

# SENATE BILL 648

P2  
SB 380/07 – EHE

8lr2329

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By: **Senators Peters, Astle, Dyson, and Munson**  
Introduced and read first time: February 1, 2008  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Service Disabled Veteran Business Enterprise Participation**

3 FOR the purpose of establishing a certain participation goal for certain certified  
4 service disabled veteran business enterprises for certain procurement contracts;  
5 requiring a certain awarding unit to consider certain efforts by and award  
6 certain contracts to certain bidders or offerors that meet or make a good–faith  
7 effort to meet certain participation goals; establishing certain criteria by which  
8 a contractor is considered to have made a good–faith effort to meet certain  
9 participation goals; requiring the Maryland Department of Veterans Affairs and  
10 the Governor’s Office of Business Advocacy and Small Business Assistance to  
11 jointly adopt certain regulations; requiring the Department of Veterans Affairs  
12 and the Governor’s Office of Business Advocacy and Small Business Assistance  
13 to designate an advocate to coordinate and oversee certain activities relating to  
14 service disabled veteran business enterprises; requiring an awarding unit to  
15 adopt certain regulations to meet the requirements of this Act; requiring an  
16 awarding unit to designate a service disabled veteran business enterprise  
17 advocate to assist the awarding unit in meeting goals related to service disabled  
18 veteran business enterprise participation; requiring certain awarding units to  
19 make certain reports on or before a certain date; requiring the Department of  
20 Veterans Affairs and the Governor’s Office of Business Advocacy and Small  
21 Business Assistance to make certain reports on or before a certain date;  
22 establishing certain prohibited acts and certain penalties for certain violations;  
23 defining certain terms; and generally relating to procurement participation by  
24 service disabled veteran business enterprises.

25 BY adding to  
26 Article – State Finance and Procurement  
27 Section 14–601 through 14–607 to be under the new subtitle “Subtitle 6. Service  
28 Disabled Veteran Business Enterprise Participation”  
29 Annotated Code of Maryland  
30 (2006 Replacement Volume and 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – State Finance and Procurement  
3 Section 16–203(a)  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume and 2007 Supplement)

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

8 **Article – State Finance and Procurement**

9 **SUBTITLE 6. SERVICE DISABLED VETERAN BUSINESS ENTERPRISE**  
10 **PARTICIPATION.**

11 **14–601.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (B) “AWARDING UNIT” MEANS A UNIT OF STATE GOVERNMENT OR AN  
15 OFFICIAL OF THE STATE THAT ENTERS INTO CONTRACTS ON BEHALF OF THE  
16 STATE.

17 (C) “CERTIFICATION” MEANS THE DETERMINATION THAT A LEGAL  
18 ENTITY IS A SERVICE DISABLED VETERAN BUSINESS ENTERPRISE FOR THE  
19 PURPOSES OF THIS SUBTITLE.

20 (D) “CERTIFIED SERVICE DISABLED VETERAN BUSINESS ENTERPRISE”  
21 MEANS A SERVICE DISABLED VETERAN-OWNED BUSINESS THAT HOLDS A  
22 CERTIFICATION FROM THE UNITED STATES DEPARTMENT OF VETERANS  
23 AFFAIRS.

24 (E) “SERVICE DISABLED VETERAN” MEANS AN INDIVIDUAL WHO:

25 (1) HAS SERVED IN ONE OR MORE OF THE UNIFORMED SERVICES  
26 OF THE UNITED STATES; AND

27 (2) HAS BEEN CERTIFIED BY THE UNIFORMED SERVICE OR BY  
28 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AS HAVING A  
29 SERVICE-CONNECTED DISABILITY, REGARDLESS OF THE DISABILITY RATING.

