



PURCHASING AND SUPPLY SERVICES

DeNerika.Johnson, Director | DeNerika.Johnson@pgcps.org

13300 Old Marlboro Pike | Upper Marlboro, MD 20772 | 301-952 6560

ADDENDUM NO. 1

CONTRACT NUMBER ADDENDUM NO. 1

ISSUED BY: PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS OFFICE OF PURCHASING AND SUPPLY SERVICES 13300 OLD MARLBORO PIKE, ROOM 20, UPPER MARLBORO, MARYLAND 20772-9983	Date of this Addendum: April 28, 2025 No. of Pages: 6+ Attachments	Proposal Submissions: May 7, 2025 (11:00 AM) EST
	RFP No.: PUR-25-060	RFP Issuance Date: April 4, 2025
	TITLE: RFP PUR-25-060 FOOD INSECURITY DISTRIBUTION PROGRAM	

TO ALL PROSPECTIVE OFFERORS AND OTHER RECIPIENTS OF SOLICITATION DOCUMENTS

This Addendum is hereby made a part of the Contract Document which will be the basis of a Contract. This Addendum is issued to modify the original Solicitation Documents issued December 19, 2023. Prospective Offerors are requested to attach this Addendum to your Contract Documents. Receipt of this Addendum must be acknowledged in the Proposal Document (see Appendix A). Failure to do so may subject the Offerors disqualification.

Questions and Responses

No.	Questions	Responses
1	Will PGCPS Community Schools be able to include food distribution programs in their CS budget outside of this RFP or will only awardees of the RFP be allowed to provide food services to schools?	All vendors will be required to be contracted via this solicitation or via the open enrollment process to provide food distribution services. PGCPS reserves the right to contract with other vendors if needs are not being met.
2	How many Community Schools will the awardee(s) be expected to serve?	Vendors shall be prepared to provide services to all 148 community schools.
3	Will the awardee(s) need to confirm participating schools as part of their response or can these be determined post award?	Participating school award information will be available post award.
4	Will the awardee(s) have discretion to choose their own school partners or will PGCPS determine the schools that are served via this program for the vendor?	No. PGCPS views the food distribution program as a partnership. As such, PGCPS will work with prequalified vendors based on who can best meet the needs of the school and community.



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5	Are any PGCPS community school students and their families eligible to receive food from the awardee(s) or is the program limited to those who meet certain criteria? Other than the participant level information stated in 4.4.3, will the awardee(s) be required to report any other metrics for participants (either at enrollment or during the program?)	All students and families in the Community Schools are eligible. Information for the reports will be determined based on district and state guidelines.
6	4.2.3 states: French as a required language for nutrition education language materials. Is French mandatory or will English/Spanish suffice? If mandatory, can the respondent include translation services in the budget?	French translation is not mandatory but is highly encouraged. It is the vendor's responsibility to ensure translation into French and Spanish. PGCPS will not pay for translation services.
7	Can funds be used to support PGCPS schools during out-of-school time (summer, holiday breaks) or is the program limited to when school is in session?	The food distribution schedule will be determined by the school and vendor within the timeline of the grant.
8	My company currently has a contract for a similar program, with distributions on a bi-weekly basis and food intended to support families over 2 weeks. Is it required to submit costs for food packages for 1 week (as per section 7.1), or can we propose a bi-weekly program?	In addition to the weekly requirement, vendors may also propose additional food distribution foods program schedule.
9	Which of the 3 tabs should include our Vendor Employee's Food Handler's License in our Technical Proposal? Would that be tab C?	Tab C
10	Page 8 states, "Offerors shall provide the Cost Proposal in excel format." Would you like us to download an excel sheet as a pdf to include as a separate page in the Cost Proposal? Attachment A states "See Attachment A: Cost Proposal" so I'm also wondering if there was supposed to be an additional attachment with an excel format?	Attachment A is not required. Vendors shall provide pricing using their own pricing matrix for food packages. The vendor's pricing matrix shall fully describe what is included in the food package, along with quantity, unit of measure, and number of people served. Vendors shall provide separate costing for delivery of food packages.
11	Can you elaborate on the Training expectations in 7.2 of the Scope of Work on page 14? What exactly would virtual and in-person trainings entail?	The expectation is to provide training to families and community members about reducing food insecurity and food and nutrition. Vendors shall work with the schools to determine how to best provide the trainings in person (location, time, materials, etc.). Virtual trainings shall be provided via a link (must be approved by PGCPS IT). Vendors shall work with the school to determine the



