

### **Information to Collect**

The following is a general list of items that may be needed to provide evidence for or against an allegation of discrimination related to state contracts. This list should be used in addition to any other information that the Complainant or Respondent considers pertinent to their case. Please note that this list does not encompass all types of discrimination cases filed with the Maryland Commission on Civil Rights (MCCR).

**NOTE:** It is the responsibility of the parties involved to determine what information is needed to substantiate their position. MCCR will not assist or guide either party in the development of their case.

#### **In a "Failure to Award Contract" case:**

1. **Request for Proposal (RFP)/Invitation for Bid (IFB):** Copies of the RFP or IFB issued by the state agency.
2. **Bid/Proposal Submission:** The complete bid or proposal submitted by the Complainant, including all supporting documents.
3. **Evaluation Criteria:** The criteria used by the state agency to evaluate bids or proposals.
4. **Scoring Sheets:** Copies of scoring sheets or evaluations used to assess the Complainant's bid or proposal.
5. **Decision Maker(s) List:** Names, protected class (if known), tenure with the state agency, and contact information of those involved in the decision-making process.
6. **Decision Maker(s) Interview Notes:** Notes or documentation related to discussions or decisions about the contract award.
7. **Winning Bid/Proposal:** A copy of the bid or proposal that was awarded the contract, including all supporting documents.
8. **Communications:** Emails, letters, or other communication between the Complainant and the state agency regarding the bid or proposal.
9. **State Contracting Policies:** Copies of the state agency's policies on contract awards, including any nondiscrimination clauses.
10. **Comparable Contract Awards:** Documentation of similar contracts awarded to other bidders, particularly those from different protected classes.
11. **Justification for Award:** The written justification provided by the state agency for awarding the contract to another bidder.
12. **Past Contracting History:** Records of the Complainant's previous contracts with the state, if any, including performance evaluations.
13. **Witnesses:** Names, titles, and contact information of any witnesses to discussions or decisions about the contract award.

#### **In a "Termination of Contract" case:**

1. **Contract Agreement:** The full contract agreement, including all terms, conditions, and amendments.
2. **Termination Notice:** The notice of termination issued by the state agency, including reasons for termination.

3. **Performance Evaluations:** Documentation of the Complainant's performance under the contract, including any reports or evaluations.
4. **Communication Records:** Emails, letters, or other communication between the Complainant and the state agency regarding the contract termination.
5. **Decision Maker(s) List:** Names, protected class (if known), tenure with the state agency, and contact information of those involved in the termination decision.
6. **Decision Maker(s) Interview Notes:** Notes or documentation related to discussions or decisions about the contract termination.
7. **State Contracting Policies:** Copies of the state agency's policies on contract termination, including any nondiscrimination clauses.
8. **Comparable Contract Terminations:** Documentation of other contracts terminated by the state agency under similar circumstances, particularly those involving vendors from different protected classes.
9. **Justification for Termination:** The written justification provided by the state agency for the termination of the contract.
10. **Dispute Resolution Correspondence:** Any correspondence related to dispute resolution or appeals regarding the contract termination.
11. **Witnesses:** Names, titles, and contact information of any witnesses to discussions or decisions about the contract termination.

#### **In a "Retaliation" case related to State Contracts:**

1. **Proof of Adverse Action:** Documentation of the adverse action taken against the Complainant, such as contract termination, failure to renew, or negative performance evaluations.
2. **Proof of Participation in Protected Activity:** Evidence showing that the Complainant engaged in a protected activity, such as filing a discrimination complaint or reporting unethical behavior.
3. **Communication Records:** Emails, letters, or other communication between the Complainant and the state agency regarding the adverse action and protected activity.
4. **Decision Maker(s) List:** Names, protected class (if known), tenure with the state agency, and contact information of those involved in the decision to take adverse action.
5. **Decision Maker(s) Interview Notes:** Notes or documentation related to discussions or decisions about the adverse action.
6. **State Contracting Policies:** Copies of the state agency's policies relevant to the adverse action, including any nondiscrimination or anti-retaliation clauses.
7. **Comparable Cases:** Documentation of other contractors who engaged in similar protected activities and the outcomes of their situations.
8. **Witnesses:** Names, titles, and contact information of any witnesses to discussions about the adverse action or protected activity.
9. **Legal Correspondence:** Any communication between the Complainant and their legal representative regarding the retaliation claim.

#### **In a "Harassment by State Officials or Contract Managers" case:**

1. **Communication Records:** Emails, letters, or other communication between the Complainant and state officials or contract managers related to the alleged harassment.
2. **Incident Reports:** Documentation of specific incidents of harassment, including dates, times, and descriptions of events.
3. **Witnesses:** Names, titles, and contact information of any witnesses to the alleged harassment.
4. **State Agency Policies:** Copies of policies regarding contractor relations and harassment.
5. **Previous Complaints:** Documentation of any previous complaints of harassment against the state officials or contract managers by other contractors.
6. **Video or Audio Recordings:** Any available recordings of the alleged harassment incidents.
7. **Documentation of Retaliatory Actions:** Evidence of any adverse actions taken by state officials or contract managers in response to the Complainant's reports of harassment.
8. **Legal Correspondence:** Any communication between the Complainant and their legal representative regarding the harassment claim.

### **In a "Differential Treatment in Contract Terms or Conditions" case:**

1. **Contract Agreement:** A copy of the contract agreement, including all terms, conditions, and amendments.
2. **Communication Records:** Emails, letters, or other communication between the Complainant and the state agency regarding the contract terms or conditions.
3. **Decision Maker(s) List:** Names, protected class (if known), tenure with the state agency, and contact information of those involved in determining the contract terms or conditions.
4. **Decision Maker(s) Interview Notes:** Notes or documentation related to discussions or decisions about the contract terms or conditions.
5. **State Contracting Policies:** Copies of the state agency's policies on setting contract terms and conditions, including any nondiscrimination clauses.
6. **Comparable Contracts:** Copies of contracts awarded to other vendors, highlighting differences in terms and conditions, particularly those involving vendors from different protected classes.
7. **Justifications for Differential Terms:** Written explanations provided by the state agency for any differences in contract terms or conditions.
8. **Market Comparison Data:** Information on market rates and typical contract terms for similar services or goods.
9. **Witnesses:** Names, titles, and contact information of any witnesses to discussions about the contract terms or conditions.
10. **Past Contracting History:** Records of the Complainant's previous contracts with the state, if any, including performance evaluations.