30 (F) (1) “SERVICE DISABLED VETERAN BUSINESS ENTERPRISE”  
31 MEANS A LEGAL ENTITY:

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

3 (II) THAT IS MAJORITY-OWNED AND CONTROLLED BY ONE  
4 OR MORE INDIVIDUALS WHO ARE SERVICE DISABLED VETERANS AND  
5 MARYLAND RESIDENTS;

6 (III) THAT IS MANAGED BY ONE OR MORE OF THE SERVICE  
7 DISABLED VETERANS WHO OWN IT;

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

10 (V) FOR WHICH ONE OR MORE OF THE SERVICE DISABLED  
11 VETERANS WHO OWN IT CONTROL THE DAILY BUSINESS OPERATIONS; AND

12 (VI) FOR WHICH A SERVICE DISABLED VETERAN ACTUALLY  
13 PERFORMS, MANAGES, OR SUPERVISES THE WORK PERFORMED UNDER A  
14 CONTRACT.

15 (2) "SERVICE DISABLED VETERAN BUSINESS ENTERPRISE"  
16 INCLUDES:

17 (I) A SOLE PROPRIETORSHIP THAT IS MAJORITY-OWNED BY  
18 ONE OR MORE SERVICE DISABLED VETERANS OR A CORPORATION IN WHICH THE  
19 MAJORITY OF THE STOCK IS OWNED BY ONE OR MORE DISABLED VETERANS  
20 WHO ARE MARYLAND RESIDENTS;

21 (II) A SUBSIDIARY THAT IS WHOLLY OWNED BY A PARENT  
22 CORPORATION IN WHICH THE MAJORITY OF THE VOTING STOCK IS OWNED BY  
23 ONE OR MORE SERVICE DISABLED VETERANS WHO ARE MARYLAND RESIDENTS;

24 (III) A JOINT VENTURE IN WHICH THE MAJORITY OF THE  
25 JOINT VENTURE'S MANAGEMENT, CONTROL, AND EARNINGS ARE HELD BY ONE  
26 OR MORE SERVICE DISABLED VETERANS; AND

27 (IV) A LIMITED LIABILITY COMPANY THAT IS WHOLLY  
28 OWNED BY ONE OR MORE SERVICE DISABLED VETERANS.

29 **14-602.**

30 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN AWARDED  
31 UNIT SHALL ESTABLISH A PROCUREMENT PARTICIPATION GOAL OF 3% FOR  
32 CERTIFIED SERVICE DISABLED VETERAN BUSINESS ENTERPRISES.

1           **(B) THE PARTICIPATION GOAL UNDER SUBSECTION (A) OF THIS**  
2 **SECTION SHALL APPLY TO THE TOTAL FEDERAL AGENCY DOLLARS ANNUALLY**  
3 **RECEIVED BY AN AWARDING UNIT.**

4 **14-603.**

5           **(A) TO ACHIEVE THE PROCUREMENT GOALS SPECIFIED IN § 14-602 OF**  
6 **THIS SUBTITLE, AN AWARDING UNIT SHALL:**

7                   **(1) CONSIDER THE EFFORTS OF A RESPONSIBLE BIDDER OR**  
8 **RESPONSIBLE OFFEROR TO MEET SERVICE DISABLED VETERAN BUSINESS**  
9 **ENTERPRISE GOALS; AND**

10                   **(2) AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE**  
11 **BIDDER OR RESPONSIBLE OFFEROR THAT MEETS OR MAKES A GOOD-FAITH**  
12 **EFFORT TO MEET THE GOALS.**

13           **(B) A BIDDER OR OFFEROR SHALL BE CONSIDERED TO HAVE MADE A**  
14 **GOOD-FAITH EFFORT TO MEET THE GOALS SPECIFIED IN § 14-602 OF THIS**  
15 **SUBTITLE IF THE BIDDER OR OFFEROR SUBMITS DOCUMENTARY EVIDENCE**  
16 **THAT:**

17                   **(1) THE BIDDER OR OFFEROR CONTACTED THE AWARDING UNIT**  
18 **TO IDENTIFY CERTIFIED SERVICE DISABLED VETERAN BUSINESS ENTERPRISES;**

19                   **(2) THE BIDDER OR OFFEROR CONTACTED THE UNITED STATES**  
20 **DEPARTMENT OF VETERANS AFFAIRS TO IDENTIFY CERTIFIED SERVICE**  
21 **DISABLED VETERAN BUSINESS ENTERPRISES;**

