
By: **Senators Garagiola, DeGrange, Dyson, Forehand, Giannetti, Green,
Hafer, Jacobs, Jimeno, Klausmeier, Mooney, Pipkin, Stone, and
Teitelbaum**

Introduced and read first time: January 31, 2005
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Disabled Veteran Business Enterprise Participation**

3 FOR the purpose of establishing a preference for certain disabled veterans for certain
4 procurements; requiring the Department of Veterans Affairs to jointly establish
5 certain procurement goals with certain procurement units; requiring certain
6 procurement units to determine if certain responsible bidders or offerors have
7 acted in good faith to fulfill certain procurement goals; establishing criteria for
8 determining if certain responsible bidders and offerors acted in good faith to
9 fulfill certain procurement goals; requiring a certain agency to establish certain
10 regulations to certify and decertify disabled veteran business enterprises;
11 requiring a certain agency to designate a certain advocate to oversee, promote,
12 and coordinate disabled veteran business enterprise participation; requiring
13 certain procurement units to adopt certain rules and regulations; requiring
14 certain procurement units to designate a certain advocate to oversee, promote,
15 and coordinate disabled veteran business enterprise participation; requiring
16 certain procurement units to make certain reports on or before a certain date;
17 requiring the Department of Veterans Affairs to make certain reports on or
18 before a certain date; establishing certain prohibited acts and certain penalties
19 for certain violations; defining certain terms; and generally relating to the
20 procurement participation of disabled veteran business enterprises.

21 BY adding to

22 Article - State Finance and Procurement
23 Section 14-601 through 14-607, inclusive, to be under the new subtitle "Subtitle
24 6. Disabled Veteran Business Enterprise Participation"
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2004 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - State Finance and Procurement
29 Section 16-203(a)
30 Annotated Code of Maryland

1 (2001 Replacement Volume and 2004 Supplement)

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

4 **Article - State Finance and Procurement**

5 SUBTITLE 6. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION.

6 14-601.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "AWARDING UNIT" MEANS A UNIT OF STATE GOVERNMENT OR AN
10 OFFICIAL OF THE STATE THAT ENTERS INTO CONTRACTS ON BEHALF OF THE STATE.

11 (C) "CERTIFICATION" MEANS THE DETERMINATION THAT A LEGAL ENTITY IS
12 A DISABLED VETERAN BUSINESS ENTERPRISE FOR THE PURPOSES OF THIS
13 SUBTITLE.

14 (D) "CERTIFICATION AGENCY" MEANS THE DEPARTMENT OF VETERANS
15 AFFAIRS.

16 (E) "CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISE" MEANS A
17 DISABLED VETERAN BUSINESS ENTERPRISE THAT HOLDS A CERTIFICATION.

18 (F) "DISABLED VETERAN" MEANS A VETERAN OF THE MILITARY, NAVAL, OR
19 AIR SERVICE OF THE UNITED STATES, INCLUDING THE PHILIPPINE
20 COMMONWEALTH ARMY, THE REGULAR SCOUTS, AND THE SPECIAL PHILIPPINE
21 SCOUTS, WHO HAS AT LEAST A 10% SERVICE-CONNECTED DISABILITY AND WHO IS
22 DOMICILED IN THE STATE.

23 (G) (1) "DISABLED VETERAN BUSINESS ENTERPRISE" MEANS A LEGAL
24 ENTITY:

25 (I) THAT IS ORGANIZED TO ENGAGE IN COMMERCIAL
26 TRANSACTIONS INCLUDING THE LEASE OR RENTAL OF EQUIPMENT;

27 (II) THAT IS AT LEAST 51% OWNED AND CONTROLLED BY ONE OR
28 MORE INDIVIDUALS WHO ARE DISABLED VETERANS;

29 (III) THAT IS MANAGED BY ONE OR MORE OF THE DISABLED
30 VETERANS WHO OWN IT;

31 (IV) THAT HAS ITS HOME OFFICE OR PRIMARY PLACE OF BUSINESS
32 IN THE STATE;

1 (V) THAT HAS SUBMITTED COPIES OF ITS FEDERAL TAX RETURNS
2 FOR THE PAST 3 YEARS TO THE CERTIFICATION AGENCY AT THE TIME OF
3 CERTIFICATION;

4 (VI) FOR WHICH ONE OR MORE OF THE DISABLED VETERANS WHO
5 OWN IT CONTROL THE DAILY BUSINESS OPERATIONS; AND

6 (VII) FOR WHICH A DISABLED VETERAN ACTUALLY PERFORMS,
7 MANAGES, OR SUPERVISES THE WORK PERFORMED UNDER A CONTRACT.

