

SENATE BILL 808

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P2

2000 Regular Session  
0lr2742  
CF 0lr3074

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By: ~~Senators~~ **Senator Conway, the President (Administration), and  
Senators Lawlah, Blount, Mitchell, Exum, Hughes, McFadden, Currie,  
and Kelley**

Introduced and read first time: February 14, 2000

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 18, 2000

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement - Minority Business Enterprise Participation**

3 FOR the purpose of ~~increasing the minimum percentage of the total dollar value of~~  
4 ~~procurement contracts made directly or indirectly from minority businesses that~~  
5 ~~a unit of State government is to try to achieve;~~ decreasing the amount of a  
6 Maryland Department of Transportation construction contract that is  
7 negotiated competitively and not subject to provisions of law regarding minority  
8 business enterprise goals; ~~requiring a unit of State government to try to ensure~~  
9 ~~that a certain percentage of a certain minority business enterprise goal is made~~  
10 ~~by specified categories of minority business enterprises; requiring a unit of State~~  
11 ~~government to structure certain procurement procedures; requiring a unit of~~  
12 ~~State government to divide a certain percentage goal that is not met by a~~  
13 ~~specified category of minority business enterprise by the number of certain~~  
14 ~~remaining categories of minority business enterprise for addition to the goals of~~  
15 ~~certain remaining categories of minority business enterprise; continuing until a~~  
16 certain date certain provisions of the State Procurement Law relating to  
17 procurement from minority businesses; requiring a certain study and the  
18 issuance of ~~a certain report by a certain date~~ certain reports by certain dates;  
19 and generally relating to minority business participation in State procurement.

20 BY repealing and reenacting, with amendments,  
21 Article - State Finance and Procurement  
22 Section 13-304(b), 13-310(d), 14-302, and 14-309  
23 Annotated Code of Maryland

1 (1995 Replacement Volume and 1999 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Chapter 116 of the Acts of the General Assembly of 1995  
4 Section 2

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - State Finance and Procurement**

8 13-304.

9 (b) The procedures of each selection board shall ensure that a  
10 recommendation to the Board of Public Works for the award of a procurement  
11 contract for architectural or engineering services costing over \$100,000 AS TO THE  
12 GENERAL SELECTION BOARD AND OVER \$50,000 AS TO THE TRANSPORTATION  
13 SELECTION BOARD is made on a competitive basis and includes an evaluation of the  
14 technical proposals and qualifications of at least 2 persons.

15 13-310.

16 (d) A transportation unit shall negotiate competitively each procurement  
17 contract for architectural or engineering services costing [\$100,000] \$50,000 or less at  
18 a price that the transportation unit determines to be fair and reasonable.

19 14-302.

20 (a) (1) Except for leases of real property and except as provided in  
21 paragraphs (2) and (3) of this subsection, each unit shall structure procurement  
22 procedures, consistent with the purposes of this subtitle, to try to achieve the result  
23 that a minimum of {14%} ~~30%~~ of the unit's total dollar value of procurement contracts  
24 is made directly or indirectly from certified minority business enterprises IN  
25 ACCORDANCE WITH THIS SECTION.

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

28 (i) structure procurement procedures, consistent with the purposes  
29 of this subtitle, to try to achieve the result that a minimum of {14%} ~~30%~~ of the unit's  
30 total dollar value of construction contracts is made directly or indirectly from certified  
31 minority business enterprises; and

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

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

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

3 (i) identify specific work categories appropriate for subcontracting;

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

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

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

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

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

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

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

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

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

25 (b) ~~(1) IN SEEKING TO ACHIEVE THE GOALS DESCRIBED IN SUBSECTION (A)~~  
26 ~~OF THIS SECTION, EACH UNIT SHALL TRY TO ENSURE THAT A MINIMUM OF 5% OF~~  
27 ~~THE 30% TOTAL DOLLAR VALUE OF A PROCUREMENT CONTRACT GOAL IS MADE~~  
28 ~~DIRECTLY OR INDIRECTLY FROM CERTIFIED MINORITY BUSINESS ENTERPRISES~~  
29 ~~THAT ARE AT LEAST 51% OWNED AND CONTROLLED BY ONE OR MORE INDIVIDUALS~~  
30 ~~WHO ARE MEMBERS OF EACH OF THE FOLLOWING DISADVANTAGED SOCIAL OR~~  
31 ~~ECONOMIC GROUPS:~~

32 ~~(I) AFRICAN AMERICANS;~~

33 ~~(II) AMERICAN INDIANS;~~

34 ~~(III) ASIANS;~~

35 ~~(IV) HISPANICS;~~



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