
By: **Montgomery County Delegation and Prince George's County
Delegation**

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Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted
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CHAPTER 92

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Minority Business Enterprise**
3 **Program - Graduation**
4 **MC/PG 119-01**

5 FOR the purpose of altering the criteria for a minority business enterprise to
6 graduate from a certain minority business utilization program of the
7 Washington Suburban Sanitary Commission; authorizing the Commission to
8 make a certain determination concerning eligibility for the program; and
9 generally relating to the Washington Suburban Sanitary Commission and
10 minority business enterprises.

11 BY repealing and reenacting, with amendments,
12 Article 29 - Washington Suburban Sanitary District
13 Section 3-109(c)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article 29 - Washington Suburban Sanitary District
18 Section 3-109(g)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 2000 Supplement)

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

1 **Article 29 - Washington Suburban Sanitary District**

2 3-109.

3 (c) The rules and regulations that establish the program under subsection (b)
4 of this section shall include provisions that:5 (1) Recognize the certification of minority business enterprises by the
6 State certification agency designated under § 14-303(b) of the State Finance and
7 Procurement Article;8 (2) Recognize any other certification program that in the judgment of the
9 WSSC substantially duplicates the requirements of the State certification agency;

10 (3) Provide for minority business participation through subcontracting;

11 (4) Except as provided in paragraph (5) of this subsection, provide for a
12 system of granting a preference of up to the lesser of 5% or \$50,000 to minority
13 business enterprises in evaluating bids and proposals;14 (5) (i) Subject to the provisions of subparagraphs (ii), (iii), and (iv) of
15 this paragraph, establish a sheltered market program in which bidding on
16 procurement contracts designated by the WSSC as appropriate is restricted to
17 certified minority business enterprises;18 (ii) The sheltered market program under this paragraph may not
19 be utilized until all less restrictive remedies under this subsection and race-neutral
20 remedies such as assistance with bonding requirements, financing, or bidding
21 procedures for small firms have been used and found to be ineffective;22 (iii) Upon the bid of at least 3 certified minority business
23 contractors, a contract shall be awarded under this paragraph to the lowest of those
24 bidders; and25 (iv) If fewer than 3 certified minority business enterprises bid on a
26 contract under this paragraph, the contract shall be awarded under the general
27 provisions of paragraph (4) of this subsection;28 (6) Provide for the graduation of a minority business enterprise from the
29 program [after 5 years; however, if a minority business enterprise was not awarded
30 at least 3 contracts or a total of \$50,000 in awarded contracts from the WSSC during
31 the 5-year period, the business may apply for and receive one 2-year extension of
32 participation in the program] IF THE WSSC DETERMINES THAT THE MINORITY
33 BUSINESS ENTERPRISE NO LONGER REQUIRES THE ASSISTANCE OR BENEFITS
34 OFFERED BY THE PROGRAM;35 (7) Require the solicitation document accompanying each solicitation to
36 set forth the rules and regulations of the minority business utilization program;

1 (8) Require the geographic location and the principal place of business of
2 the minority business enterprise to be a consideration for participation in this
3 program. Montgomery County businesses and Prince George's County businesses
4 shall each have a targeted percentage of at least 40% of any contracts;

5 (9) Provide for the WSSC to refuse to recognize the certification of any
6 business found to be in violation of the purposes of the program and to permanently
7 bar any active principals of a violating business from future participation in the
8 program; and

9 (10) Permit the waiver of all or part of the provisions of the program for a
10 specific contract if the WSSC determines that the application of the program to the
11 contract conflicts with the WSSC's overall objectives and responsibilities, and provide
12 for the WSSC to report annually to the Montgomery County and Prince George's
13 County House and Senate Delegations on those waivers.

14 (g) The provisions of this section shall be void and may not be enforced after
15 July 1, 2002.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2001.