

SENATE BILL 1014

P2
HB 646/23 – HGO & APP

4lr2068

By: **Senator Charles**

Introduced and read first time: February 2, 2024

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

CHAPTER _____

1 AN ACT concerning

2 **State Procurement – ~~Minority Business Enterprises and Small Business~~**
3 **~~Enterprises~~ – Procurement Forecast and Outreach**

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

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

17 BY repealing and reenacting, without amendments,
18 Article – State Government
19 Section 9-302
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 BY adding to

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 Article – State Government
 2 Section 9–304.1 and 9–308
 3 Annotated Code of Maryland
 4 (2021 Replacement Volume and 2023 Supplement)

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

7 ~~Article – State Finance and Procurement~~

8 ~~14–302.~~

9 ~~(a) (16) ON OR BEFORE MAY 1 EACH YEAR, EACH UNIT SHALL PUBLISH ON~~
 10 ~~THE UNIT'S WEBSITE A PROCUREMENT FORECAST LISTING ALL KNOWN AND~~
 11 ~~ANTICIPATED PROCUREMENTS TO BE MADE BY THE UNIT IN THE UPCOMING FISCAL~~
 12 ~~YEAR, INCLUDING AN ESTIMATE OF THE ANTICIPATED MINORITY BUSINESS~~
 13 ~~ENTERPRISE PARTICIPATION GOALS FOR EACH PROCUREMENT.~~

14 Article – State Government

15 9–302.

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

18 **9–304.1.**

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

21 (2) “PRIMARY PROCUREMENT UNIT” HAS THE MEANING STATED IN §
 22 11–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

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

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

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

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

7 9-308.

8 (A) ON OR BEFORE JUNE 30 EACH YEAR, EACH UNIT SHALL SUBMIT TO THE
9 OFFICE A PROCUREMENT FORECAST FOR ALL PROCUREMENT CONTRACTS OVER
10 \$100,000 FOR THE UPCOMING FISCAL YEAR.

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

14 (I) THE STATUS OF THE FORECASTED PROCUREMENTS;

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

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

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

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

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

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

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