

SENATE BILL 849

P2

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By: **Senator Harrington**

Introduced and read first time: February 11, 2010

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 15, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2010

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 certain information on all
6 procurement contracts awarded by the State to minority business enterprises;
7 requiring a certain report to include certain information about certified minority
8 business enterprises that participated as prime contractors or subcontractors on
9 certain procurement contracts; and generally relating to certified minority
10 business enterprises and State procurement contracts.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 14–304(a) and 14–305
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

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

18 **Article – State Finance and Procurement**

19 14–304.

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.



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

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

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

6 (i) all contract information available to the certification agency
7 for the minority business enterprise;

8 (ii) the certification number and minority status of the minority
9 business enterprise;

10 (III) **A LIST OF ALL PROCUREMENT CONTRACTS AWARDED BY**
11 **THE STATE TO THE MINORITY BUSINESS ENTERPRISE, INCLUDING A**
12 **DESCRIPTION OF THE CONTRACT ~~AND THE AMOUNT OF THE AWARD;~~**

13 [(iii)] (IV) contact information for up to three professional
14 references for the minority business enterprise; and

15 [(iv)] (V) any other information the certification agency
16 considers necessary or appropriate to encourage participation in the procurement
17 process by minority business enterprises.

18 (4) The certification agency shall:

19 (i) update the directory at least monthly;

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

22 (iii) include in the directory a list of all minority business
23 enterprises that have become ineligible to participate in the Minority Business
24 Enterprise Program because:

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

27 2. the minority business enterprise no longer meets the
28 standards developed under § 14–303(b)(12) of this subtitle.

29 14–305.

30 (a) (1) Within 90 days after the end of the fiscal year, each unit shall
31 report to the Governor's Office of Minority Affairs, the certification agency, and,

1 subject to § 2–1246 of the State Government Article, the Joint Committee on Fair
2 Practices.

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

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

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

11 (III) STATE THE TOTAL NUMBER AND THE NAMES OF
12 CERTIFIED MINORITY BUSINESS ENTERPRISES THAT PARTICIPATED AS PRIME
13 CONTRACTORS OR AS SUBCONTRACTORS ON PROCUREMENT CONTRACTS
14 AWARDED BY A UNIT; AND

15 [(iii)] (IV) contain other such information as required by the
16 Governor’s Office of Minority Affairs and the certification agency and approved by the
17 Board.

18 (3) A report under this subsection shall be in a form prescribed by the
19 Governor’s Office of Minority Affairs and the certification agency and approved by the
20 Board.

21 (b) (1) On or before December 31 of each year, the Governor’s Office of
22 Minority Affairs shall submit to the Board of Public Works and, subject to § 2–1246 of
23 the State Government Article, to the Legislative Policy Committee a report
24 summarizing the information the Office receives under subsection (a) of this section.

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

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