



**Department of Procurement,  
Contract & Grant  
Administration**

**Diversity & Outreach Program**

*Annual Report  
Fiscal Year 2021*

The Maryland Judiciary (the Judiciary) is an independent branch of Maryland government. The Judiciary's budget, which is approximately 1.2 percent of the state's total budget, is submitted and approved annually through the state's legislative process.

The Judiciary's Diversity & Outreach Program (the Program) was established to encourage and increase participation in Judiciary procurements by Minority Business Enterprises (MBEs) and Veteran-Owned Small Business Enterprises (VSBES).

The Judiciary's Department of Procurement, Contract & Grant Administration (the DPCGA) is responsible for procuring goods and services for the Judiciary in accordance with its policies and procedures and, as such, oversees the Program. The DPCGA offers opportunities for participation through several procurement methods such as Request for Proposals (RFP) and Invitation for Bids (IFB). The commodity areas include but are not limited to: consulting and professional services, information technology products and services, janitorial supplies and services, moving services, office supplies, renovation services, and printing and graphic services. These spend categories provide a wide range of opportunities for MBE and VSBE participation both as prime contractors and subcontractors. The DPCGA will continue to encourage and promote procurement opportunities in a manner that maximizes participation from both MBE and VSBE contractors.

### **Notification of Judiciary Procurement Opportunities**

The DPCGA evaluates procurement requests submitted by the various entities within the Judiciary to identify subcontracting opportunities for MBEs and VSBES. There are procurement requests for which no subcontracting opportunities exist, such as proprietary licenses, maintenance, or other services contracts where only a single element of work exists. In those instances, DPCGA encourages MBEs and VSBES to respond to the solicitations as the prime contractor. The Program does not limit MBEs and VSBES to participate only as subcontractors; however, subcontracting goals are based on the dollar value of the procurement and the extent to which the procurement itself is susceptible to subcontracting opportunities.

For procurements expected to exceed \$200,000 (including the value of all possible option years), the Diversity & Outreach Coordinator chairs the Procurement Review Group (the PRG). The PRG assigns MBE and/or VSBE subcontracting goals for the procurement based on a review of the Scope of Work and key business areas associated with the RFP. The appropriate MBE and/or VSBE subcontracting language along with the subcontracting goal is then included in the solicitation document.

To participate as an MBE in Judiciary procurements, MBEs must be certified by the Maryland Department of Transportation (MDOT). MBEs must include verification of current certification from MDOT with their proposal response. Additional information can be found at:

<http://www.mdot.maryland.gov/newMDOT/MBE/Index.html>.

To participate as a VSBE in Judiciary procurements, VSBES must complete three steps: 1) vendor registration, 2) veteran verification, and 3) Veteran-Owned Small Business Enterprise (VSBE) Certification. These steps are outlined by the State of Maryland VSBE Program.

VSBES must include proof of certification from eMarylandMarketplace Advantage (eMMA) with their proposal response. Additional information can be found at:

<https://gomdsmallbiz.maryland.gov/Pages/VSBE-Program.aspx>.

The DPCGA distributes solicitations for the procurement of goods and services valued over \$25,000 throughout the state in the following ways:

- **Judiciary’s Procurement, Contract & Grant Administration (DPCGA) website:** <https://mdcourts.gov/procurement/bids>.

Information regarding the Judiciary’s Diversity & Outreach Program, including MBE and VSBE, is available at: <https://mdcourts.gov/procurement/mbe>

Information regarding certification for both the MBE and VSBE programs can be found at the links below.

- [Maryland Department of Transportation MBE certification](#)
- [Maryland Veteran-Owned Small Business Enterprise \(VSBE\) Program](#)
- [eMaryland Marketplace Advantage \(eMMA\)](#)

- **State of Maryland eMaryland Marketplace Advantage (eMMA)**

<https://gomdsmallbiz.maryland.gov/Pages/VSBE-Program.aspx>

eMarylandMarketplace Advantage (eMMA) is the State of Maryland’s internet-based procurement system. This platform allows potential vendors to quickly access all of the state’s procurement opportunities, including the Judiciary’s solicitations. Posting public notices on eMMA enables the Judiciary to capitalize on the broad exposure and services in place for vendors interested in participating in State of Maryland procurements. On eMMA, Judiciary solicitations are posted by commodity code. When posted, each vendor registered under the commodity code automatically receives a notice that the solicitation has been posted. Utilizing eMMA assists the Judiciary with quickly identifying qualified and engaged vendors for its solicitations.

- **Direct Solicitations**

Procurement Officers are encouraged to identify and directly send solicitations to potential contractors who have indicated their ability to provide a specific product or services under a North American Industry Classification System (NAICS) code or commodity code.

During the RFP open solicitation period, the Diversity & Outreach Coordinator participates in pre-bid and pre-proposal conferences and supports the Procurement Officer by providing information to potential MBE and/or VSBE prime contractors and subcontractors. Once the RFP has closed, the Diversity & Outreach Coordinator reviews the MBE and VSBE forms submitted with the proposals to determine the responsiveness of the proposals based upon the recommended goals. After contract award, the Diversity & Outreach Coordinator, or designee, participates in the kickoff meeting to provide additional guidance to prime contractors and MBE/VSBE subcontractors regarding compliance.

### **Data Collection for Prime Contractor (Direct) Spend (Tier I) and Subcontracting (Indirect) Spend (Tier II)**

For Fiscal Year (FY) 2021, the overall MBE goal set for the Judiciary was 26 percent. Despite the ongoing and significant operational challenges and irregular spending patterns presented by the COVID-19 pandemic, the Judiciary achieved an overall MBE spend of 22 percent.