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		needs/topics (translation, interpretation of materials if needed, resources/materials, etc.).
12	Part II: Instruction to Offerors-Volume III Cost Proposal: There's a requirement that we should include the cost proposal including all labor, delivery, materials, tools, and equipment to perform work. We should provide it in excel format (Attachment A). Can we get the copy of the attachment A – Cost Proposal?	See Question and Response No. 10
13	<p>Part III Scope of Work: Section 4 Key Responsibilities indicate we needed to propose our programs that meet the following responsibilities- (1) Food Distribution and Accessibility, (2) Educational Initiatives, (3) Community Partnerships & Sustainability and (4) Data Collecting and Reporting.</p> <p>I would like to clarify this since our current setup, our partner school is the one responsible providing & distributing the food to the student's families. We are nonprofit that specialize with food distribution to our own location and other community centers, so we are capable of providing this type of services along with the data collection (we are data driven nonprofit). Please confirm that the scope of work for this proposal should include all 4 focus areas.</p>	Yes, vendors are to provide all four (4) key responsibilities listed in the RFP.
14	Part III Scope of Work: Section 12.0 Maryland Public Information Act Requests, mentioned that we are allowed to send a redacted version of our proposal. However we are willing to provide the complete un-redacted version of our proposal. Can we submit two versions of our proposal- one redacted and one unredacted version? If so, what is the steps?	The requirement is for all vendors to submit a full proposal with no redactions, as well as a redacted proposal in accordance with the procedures outlined in Part III, Section 12.0. The unredacted and redacted proposals shall be uploaded as separate PDF submissions in Envelope I.
15	Part IV: Proposal Evaluation and Award: "Evaluation Criteria Table of Contents, Provide a clear timeline, milestones and sustainability plan", What clear timeline that was being referred here? We want to make sure we provide the right information required here. Please provide an example or more information around this.	Please indicate company's availability to commence servicing Community Schools from the implementation date of September 1, 2025. In addition, vendors shall indicate lead time required for ordering food throughout the program. Lead time shall also be included on the pricing matrix.



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16	A. Scope & Implementation 1. Site Assignment and Volume: Will each awarded vendor be assigned to a specific group of schools or regions? If so, how many schools or families per vendor should we anticipate serving?	Vendors shall be prepared to service all schools at the discretion of PGCPS. There are 148 Community Schools.
17	A. Scope & Implementation 2. Holiday and Specialty Boxes: Should we price holiday and halal boxes as standalone packages, or should they be included in the weekly average pricing?	Holiday and Specialty Boxes shall be priced as standalone packages. Pricing for food shall be fixed and remain firm for each year in which the contract is awarded.
18	A. Scope & Implementation 3. Home Delivery Expectations: Will home delivery be required for all clients unable to visit a distribution site, or only upon referral/request? Will PGCPS provide addresses and delivery schedules?	Home delivery will be based on the referral/request through the school. The vendor will work with the school principal and Community School Coordinator and any other administrator or assigned staff member by the principal regarding this request.
19	A. Scope & Implementation 4. Client Identification & FERPA Compliance: Will PGCPS collect and provide FERPA consent forms and personal	Yes.
20	B. Data & Reporting Requirements 5. Data Entry Platform: What is the designated "Office of Community Schools data sharing system" we will be required to use? Will training or access credentials be provided?	We are projected to work with CitySpan. Training will be provided to all prequalified vendors.
21	B. Data & Reporting Requirements 6. FERPA-Protected Data Access: How will data sharing align with HIPAA/FERPA compliance? Is there a secure upload system for participant information?	The Data Management System will align with PGCPS HIPAA/FERPA requirements via secure upload.
22	C. Budget & Financial 7. Reimbursement Timeline: What is the typical turnaround time for reimbursement once monthly invoices are submitted?	PGCPS anticipates payment of a correct and valid invoice within 30-45 days.
23	C. Budget & Financial 8. Budget Cap or Ceiling: Is there a not-to-exceed amount per school or districtwide for this contract? If not, should vendors propose a scalable model based on volume?	Each school's budget allocation varies. This is up to the vendor. If scalable model is provided, pricing shall be offered to PGCPS based on cumulative total quantities calculated for all schools.



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24	D. Minority Business Enterprise (MBE) 9. MBE Goal Flexibility: If an organization is unable to meet the 15% MBE goal despite best efforts, will a waiver be considered? What documentation should be included in that case?	Currently, vendors are required to submit MBE Utilization Form (Attachment 1) which acknowledges the MBE program. A request for waiver shall be submitted to the MBE Coordinator upon request. See MBE Administrative Procedures 3325 attached.
25	E. Technical Proposal & Submission 10. Recipe Requirements: For included recipes, must we submit one for each weekly box (for 52 weeks), or provide a sample set that reflects our general approach?	Vendor shall make this determination.
26	E. Technical Proposal & Submission 11. Insurance & Licensing Timeline: Can required insurance, cyber liability, and fingerprint clearances be finalized after award but before contract start (July 1, 2025)?	Vendors shall submit the insurance requirements with the proposal. Insurers typically will provide this for proposal purposes.
27	F. Evaluation and Award 12. Number of Anticipated Awards: Does the Board anticipate awarding contracts to multiple vendors for different service areas? Will proposals be evaluated in isolation or comparatively?	This is a multiple award project. Vendors must be available to service all community schools. Each proposal will be reviewed based on its own merit.
28	F. Evaluation and Award 13. Weight of Cost vs. Technical: How much weight will cost carry versus technical proposal (beyond the 35%/30% breakdown)? Will the lowest cost vendor automatically win in any scenario?	Pricing does not have a weight. Pricing will be reviewed and evaluated based on price reasonableness.
29	If selected as a vendor, is vendor responsible for working with all community schools? Or will there be assigned schools or a selection process for schools?	The awardee must be available to provide services to all schools.
30	Are there preferred vendors for food purchase?	No.
31	Is this a minimum percentage of families/youth that PGPCS expects to be provided food at each school?	There is no minimum.
32	Please provide more information on the required nutrition workshops. Is there a required number/length of time for workshops to be completed? Or required number of individuals attending?	The workshops are to be determined by the awardee and approved by each PGPCS school.
33	Can vendor provide services during the summer? Or is contract funding and services limited to the academic year?	The estimated timeline for food distribution is September 2025 - June 30, 2025.



