

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 287

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Business" insert "Enterprise"; in the same line, strike "- Sunset Extension"; in line 3, after the first "of" insert "modifying the threshold governing the application of the State's minority business enterprise program to Maryland Department of Transportation construction contracts;"; in line 8, after "review;" insert "requiring that the initiation of a certain study be done in consultation with the Office of the Attorney General;"; and in line 12, after "Section" insert "14-302 and".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"14-302.

(a) (1) Except for leases of real property and except as provided in paragraphs (2) and (3) of this subsection, each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve the result that a minimum of 14% of the unit's total dollar value of procurement contracts is made directly or indirectly from certified minority business enterprises IN ACCORDANCE WITH THIS SECTION.

(2) Except as provided in paragraph (3) of this subsection, in procurement for construction, each unit shall:

(i) structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve the result that a minimum of 14% of the unit's total dollar value of construction contracts is made directly or indirectly from certified minority business enterprises; and

(ii) consider the practical severability of the construction projects.

(Over)

(3) With respect to the Maryland Department of Transportation, the provisions of paragraph (2)(i) of this subsection shall apply only to construction contracts in excess of [\$100,000] \$50,000.

(4) To achieve the result specified in paragraph (1) or (2) of this subsection, a contractor shall:

(i) identify specific work categories appropriate for subcontracting;

(ii) at least 10 days before bid opening, solicit minority business enterprises, through written notice that:

1. describes the categories of work under item (i) of this subparagraph; and

2. provides information regarding the type of work being solicited and specific instructions on how to submit a bid;

(iii) attempt to make personal contact with the firms in item (ii) of this paragraph;

(iv) assist minority business enterprises to fulfill bonding requirements or to obtain a waiver of those requirements;

(v) in order to publicize contracting opportunities to minority business enterprises, attend prebid meetings or other meetings scheduled by the unit; and

(vi) upon acceptance of a bid, provide the unit with a list of minority businesses with whom the contractor negotiated, including price quotes from minority and nonminority firms.

(5) (i) The unit shall make a finding whether the contractor complied, in good faith, with paragraph (4) of this subsection.

(ii) If the unit finds the contractor complied with paragraph (4) of this subsection, the unit may not require the contractor to renegotiate any subcontract in order to achieve a different result.

(b) (1) The provisions of §§ 14-301(e) and 14-303 of this subtitle and subsection (a) of this section are inapplicable to the extent that any unit determines the provisions to be in conflict with any applicable federal program requirement.

(2) The determination under this subsection shall be included with the report required under § 14-305 of this subtitle.”.

AMENDMENT NO. 3

On page 2, in line 8, after “Assembly” insert “AND THE OFFICE OF THE ATTORNEY GENERAL”.