# **SENATE BILL 1139**

#### By: **Senator Robinson** Introduced and read first time: February 16, 2018 Assigned to: Rules

### A BILL ENTITLED

#### 1 AN ACT concerning

# Procurement – Minority Business Enterprise Certification – Sale to Nonminority Entity

- FOR the purpose of requiring certain regulations adopted by the Board of Public Works to
  include provisions establishing that, if a certified minority business enterprise is sold
  to a certain legal entity, the certified minority business enterprise retains its
  certification for a certain period of time; and generally relating to minority business
  enterprise certifications.
- 9 BY repealing and reenacting, without amendments,
- 10 Article State Finance and Procurement
- 11 Section 14–303(a)
- 12 Annotated Code of Maryland
- 13 (2015 Replacement Volume and 2017 Supplement)
- 14 BY repealing and reenacting, with amendments,
- 15 Article State Finance and Procurement
- 16 Section 14–303(b)(1)
- 17 Annotated Code of Maryland
- 18 (2015 Replacement Volume and 2017 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 20 That the Laws of Maryland read as follows:
- 21

## Article – State Finance and Procurement

22 14-303.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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The Board shall keep a record of information regarding any 1 (ii)  $\mathbf{2}$ waivers requested in accordance with § 14-302(a)(9)(i) of this subtitle and subsection 3 (b)(12) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article. 4

 $\mathbf{5}$ (iii) The Board shall keep a record of the aggregate number and the 6 identity of minority business enterprises that receive certification under the process 7established by the Board under subsection (b)(1) of this section and submit a copy of the 8 record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article. 9

10 (2)The regulations shall establish procedures to be followed by units, 11 prospective contractors, and successful bidders or offerors to maximize notice to, and the 12opportunity to participate in the procurement process by, a broad range of minority 13 business enterprises.

- 14 (b) These regulations shall include:
- 15(1)provisions:

16(i) designating one State agency to certify and decertify minority business enterprises for all units through a single process that meets applicable federal 1718 requirements, including provisions that promote and facilitate the submission of some or 19all of the certification application through an electronic process;

20for the purpose of certification under this subtitle, that promote (ii) 21and facilitate certification of minority business enterprises that have received certification 22from the U.S. Small Business Administration or a county that uses a certification process 23substantially similar to the process established in accordance with item (i) of this item;

24requiring the agency designated to certify minority business (iii) 25enterprises to complete the agency's review of an application for certification and notify the 26applicant of the agency's decision within 90 days of receipt of a complete application that includes all of the information necessary for the agency to make a decision; [and] 27

28authorizing the agency designated to certify minority business (iv) 29enterprises to extend the notification requirement established under item (iii) of this item 30 once, for no more than an additional 60 days, if the agency provides the applicant with a written notice and explanation; AND 31

32 **(**V**)** ESTABLISHING THAT, IF A CERTIFIED MINORITY BUSINESS 33 ENTERPRISE IS SOLD TO A LEGAL ENTITY THAT IS NOT A CERTIFIED MINORITY 34BUSINESS ENTERPRISE, THE CERTIFIED MINORITY BUSINESS ENTERPRISE SHALL 35**RETAIN THE CERTIFICATION FOR 3 YEARS AFTER THE DATE OF SALE;** 

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2018.