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34	Can the cost proposal include large equipment purchases such as refrigeration or vehicle purchase?	No.
35	For overhead (indirect costs), can vendor use approved NICRA rates? Or is there a standard rate required?	Vendors shall submit all-inclusive pricing.

Attachments:

PreProposal Conference Minutes and Attendance List
MBE Administrative Procedures 3325

Bidders must complete, sign, and return two copies of this Addendum or Appendix A – Addenda Acknowledgement with their proposal response. Failure to do so MAY be cause for your offer to be ruled non-responsive and not considered for award.

END OF ADDENDUM NO. 1

**Welcome to the Pre-Proposal Conference for
RFP PUR-25-060 Food Insecurity Distribution Program
Monday, April 14, 2025, at 1:00 p.m.**

Donna Parks began the preproposal conference with the following:

Opening Announcements

1. Welcome to the Preproposal Conference for RFP PUR-25-060 Food Insecurity Distribution Program
2. We will begin with introductions of the PGCPs team followed by Introductions of the vendors in attendance of this meeting.

Note: It is noted that at this time, all attendees introduced themselves and provided the name of the company they represented. See attached Attendance list.

3. Minutes and the attendance sheet on our website.

Questions

All verbal questions and responses provided during this session are not official. Therefore, we ask that you submit all questions via email **no later than 1:00 pm on April 16, 2025**. Please provide your questions in a word editable format. All written questions will be answered via an addendum with an anticipated posting date of **April 22, 2025**. Please note this is an approximate date and the addendum will be released as soon as it is available.

MBE Administrative Procedures 3325

MBE Goal is 15%. Should you need guidance regarding the MBE procedures in general, please contact Mr. Wes Owens, Minority Business Officer at 301.952.6563. Mr. Owens can also assist you in locating MBE contractors that may be able to work on this project.

All respondents shall complete and submit the MBE 3325 Affidavit and Appendix H MBE Form. The MBE 3325 Affidavit will be provided to the vendors via Addendum 2.

Proposal Submittal Requirements

Submission requirement details begin on Page 7 of the RFP. All proposals are due no later than May 6, 2025, at 11:00 a.m.

All proposal responses shall be submitted via eMMA.

Envelope 1 shall contain Volume I Technical Proposal and Volume III MBE Proposal

- Vendors shall ensure that they address the Part III, Scope of Work, as well as Part V Evaluation Criteria

Envelope 2 shall contain Volume II Pricing Proposal and Volume IV Appendices

Vendors were advised that there was an open enrollment process in which vendors that do not submit proposals via this initial process, will have an opportunity to submit proposals via the open enrollment process described in Part III, Section 12.0

Donna Parks asked prior to going over the scope of work, are there any more questions?

Note: No questions were asked and the meeting was turned over to Dr. Ingrid Williams-Horton.

Dr. Horton provided a summarization of the scope of services requested for this project. It should be noted that everything included in Dr. Horton's summarization is included in the RFP.

After completion of Dr. Horton's summarization, Donna Parks asked if there were any questions regarding the technical requirements?

Note: No questions were asked.

Donna Parks: Asked if everyone participating in the conference had an opportunity to introduce themselves.

Note: No one spoke up. It is noted that some attendees had trouble with gaining access and/or had audio trouble.

Donna Parks thanked everyone for attending the preproposal conference and the conference ended.

Meeting adjourned at 1:35 p.m.

F

**RFP PUR-25-060 Food Insecurity Distribution Program
Preproposal Conference Attendee List
April 14, 2025, at 1:00 p.m.**

Company	POC	Email
Bowie Produce	Susan Bowie	susanbowie@bowieproduce.com
Bowie Produce	John Vincent	jvincent@bowieproduce.com
Brighter Bites	Mike Pomeroy	mike.pomeroy@brighterbites.org
Brighter Bites	Melanie Button	melanie.button@brighterbites.org
Brighter Bites	Dana Rizer	dana.rizer@brighterbites.org
Brighter Bites	Rajni Sood Laurent	rajni.sood.laurent@brighterbites.org
Hungry Harvest	Will McCabe	will@hungryharvest.net
LindaBen Foundation Inc.	Annabelle Beavan	abeavan@lindabenfoundation.org
Mentoring Through Athletics (MTA)	Ashley Montgomery	ashley.montgomery@mtadare.org
Afrithrive	Truphena M. Choti, PhD	Truphena.Choti@afri thrive.org
Latin American Youth Center/ Maryland Multicultural Youth Centers	Mirna (Lupi) Quinteros-Grady	development@layc-dc.org,
Wanda Childs	Custom Printing	
	SG Group	
John Vincent	Bowie Produce	
Candy	Candy Jane Bakery	
William McCabe	Hungry Harvest	
Sharon Coker(sp)	SLK Health Services	
Kevette Alsop(sp)	Nemas Gardens	
Sherry Walters	Artrageous	

Note: It is noted that not all vendors submitted a Letter of Interest to Attend the Preproposal Conference. For those individuals, contact information is not complete.



