VSBE Participation Goals

MDTA Operates the Following Programs

- Minority Business Enterprise (MBE)
 - Contracts awarded with state funds**
 - State Goal set at 29%
- Veteran-Owned Small Business Enterprise (VSBE)**
 - State Goal set at 1%
 - Veteran-Owned Businesses in Maryland need to register on [eMaryland Marketplace Advantage \(eMMA\)](#) and on the US Small Business Administration [Veteran Small Business Certification \(sba.gov\)](#)
- Small Business Reserve (SBR)**
 - State Goal set at 15%
 - Need to register on [eMaryland Marketplace Advantage \(eMMA\)](#)
- Disadvantaged Business Enterprise (DBE)
 - Contracts awarded with federal funds



Governing Policies, Procedures, and Regulations

- MBE/DBE Program Guidelines
 - ✓ <http://www.mdot.maryland.gov/>
- Code of Maryland Regulations (COMAR Title 21.11.03.00) - MBE Contracts
- Code of Federal Regulations (CFR 49, Part 26) DBE Contracts
- Governor's Office of Small, Minority & Women's Business Affairs. Acronym today is GOSBA, (formerly GOMA)



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Procurement Review Group (PRG)

Goal Setting

- PRG Group consists of CRFP, Procurement, Engineering, Attorney General, IT, Construction, Ops & End User Project Managers.
- CRFP reviews Engineer's Estimate and/or Scope of Work (SOW)
- Scope of work based on NAICS Codes relevant to contract dynamics.
- Subcontract categories set on basis for establishing ("sub-goals")
- Recommend Overall Contract Goal & MBE Sub-Goals (Only MDOT MBE/DBE Certified Firms Can Participate)
- VSBE firm must be Certified on eMMA to participate on Maryland contracts (Annual Renewal)



Procurement Review Group

Continued

- Search for MBE/DBE firms on the MDOT Directory
- Search for VSBE firms on eMMA
- All MDOT certified MBE/DBE firms certified with specific NAICS codes
- CRFP, Procurement, Construction, Engineering, IT, Ops, Project Managers & AG meet to recommend project MBE/VSBE/DBE goals



Procurement Review Group

Continued

- ✓ MBE/VSBE/DBE goal and MBE sub-goals (if applicable) are reviewed by PRG

RECOMMENDED MBE SUBGOALS						
Combined Industry Category	Cons	AE-CRS	Main	IT	Serv	CSE
Subgroups						
African American	8%	7%	9%	10%	—	6%
Hispanic American	—	—	3%	—	2%	2%
Asian American	—	—	2%	—	3%	—
Women	11%	10%	—	10%	10%	8%
Subgoal Total	19%	17%	14%	20%	15%	16%
*Subgoal Total Plus 2% Margin	21%	19%	16%	22%	17%	18%
*The Subgoal Total Plus 2% Margin is the sum of the Recommended Subgoals plus 2%.						

- ✓ MBEs/DBEs must be MDOT certified at time of Bid
- ✓ VSBEs must be registered with eMaryland Marketplace Advantage (eMMA) at the time of Bid
- ✓ Primes, MBEs/VSBEs/DBEs must be in “Good Standing” with the State Department of Assessment and Taxation (SDAT)

MDOT MBE/DBE Directory



[OUR MAIN SITE](#)

[CONTACT SUPPORT](#)

Certification Management System

[Vendor Log In](#)

[OMBE Staff Log In](#)

About the System

Learn more about this system and how it works today

[Information for Business Users](#)

System Training

Learn how to fully utilize our system with a live trainer

[Training](#)

Business Applicant Certification

Search and/or join our database of certified businesses

[Terms of Use](#)

[Search Directory of Certified Firms](#)

[Apply for Certification / Submit Annual Review / Submit a Change](#)

Track My Application



Pre-Bid Meetings

- “Good Faith Efforts” (Insufficient statements must be documented/submitted with each bid, evidencing effort of outreach and search the MDOT Directory)
- Project Manager explains the scope of work, location, security issues, etc.
- Opportunity for potential prime and subcontractors to ask questions and clarify scope of work
- Networking with colleagues



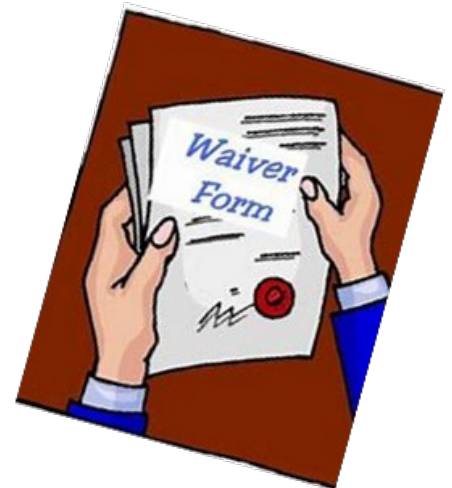
Bid/Award

- The Division of Procurement sends the MBE/VSBE/DBE Bid Documents to CRFP
 - Was MBE/VSBE/DBE contract goal met?
 - CRFP verifies the certification of the MBE & DBE Subcontractor(s). Selected MBEs/DBEs, must have current MDOT Certification and VSBEs must be certified in eMMA at time of bid
 - CRFP will approval or deny the MBE/VSBE/DBE bid documents