The VSBE component was added to the Program in FY 2021 with a goal of 3 percent. The State of Maryland VSBE Program is relatively new and the vendor pool in certain Standard Industrial Classification (SIC) codes is limited. The Judiciary did solicit VSBE firms during the procurement processes but did not transact with a certified VSBE vendor in FY 2021. In response, the Judiciary is actively engaging in direct outreach to VSBE firms outside of the State of Maryland VSBE Program as part of its FY 2022 objectives, which are discussed later in this report.

The total FY 2021 procurement spend is calculated from all Purchase Orders issued by the DPCGA. Expenditures allocated to account codes unrelated to procurement activities have been excluded from the total spend figure.

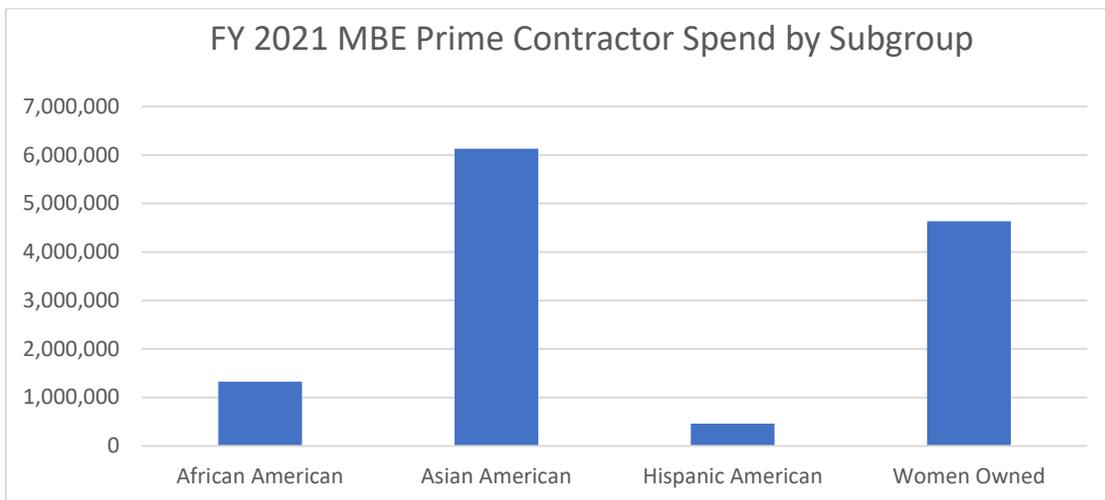
Tier I (direct spending with prime contractors) data for MBE and VSBE vendors is collected using GEARS, the Judiciary’s financial system. New vendors are identified by the Judiciary’s Department of Budget and Finance weekly. The DPCGA reviews the new vendor information to verify MBE and VSBE eligibility, which is then recorded in GEARS.

For Tier II (indirect spend through subcontracting opportunities) data, prime contractors report the status of subcontractor goals on a Prime Contractor Reporting Form. On a monthly basis, Subcontractor Payment Reports are required from the MBE or VSBE subcontractor regarding the status of the MBE or VSBE goals. The Outreach & Diversity Coordinator, or designee, follows up as needed.

Once the reports are submitted, they are reconciled by contract by verifying the information on both reports and by checking prime contractor invoices and payments in GEARS. Verified Tier II data is then recorded in the overall records for the Program.

**Fiscal Year 2021 Tier I (Direct Spend)**

Total FY 2021 Procurement Spend:	\$68,140,488.60
Total FY 2021 Direct MBE Spend:	\$12,914,375.42
Direct MBE % Spend:	19%



**Fiscal Year 2021 Tier II (Indirect Spend)**

Total FY 2021 Procurement Spend:	\$68,140,488.60
Total FY 2021 Indirect MBE Spend:	\$1,770,393.13
Indirect MBE % Spend:	3%

**Fiscal Year 2021 MBE Participation (Tier I and Tier II)**

Total FY 2021 Procurement Spend:	\$68,140,488.60
Total FY 2021 Payments to all MBEs (Tier I and Tier II):	\$14,684,768.55
<b>Total MBE % Spend:</b>	<b>22%</b>

**Fiscal Year 2022 Diversity & Outreach Program Objectives**

- Veteran-owned Small Business Enterprises (VSBEs) were added to the Judiciary’s Diversity and Outreach Program in FY 2021. The addition of VSBEs expands the exposure to Judiciary procurement opportunities to a larger community. As of August 27, 2021, the Office of State Procurement reports that 653 VSBE vendors are registered in eMMA. In FY 2021, there was limited response to Judiciary procurement opportunities from the VSBEs on the registry and to the direct solicitations. As a result, the Judiciary did not transact with a certified VSBE vendor in FY 2021. To broaden the VSBE potential vendor base, the Diversity & Outreach Coordinator transmitted an introductory email to all registered VSBEs, as well as over 700 additional vendors in VetBiz, to explain how to locate Judiciary procurement opportunities. The level of the response was high and ongoing efforts will be made to continue to engage this vendor community.
- The Judiciary’s average contract award value is advantageous to MBE and VSBE vendors being able to compete for business as prime contractors. To highlight this, revised RFP and IFB templates include language encouraging both eligible MBE and VSBE contractors to respond to Judiciary solicitations as prime contractors. This point will continue to be emphasized in outreach efforts.
- In FY 2022, the Judiciary has established an aspirational goal of 30% for the Program, allocated as follows: 29% for MBE and 1% for VSBE.



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