8 (2) "DISABLED VETERAN BUSINESS ENTERPRISE" INCLUDES:

9 (I) A SOLE PROPRIETORSHIP THAT IS AT LEAST 51% OWNED BY
10 ONE OR MORE DISABLED VETERANS OR A PUBLICLY OWNED BUSINESS IN WHICH 51%
11 OF THE STOCK IS OWNED BY ONE OR MORE DISABLED VETERANS;

12 (II) A SUBSIDIARY WHICH IS WHOLLY OWNED BY A PARENT
13 CORPORATION IN WHICH AT LEAST 51% OF THE VOTING STOCK IS OWNED BY ONE OR
14 MORE DISABLED VETERANS;

15 (III) A JOINT VENTURE IN WHICH AT LEAST 51% OF THE JOINT
16 VENTURE'S MANAGEMENT, CONTROL, AND EARNINGS ARE HELD BY ONE OR MORE
17 DISABLED VETERANS; AND

18 (IV) A LIMITED LIABILITY COMPANY IF IT IS WHOLLY OWNED BY
19 ONE OR MORE DISABLED VETERANS.

20 14-602.

21 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
22 PROCUREMENT CONTRACT SHALL HAVE A STATEWIDE PARTICIPATION GOAL OF NOT
23 LESS THAN 3% FOR DISABLED VETERAN BUSINESS ENTERPRISES.

24 (2) IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, A
25 PARTICIPATION GOAL OF NOT LESS THAN 3% FOR DISABLED VETERAN BUSINESS
26 ENTERPRISES SHALL APPLY TO THE OVERALL DOLLAR AMOUNT EXPENDED
27 ANNUALLY BY EACH AWARDING UNIT.

28 (B) EACH YEAR THE HEAD OF EACH AWARDING UNIT, JOINTLY WITH THE
29 DEPARTMENT OF VETERANS AFFAIRS, SHALL ESTABLISH A PARTICIPATION GOAL OF
30 NOT LESS THAN 3% FOR DISABLED VETERANS THAT REFLECTS THE POTENTIAL OF
31 DISABLED VETERAN BUSINESS ENTERPRISES TO PERFORM CONTRACTS AND
32 SUBCONTRACTS AND MAKES EFFORTS TO EXPAND PARTICIPATION BY DISABLED
33 VETERAN BUSINESS ENTERPRISES.

34 14-603.

35 (A) TO ACHIEVE THE RESULT SPECIFIED IN § 14-602 OF THIS SUBTITLE, AN
36 AWARDING UNIT SHALL CONSIDER THE EFFORTS OF A RESPONSIBLE BIDDER OR
37 RESPONSIBLE OFFEROR TO MEET DISABLED VETERAN BUSINESS ENTERPRISE

1 GOALS AND AWARD THE PROCUREMENT CONTRACT TO THE LOWEST RESPONSIBLE
2 BIDDER OR RESPONSIBLE OFFEROR MEETING OR MAKING GOOD FAITH EFFORTS TO
3 MEET THESE GOALS.

4 (B) A BIDDER OR OFFEROR SHALL BE CONSIDERED TO HAVE MADE A GOOD
5 FAITH EFFORT TO COMPLY WITH SUBSECTION (A) OF THIS SECTION ON SUBMITTAL,
6 WITHIN TIME LIMITS SPECIFIED BY THE AWARDING DEPARTMENT, OF
7 DOCUMENTARY EVIDENCE THAT ALL OF THE FOLLOWING ACTIONS WERE TAKEN:

8 (1) CONTACT WAS MADE WITH THE AWARDING UNIT TO IDENTIFY
9 DISABLED VETERAN BUSINESS ENTERPRISES;

