

SENATE BILL 849

P2

(0lr2819)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Harrington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Minority Business Enterprise ~~Directory~~ Program – ~~List of~~**
3 **~~Contracts~~ Directory and Report**

4 FOR the purpose of requiring ~~the certification agency designated to certify a minority~~
5 ~~business enterprise to include in a certain directory~~ *a certain report to include*
6 certain information on all procurement contracts awarded by the State to
7 minority business enterprises; requiring a certain report to include certain
8 information about certified minority business enterprises that participated as
9 prime contractors or subcontractors on certain procurement contracts; and
10 generally relating to certified minority business enterprises and State
11 procurement contracts.

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section ~~14-304(a)~~ and 14-305

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2009 Replacement Volume)

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

5 **Article – State Finance and Procurement**

6 ~~14-304.~~

7 ~~(a) (1) The certification agency shall develop and maintain a directory of~~
8 ~~all certified minority business enterprises.~~

9 ~~(2) The directory shall be accessible to the public through the Internet.~~

10 ~~(3) For each minority business enterprise included in the directory,~~
11 ~~the certification agency shall include the following information:~~

12 ~~(i) all contract information available to the certification agency~~
13 ~~for the minority business enterprise;~~

14 ~~(ii) the certification number and minority status of the minority~~
15 ~~business enterprise;~~

16 ~~(iii) A LIST OF ALL PROCUREMENT CONTRACTS AWARDED BY~~
17 ~~THE STATE TO THE MINORITY BUSINESS ENTERPRISE, INCLUDING A~~
18 ~~DESCRIPTION OF THE CONTRACT AND THE AMOUNT OF THE AWARD;~~

19 ~~[(iii)] (iv) contact information for up to three professional~~
20 ~~references for the minority business enterprise; and~~

21 ~~[(iv)] (v) any other information the certification agency~~
22 ~~considers necessary or appropriate to encourage participation in the procurement~~
23 ~~process by minority business enterprises.~~

24 ~~(4) The certification agency shall:~~

25 ~~(i) update the directory at least monthly;~~

26 ~~(ii) identify as recently certified in the directory each minority~~
27 ~~business enterprise that has obtained certification during the calendar year; and~~

28 ~~(iii) include in the directory a list of all minority business~~
29 ~~enterprises that have become ineligible to participate in the Minority Business~~
30 ~~Enterprise Program because:~~

1 ~~1. one or more of its owners has a personal net worth~~
 2 ~~that exceeds the amount specified in § 14-301(i)(3) of this subtitle; or~~

3 ~~2. the minority business enterprise no longer meets the~~
 4 ~~standards developed under § 14-303(b)(12) of this subtitle.~~

5 14-305.

6 (a) (1) Within 90 days after the end of the fiscal year, each unit shall
 7 report to the Governor's Office of Minority Affairs, the certification agency, and,
 8 subject to § 2-1246 of the State Government Article, the Joint Committee on Fair
 9 Practices.

10 (2) A report under this subsection shall for the preceding fiscal year:

11 (i) state the total number and value of procurement contracts
 12 between the unit and certified minority business enterprises, by specific category of
 13 minority business enterprise, including whether the minority business enterprise
 14 participated as a prime contractor or as a subcontractor;

15 (ii) indicate the percentage that those procurement contracts
 16 represent, by specific category of minority business enterprise, of the total number and
 17 value of procurement contracts; [and]

18 **(III) STATE THE TOTAL NUMBER AND THE NAMES OF**
 19 **CERTIFIED MINORITY BUSINESS ENTERPRISES THAT PARTICIPATED AS PRIME**
 20 **CONTRACTORS OR AS SUBCONTRACTORS ON PROCUREMENT CONTRACTS**
 21 **AWARDED BY A UNIT;**

22 **(IV) FOR EACH MINORITY BUSINESS INCLUDED IN THE**
 23 **REPORT UNDER ITEM (III) OF THIS PARAGRAPH, LIST ALL PROCUREMENT**
 24 **CONTRACTS AWARDED BY A UNIT TO THE MINORITY BUSINESS ENTERPRISE,**
 25 **INCLUDING A DESCRIPTION OF THE CONTRACT; AND**

26 ~~[(iii)]~~ ~~(iv)~~ (v) contain other such information as required by
 27 the Governor's Office of Minority Affairs and the certification agency and approved by
 28 the Board.

29 (3) A report under this subsection shall be in a form prescribed by the
 30 Governor's Office of Minority Affairs and the certification agency and approved by the
 31 Board.

32 (b) (1) On or before December 31 of each year, the Governor's Office of
 33 Minority Affairs shall submit to the Board of Public Works and, subject to § 2-1246 of
 34 the State Government Article, to the Legislative Policy Committee a report
 35 summarizing the information the Office receives under subsection (a) of this section.

SENATE BILL 849

1 (2) This report may be prepared in conjunction with the annual report
2 required under § 9-306 of the State Government Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.