
By: **Montgomery County Delegation and Prince George's County
Delegation**

Introduced and read first time: February 5, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Minority**
3 **Business Enterprise Utilization Program**
4 **MC/PG 112-03**

5 FOR the purpose of extending through a specified date the authority of the
6 Maryland-National Capital Park and Planning Commission (MNCPPC) to
7 establish and administer a Minority Business Enterprise Utilization Program
8 for the award of contracts for goods, services, and construction under certain
9 circumstances; repealing an obsolete requirement that the MNCPPC conduct a
10 certain study and make a certain report of its findings; establishing a certain
11 annual reporting requirement by the MNCPPC on the Minority Business
12 Enterprise Utilization Program; making a technical correction; and generally
13 relating to the Maryland-National Capital Park and Planning Commission and
14 the Minority Business Enterprise Utilization Program.

15 BY repealing
16 Article 28 - Maryland-National Capital Park and Planning Commission
17 Section 2-301
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 28 - Maryland-National Capital Park and Planning Commission
22 Section 2-302 through 2-305
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 2002 Supplement)

25 BY repealing and reenacting, with amendments,
26 Chapter 256 of the Acts of the General Assembly of 1995, as amended by
27 Chapter 487 of the Acts of the General Assembly of 1997 and Chapter 40 of
28 the Acts of the General Assembly of 2001
29 Section 2

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

3 **Article 28 - Maryland-National Capital Park and Planning Commission**

4 [2-301.

5 (a) The Commission shall undertake and complete an internal and market
6 fact-finding study to assess the appropriate scope of a minority business enterprise
7 program for the Commission.

8 (b) The results of the fact-finding study, including statistical data, supporting
9 documentation, and reports, shall be reported to the Prince George's County and
10 Montgomery County Delegations to the General Assembly by December 15, 2000.]

11 [2-302.] 2-301.

12 In this subtitle "minority" means any group that the Commission finds, after
13 appropriate study, to be socially or economically disadvantaged as a result of
14 discrimination in the public or private sector that has affected the group's utilization
15 and participation in contracting or procurement with the Commission.

16 [2-303.] 2-302.

17 If the Commission determines that a program is necessary to remedy
18 discrimination against minority business enterprises in contracting or procurement
19 with the Commission, the Commission shall establish a Minority Business
20 ENTERPRISE Utilization Program to facilitate participation of responsible certified
21 minority business enterprises in contracts awarded by the Commission for goods,
22 services, and construction.

23 [2-304.] 2-303.

24 (a) The Commission shall adopt regulations for the operation of the Minority
25 Business Enterprise Utilization Program established under this subtitle.

26 (b) The regulations shall include provisions for:

27 (1) Acceptance of the certification of minority business enterprises that
28 have been certified by the State certification agency designated under § 14-303 of the
29 State Finance and Procurement Article;

30 (2) Waiver of all or part of the Program provisions for a specific contract
31 if the Commission determines that:

32 (i) Minority business enterprises are unavailable; or

33 (ii) The application of the Program to the contract conflicts with the
34 Commission's overall objectives and responsibilities;

1 (3) Graduation of a minority business enterprise from the Program if the
2 Commission determines that the minority business enterprise no longer requires the
3 assistance or benefits offered by the Program;

4 (4) Termination of the Program when the Program is no longer necessary
5 to remedy the effects of past discrimination;

6 (5) Acceptance of the decisions of any other certification program that, in
7 the judgment of the Commission, assures that certified minority business enterprises
8 are legitimate;

9 (6) Minority participation in subcontracting as well as direct contracting;
10 and

11 (7) Application of reasonable preferences to certified minority business
12 enterprises in evaluating competitive bids or proposals.

13 [2-305.] 2-304.

14 On or before [August 15, 2000] OCTOBER 31 OF EACH YEAR, the Commission
15 shall issue a report that:

16 (1) Evaluates the [implementation and administration] RESULTS of the
17 Program through [May 31, 2000] JUNE 30 OF THAT YEAR; and

18 (2) Makes appropriate recommendations to the Montgomery County and
19 Prince George's County Delegations of the House of Delegates and Senate of
20 Maryland.

21 **Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of**
22 **1997 and Chapter 40 of the Acts of 2001**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 1995. It shall remain effective for a period of [8] 13 years and, at the
25 end of September 30, [2003] 2008, and with no further action required by the
26 General Assembly, the minority business enterprise utilization program under Article
27 28, §§ 2-301 through [2-305] 2-304 of the Annotated Code of Maryland shall be
28 abrogated and of no further force and effect.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2003.