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- I. **PURPOSE:** To establish a resolution that a goal of 30 percent be attempted on all contracts with a minimum of 15 percent requirement of the total dollar value for all Prince George's County Public Schools' contracts for materials (other than materials of instruction), supplies, equipment, services and construction, as entered into during any fiscal year, be purchased directly or indirectly from Minority Business Enterprises (MBEs).
- II. **POLICY:** As set forth in state law and county ordinance, the Prince George's County Public Schools' Minority Business Enterprise Program must meet certain statutory and regulatory requirements. In recognition of existing state and county statutes, rules, regulations, and resolutions, and consistent with statutory provisions related to bidding proposals and awards thereon by local boards of education, the Board of Education of Prince George's County adopted a minority business Administrative Procedure on April 21, 1986. This procedure, revised on July 1, 2004, supersedes the procedure of June 30, 1998.
- III. **BACKGROUND:** The following regulations all seek to achieve certain minimum percentages of total contract expenditures for minority business enterprises, as hereafter defined, where state or county funds are involved.
- A. Annotated Code of Maryland, State Finance and Procurement, Article 14-301.
 - B. Annotated Code of Maryland, Education, Article Section 5-301.
 - C. Annotated Code of Maryland, Education, Article Section 4-125.
 - D. Code of Maryland Regulations, Title 21, Subtitle 11, Chapter 3.
 - E. Prince George's County Code, 10-A, Subdivision 10A-136, Assistance to Minority Business Enterprise.
 - F. Interagency Committee Rules, Regulations and Procedures for the Administration of the School Construction Program, Section 15 (approved by Board of Public Works, October 6, 1993).
- IV. **DEFINITIONS:**
- A. Minority Person: A member of a socially or economically disadvantaged minority group that for the purposes of this procedure includes African Americans, American Indians/Native Americans, Asians, Hispanics, Women, Physically or Mentally challenged individuals, and Not-for-Profit



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entities organized to promote the interests of physically or mentally disabled individuals.

- B. Minority Business Enterprise (MBE): Any legal entity, other than a joint venture, that is at least 51 percent owned and controlled by one or more minority person(s), organized to engage in commercial transactions.
- C. Ownership:
1. For a sole proprietorship to be deemed a minority business enterprise, the sole proprietor must be a minority person. If the ownership interest held by a minority person is subject to formal or informal restrictions such as options, security interests, agreements, etc., held by a non-minority person or business entity, the options, security interests, agreements, etc., held by the non-minority person or business entity must not significantly impair the minority person's ownership interest.
 2. For a partnership to be deemed a minority business enterprise, at least 51 percent of the partnership's assets or interests must be owned by a minority person or minority persons. If the ownership interest held by a minority person is subject to formal or informal restrictions such as options, security interests, agreements, etc., held by a non-minority person or business entity, the options, security interests, agreements, etc., held by the non-minority person or business entity must not significantly impair the minority person(s) ownership interest.
 3. For a corporation to be deemed a minority business enterprise, legal and equitable ownership of at least 51 percent of the aggregate of all classes of stocks, bonds, or other securities issued by the corporation must be owned by a minority person(s). If an ownership interest held by a minority person is subject to formal or informal restrictions such as options, security interests, agreements, etc., held by a non-minority person(s) or business entity, the options, security interests, agreements, etc., held by the non-minority person(s) or business entity may not significantly impair the minority person(s)' ownership interest. (Note: stock held in trust is not considered as stock held by the disadvantaged business persons when computing the business person(s)' ownership).
- D. Control: Minority owners shall either collectively or individually possess the working knowledge of the technical requirements needed, power to



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direct or cause the direction of management, policies and objectives and to make all substantive, day-to-day decisions on applicant's major and/or essential operations. In addition, the applicant must demonstrate technical knowledge of the firm's major areas of work. No formal or informal restrictions of any kind shall exist which limit the customary discretion necessary for actual business control by the minority owners.

- E. Certification: The determination that a legal entity is a minority business enterprise consistent with the provisions of Subtitle 3 (13-301b) of the State Finance and Procurement Article.
- F. Certified Minority Business Enterprise: A minority business that holds a certification issued by Maryland Department of Transportation (MDOT) or recertification issued by Prince George's County Government.
- G. Race Neutral Measure: Means a method that is or can be used to assist small businesses.
- H. Minority Business Enterprise Coordinator: The employee designated to administer the Board of Education's Minority Business Enterprise Program.
- I. Buyer: Purchasing agent-handling solicitations.

V. MINORITY BUSINESS ENTERPRISE PROGRAM RESPONSIBILITIES:

- A. A roster of MBEs, listing each firm by commodity and service provided, certification, minority business code, location, and current certification status, shall be maintained in Purchasing Services.
- B. The MBE Coordinator, who shall be an employee assigned to Purchasing Services, shall have the direct responsibility for maintaining said roster.
- C. Any MBE on a current listing of Maryland Department of Transportation or Prince George's County Government list of certified MBEs shall, upon furnishing evidence of such, be automatically deemed eligible for placement on the roster of MBEs of Prince George's County Public Schools.

VI. CERTIFICATION: The determination that a legal entity is an MBE consistent with the intent of Subtitle 3 of the State Finance and Procurement Article.

VII. TECHNICAL ASSISTANCE-OUTREACH-TRAINING EFFORTS: The MBE Coordinator shall have the direct responsibility for implementing a



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"Technical Assistance-Outreach-Training Program" for small and minority vendors. Said program may cover any and all factors necessary to enable small and minority firms to do business with Prince George's County Public Schools.

