
By: **Delegates Morhaim, Patterson, McIntosh, Barve, Benson, Burns, Goldwater, Hammen, Haynes, Hubbard, Hurson, Lee, Moe, Murray, Nathan-Pulliam, Oaks, Owings, V. Turner, and Vaughn Vaughn, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Kach, Mandel, McDonough, Pendergrass, Rosenberg, Rudolph, Smigiel, and Weldon**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2004

CHAPTER 198

1 AN ACT concerning

2 **Department of General Services Procurement - Minority Business**
3 **Enterprises - Directory**

4 FOR the purpose of requiring ~~the Department of General Services~~ a certain
5 certification agency to develop and maintain a directory of minority business
6 enterprises; establishing certain criteria for ~~a~~ the directory; requiring the
7 directory to be accessible to the public through the Internet; and generally
8 relating to a directory of minority business enterprises.

9 ~~BY adding to~~ BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section ~~4-210~~ 14-304
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

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

16 **Article - State Finance and Procurement**

17 ~~4-210.~~

18 ~~THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A DIRECTORY OF ALL~~
19 ~~MINORITY BUSINESS ENTERPRISES IN THE STATE THAT INCLUDES:~~

- 1 (1) ~~THE NAME, MAILING ADDRESS, TELEPHONE NUMBER, AND~~
2 ~~ELECTRONIC MAIL ADDRESS OF THE MINORITY BUSINESS ENTERPRISE;~~
- 3 (2) ~~WHETHER THE MINORITY BUSINESS ENTERPRISE IS BONDED OR~~
4 ~~BONDABLE;~~
- 5 (3) ~~THREE PROFESSIONAL REFERENCES FOR EACH MINORITY BUSINESS~~
6 ~~ENTERPRISE;~~
- 7 (4) ~~THE AMOUNT, TYPE, AND LOCATION OF THE MINORITY BUSINESS~~
8 ~~ENTERPRISE'S LAST THREE CONTRACTS; AND~~
- 9 (5) ~~ANY OTHER INFORMATION THAT THE DEPARTMENT DETERMINES IS~~
10 ~~NECESSARY TO CONTACT A MINORITY BUSINESS ENTERPRISE.~~

11 14-304.

12 (A) (1) THE CERTIFICATION AGENCY SHALL DEVELOP AND MAINTAIN A
13 DIRECTORY OF ALL CERTIFIED MINORITY BUSINESS ENTERPRISES.

14 (2) THE DIRECTORY SHALL BE ACCESSIBLE TO THE PUBLIC THROUGH
15 THE INTERNET.

16 (3) FOR EACH MINORITY BUSINESS ENTERPRISE INCLUDED IN THE
17 DIRECTORY, THE CERTIFICATION AGENCY SHALL INCLUDE THE FOLLOWING
18 INFORMATION:

19 (I) ALL CONTRACT INFORMATION AVAILABLE TO THE
20 CERTIFICATION AGENCY FOR THE MINORITY BUSINESS ENTERPRISE;

21 (II) THE CERTIFICATION NUMBER AND MINORITY STATUS OF THE
22 MINORITY BUSINESS ENTERPRISE;

23 (III) CONTACT INFORMATION FOR UP TO THREE PROFESSIONAL
24 REFERENCES FOR THE MINORITY BUSINESS ENTERPRISE; AND

25 (IV) ANY OTHER INFORMATION THE CERTIFICATION AGENCY
26 CONSIDERS NECESSARY OR APPROPRIATE TO ENCOURAGE PARTICIPATION IN THE
27 PROCUREMENT PROCESS BY MINORITY BUSINESS ENTERPRISES.

28 (4) THE CERTIFICATION AGENCY SHALL:

29 (I) UPDATE THE DIRECTORY AT LEAST MONTHLY; AND

30 (II) IDENTIFY AS RECENTLY CERTIFIED IN THE DIRECTORY EACH
31 MINORITY BUSINESS ENTERPRISE THAT HAS OBTAINED CERTIFICATION DURING
32 THE CALENDAR YEAR.

33 [(a)] (B) In the same manner and with the same fees as provided by law in
34 civil cases, in a matter regarding the decertification of a certified minority business
35 enterprise, the certification agency may:

- 1 (1) subpoena witnesses;
- 2 (2) administer oaths; and
- 3 (3) compel the production of records, books, papers, and other
4 documents.

5 ~~[(b)]~~ (C) If a person fails to comply with a subpoena issued under subsection
6 [(a)] (B) of this section, or fails to produce documents or other evidence, on petition of
7 the certification agency, a court of competent jurisdiction may pass an order directing
8 compliance with the subpoena or compelling the production of documents or other
9 evidence.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2004.