

BY: Delegate Harrison  
(To be offered in the Bi-County Committee)

AMENDMENTS TO HOUSE BILL 783 (MC/PG 101-23)  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 9 and 10, strike “altering requirements for prime contractors in relation to minority business enterprise participation.”

AMENDMENT NO. 2

On page 8, in lines 4 and 15, in each instance, strike the brackets; and strike in their entirety lines 16 through 32, inclusive.

On page 9, in line 4, strike “, **WHEN FEASIBLE,**”; in line 9, strike the second set of brackets; in line 10, strike “**(4)**”; in line 11, strike the brackets; in the same line, strike “general” and substitute “**PRIME**”; in lines 16, 19, 22, 23, 24, 27, and 29, in each instance, strike the brackets; in line 12, strike “**DOCUMENTATION OF GOOD FAITH EFFORTS**”; in line 13, strike “**REFERENCED UNDER ITEM (4) OF THIS SUBSECTION**”; strike beginning with “**AUTHORIZE**” in line 29 down through “**EXPERTISE**” in line 31; and in line 33, strike “**AND**”.

On page 10, in lines 1, 5, 10, and 27, in each instance, strike the brackets.

**EXPLANATION OF AMENDMENTS**

AMENDMENT NO. 1

Technical amendment.

AMENDMENT NO. 1

This amendment makes changes to the regulation requirements of the Commission’s MBE program. Specifically, the amendments:

1. strike new language that requires the Commission's regulations to 1) establish certain race-neutral programs and policies, and 2) require a bid or proposal based on a solicitation that includes an MBE participation goal to include certain documentation about an MBE's participation. Instead, the language in the existing law is restored, which 1) provides for the graduation of an MBE from the program if the Commission determines the MBE no longer requires assistance or benefits offered by the program, and 2) requires a bid or proposal based on a solicitation with an expected degree of MBE participation to include proof of a certified MBE commitment by stating certain information;
2. make technical corrections to certain requirements that prime contractors maintain participation from MBEs or provide justification for the inability to maintain such participation (this conforms to the changes being restored under item 1 above);
3. require each prime contractor to provide prompt notification to the Commission before the termination of a contract with an MBE (the bill only requires such notification "when feasible");
4. restore an existing requirement that the Commission report annually to the Montgomery County and Prince George's County Senate and House Delegations on any waivers of all or part of the MBE program for a specific contract;
5. restore existing language regarding the price preference to MBEs (the lesser of 5% or \$50,000);
6. restore existing language regarding establishing a sheltered market program and strike new language authorizing the establishment of a race-neutral program;
7. restore existing language that requires the geographic location and principal place of business of the MBE to be a consideration for participation in the program, including a targeted percentage of at least 40% each for Montgomery County and Prince George's County;
8. restore existing language that requires the Commission to examine an alternative certification program to ensure that the alternative program complies with certain guidelines and that the principal owner of an MBE is in not more than one certified business participating in the program; and

9. restore existing language regarding the establishment of a sheltered market program.