

HOUSE BILL 903

P2

8lr1913

By: **Delegates Robinson, Anderson, Burns, Conaway, Glenn, Harrison, Haynes, Kirk, Krysiak, Oaks, Stukes, and Walker**
Introduced and read first time: February 6, 2008
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Minority Business Enterprise Certification – Mandatory**
3 **Training**

4 FOR the purpose of requiring a certain certification agency to require a minority
5 business enterprise to receive certain training for certain purposes before
6 certifying the enterprise; requiring a certain certification agency to make
7 certain training available to minority business enterprises a certain number of
8 times each year; requiring certain training to include training in certain areas
9 to the extent that the areas are relevant to minority business enterprises; and
10 generally relating to training for minority business enterprises.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 14–304
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – State Finance and Procurement**

19 14–304.

20 (a) (1) The certification agency shall develop and maintain a directory of
21 all certified minority business enterprises.

22 (2) The directory shall be accessible to the public through the Internet.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) For each minority business enterprise included in the directory,
2 the certification agency shall include the following information:

3 (i) all contract information available to the certification agency
4 for the minority business enterprise;

5 (ii) the certification number and minority status of the minority
6 business enterprise;

7 (iii) contact information for up to three professional references
8 for the minority business enterprise; and

9 (iv) any other information the certification agency considers
10 necessary or appropriate to encourage participation in the procurement process by
11 minority business enterprises.

12 (4) The certification agency shall:

13 (i) update the directory at least monthly; and

14 (ii) identify as recently certified in the directory each minority
15 business enterprise that has obtained certification during the calendar year.

16 **(B) (1) BEFORE CERTIFYING A MINORITY BUSINESS ENTERPRISE,**
17 **THE CERTIFICATION AGENCY SHALL REQUIRE THE MINORITY BUSINESS**
18 **ENTERPRISE TO RECEIVE TRAINING IN ORDER TO BECOME PROFICIENT IN**
19 **BUSINESS PRACTICES THE CERTIFICATION AGENCY DETERMINES ESSENTIAL TO**
20 **SUCCEEDING AS A CERTIFIED MINORITY BUSINESS ENTERPRISE.**

21 **(2) THE CERTIFICATION AGENCY SHALL MAKE THE TRAINING**
22 **UNDER PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE TO MINORITY**
23 **BUSINESS ENTERPRISES TWICE A YEAR.**

24 **(3) THE TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION**
25 **SHALL INCLUDE TRAINING IN THE FOLLOWING AREAS TO THE EXTENT THAT THE**
26 **AREAS ARE RELEVANT TO MINORITY BUSINESS ENTERPRISES:**

27 **(I) REGULATIONS ADOPTED BY AN AGENCY OF THE STATE**
28 **THAT AFFECT A MINORITY BUSINESS ENTERPRISE'S PARTICULAR INDUSTRY OR**
29 **INDUSTRIES;**

30 **(II) SUBMITTING REPORTS TO FUNDING AGENCIES;**

31 **(III) COMPLETING FINANCIAL STATEMENTS;**

32 **(IV) EMPLOYEE ASSISTANCE PROGRAMS;**

- 1 **(V) STATE AND FEDERAL TAX REGULATIONS;**
- 2 **(VI) DRUG ABUSE AWARENESS;**
- 3 **(VII) UNITED STATES DEPARTMENT OF LABOR PERSONNEL**
4 **REGULATIONS;**
- 5 **(VIII) PERSONNEL REGULATIONS ADOPTED BY THE**
6 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION;**
- 7 **(IX) LICENSING REQUIREMENTS;**
- 8 **(X) RECORD KEEPING;**
- 9 **(XI) BUSINESS STRUCTURE;**
- 10 **(XII) BUSINESS PLAN DEVELOPMENT; AND**
- 11 **(XIII) DRUG-FREE WORKPLACE POLICIES.**

12 **[(b)] (C)** In the same manner and with the same fees as provided by law in
13 civil cases, in a matter regarding the decertification of a certified minority business
14 enterprise, the certification agency may:

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

19 **[(c)] (D)** If a person fails to comply with a subpoena issued under subsection
20 **[(b)] (C)** of this section, or fails to produce documents or other evidence, on petition of
21 the certification agency, a court of competent jurisdiction may pass an order directing
22 compliance with the subpoena or compelling the production of documents or other
23 evidence.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.