

# SENATE BILL 779

P2

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By: ~~Senator Griffith~~ **Senators Griffith, Carozza, Ellis, Hester, Lam, Patterson, and Washington**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commission on Minority- and Women-Owned Small Business Participation in**  
3 **State Procurement**

4 FOR the purpose of establishing the Commission on Minority- and Women-Owned Small  
5 Business Participation in State Procurement; providing for the duties, membership,  
6 cochairs, and staffing of the Commission; prohibiting members of the Commission  
7 from receiving certain compensation, but authorizing the reimbursement of certain  
8 expenses; requiring the Commission to study, determine, review, and make  
9 recommendations regarding certain matters; authorizing the Commission to create  
10 certain committees for a certain purpose; providing for the designation of chairs and  
11 responsibilities of certain committees; requiring the Commission to report certain  
12 findings and recommendations to the Governor and the General Assembly on or  
13 before certain dates; declaring the intent of the General Assembly; providing for the  
14 termination of this Act; and generally relating to the Commission on Minority- and  
15 Women-Owned Small Business Participation in State Procurement.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That:

18 (a) There is a Commission on Minority- and Women-Owned Small Business  
19 Participation in State Procurement.

20 (b) The Commission consists of the following members:

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1           (1) two members of the Senate of Maryland, appointed by the President of  
2 the Senate;
- 3           (2) two members of the House of Delegates, appointed by the Speaker of  
4 the House;
- 5           ~~(3) the Comptroller, or the Comptroller's designee;~~
- 6           ~~(4)~~ (3) the State Treasurer, or the State Treasurer's designee;
- 7           ~~(5)~~ (4) the Secretary of General Services, or the Secretary's designee;
- 8           ~~(6)~~ (5) the Secretary of Transportation, or the Secretary's designee;
- 9           ~~(7)~~ (6) the Secretary of Commerce, or the Secretary's designee;
- 10          ~~(8)~~ (7) the Secretary of Health, or the Secretary's designee;
- 11          ~~(9)~~ (8) the Chancellor of the University System of Maryland, or the  
12 Chancellor's designee;
- 13          ~~(10) the President of Morgan State University, or the President's designee;~~
- 14          ~~(11) the President of St. Mary's College of Maryland, or the President's~~  
15 ~~designee;~~
- 16          ~~(12)~~ (9) the Special Secretary of the Governor's Office of Small, Minority  
17 & Women Business Affairs, or the Special Secretary's designee; and
- 18          ~~(13)~~ (10) the following members, appointed by the Governor:
- 19               (i) one representative of a registered small minority business  
20 enterprise that served as a subcontractor on a State contract within the past 3 years;
- 21               (ii) one representative of a registered small minority business  
22 enterprise that served as a prime contractor on a State contract within the past 3 years;
- 23               (iii) one representative of a registered small woman-owned business  
24 enterprise that served as a subcontractor on a State contract within the past 3 years;
- 25               (iv) one representative of a registered small woman-owned business  
26 enterprise that served as a prime contractor on a State contract within the past 3 years;  
27 and
- 28               (v) ~~two representatives of registered small minority business~~  
29 ~~enterprises that submitted a response to a procurement in the last year and to which no~~  
30 ~~award was made; one representative who is in a senior role for a nonminority, nonwomen~~

1 owned business enterprise that has been incorporated in the State for at least 3 years and  
2 has served as a prime contractor on a State contract within the past 3 years.

3 ~~(vi) two representatives of registered small woman owned business~~  
4 ~~enterprises that submitted a response to a procurement in the last year and to which no~~  
5 ~~award was made; and~~

6 ~~(vii) three representatives of prime contractors on a State contract~~  
7 ~~within the past 3 years, provided that one shall have utilized the services of a small~~  
8 ~~minority business enterprise as a subcontractor and one shall have utilized the services of~~  
9 ~~a small woman owned business enterprise as a subcontractor.~~

10 (c) (1) The President of the Senate shall designate one of the members  
11 appointed from the Senate of Maryland as a cochair of the Commission.

12 (2) The Speaker of the House shall designate one of the members appointed  
13 from the House of Delegates as a cochair of the Commission.

14 (d) The Department of Legislative Services shall provide staff for the  
15 Commission.

16 (e) A member of the Commission:

17 (1) may not receive compensation as a member of the Commission; but

18 (2) is entitled to reimbursement for expenses under the Standard State  
19 Travel Regulations, as provided in the State budget.

20 (f) The Commission shall:

21 (1) study the current State practices concerning small, minority, and  
22 women business participation in State procurement contracts;

23 (2) review State practices that have helped to improve outcomes for  
24 minority- and women-owned small business enterprises and determine common indicators  
25 of success between these practices;

26 (3) determine whether any statutory or regulatory provisions or State  
27 practices prevent minority- and women-owned small business enterprises from effectively  
28 competing for State procurement contracts;

29 (4) review the best practices of the federal government and other states to  
30 improve outcomes for minority- and women-owned small business enterprises in public  
31 procurement contracts; and

32 (5) make recommendations regarding best practices for engaging and  
33 improving outcomes for minority- and women-owned small business enterprises in State

1 procurement contracts, including suggestions for statutory and regulatory changes and  
2 State programs.

3 (g) (1) The Commission may establish committees as may be required to carry  
4 out its duties.

5 (2) A committee shall be chaired by a member of the Commission,  
6 designated by the cochairs.

7 (3) A committee shall invite stakeholders to meetings and consider public  
8 testimony from stakeholders.

9 (h) On or before December 1, 2020, the Commission shall report its preliminary  
10 research and findings and recommendations to the Governor and, in accordance with §  
11 2–1257 of the State Government Article, the General Assembly.

12 (i) On or before December 1, 2021, the Commission shall report its findings and  
13 recommendations to the Governor and, in accordance with § 2–1257 of the State  
14 Government Article, the General Assembly.

15 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
16 Assembly that a business, or representative of a business, participating in the Commission  
17 on Minority- and Women-Owned Small Business Participation in State Procurement, as  
18 enacted under Section 1 of this Act, will not be favored in, disfavored in, or disqualified  
19 from, the selection of contracts with, or eligibility for benefits from, the State on the grounds  
20 of the business's role in the Commission.

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 June 1, 2020. It shall remain effective for a period of 2 years and 1 month and, at the end  
23 of June 30, 2022, this Act, with no further action required by the General Assembly, shall  
24 be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.