



Montgomery County

Office of Intergovernmental Relations

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HB 783

DATE: March 6, 2023

SPONSOR: Montgomery County Delegation and Prince George's County Delegation

ASSIGNED TO: Health and Government Operations

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POSITION: Support

Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Revisions and Extension MC/PG 101-23

This bill has been requested by Washington Suburban Sanitary Commission (WSSC Water) in order to “update, modernize, streamline, and strengthen” State law governing WSSC Water’s Minority Business Enterprise (MBE) Utilization Program, including extending authority to implement an MBE program for five years, ending on June 30, 2028. Current authority to conduct this program sunsets on June 30, 2023.

Authorization for WSSC Water’s MBE program is based on a disparity study conducted every five years. The disparity study determines the utilization and availability of minority and women owned firms within WSSC Water’s market area for construction, architectural and engineering, goods and services, and professional services. The study determines whether disparities exist and provides the factual predicate necessary to meet the legal requirements for the continuation of the MBE program. The latest disparity study was released in November 2022 and covers fiscal years 2015 through 2019.

The bill consolidates all procurement categories under one MBE program, clarifies that WSSC Water’s certification requirements must substantially duplicate State certification requirements, and modernizes the language of the statute to reflect current MBE best practices and legal requirements. The bill includes legislative findings based on the disparity study, including a finding that there are substantial and statistically significant adverse disparities that are strong evidence of discrimination against minorities and nonminority women in wages, business formation, business owner earns, and access to capital in the same geographic markets and industry categories in which WSSC Water does business and a finding that WSSC Water will become a passive participant in private sector racial and gender discrimination if the authority to conduct its MBE Utilization Program is not extended.

Montgomery County supports this bill and respectfully requests that the Health and Government Operations Committee give the bill a favorable report.