- VIII. **SOLICITATION OF BIDS:** All Invitations for Bid (IFB) and Requests For Proposal (RFP) will be reviewed and may, at the discretion of the Board of Education's representative, require a percentage equal to 30 percent but a minimum of 15 percent participation by minority businesses as defined herein in supply, service, construction, moveable equipment, and architectural and engineering services contracts.
- IX. **ADVERTISING INVITATIONS FOR BID:** Prior to advertising an Invitation for Bid (IFB), a Prince George's County Public Schools' representative from the appropriate division responsible for the contract, a Purchasing agent, and the MBE Coordinator will jointly identify all subcontractable opportunities in the IFB. All bids will include the following information:
- A. The Prince George's County Public Schools does not discriminate on the basis of race, color, sex, or national origin in consideration for award.
Minority businesses are encouraged to submit bids in response to this notice.
 - B. Minority business firms will be considered as minority business contractor or subcontractor, if certified by any of the following: Prince George's County Government and the Maryland Department of Transportation.
 - C. The certified minority business goal for each IFB will be noted on the front cover of the IFB under "Special Note" and identified **as a deliverable in the contract.**
- X. **SOLICITATION PROCESS FOR PHONE AND WRITTEN QUOTES.**
THIS PROCESS INCLUDES PROFESSIONAL SERVICES (Architects, Engineers, Non-Instructional Services Consultants, Contractual Services, etc.)
- A. For contracts less than \$5,000, solicitations from more than one vendor are not required. Users and buyers are **strongly** encouraged to solicit from MBEs in addition to other prospective bidders.
 - B. If contracts are estimated to be between \$5,001 - \$10,000, a minimum of three (3) qualified firms shall be solicited for quotations. Two (2) firms are to be a certified minority. If three (3) firms cannot be solicited, or if pricing is obtained directly from the manufacturer or its direct distributor, a note of explanation shall be made on the quotation worksheet. Current



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catalog prices and prior bid prices may, if confirmed by the supplier, serve in lieu of quotations. Certified minority business enterprises (MBEs) should always be contacted in addition to other prospective bidders.

- C. A request for written quotations shall be solicited when the estimated dollar value of the request exceeds \$10,001 but is less than \$15,000. A written specification shall be prepared and mailed to a minimum of three (3) firms requesting written quotations of pricing. **A minimum of two (2) minority firms shall be sent the solicitation.**
- D. Formal bids are required for procurements over \$15,000.
- E. Local MBE firms within Prince George's County should be contacted first for telephone and written solicitations. If there are less than 3 MBE firms available in Prince George's County, a broader search of the MDOT MBE Central Directory at www.marylandtransportation.com (click on MBE/DBE Program and proceed to the Directory) shall be contacted.
- F. In the event the buyer/user department is unable to locate a minority firm for a specific service, the MBE Coordinator shall be contacted as an additional resource.
- G. Evaluation and selection of professional services - The contract process for these services will involve Purchasing Services.

XI. SOLICITATION PROCESS FOR FORMAL BIDS:

- A. To be considered a responsive bidder, contractors are required, when specified in bid documents, to subcontract with MBEs for the stated percentage of the total dollar value of the contract price. (The percentage of MBE participation is based on the anticipated value of the contract.) Should MBE participation be required, MBE forms 1 through 5 must be completed and submitted within ten (10) days after notification of being low bidder.
- B. Bonus Points:
 - Minority Business Enterprise (10%)
 - Prince George's County Based Minority Business Enterprise (15%)
- 1. During the evaluation process the Buyer shall determine the eligibility of any participating certified MBE to match the bid of the lowest responsible bidder by application of bonus points.



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2. In determining if a certified MBE is entitled to match the competitively bid price of the lowest responsible bidder, the Buyer shall adjust the bid price submitted by an MBE (for the purpose of evaluation and offer to match only) by reducing the bid price of such firm by the product of: (1) the bid price of the apparent lowest responsible bidder; and: (2) the bonus factor applicable to the MBE (as stated above).
3. Once it has been determined through the application of the bonus points as aforementioned that the bid price submitted by an MBE, after adjustment, was lower than or equal to the bid price of the lowest responsible bidder, such MBE shall be given the opportunity to accept the bid at the lowest bid price.
4. If said lowest responsible bidder is a minority firm not located in Prince George's County or Maryland, a Prince George's County-based or Maryland-based firm will be awarded bonus points. Once the bonus points are applied, the Prince George's County-based or Maryland-based minority firm will be afforded the opportunity to match the bid of the lowest responsible bidder, if so justified.
5. The Buyer shall notify the MBEs, that by virtue of the application of the bonus points, the **minority** business enterprise is entitled to match the bid of the lowest responsible bidder. Qualifying MBEs will be given a period of five (5) business days from the issuance of such notifications by the Buyer the opportunity to match the bid originally submitted by the lowest responsible bidder.
6. As a result of such notifications, if more than one MBE proposes to reduce its previous bid to that of matching the bid of the original lowest responsible bidder, the contract shall be awarded with preferences given in the following order: first, Prince George's County-based MBE; and second, Maryland-based MBE.
7. If two or more MBEs qualify for the same preference contract award and are prepared to match the bid of the original lowest responsible bidder, the Buyer shall, by toss of a coin, select the party to whom the contract will be awarded.
8. If the MBE entitled to match a bid indicates to the MBE Coordinator that it can only match the bid of the otherwise lowest responsible bidder if relieved from the necessity of furnishing a bond from a recognized surety guaranteeing the total performance under any contract to be awarded, the Chief Financial Officer may,



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upon a finding that the MBE has demonstrated adequate performance on prior contracts with the state, county, any of its agencies, municipal corporations, or any local boards of education, waive such requirement.