10 (2) CONTACT WAS MADE WITH OTHER STATE AND FEDERAL AGENCIES
11 AND DISABLED VETERAN BUSINESS ENTERPRISE ORGANIZATIONS TO IDENTIFY
12 DISABLED VETERAN BUSINESS ENTERPRISES;

13 (3) ADVERTISING WAS PUBLISHED IN TRADE PAPERS AND PAPERS
14 FOCUSING ON DISABLED VETERAN BUSINESS ENTERPRISES, UNLESS TIME LIMITS
15 IMPOSED BY THE AWARDING UNIT DO NOT PERMIT THAT ADVERTISING;

16 (4) NOTICES OF INVITATIONS FOR BIDS OR REQUESTS FOR PROPOSALS
17 WERE PROVIDED TO POTENTIAL DISABLED VETERAN BUSINESS ENTERPRISE
18 CONTRACTORS; AND

19 (5) AVAILABLE DISABLED VETERAN BUSINESS ENTERPRISES WERE
20 CONSIDERED.

21 14-604.

22 (A) THE CERTIFICATION AGENCY SHALL ESTABLISH REGULATIONS TO
23 CERTIFY AND DECERTIFY DISABLED VETERAN BUSINESS ENTERPRISES.

24 (B) THE CERTIFICATION AGENCY SHALL DESIGNATE AN ADVOCATE TO:

25 (1) OVERSEE, PROMOTE, AND COORDINATE EFFORTS TO FACILITATE
26 THE IMPLEMENTATION OF THIS SUBTITLE;

27 (2) DISSEMINATE INFORMATION ON THIS SUBTITLE;

28 (3) COORDINATE REPORTS ACCORDING TO THIS SUBTITLE;

29 (4) COORDINATE WITH THE AWARDING UNITS AND EXISTING AND
30 POTENTIAL DISABLED VETERAN BUSINESS ENTERPRISES TO ACHIEVE THE GOALS
31 OF THIS SUBTITLE; AND

32 (5) COORDINATE WITH THE AWARDING UNITS' DISABLED VETERAN
33 BUSINESS ENTERPRISE ADVOCATES PROVIDED FOR IN § 14-605(C) OF THIS SUBTITLE.

34 14-605.

35 (A) EACH AWARDING UNIT SHALL ADOPT REGULATIONS TO:

- 1 (1) CARRY OUT THE REQUIREMENTS OF THIS SUBTITLE; AND
- 2 (2) MONITOR ADHERENCE TO THE GOALS SPECIFIED IN THIS SUBTITLE.
- 3 (B) EACH AWARDING UNIT SHALL UTILIZE EXISTING RESOURCES TO
- 4 IMPLEMENT THIS SUBTITLE, INCLUDING:
- 5 (1) THE DEPARTMENT OF VETERANS AFFAIRS;
- 6 (2) THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS; OR
- 7 (3) ANY OTHER STATE OR FEDERAL AGENCY WITH RESOURCES USEFUL
- 8 FOR THE IMPLEMENTATION OF THIS SUBTITLE.
- 9 (C) EACH AWARDING UNIT SHALL DESIGNATE AN AGENCY DISABLED
- 10 VETERAN BUSINESS ENTERPRISE ADVOCATE TO:
- 11 (1) ASSIST CERTIFIED DISABLED VETERAN BUSINESS ENTERPRISES IN
- 12 PARTICIPATING IN THE UNIT'S PROCUREMENT CONTRACTING PROCESS;
- 13 (2) ASSIST CONTRACT OFFICERS IN SEEKING DISABLED VETERAN
- 14 BUSINESS ENTERPRISES TO PARTICIPATE IN THE UNIT'S PROCUREMENT CONTRACT
- 15 AND OTHER PROCUREMENT ACTIVITIES;
- 16 (3) DISSEMINATE INFORMATION TO THE UNIT'S PROCUREMENT
- 17 CONTRACT AND OTHER PROCUREMENT STAFF;
- 18 (4) SERVE AS AN ADVOCATE FOR THE DISABLED VETERAN BUSINESS
- 19 ENTERPRISES THAT ARE UTILIZED AS THE UNIT'S CONTRACTORS OR
- 20 SUBCONTRACTORS;
- 21 (5) REPORT TO THE OFFICE OF SMALL BUSINESS CERTIFICATION AND
- 22 RESOURCES REGARDING ANY VIOLATION OF THIS SUBTITLE; AND
- 23 (6) COORDINATE WITH THE STATE DISABLED VETERAN BUSINESS
- 24 ADVOCATE AT THE DEPARTMENT OF VETERANS AFFAIRS, AS PROVIDED BY § 14-604(B)
- 25 OF THIS SUBTITLE, IN AN EFFORT TO MEET THE GOALS OF THIS SUBTITLE.

