

HOUSE BILL 24

P2

3lr0787

(PRE-FILED)

By: **Delegate B. Robinson**

Requested: November 13, 2012

Introduced and read first time: January 9, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Enterprises – Time Frame and Monitoring of Payments**

3 FOR the purpose of requiring the Board of Public Works to adopt certain regulations
4 that require a unit to authorize payment to a prime contractor within a certain
5 number of days after completion of the work required by contracts containing
6 minority business enterprise participation goals; requiring the Board, in
7 conjunction with the Governor's Office of Minority Affairs, to establish a process
8 for monitoring certain payments; and generally relating to the adoption of
9 regulations by the Board of Public Works concerning payments to a prime
10 contractor under contracts containing minority business enterprise
11 participation goals.

12 BY repealing and reenacting, without amendments,
13 Article – State Finance and Procurement
14 Section 14-303(a)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2012 Supplement)

17 BY adding to
18 Article – State Finance and Procurement
19 Section 14-303(b)(19) and (20)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2012 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – State Finance and Procurement
24 Section 14-303(b)(19) and (20)
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Finance and Procurement**

4 14–303.

5 (a) (1) (i) In accordance with Title 10, Subtitle 1 of the State
6 Government Article, the Board shall adopt regulations consistent with the purposes of
7 this Division II to carry out the requirements of this subtitle.

8 (ii) The Board shall keep a record of information regarding any
9 waivers requested in accordance with § 14–302(a)(8)(i) of this subtitle and subsection
10 (b)(11) of this section and submit a copy of the record to the General Assembly on or
11 before October 1 of each year, in accordance with § 2–1246 of the State Government
12 Article.

13 (iii) The Board shall keep a record of the aggregate number and
14 the identity of minority business enterprises that receive certification under the
15 process established by the Board under subsection (b)(1) of this section and submit a
16 copy of the record to the General Assembly on or before October 1 of each year, in
17 accordance with § 2–1246 of the State Government Article.

18 (2) The regulations shall establish procedures to be followed by units,
19 prospective contractors, and successful bidders or offerors to maximize notice to, and
20 the opportunity to participate in the procurement process by, a broad range of
21 minority business enterprises.

22 (b) These regulations shall include:

23 **(19) A REQUIREMENT THAT A UNIT AUTHORIZE PAYMENT TO A**
24 **PRIME CONTRACTOR WITHIN 30 DAYS AFTER COMPLETION OF THE WORK**
25 **REQUIRED BY A CONTRACT THAT CONTAINS MINORITY BUSINESS ENTERPRISE**
26 **PARTICIPATION GOALS;**

27 **(20) A REQUIREMENT THAT THE BOARD, IN CONJUNCTION WITH**
28 **THE GOVERNOR’S OFFICE OF MINORITY AFFAIRS, ESTABLISH A PROCESS FOR**
29 **MONITORING THE TIMELINESS OF PAYMENTS AS REQUIRED BY ITEM (19) OF**
30 **THIS SUBSECTION;**

31 **[(19)] (21)** a requirement that each unit work with the Governor’s
32 Office of Minority Affairs to designate certain procurements as being excluded from
33 the requirements of § 14–302(a) of this subtitle; and

1 **[(20)] (22)** other provisions that the Board considers necessary or
2 appropriate to encourage participation by minority business enterprises and to protect
3 the integrity of the procurement process.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.