HOUSE BILL 287

Unofficial Copy P2

2000 Regular Session (0lr0160)

ENROLLED BILL

-- Commerce and Government Matters/Economic and Environmental Affairs --

Introduced by The Delegate Dobson, the Speaker (Administration), and Delegates Benson, Bobo, Bronrott, Clagett, DeCarlo, Dypski, Glassman, Malone, Mandel, McIntosh, Paige, Parrott, Riley, Sophocleus, and Swain

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER____

1 AN ACT concerning

2 3

Procurement - Mino	rity Business <u>Enterprise</u> Participation - Sunset
	Extension

4 FOR the purpose of *modifying the threshold governing the application of the State's*

5 <u>minority business enterprise program to Maryland Department of Transportation</u>

6 <u>construction contracts</u>; continuing until a certain date certain provisions of the

7 State Procurement Law relating to procurement from minority businesses;

8 requiring <u>an executive summary of</u> a certain study and the issuance of a certain

9 report the executive summary to the Legislative Policy Committee by a certain

10 date; extending the date by which a certain report must be submitted to the

11 General Assembly for review; requiring that the initiation of a certain study be

12 *done in consultation with the Office of the Attorney General;* and generally

13 relating to minority business participation in State procurement.

14 BY repealing and reenacting, with amendments,

- 1 Article - State Finance and Procurement
- 2 Section 14-302 and 14-309
- 3
- Annotated Code of Maryland (1995 Replacement Volume and 1999 Supplement) 4

5 BY repealing and reenacting, with amendments,

- Chapter 116 of the Acts of the General Assembly of 1995 6
- 7 Section 2

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8

9 MARYLAND, That the Laws of Maryland read as follows:

10

Article - State Finance and Procurement

11 <u>14-302.</u>

12(a)(1)Except for leases of real property and except as provided in13paragraphs (2) and (3) of this subsection, each unit shall structure procurement14procedures, consistent with the purposes of this subtitle, to try to achieve the result that15a minimum of 14% of the unit's total dollar value of procurement contracts is made16directly or indirectly from certified minority business enterprises IN ACCORDANCE17WITH THIS SECTION.	
18(2)Except as provided in paragraph (3) of this subsection, in procurement19for construction, each unit shall:	
20(i)structure procurement procedures, consistent with the purpose.21of this subtitle, to try to achieve the result that a minimum of 14% of the unit's total22dollar value of construction contracts is made directly or indirectly from certified23minority business enterprises; and	<u>s</u>
24 (<i>ii</i>) consider the practical severability of the construction projects.	-
 25 (3) With respect to the Maryland Department of Transportation, the 26 provisions of paragraph (2)(i) of this subsection shall apply only to construction 27 contracts in excess of [\$100,000] \$50,000. 	
28(4)To achieve the result specified in paragraph (1) or (2) of this29subsection, a contractor shall:	
30 (i) identify specific work categories appropriate for subcontracting	<u>g;</u>
31(ii)at least 10 days before bid opening, solicit minority business32enterprises, through written notice that:	
331.describes the categories of work under item (i) of this34 subparagraph; and	

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1 2	<u>2.</u> provides information regarding the type of work being solicited and specific instructions on how to submit a bid;
3 4	(<i>iii</i>) attempt to make personal contact with the firms in item (<i>ii</i>) of this paragraph;
5 6	(iv) assist minority business enterprises to fulfill bonding requirements or to obtain a waiver of those requirements;
7 8 9	(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.
13 14	$\frac{1}{1}$
15 16 17	this subsection, the unit may not require the contractor to renegotiate any subcontract
	(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.
21 22	
23	3 14-309.
	The provisions of §§ 14-301 through 14-305 of this subtitle, and any regulations adopted under those sections, shall be of no effect and may not be enforced after July 1, [2000] $\frac{2001}{2002}$.
27	Chapter 116 of the Acts of 1995
30 31 32	 SECTION 2. AND BE IT FURTHER ENACTED, That the Certification Agency, in consultation with the General Assembly <u>AND THE OFFICE OF THE ATTORNEY</u> <u>GENERAL</u>, shall initiate a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with the requirements of the Croson decision and any subsequent federal or constitutional requirements. The study shall also evaluate race neutral programs and other methods that can be used to address

33 also evaluate race neutral programs and other methods that can be used to address

34 the needs of minority businesses. <u>AN EXECUTIVE SUMMARY OF THE STUDY SHALL BE</u>
 35 <u>SUBMITTED TO THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY</u>

36 BY DECEMBER 1, 2000. The final report on the study shall be submitted to the

37 Legislative Policy Committee of the General Assembly prior to September 30

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<u>JANUARY 10</u>, [1999] <u>2000</u> <u>2001</u> so that the General Assembly may review the report
 <u>prior to DURING</u> the [2000] 2001 Session.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 July 1, 2000.