

HOUSE BILL 287

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P2

2000 Regular Session
(01r0160)

ENROLLED BILL

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by **The Delegate Dobson, the Speaker (Administration), and Delegates Benson, Bobo, Bronrott, Clagett, DeCarlo, Dypski, Glassman, Malone, Mandel, McIntosh, Paige, Parrott, Riley, Sophocleus, and Swain**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 496

1 AN ACT concerning

2 **Procurement - Minority Business Enterprise Participation --~~Sunset~~**
3 **Extension**

4 FOR the purpose of *modifying the threshold governing the application of the State's*
5 *minority business enterprise program to Maryland Department of Transportation*
6 *construction contracts*; continuing until a certain date certain provisions of the
7 State Procurement Law relating to procurement from minority businesses;
8 requiring an executive summary of a certain study and the issuance of ~~a certain~~
9 ~~report~~ the executive summary to the Legislative Policy Committee by a certain
10 date; extending the date by which a certain report must be submitted to the
11 General Assembly for review; requiring that the initiation of a certain study be
12 done in consultation with the Office of the Attorney General; and generally
13 relating to minority business participation in State procurement.

14 BY repealing and reenacting, with amendments,

1 Article - State Finance and Procurement
2 Section 14-302 and 14-309
3 Annotated Code of Maryland
4 (1995 Replacement Volume and 1999 Supplement)

5 BY repealing and reenacting, with amendments,
6 Chapter 116 of the Acts of the General Assembly of 1995
7 Section 2

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - State Finance and Procurement**

11 14-302.

12 (a) (1) Except for leases of real property and except as provided in
13 paragraphs (2) and (3) of this subsection, each unit shall structure procurement
14 procedures, consistent with the purposes of this subtitle, to try to achieve the result that
15 a minimum of 14% of the unit's total dollar value of procurement contracts is made
16 directly or indirectly from certified minority business enterprises IN ACCORDANCE
17 WITH THIS SECTION.

18 (2) Except as provided in paragraph (3) of this subsection, in procurement
19 for construction, each unit shall:

20 (i) structure procurement procedures, consistent with the purposes
21 of this subtitle, to try to achieve the result that a minimum of 14% of the unit's total
22 dollar value of construction contracts is made directly or indirectly from certified
23 minority business enterprises; and

24 (ii) consider the practical severability of the construction projects.

25 (3) With respect to the Maryland Department of Transportation, the
26 provisions of paragraph (2)(i) of this subsection shall apply only to construction
27 contracts in excess of [\$100,000] \$50,000.

28 (4) To achieve the result specified in paragraph (1) or (2) of this
29 subsection, a contractor shall:

30 (i) identify specific work categories appropriate for subcontracting;

31 (ii) at least 10 days before bid opening, solicit minority business
32 enterprises, through written notice that:

33 1. describes the categories of work under item (i) of this
34 subparagraph; and

1 JANUARY 10, [1999] ~~2000~~ 2001 so that the General Assembly may review the report
2 ~~prior to~~ DURING the [2000] 2001 Session.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2000.