

Chapter 584

(Senate Bill 1014)

AN ACT concerning

State Procurement – ~~Minority Business Enterprises and Small Business Enterprises~~ – Procurement Forecast and Outreach

FOR the purpose of ~~requiring each unit to publish on the unit’s website annually a certain procurement forecast;~~ requiring the Office of Small, Minority, and Women Business Affairs to consult with each primary procurement unit to identify potential contracting opportunities for and increase outreach efforts to small businesses; ~~requiring the Office to develop a certain program~~ requiring each unit to submit, on or before certain dates each year, certain procurement forecasts to the Office in accordance with certain requirements; and generally relating to ~~minority business enterprise and small business enterprise participation in~~ State procurement.

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 14-302(a)(16)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, without amendments,
Article – State Government
Section 9-302
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to
Article – State Government
Section 9-304.1 and 9-308
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

~~**Article – State Finance and Procurement**~~

~~14-302.~~

~~(a) (16) ON OR BEFORE MAY 1 EACH YEAR, EACH UNIT SHALL PUBLISH ON THE UNIT’S WEBSITE A PROCUREMENT FORECAST LISTING ALL KNOWN AND ANTICIPATED PROCUREMENTS TO BE MADE BY THE UNIT IN THE UPCOMING FISCAL~~

~~YEAR, INCLUDING AN ESTIMATE OF THE ANTICIPATED MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR EACH PROCUREMENT.~~

Article – State Government

9-302.

There is an Office of Small, Minority, and Women Business Affairs in the Executive Department.

9-304.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PRIMARY PROCUREMENT UNIT” HAS THE MEANING STATED IN § 11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) “SMALL BUSINESS” HAS THE MEANING STATED IN § 14-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) THE OFFICE SHALL CONSULT WITH EACH PRIMARY PROCUREMENT UNIT TO IDENTIFY POTENTIAL CONTRACTING OPPORTUNITIES FOR AND INCREASE OUTREACH EFFORTS TO SMALL BUSINESSES.

(C) THE OFFICE, IN CONSULTATION WITH PRIMARY PROCUREMENT UNITS, SHALL ~~DEVELOP A PROGRAM TO:~~

(1) IDENTIFY AND INCREASE AWARENESS OF PROCUREMENT OPPORTUNITIES FOR SMALL ~~BUSINESS CONTRACTS~~ BUSINESSES FOR SERVICES AND SUPPLIES; AND

(2) ASSIST SMALL BUSINESSES ~~IN COMPLYING~~ WITH PROCEDURES FOR BIDDING ON A PROCUREMENT CONTRACT OR RESPONDING TO A REQUEST FOR PROPOSALS.

9-308.

(A) ON OR BEFORE JUNE 30 EACH YEAR, EACH UNIT SHALL SUBMIT TO THE OFFICE A PROCUREMENT FORECAST FOR ALL PROCUREMENT CONTRACTS OVER \$100,000 FOR THE UPCOMING FISCAL YEAR.

(B) (1) ON OR BEFORE AUGUST 15 EACH YEAR, EACH UNIT SHALL SUBMIT ANNUALLY THE UNIT'S RECONCILIATION OF THE PRIOR FISCAL YEAR'S PROCUREMENT FORECAST TO INCLUDE:

(I) THE STATUS OF THE FORECASTED PROCUREMENTS;

(II) THE TOTAL NUMBER OF FORECASTED CONTRACTS THAT HAVE BEEN AWARDED; AND

(III) THE TOTAL NUMBER OF PROCUREMENTS THAT HAVE BEEN AWARDED BUT WERE UNANTICIPATED BY THE UNIT'S PRIOR FISCAL YEAR'S PROCUREMENT FORECAST.

(2) EACH UNIT SHALL NOTIFY THE OFFICE WITHIN 15 DAYS OF ANY UPDATES TO THE EXISTING FORECAST, INCLUDING:

(I) ADDITIONAL PROCUREMENTS FORECASTED FOR THE CURRENT FISCAL YEAR; AND

(II) ANY PREVIOUSLY FORECASTED PROCUREMENTS THAT ARE NO LONGER ANTICIPATED TO OCCUR DURING THE FISCAL YEAR.

(3) THE OFFICE SHALL PUBLISH THE INFORMATION PROVIDED BY EACH UNIT ON THE OFFICE'S WEBSITE.

SECTION 2. AND BE IT FURTHER ENACTED, That a Position Identification Number (PIN) shall be created in the Governor's Office of Small, Minority, and Women Business Affairs for a compliance officer to carry out the requirements of §§ 9-304.1 and 9-308 of the State Government Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.