
Language for IFB/RFP When VSBE Subcontractor Goals Established

NOTICE TO BIDDERS/OFFERORS

Questions or concerns regarding the VSBE requirements of this solicitation must be raised before the opening of bids or receipt of initial proposals.

PURPOSE

Contractor shall structure its procedures for the performance of the work required in this contract to attempt to achieve the veteran-owned small business enterprise (VSBE) goal stated in the Invitation for Bids or Request for Proposals. VSBE performance must be in accordance with this Exhibit, as authorized by Code of Maryland Regulations (COMAR) 21.11.13. Contractor agrees to exercise all good faith efforts to carry out the requirements set forth in this Exhibit.

VSBE GOALS

A VSBE subcontract participation goal of ____ percent of the total contract dollar amount has been established for this procurement. By submitting a response to this solicitation, the bidder or offeror agrees that this percentage of the total dollar amount of the contract will be performed by verified veteran-owned small business enterprises.

SOLICITATION AND CONTRACT FORMATION

A bidder or offeror must include with its bid or offer a completed Veteran-Owned Small Business Enterprise Utilization Affidavit and Participation Schedule (Attachment B) whereby:

- (1) the bidder or offeror acknowledges it a) intends to meet the VSBE participation goal; or b) requests a full or partial waiver. If the bidder or offeror commits to the full VSBE goal or requests a partial waiver, they shall commit to making a good faith effort to achieve the stated goal.
- (2) the bidder or offeror responds to the expected degree of VSBE participation as stated in the solicitation, by identifying the specific commitment of VSBEs at the time of submission. The bidder or offeror shall specify the percentage of contract value associated with each VSBE subcontractor identified on the VSBE Participation Schedule.

If a bidder or offeror fails to submit Attachment B with the bid or offer as required, the Procurement Officer may determine that the bid is non-responsive or that the proposal is not reasonably susceptible of being selected for award.

Within 10 working days from notification that it is the apparent awardee, the awardee must provide the following documentation to the Procurement Officer:

- (1) VSBE Subcontractor Project Participation Statement (Attachment C)
- (2) If the apparent awardee believes a full or partial waiver of the overall VSBE goal is necessary, it must submit a fully documented waiver request that complies with COMAR 21.11.13.07.
- (3) Any other documentation required by the Procurement Officer to ascertain bidder or offeror responsibility in connection with the VSBE participation goal.

If the apparent awardee fails to return each completed document within the required time, the Procurement Officer may determine that the apparent awardee is not responsible and therefore not eligible for contract award.

CONTRACT ADMINISTRATION REQUIREMENTS

Contractor shall:

1. Submit monthly to the Department a report listing any unpaid invoices, over 45 days old, received from any VSBE subcontractor, the amount of each invoice and the reason payment has not been made.
2. Include in its agreements with its VSBE subcontractors a requirement that those subcontractors submit monthly to the Department a report that identifies the prime contract and lists all payments received from Contractor in the preceding 30 days, as well as any outstanding invoices, and the amount of those invoices.
3. Maintain such records as are necessary to confirm compliance with its VSBE participation obligations. These records must indicate the identity of VSBE and non-VSBE subcontractors employed on the contract, the type of work performed by each, and the actual dollar value of work performed. Subcontract agreements documenting the work performed by all VSBE participants must be retained by the Contractor and furnished to the Procurement Officer on request.
4. 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 VSBE participation obligations. Contractor must retain all records concerning VSBE participation and make them available for State inspection for three years after final completion of the contract.
5. At the option of the procurement agency, upon completion of the contract and before final payment and/or release of retainage, submit a final report in affidavit form and under penalty of perjury, of all payments made to, or withheld from VSBE subcontractors.