26 14-606.

- 27 (A) (1) WITHIN 90 DAYS AFTER THE END OF THE FISCAL YEAR, EACH
- 28 AWARDING UNIT SHALL REPORT TO THE DEPARTMENT OF VETERANS AFFAIRS.
- 29 (2) A REPORT UNDER THIS SUBSECTION SHALL FOR THE PRECEDING
- 30 FISCAL YEAR:
- 31 (I) STATE THE TOTAL NUMBER AND VALUE OF PROCUREMENT
- 32 CONTRACTS BETWEEN THE AWARDING UNIT AND CERTIFIED DISABLED VETERAN
- 33 BUSINESS ENTERPRISES;

1 (II) INDICATE THE PERCENTAGE THAT THOSE PROCUREMENT
2 CONTRACTS REPRESENT OF THE TOTAL NUMBER AND VALUE OF PROCUREMENT
3 CONTRACTS;

4 (III) IF AN AWARDING UNIT HAS NOT MET THE ESTABLISHED GOAL
5 FOR DISABLED VETERAN BUSINESS ENTERPRISES, INDICATE THE REASONS THE
6 AWARDING UNIT HAS NOT ACHIEVED THE GOAL AND IDENTIFY STEPS THE
7 AWARDING UNIT WILL TAKE IN AN EFFORT TO ACHIEVE THE GOAL IN THE NEXT
8 FISCAL YEAR; AND

9 (IV) CONTAIN OTHER SUCH INFORMATION AS REQUIRED BY THE
10 DEPARTMENT OF VETERANS AFFAIRS AND APPROVED BY THE BOARD.

11 (3) A REPORT UNDER THIS SUBSECTION SHALL BE IN A FORM
12 PRESCRIBED BY THE DEPARTMENT OF VETERANS AFFAIRS AND APPROVED BY THE
13 BOARD.

14 (B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT OF
15 VETERANS AFFAIRS SHALL SUBMIT TO THE BOARD OF PUBLIC WORKS AND, SUBJECT
16 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE LEGISLATIVE POLICY
17 COMMITTEE A REPORT SUMMARIZING THE INFORMATION THE DEPARTMENT
18 RECEIVES UNDER SUBSECTION (A) OF THIS SECTION.

19 14-607.

20 (A) A PERSON MAY NOT:

21 (1) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY
22 OBTAIN, RETAIN, ATTEMPT TO OBTAIN OR RETAIN, OR AID ANOTHER IN
23 FRAUDULENTLY OBTAINING OR RETAINING OR ATTEMPTING TO OBTAIN OR RETAIN,
24 CERTIFICATION AS A DISABLED VETERAN BUSINESS ENTERPRISE FOR THE PURPOSE
25 OF THIS SUBTITLE;

26 (2) WILLFULLY AND KNOWINGLY MAKE A FALSE STATEMENT WITH THE
27 INTENT TO DEFRAUD, WHETHER BY AFFIDAVIT, REPORT, OR OTHER
28 REPRESENTATION, TO A STATE OFFICIAL OR EMPLOYEE FOR THE PURPOSE OF
29 INFLUENCING THE CERTIFICATION OR DENIAL OF CERTIFICATION OF ANY ENTITY
30 AS A DISABLED VETERAN BUSINESS ENTERPRISE;

31 (3) WILLFULLY AND KNOWINGLY OBSTRUCT, IMPEDE, OR ATTEMPT TO
32 OBSTRUCT OR IMPEDE, A STATE OFFICIAL OR EMPLOYEE WHO IS INVESTIGATING
33 THE QUALIFICATIONS OF A BUSINESS ENTITY THAT HAS REQUESTED
34 CERTIFICATION AS A DISABLED VETERAN BUSINESS ENTERPRISE;