9. If the MBE determines that it cannot match the lowest responsible bidder after being offered an opportunity to do so, **the MBE will not be penalized.**

C. Composition of Minority Subcontractors:

1. It is the intent of Prince George's County Public Schools (PGCPS) that the contractor includes fair representation of all minority groups in the required percentage of MBE subcontracting participation.
2. If the successful bidder is an MBE firm, it shall be the obligation of the contractor to maintain its status as a certified MBE or to maintain the required subcontracting percentage with certified MBE firms, whichever may be applicable, throughout the term of the contract or any extension thereof. In the event that any of the representations or circumstances of the contractor change with respect to the MBE status, the contractor shall notify the Board of Education immediately. The contractor shall also report any change in minority business usage if different than information submitted at the time contract is signed.

D. Pre-Bid Conference:

1. At each Pre-Bid Conference, the Prince George's County Public Schools representative will explain the MBE subcontracting requirement, MBE provisions of the solicitation, documentation required, and its relationship to the bidder's responsiveness.
2. Prime contractors must request price quotes from MBE subcontractors at least five (5) working days prior to the bid opening. However, this may be adjusted at the discretion of the Board of Education.
3. Bidders may use the services offered by the MBE Program Coordinator to develop its MBE participation requirement.



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4. When MBE subcontracting is required, each bid or offer submitted in response to a solicitation must be accompanied by a completed Minority Business Enterprise Utilization Affidavit (MBE Form #1) which has been duly notarized.
5. After the review of responsive bids, the apparent low bidder will be notified. Final approval of contract award will not be made until a list of all MBEs and other related documents from the contractor are received and reviewed.

E. Contract Award:

1. The following documentation must be furnished by the apparent low bidder within ten (10) working days from notification when subcontracting is required:
 - a. A completed Schedule for Participation of Minority Business Enterprise (MBE Form #2);
 - b. A Statement of Intent (MBE Form #5); and
 - c. A copy of the current acceptable certification letter attached to each Statement of Intent.

Each document will show the agreed prices to be paid to each certified MBE for the work and identify in detail the contract items to be performed by the certified minority business and the proposed timetable for such performance. All documents must be signed by an authorized representative from both the prime and subcontracting firms.

The bidder will certify in writing that there is an existing subcontract for all work that has been sublet.

2. The Prince George's County Public Schools' MBE Program Coordinator will conduct a preliminary evaluation of the apparent low bidder's submission to determine whether the proposed MBE participation is in compliance with the outlined requirements.
3. Based on the evaluation of contract documents submitted, the Prince George's County Public Schools' representative will determine if the low bidder is in compliance with the MBE participation requirements and may recommend to make the final award or require additional information.



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F. Request For Waiver of Minority Business Enterprise Goal:

1. A waiver of the MBE contract requirement may be granted by the Board of Education **only** upon receipt of a written request with supporting documentation which presents a reasonable demonstration by the bidder that MBE participation was impossible to obtain or was not obtainable at a reasonable price, and that the public interest is served by a waiver. Any request for a waiver should be submitted on a Request for Waiver (MBE Form #4) and contain the following:
 - a. A detailed statement of the efforts made to contact and negotiate with certified minority businesses including: names, addresses, dates, and telephone numbers of certified minority businesses contacted;
 - b. A description of the information provided to MBEs regarding plans, specifications, and anticipated time schedule for portions of the work to be performed;
 - c. A detailed statement of efforts made to select portions of work proposed to be performed by certified minority businesses in order to increase the likelihood of achieving the stated requirement;
 - d. A detailed statement of reasons for a contractor's conclusion that a certified minority business is not qualified to perform the work needed; and
 - e. A list of minority subcontractors found to be unavailable. (This list should be accompanied by the Minority Subcontractor Unavailability Certificate (MBE Form #5) signed by the MBE or a statement from the apparent low bidder that the certified business did not provide the Minority Subcontractor Unavailability Certificate.)
2. A waiver exception to the MBE requirement will be granted upon determination by the Prince George's County Public Schools' representative that qualified MBEs are not available to participate in a contract or at a reasonable price consistent with the stated MBE contract requirement and the total contract award. Upon consideration of all the waiver documents submitted in accordance with this provision, the Prince George's County Public Schools' MBE Coordinator may approve or deny any request for a waiver.



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3. The low bidder's failure to participate in any of these proceedings or failure to furnish information after written request may result in rejection of the bid on the basis of non-responsiveness.
- G. Contractor Responsibility and Compliance: The contractor shall perform the contract in accordance with the representations made in the Minority Business Enterprise Utilization Affidavit submitted as part of the bid proposal and on the Schedule for Participation of Certified Minority Business Enterprise (MBE) submitted after the bid proposal (MBE Form #2). All compliance monitoring of certified MBE participation will be in accordance with the following:
1. The contractor shall structure operations for the performance of the contract to attempt to achieve the purpose of this procedure.
 2. The contractor agrees to apply the firm's best efforts to carry out these requirements consistent with the efficient performance of the project.
 3. The contractor must assure that MBEs shall have the maximum practical opportunity to compete for subcontract work under the contract, even after award of contract.
 4. The contractor shall cooperate in any reviews of the contractor's procedures and practices with respect to MBEs that the Board of Education may, from time to time, conduct.
 5. The contractor shall maintain such records as may be necessary to confirm compliance with its MBE utilization obligations. These records shall indicate the identity of minority subcontractors employed on the contract, type of work performed by each, dollar amount proposed, actual monies paid during the reporting period to date, and any services and procurements achieved.
 6. All records concerning MBE participation must be retained by the contractor for a period of three (3) years after final completion of the contract and will be available for inspection by the Board of Education.
 7. It shall be the obligation of the contractor to maintain its status as a certified MBE or to maintain the required subcontracting percentage with certified MBE firms, whichever may be applicable, throughout the term of the contract or any extension.