22                   **(3) UNLESS TIME LIMITS IMPOSED BY THE AWARDING UNIT DID**  
23 **NOT MAKE IT FEASIBLE, THE BIDDER OR OFFEROR PUBLISHED AN**  
24 **ADVERTISEMENT IN ONE OR MORE PUBLICATIONS FOCUSING ON SERVICE**  
25 **DISABLED VETERANS;**

26                   **(4) THE BIDDER OR OFFEROR PROVIDED NOTICE OF AN**  
27 **INVITATION FOR BIDS OR A REQUEST FOR PROPOSALS TO POTENTIAL SERVICE**  
28 **DISABLED VETERAN BUSINESS ENTERPRISE CONTRACTORS; AND**

29                   **(5) THE BIDDER OR OFFEROR CONSIDERED AVAILABLE**  
30 **CERTIFIED SERVICE DISABLED VETERAN BUSINESS ENTERPRISES FOR**  
31 **CONTRACTING.**

32 **14-604.**

1           **(A) THE GOVERNOR’S OFFICE OF BUSINESS ADVOCACY AND SMALL**  
2 **BUSINESS ASSISTANCE SHALL ADOPT REGULATIONS TO:**

3                   **(1) CERTIFY AND DECERTIFY SERVICE DISABLED VETERAN**  
4 **BUSINESS ENTERPRISES;**

5                   **(2) ESTABLISH A SYSTEM FOR TRACKING SERVICE DISABLED**  
6 **VETERAN BUSINESS ENTERPRISES; AND**

7                   **(3) ESTABLISH EDUCATIONAL PROGRAMS TO ASSIST SERVICE**  
8 **DISABLED VETERAN BUSINESS ENTERPRISES IN BUSINESS DEVELOPMENT AND**  
9 **PARTICIPATION IN STATE PROCUREMENT ACTIVITIES.**

10           **(B) THE GOVERNOR’S OFFICE OF BUSINESS ADVOCACY AND SMALL**  
11 **BUSINESS ASSISTANCE SHALL DESIGNATE AN ADVOCATE TO:**

12                   **(1) COORDINATE WITH THE MARYLAND DEPARTMENT OF**  
13 **VETERANS AFFAIRS TO CONDUCT OUTREACH AND EDUCATION FOR EXISTING**  
14 **AND POTENTIAL DISABLED VETERAN BUSINESS ENTERPRISES;**

15                   **(2) OVERSEE, PROMOTE, AND COORDINATE EFFORTS TO**  
16 **FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE;**

17                   **(3) DISSEMINATE INFORMATION RELATING TO THIS SUBTITLE;**

18                   **(4) COORDINATE REPORTS REQUIRED UNDER THIS SUBTITLE;**

19                   **(5) COORDINATE WITH AWARDING UNITS AND EXISTING AND**  
20 **POTENTIAL SERVICE DISABLED VETERAN BUSINESS ENTERPRISES TO ACHIEVE**  
21 **THE GOALS OF THIS SUBTITLE; AND**

22                   **(6) COORDINATE THE IMPLEMENTATION OF EDUCATIONAL**  
23 **PROGRAMS ESTABLISHED UNDER THIS SUBTITLE.**

24 **14-605.**

25           **(A) AN AWARDING UNIT SHALL ADOPT REGULATIONS TO:**

26                   **(1) CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND**

27                   **(2) MONITOR ADHERENCE TO THE GOALS SPECIFIED IN THIS**  
28 **SUBTITLE.**

1           **(B) AN AWARDING UNIT SHALL DESIGNATE A SERVICE DISABLED**  
2 **VETERAN BUSINESS ENTERPRISE ADVOCATE TO:**

3                   **(1) ASSIST CERTIFIED SERVICE DISABLED VETERAN BUSINESS**  
4 **ENTERPRISES IN PARTICIPATING IN THE AWARDING UNIT'S PROCUREMENT**  
5 **ACTIVITIES;**