Waiver Requests

- What is a waiver Request?
 - ✓ Prime contractor, (Prime) is requesting to not achieve (partial or 100%) goals set for a contract
 - ✓ Ex: Overall goal = 20%, but can only achieve 18% (Request = 2% Waiver)
- If waiver is requested?
 - ✓ Prime must submit GFEs, (Good Faith Efforts) documentation (MDOT Form E)
 - ✓ GFEs, must be documented efforts made to reach MBE/DBE goal
 - ✓ CRFP reviews the MBE/DBE Waiver Request
- Based on evaluation of GFEs, CRFP will either
 - ✓ Recommend approval of the waiver to Procurement
 - ✓ Recommend denial of the waiver to Procurement
 - ✓ Consult with MDTA legal counsel, (AG)



Pre-Work/Kickoff Meetings

For A&E, Construction, Services, Maintenance and IT Contracts

- The CRFP Compliance Officer meets with Prime, all Subcontractors and Project Manager to Discuss:
 - ✓ Submitting payment information timely and accurately
 - ✓ Subcontractor agreements (between the Prime and Subcontractors)
 - ✓ State of Maryland requirements for Enforcement & Compliance



Compliance & Enforcement

- Contractual obligation between MDTA and Prime
- Compliance & Enforcement at Project Site
- Commercially useful function (CUF) based on contractors approved NAICS codes.
- Subcontractor performance
- Prompt payment of subcontractors
- Subcontract Agreement between Prime & DBEs/MBEs/VSBEs



Prompt Payment Requirements

Prompt Payment

- A Prime Contractor must pay an undisputed invoice within ten (10) days of receiving a payment from the State.

Prime Contractor' Responsibilities

- If a contractor withholds payment from a subcontractor, within the time period in which payment normally would be made, the contractor shall:
 - ✓ Notify the subcontractor in writing and state the
 - ✓ Reason why payment is being withheld; and
 - ✓ Provide a copy of the notice to the procurement officer (Including CRFP compliance officer)



Subcontractor Responsibilities

- When not receiving payments timely a subcontractor must:
 - ✓ Give written notice of nonpayment to the procurement officer (a copy to the CRFP compliance officer) identifying project, the Prime Contractor's name, and amount in dispute;
 - ✓ Provide an itemized description (copy of invoice on which the payment is based);
 - ✓ If known, provide explanation of any dispute concerning payment by the contractor.

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If a prime or subcontractor is not compliant, with following the program regulations/contract provisions?

The following Sanctions can be taken:

- ✓ Suspension of work on project, pending correction
- ✓ Liquidated Damages
- ✓ Withholding payment until correction
- ✓ Referral to MDOT- TSO MBE Office for review
- ✓ Loss of certification
- ✓ Debarment from state contracts for specified periods.

Revised Schedule of Participation

- Participating firms cannot work outside their approved NAICS Codes, listed on prime's schedule.
 - ✓ Before replacing, terminating and/or adding subcontractors
- Prime must request for revision/modification and an approval from CRFP
 - ✓ If replacing or terminating a subcontractor, prime must show Good Faith Efforts (GFE's), on meeting contract goal
- Any changes prior to approval are not counted toward goal achievement.



COMPLAINTS

(Prime and/or Sub-Contractor)

- Do not ignore issues on the project that may turn into complaints
- All complaints you may have involving the prime and/or MBE/VSBE/DBE subcontractors, must be forwarded to the Project Manager and CRFP
- CRFP also acts on external complaints received from:
 - ✓ GOSBA : Governors Office of Small, Minority & Women's Business Affairs, (formerly GOMA)
 - ✓ Fraud hotline – 800-544-6056
 - ✓ Office of Inspector General (OIG)



MDOT-MDTA PRISM Portal

Coming Soon

Maryland Transportation Authority

Last login time: 02/22/2023 11:27 AM ET Welcome, Nick Lloyd! Log-off

My Account
Resource Links

- Vendors
- Contracts
- Payrolls
- Workforce
- Reports
- Configure

Maryland Transportation Authority News & Events

Maryland Transportation Authority Workshops

Welcome, how can we help...

PrismCompliance.com © 2004-2023

HELP

Vendor Access to PRISM

- PRISM Training for Vendors is coming soon!
 - Vendors will receive email notification from CRFP
- Usernames and Passwords
 - Will be provided to Primes and Subcontractors by Civil Rights & Fair Practices
 - **PRISM Passwords will be required to be changed on first sign-in**

Unique Things We Buy

Small Procurements & Credit Card Purchases

Category I (\$0 - \$5,000)

- Office supplies;
- Clothing;
- Memberships;
- Plumbing Supplies;
- Hardware;
- Lighting

Category II (\$5,001 - \$15,000)

- Office Furniture;
- Snowplow Parts;
- IT Software

Category III (\$15,001 - \$50,000)

- Uniforms for Police;
- Security Badge Stock for Badging;
- IT Products



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Roles & Responsibilities MBE/DBE/VSBE Programs

These Programs are not just the responsibility of CRFP

YOU (Prime contractor and MBE/DBE/VSBE Subcontractors) are involved in the pre-bid and/or pre-proposal meeting

YOU are involved in the Project Kick Off meeting

YOU play an important role in the line of communication!

- Prime contractor
- MBE/DBE/VSBE Subcontractors

YOU are our (CRFP) partners on the contract!

There must be an open line of communication between YOU and CRFP

Questions?



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