SENATE BILL 248

P2 SB 635/21 – EHE

By: Senator Hayes
Introduced and read first time: January 14, 2022
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

FOR the purpose of requiring a State procurement unit to include the dollar value of its
contracts with Maryland Correctional Enterprises in the total dollar value of its
procurements for the purpose of calculating the 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,
Article – State Finance and Procurement
Section 14–101(a) and (d) and 14–103(a)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–302(a)(1)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

14–101.

(a) In this subtitle the following words have the meanings indicated.

(d) “Preferred provider” means a provider of supplies or services given preference

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
A State or State aided or controlled entity shall buy supplies and services from:

(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;

(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.

(a) 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. EXCEPT FOR CONTRACTS AWARDED TO MARYLAND CORRECTIONAL ENTERPRISES, a procurement contract awarded TO PREFERRED PROVIDERS in accordance with Subtitle 1 of this title;

   B. a procurement contract awarded to a nonprofit entity in
acquaintance 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, 2022.