35 (4) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY
36 OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN FRAUDULENTLY
37 OBTAINING OR ATTEMPTING TO OBTAIN, PUBLIC MONEYS, PROCUREMENT
38 CONTRACTS, OR FUNDS EXPENDED UNDER A PROCUREMENT CONTRACT TO WHICH
39 THE PERSON IS NOT ENTITLED UNDER THIS ARTICLE;

1 (5) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY
2 REPRESENT PARTICIPATION OF A DISABLED VETERAN BUSINESS ENTERPRISE IN
3 ORDER TO OBTAIN OR RETAIN A BID PREFERENCE OR A PROCUREMENT CONTRACT;

4 (6) WILLFULLY AND KNOWINGLY MAKE OR SUBSCRIBE TO ANY
5 STATEMENT, DECLARATION, OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE
6 AS TO ANY MATERIAL MATTER, WHETHER OR NOT THAT FALSITY OR FRAUD IS
7 COMMITTED WITH THE KNOWLEDGE OR CONSENT OF THE PERSON AUTHORIZED OR
8 REQUIRED TO PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;

9 (7) WILLFULLY AND KNOWINGLY AID, ASSIST IN, PROCURE, COUNSEL,
10 OR ADVISE, THE PREPARATION OR PRESENTATION OF A DECLARATION, STATEMENT,
11 OR OTHER DOCUMENT THAT IS FRAUDULENT OR FALSE AS TO ANY MATERIAL
12 MATTER, REGARDLESS OF WHETHER THAT FALSITY OR FRAUD IS COMMITTED WITH
13 THE KNOWLEDGE OR CONSENT OF THE PERSON AUTHORIZED OR REQUIRED TO
14 PRESENT THE DECLARATION, STATEMENT, OR DOCUMENT;

15 (8) WILLFULLY AND KNOWINGLY FAIL TO FILE ANY DECLARATION OR
16 NOTICE WITH THE AWARDING UNIT THAT IS REQUIRED BY THIS SUBTITLE; OR

17 (9) ESTABLISH, KNOWINGLY AID IN THE ESTABLISHMENT OF, OR
18 EXERCISE CONTROL OVER, A FIRM FOUND TO HAVE VIOLATED A PROVISION OF
19 PARAGRAPHS (1) THROUGH (8) OF THIS SUBSECTION.

20 (B) (1) A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION
21 (A) OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
22 SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6
23 MONTHS OR BOTH.

24 (2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF THIS
25 SUBSECTION, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF SUBSECTION (A)
26 OF THIS SECTION SHALL BE:

27 (I) FOR THE FIRST OFFENSE, LIABLE FOR A CIVIL PENALTY OF NOT
28 LESS THAN \$10,000 AND NOT EXCEEDING \$30,000; AND

29 (II) FOR A SUBSEQUENT OFFENSE, A CIVIL PENALTY OF NOT LESS
30 THAN \$30,000 AND NOT EXCEEDING \$50,000.

31 (3) A DEFENDANT WHO VIOLATES ANY OF THE PROVISIONS OF
32 SUBSECTION (A) OF THIS SECTION SHALL PAY ALL COSTS AND ATTORNEY'S FEES
33 INCURRED BY THE PLAINTIFF IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE.

34 (C) (1) IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A PERSON WHO
35 VIOLATES SUBSECTION (A) OF THIS SECTION SHALL:

36 (I) FOR A FIRST OFFENSE, BE DEBARRED FOR A PERIOD OF NOT
37 LESS THAN 3 YEARS, AND IF CERTIFIED AS A DISABLED VETERAN BUSINESS
38 ENTERPRISE, THE CERTIFICATION AGENCY SHALL REVOKE THE BUSINESS'
39 CERTIFICATION FOR A PERIOD OF NOT LESS THAN 3 YEARS; AND

1 (II) FOR A SUBSEQUENT OFFENSE, BE DEBARRED FOR A PERIOD OF
2 NOT LESS THAN 5 YEARS, AND IF CERTIFIED AS A DISABLED VETERAN BUSINESS
3 ENTERPRISE, THE CERTIFICATION AGENCY SHALL REVOKE THE BUSINESS'
4 CERTIFICATION FOR A PERIOD OF NOT LESS THAN 5 YEARS.