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8. Any desired changes in the Schedule for Minority Business Enterprise Participation must be approved in advance by the Board of Education and shall indicate the contractor's efforts to substitute another MBE subcontractor to perform the work. Additionally, if changes to the contract require additional work resulting in a cost increase, the MBE participation should be adjusted to reflect this change.
 9. Failure to notify the Board of Education of any changes of representations or circumstances of the contractor with respect to the MBE status of the contractor or the percentage of MBE participation, may cause the contractor to be subject to disqualification from the award of any PGCPs system contracts for a period of three (3) years. In addition, the contractor shall be subject to such other actions as may be provided under applicable county ordinances and/or state law.
 10. The agreed MBE goal identified in the IFP and RFP is a deliverable. Failure to comply shall be subject to such other actions applicable to county ordinances and /or State law.
- H. Amendment For Unforeseen Circumstances: If, at any time before award, an apparent low bidder believes or has reason to believe that a certified minority business listed in the Prince George's County Public Schools' Schedule of Minority Business Enterprise Participation has become unqualified or unavailable, the bidder will immediately notify the Prince George's County Public Schools' MBE Coordinator. Within five (5) working days, the apparent low bidder must make every reasonable effort to achieve the stated requirement for the minority participation. Failure to make such efforts may result in a determination that the apparent low bidder is not eligible for award of the contract.
- I. Emergency: If the Prince George's County Public Schools' Chief Financial Officer determines that a project is an emergency (e.g., hazard to the health and welfare of students), the Chief Financial Officer may waive requirements for MBE documentation.
- J. Filing of Reports:
1. The Chief Executive Officer (CEO) shall report to the members of the Board of Education of Prince George's County, at least semi-annually, commencing January 2005, regarding progress being made in attainment of requirements established by the Resolution of



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- the Board of Education revised, concerning the awarding of contracts to MBEs.
2. The Minority Business Office is required to submit to the CEO on a semi-annual basis a report of MBE participation. Each year two reports will be issued: an interim report covering the period July 1 through December 31, and an annual report detailing activity from July 1 through June 30. Each report will include:
 - a. Total dollar value of contracts and purchases, by category; and
 - b. Total dollar value of contracts and purchases, by category, awarded to MBEs.
- K. Records, Reports and Subcontractor Payments: The prime contractor agrees to pay subcontractors within five (5) working days of receipt of payment from Prince George's County Public Schools. If payments are not made, the Board reserves the right to withhold the amount owed to subcontractor(s) from the prime contractor's next payment requisition.
- L. Monitoring:
1. The Board of Education will carry out reviews as deemed necessary to monitor compliance with MBE participation requirements. Such reviews may include site visitations to ensure compliance with MBE requirements.
 2. The Board of Education and contractors will maintain appropriate records and, upon request, assist in on-site or post-audit reviews.

XII. BONDING:

- A. The Director of Purchasing and Supply may, upon finding that an MBE has demonstrated adequate performance on prior contracts with the state, county, or any of its agencies, municipal corporations, or any local boards of education, waive bonding requirement on certain projects.
- B. At the discretion of the Buyer, unless otherwise required by state or federal law or regulations as a condition to state, federal or county assistance, no bid bond, performance or payment bonds shall be required if the contract price is less than \$50,000.
- C. Bonds on construction projects over \$50,000 must be provided by prime. However, at the discretion of the Prince George's County Public Schools'



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representative, bonds may be waived. Additional documents may be required.

XIII. **NON-DISCRIMINATION:**

- A. No contract may be awarded to any contractor or subcontractor unless the contract, subcontract or agreement contains the following non-discrimination clause:

"The contractor is to conduct business in a non-discriminatory manner prohibiting discrimination in any manner against any employee or applicant for employment because of sex, race, creed, color, age, mental or physical disability, sexual orientation or national origin."

- B. If the non-discrimination clause is omitted from a contract or subcontract subject to this Section, the Board of Education may declare the contract void. In that event, the contractor is entitled to the reasonable value of work that has been performed and materials that have been provided.
- C. If the contractor willfully fails to comply with the requirements of the non-discrimination clause and the contract is partially completed, the Board of Education may compel the contractor to continue to perform under the contract; however, the Board:
1. Is liable for no more than the reasonable value of work performed and materials provided after the date on which the breach of contract was or should have been discovered; and
 2. Shall deduct any money that has been paid under the contract from the money that became due.
- D. If a subcontractor willfully fails to comply with the requirements of a non-discrimination clause, the contractor may void the subcontract. In that event, the contractor is liable for no more than the reasonable value of work performed or materials provided.

- XIV. **RELATED PROCEDURES:** Administrative Procedure 7419, Minority Business Enterprise Procedures For State Funding Public School Construction Projects.

- XV. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Department of Purchasing and Supply and will be updated as necessary.



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XVI. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 3325, dated June 30, 1998.

