

SENATE BILL 635

By: Senator Hayes
Introduced and read first time: January 29, 2021
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Minority Business Enterprises – Calculation of Participation Rates – Exemption for Procurements From Maryland Correctional Enterprises – Repeal

FOR the purpose of repealing an exemption for certain procurements from Maryland Correctional Enterprises from the calculation of total procurement spending for the purpose of calculating a unit’s Minority Business Enterprise Program participation rate; and generally relating to participation in the Maryland Minority Business Enterprise Program.

BY repealing and reenacting, without amendments,

1. Article – State Finance and Procurement
2. Section 14–103(a)
3. Annotated Code of Maryland

BY repealing and reenacting, with amendments,

1. Article – State Finance and Procurement
2. Section 14–302(a)(1)(i)
3. Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14–103.

(a) A State or State aided or controlled entity shall buy supplies and services from:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of the Correctional Services Article, if Maryland Correctional Enterprises provides the supplies or services;

(2) Blind Industries and Services of Maryland, if:

(i) Blind Industries and Services of Maryland provides the supplies or services; and

(ii) Maryland Correctional Enterprises does not provide the supplies or services; or

(3) the Employment Works Program established under § 14–108 of this subtitle, if:

(i) a community service provider or an individual with disability owned business provides the supplies or services;

(ii) neither Maryland Correctional Enterprises nor Blind Industries and Services of Maryland provides the supplies or services; and

(iii) a State or State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government.

14–302.

(a) (1) (i) 1. Except for leases of real property, each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve an overall percentage goal of the unit’s total dollar value of procurement contracts being made directly or indirectly to certified minority business enterprises.

2. Notwithstanding subsubparagraph 1 of this subparagraph, the following contracts may not be counted as part of a unit’s total dollar value of procurement contracts:

   A. a procurement contract awarded in accordance with Subtitle 1 of this title TO BLIND INDUSTRIES AND SERVICES OF MARYLAND OR THE EMPLOYMENT WORKS PROGRAM;

   B. a procurement contract awarded to a nonprofit entity in accordance with requirements mandated by State or federal law; and

   C. a procurement by the Maryland Developmental Disabilities Administration of the Maryland Department of Health for family and individual support services, community residential services, resource coordination services, behavioral support services, vocational and day services, and respite services, as those terms are defined in regulations adopted by the Maryland Department of Health.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.