

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 402

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through “award;” in line 7; and in line 9, after “proposals;” insert “requiring a procurement officer to consider certain factors in determining whether to approve a request for the substitution of a subcontractor; requiring the certification agency to conduct certain studies and submit a certain report to certain committees of the General Assembly before a certain date;”.

AMENDMENT NO. 2

On page 2, in line 35, strike the bracket.

On page 3, in line 21, strike the bracket; strike beginning with the first “A” in line 21 down through “AWARDED” in line 32; and in line 33, strike “(6)” and substitute “(7) (I)”.

On pages 3 and 4, strike beginning with the colon in line 36 on page 3 down through “WORK.” in line 4 on page 4 and substitute “THE PROCUREMENT OFFICER PROVIDES EXPRESS WRITTEN APPROVAL.”

(II) IN DETERMINING WHETHER TO APPROVE A REQUEST FOR SUBSTITUTION OF A SUBCONTRACTOR, THE PROCUREMENT OFFICER SHALL CONSIDER WHETHER THE PROPOSED SUBSTITUTION WOULD IMPACT THE FULFILLMENT OF THE MINORITY BUSINESS ENTERPRISE GOALS ESTABLISHED FOR THE PROJECT.”.

AMENDMENT NO. 3

On page 4, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That for the purpose of monitoring the

(Over)

effectiveness of this Act, the certification agency shall study the extent to which waivers for established contract goals are granted or denied by primary procurement units and the grounds for granting or denying requests for waivers. As part of this study, the certification agency shall also examine the extent to which contractors use noncertified subcontractors to perform work identified in bid documents as intended to be subcontracted to certified minority business enterprises. The certification agency shall submit a report on the study, including its findings and recommendations, to the Senate Education, Health, and Environmental Affairs Committee and the House Commerce and Government Matters Committee by December 1, 2002, so that the General Assembly may review the report and recommendations prior to the 2003 legislative session.”;

and in line 5, strike “2.” and substitute “3.”.