

## **CHAPTER 100**

**(House Bill 941)**

AN ACT concerning

### **Maryland–National Capital Park and Planning Commission – Minority Business Enterprise Utilization Program**

**PG/MC 110–08**

FOR the purpose of extending through a certain date the authority of the Maryland–National Capital Park and Planning Commission to establish and administer a Minority Business Enterprise Utilization Program for the award of contracts for goods, services, and construction under certain circumstances; and generally relating to the Maryland–National Capital Park and Planning Commission and the Minority Business Enterprise Utilization Program.

BY repealing and reenacting, without amendments,  
Article 28 – Maryland–National Capital Park and Planning Commission  
Section 2–301 through 2–304  
Annotated Code of Maryland  
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 256 of the Acts of the General Assembly of 1995, as amended by  
Chapter 487 of the Acts of the General Assembly of 1997, Chapter 40 of  
the Acts of the General Assembly of 2001, and Chapter 425 of the Acts of  
the General Assembly of 2003  
Section 2

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

#### **Article 28 – Maryland–National Capital Park and Planning Commission**

2–301.

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

2–302.

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

2-303.

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

(b) The regulations shall include provisions for:

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

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

(i) Minority business enterprises are unavailable; or

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

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

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

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

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

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

2-304.

On or before October 31 of each year, the Commission shall issue a report that:

(1) Evaluates the results of the Program through June 30 of that year;  
and

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

**Chapter 256 of the Acts of 1995, as amended by Chapter 487 of the Acts of 1997, Chapter 40 of the Acts of 2001, and Chapter 425 of the Acts of 2003**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995. It shall remain effective for a period of [13] **18** years and, at the end of September 30, [2008] **2013**, and with no further action required by the General Assembly, the minority business enterprise utilization program under Article 28, §§ 2-301 through 2-304 of the Annotated Code of Maryland shall be abrogated and of no further force and effect.

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

**Approved by the Governor, April 8, 2008.**