6                   **(2) ASSIST PROCUREMENT OFFICERS IN SEEKING CERTIFIED**  
7 **SERVICE DISABLED VETERAN BUSINESS ENTERPRISES TO PARTICIPATE IN THE**  
8 **AWARDING UNIT'S PROCUREMENT ACTIVITIES;**

9                   **(3) SERVE AS AN ADVOCATE FOR CERTIFIED SERVICE DISABLED**  
10 **VETERAN BUSINESS ENTERPRISES THAT PARTICIPATE IN THE AWARDING UNIT'S**  
11 **PROCUREMENT ACTIVITIES;**

12                   **(4) REPORT TO THE OFFICE OF SMALL BUSINESS**  
13 **CERTIFICATION AND RESOURCES REGARDING A VIOLATION OF THIS SUBTITLE;**  
14 **AND**

15                   **(5) COORDINATE WITH THE SERVICE DISABLED VETERAN**  
16 **BUSINESS ENTERPRISE ADVOCATE IN THE GOVERNOR'S OFFICE OF BUSINESS**  
17 **ADVOCACY AND SMALL BUSINESS ASSISTANCE TO MEET THE GOALS OF THIS**  
18 **SUBTITLE.**

19 **14-606.**

20           **(A) WITHIN 90 DAYS AFTER THE END OF THE FISCAL YEAR, AN**  
21 **AWARDING UNIT SHALL REPORT, FOR THE PRECEDING FISCAL YEAR, THE**  
22 **FOLLOWING INFORMATION TO THE DEPARTMENT OF VETERANS AFFAIRS AND**  
23 **THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY AND SMALL BUSINESS**  
24 **ASSISTANCE:**

25                   **(1) THE TOTAL NUMBER AND VALUE OF PROCUREMENT**  
26 **CONTRACTS BETWEEN THE AWARDING UNIT AND CERTIFIED SERVICE DISABLED**  
27 **VETERAN BUSINESS ENTERPRISES;**

28                   **(2) THE PERCENTAGE THAT THE CONTRACTS UNDER ITEM (1) OF**  
29 **THIS SUBSECTION REPRESENT OF THE TOTAL NUMBER AND VALUE OF THE**  
30 **AWARDING UNIT'S PROCUREMENT CONTRACTS;**

31                   **(3) IF THE AWARDING UNIT DID NOT MEET THE GOALS**  
32 **ESTABLISHED UNDER THIS SUBTITLE FOR THE PRECEDING FISCAL YEAR:**

1 (I) THE REASONS THE AWARDING UNIT DID NOT MEET THE  
2 GOALS; AND

3 (II) STEPS THE AWARDING UNIT WILL TAKE DURING THE  
4 NEXT FISCAL YEAR IN AN EFFORT TO MEET THE GOALS; AND

5 (4) OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT OF  
6 VETERANS AFFAIRS OR THE GOVERNOR'S OFFICE OF BUSINESS ADVOCACY  
7 AND SMALL BUSINESS ASSISTANCE.

8 (B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT  
9 OF VETERANS AFFAIRS AND THE GOVERNOR'S OFFICE OF BUSINESS  
10 ADVOCACY AND SMALL BUSINESS ASSISTANCE JOINTLY SHALL SUBMIT TO THE  
11 BOARD OF PUBLIC WORKS AND, SUBJECT TO § 2-1246 OF THE STATE  
12 GOVERNMENT ARTICLE, THE LEGISLATIVE POLICY COMMITTEE A REPORT  
13 SUMMARIZING THE INFORMATION RECEIVED UNDER SUBSECTION (A) OF THIS  
14 SECTION.

15 14-607.