XVII. **EFFECTIVE DATE:** July 1, 2004.

APPROVED BY:

André J. Hornsby
Chief Executive Officer

Attachments:

- 1 - Minority Business Enterprise Utilization Affidavit
- 2 - Minority Subcontractor Unavailability Certificate
- 3 - Request for Waiver
- 4 - Statement of Intent
- 5 - Schedule For Participation of Minority Business Enterprise

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, and 11

MINORITY BUSINESS ENTERPRISE UTILIZATION AFFIDAVIT

The undersigned as contractor does hereby make the following Affidavit. I acknowledge the Minority Business Enterprise participation of fifteen percent (15%) minimum, unless otherwise stated in the bid documents for the contract with the Prince George's County Board of Education and commit to make a good faith effort to achieve this requirement.

In the solicitation of subcontract quotations or offers, all Minority Business Enterprise (MBE) subcontractors were provided not less than the same information and amount of time to respond to the solicitations as non-minority business enterprise subcontractors.

The solicitation process was conducted in such a manner so as to otherwise not place MBE subcontractors at a competitive disadvantage to non-MBE subcontractors.

I understand and agree, that if awarded the contract, we will implement the provisions of the above paragraph with respect to subcontracts to be let after the award of the contract, but that such subcontracts will not be let until the Board of Education has reviewed and approved the Minority Business Enterprises submittals. I understand that the failure to submit the affidavit to the Board of Education shall result in a determination that this bid is non-responsive.

I understand and agree that, if awarded the contract, I will and do hereby authorize representatives of the Board of Education and the Interagency Committee for Public School Construction to examine, from time to time, the books, records and files of this organization to the extent that such data relates and pertains to the affirmative action pursuant to this contract.

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information, and belief.

Company Name

Signature

Date

Address

Print Name

Sworn and subscribed before me this _____ day of _____, 20____.

Notary Public

REQUEST FOR WAIVER

Contractor _____ Name of Project _____

I do hereby request that an exception be granted to the requirement that a minimum of fifteen percent (15%) of the total value of this contract be placed with Minority Business Enterprises.

In connection with the above-captioned project and this request, I hereby certify that I am the _____ and duly authorized representative of
(Title)

(Company Name & Address)

I further certify that I have submitted a Schedule for Participation of Minority Business Enterprises (MBEs), which reflects the percentage and dollar value of MBE participation, which my company expects to achieve for this contract. That percentage is _____% and the dollar value is \$ _____. Therefore, the Request for Exception is for _____ percentage and _____ dollar value.

To support this Request for Exception, I include the following information as attachments, which I certify to be true to the best of my knowledge, information and belief:

1. A statement of the efforts made by my company to contact and negotiate with MBEs, including the names, addresses and telephone numbers of MBEs contacted;
2. A description of the information provided by MBEs regarding the plans and specifications for portions of the work to be performed;
3. A statement of the efforts made by my company to select portions of the work proposed to be performed by MBEs in order to increase the likelihood of achieving the stated goal;
4. For each MBE, which placed a bid, which my company considers to be unacceptable, we are submitting a statement, which explains the basis for our conclusion that the minority business bid is unacceptable;
5. A list of minority subcontractors found to be unavailable with attached Minority Subcontractor Unavailability Certificate(s).

(Date)

(Signature)

(Print Name)

Sworn to and subscribed before me this _____ day of _____, 20 _____.

(Notary Public)

STATEMENT OF INTENT

PROJECT
NAME: _____

PROJECT
LOCATION: _____

A. Name of Prime Contractor: _____

B. Name of MBE: _____

C. Certified by: MDOT and Prince George's County Government (Please circle) _____

Cert. # _____

1. Work/Services to be performed by MBE:

2. Subcontract Amount: \$ _____

3. Bonds - Amount and type required of MBE, if any:

4. MBE Commencement Date: _____ Completion Date: _____

5. This MBE subcontract represents the following percentage of the total
project cost: _____%

6. The undersigned subcontractor will enter into a contract with _____
_____ for the work/service
indicated above the prime contractor's execution of a contract for the
above-referenced project with the Board of Education. The undersigned
subcontractor is a certified Minority Business Enterprise, or has applied for
certification. The terms and conditions stated above are consistent with
our agreements.

Print Name of Subcontractor

Signature of Subcontractor

7. The terms and conditions stated above are consistent with our
agreements.

Print Name of Prime Contractor

Signature of Prime Contractor

SCHEDULE FOR PARTICIPATION OF MINORITY BUSINESS ENTERPRISE

1. PRIME CONTRACTOR - NAME OF FIRM & ADDRESS: (Number, Street, City, State, Zip Code)

Telephone: _____ Fax _____

2. PROJECT LOCATION: (Number, Street, City, State, Zip)

3. PROJECT NUMBER: _____

4. TOTAL CONTRACT DOLLAR AMOUNT: \$ _____

PROJECT NAME: _____

5. LIST THE DATA REQUESTED FOR EACH MINORITY FIRM INVOLVED IN THIS PROJECT:

- a. MINORITY FIRM & ADDRESS: (Number, Street, City, State, Zip)

Work or Service to be performed:

Project Commencement Date: _____

Project Completion Date: _____

Agreed Dollar Amount: \$ _____

Percentage of Total Contract: _____ %

Certified by: MDOT and/or Prince George's County Government

Cert. No. _____

- b. MINORITY FIRM: (Number, Street, City, State, Zip)

Work or Service to be performed:

Project Commencement Date: _____

Project Completion Date: _____

Agreed Dollar Amount: \$ _____

Percentage of Total Contract: _____ %

Certified by: MDOT and/or Prince George's County Government

Cert. No. _____

6. MINORITY FIRMS TOTAL DOLLAR AMOUNT: \$ _____
- MINORITY FIRMS TOTAL PERCENTAGE: _____ %