5 (2) A DEBARMENT OR REVOCATION UNDER THIS SUBSECTION SHALL
6 APPLY TO THE PRINCIPALS OF THE BUSINESS AND ANY SUBSEQUENT BUSINESS
7 FORMED OR FINANCED BY, OR AFFILIATED WITH, THOSE PRINCIPALS.

8 (3) THE BOARD SHALL PROHIBIT ANY BUSINESS OR PERSON WHO FAILS
9 TO SATISFY THE PENALTIES, COSTS, AND ATTORNEY'S FEES IMPOSED UNDER
10 SUBSECTION (B) OF THIS SECTION FROM FURTHER CONTRACTING WITH THE STATE
11 UNTIL THE PENALTIES ARE SATISFIED.

12 (D) (1) THE AWARDING UNIT SHALL REPORT ALL ALLEGED VIOLATIONS OF
13 THIS SECTION TO THE BOARD.

14 (2) THE BOARD SHALL SUBSEQUENTLY REPORT ALL ALLEGED
15 VIOLATIONS TO THE ATTORNEY GENERAL WHO SHALL DETERMINE WHETHER TO
16 BRING A CIVIL ACTION AGAINST ANY PERSON OR FIRM FOR VIOLATION OF THIS
17 SECTION.

18 (E) AN AWARDING UNIT MAY NOT:

19 (1) ENTER INTO A PROCUREMENT CONTRACT WITH ANY PERSON
20 DEBARRED FOR VIOLATING THIS SUBTITLE DURING THE PERIOD OF THE PERSON'S
21 DEBARMENT; OR

22 (2) AWARD A PROCUREMENT CONTRACT TO ANY CONTRACTOR
23 UTILIZING THE SERVICES OF ANY PERSON AS A SUBCONTRACTOR SUSPENDED FOR
24 VIOLATING THIS SUBTITLE DURING THE PERIOD OF THE PERSON'S SUSPENSION.

25 (F) THE AWARDING UNIT SHALL CHECK THE ROSTER OF DEBARRED PERSONS
26 AND BUSINESSES REQUIRED BY § 16-308 OF THIS ARTICLE TO VERIFY THAT THE
27 PERSON OR CONTRACTOR TO WHOM THE PROCUREMENT CONTRACT IS BEING
28 AWARDED, OR ANY PERSON BEING UTILIZED AS A SUBCONTRACTOR OR SUPPLIER BY
29 THAT PERSON OR CONTRACTOR, IS NOT UNDER SUSPENSION FOR VIOLATING THIS
30 SECTION.

31 16-203.

32 (a) A person may be debarred from entering into a contract with the State if
33 the person, an officer, partner, controlling stockholder or principal of that person, or
34 any other person substantially involved in that person's contracting activities has:

35 (1) been convicted under the laws of the State, another state or the
36 United States of:

37 (i) a criminal offense incident to obtaining, attempting to obtain, or
38 performing a public or private contract, except as provided in § 16-202; or

1 (ii) fraud, embezzlement, theft, forgery, falsification or destruction
2 of records, or receiving stolen property;

3 (2) been convicted of a criminal violation of an antitrust statute of the
4 State, another state, or the United States;

5 (3) been convicted of a violation of the Racketeer Influenced and Corrupt
6 Organization Act, or the Mail Fraud Act, for acts in connection with the submission of
7 bids or proposals for a public or private contract;

8 (4) been convicted of a violation of § 14-308 of this article;

9 (5) been convicted of conspiracy to commit any act or omission that
10 would constitute grounds for conviction under any of the laws or statutes described in
11 paragraphs (1), (2), (3), or (4) of this subsection; [or]

12 (6) been found civilly liable under an antitrust statute of the State,
13 another state, or the United States for acts or omissions in connection with the
14 submission of bids or proposals for a public or private contract; OR

15 (7) BEEN CONVICTED OF A VIOLATION OF § 14-607(A) OF THIS ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2005.