16 (A) A PERSON MAY NOT:

17 (1) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY  
18 OBTAIN, RETAIN, ATTEMPT TO OBTAIN OR RETAIN, OR AID ANOTHER IN  
19 FRAUDULENTLY OBTAINING OR RETAINING OR ATTEMPTING TO OBTAIN OR  
20 RETAIN, CERTIFICATION AS A SERVICE DISABLED VETERAN BUSINESS  
21 ENTERPRISE FOR THE PURPOSE OF PARTICIPATING IN STATE PROCUREMENT  
22 ACTIVITIES UNDER THIS SUBTITLE;

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

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

33 (4) KNOWINGLY AND WITH INTENT TO DEFRAUD, FRAUDULENTLY  
34 OBTAIN, ATTEMPT TO OBTAIN, OR AID ANOTHER PERSON IN FRAUDULENTLY  
35 OBTAINING OR ATTEMPTING TO OBTAIN, PUBLIC MONEYS, PROCUREMENT

1 **CONTRACTS, OR FUNDS EXPENDED UNDER A PROCUREMENT CONTRACT TO**  
2 **WHICH THE PERSON IS NOT ENTITLED UNDER THIS ARTICLE;**

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

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

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

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

23 **(9) ESTABLISH, KNOWINGLY AID IN THE ESTABLISHMENT OF, OR**  
24 **EXERCISE CONTROL OVER, A BUSINESS FOUND TO HAVE VIOLATED A PROVISION**  
25 **OF PARAGRAPHS (1) THROUGH (8) OF THIS SUBSECTION.**

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

30 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF**  
31 **THIS SUBSECTION, A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF**  
32 **SUBSECTION (A) OF THIS SECTION SHALL BE:**

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



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

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

7                   (C) (1) IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A PERSON  
8 WHO IS CONVICTED OF A VIOLATION OF SUBSECTION (A) OF THIS SECTION  
9 SHALL:

10                   (I) FOR A FIRST OFFENSE, BE DEBARRED FOR A PERIOD OF  
11 NOT LESS THAN 3 YEARS AND, IF CERTIFIED AS A SERVICE DISABLED VETERAN  
12 BUSINESS ENTERPRISE, BE STRIPPED OF THE CERTIFICATION FOR A PERIOD OF  
13 NOT LESS THAN 3 YEARS; AND

14                   (II) FOR A SUBSEQUENT OFFENSE, BE DEBARRED FOR A  
15 PERIOD OF NOT LESS THAN 5 YEARS AND, IF CERTIFIED AS A SERVICE DISABLED  
16 VETERAN BUSINESS ENTERPRISE, BE STRIPPED OF THE CERTIFICATION FOR A  
17 PERIOD OF NOT LESS THAN 5 YEARS.

18                   (2) A DEBARMENT OR REVOCATION OF CERTIFICATION UNDER  
19 THIS SUBSECTION SHALL APPLY TO THE PRINCIPALS OF THE BUSINESS AND ANY  
20 SUBSEQUENT BUSINESSES FORMED OR FINANCED BY, OR AFFILIATED WITH,  
21 THOSE PRINCIPALS.

22                   (3) THE BOARD SHALL PROHIBIT A BUSINESS OR PERSON WHO  
23 FAILS TO SATISFY THE PENALTIES, COSTS, AND ATTORNEY'S FEES IMPOSED  
24 UNDER SUBSECTION (B) OF THIS SECTION FROM FURTHER CONTRACTING WITH  
25 THE STATE UNTIL THE PENALTIES ARE SATISFIED.

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

28                   (2) THE BOARD SHALL SUBSEQUENTLY REPORT ALL ALLEGED  
29 VIOLATIONS OF THIS SECTION TO THE OFFICE OF THE ATTORNEY GENERAL,  
30 WHICH SHALL DETERMINE WHETHER TO BRING A CIVIL ACTION AGAINST A  
31 PERSON OR BUSINESS FOR A VIOLATION OF THIS SECTION.

32 16-203.

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

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

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

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

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

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

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

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

19 (6) been found civilly liable under an antitrust statute of the State,  
20 another state, or the United States for acts or omissions in connection with the  
21 submission of bids or proposals for a public or private contract; [or]

22 (7) been found in a final adjudicated decision to have violated the  
23 Commercial Nondiscrimination Policy under Title 19 of this article with regard to a  
24 public or private contract; **OR**

25 **(8) BEEN CONVICTED OF A VIOLATION OF § 14-607(A) OF THIS**  
26 **ARTICLE.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2008.