

SENATE BILL 697

P2

1lr2355

By: **Senator Eckardt**

Introduced and read first time: February 3, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 24, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Procurement – Minority Business Enterprise Program – Participation by**
3 **Gender or Race**

4 FOR the purpose of repealing a prohibition on counting a certain minority business
5 enterprise as both a woman-owned business and a business owned by a member of
6 an ethnic or racial group for purposes of the Minority Business Enterprise Program;
7 requiring the Board of Public Works to adopt certain regulations; and generally
8 relating to the Minority Business Enterprise Program.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 14–302(a)(1)(i)1. and 14–303(a)(1)(i)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 14–302(a)(5) and 14–303(b)(20) and (21)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2020 Supplement)

19 BY adding to
20 Article – State Finance and Procurement
21 Section 14–303(b)(21)
22 Annotated Code of Maryland

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.



(2015 Replacement Volume and 2020 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) (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.

(5) (i) A woman who is also a member of an ethnic or racial minority group may be certified in that category in addition to the gender category.

(ii) For purposes of achieving the goals in this subsection, a certified minority business enterprise may participate in a procurement contract and be counted as a woman–owned business, [or as] a business owned by a member of an ethnic or racial group, [but not] **OR** both, if the business has been certified in both categories.

14–303.

(a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government Article, the Board shall adopt regulations consistent with the purposes of this Division II to carry out the requirements of this subtitle.

(b) These regulations shall include:

(20) a requirement that each unit work with the Governor’s Office of Small, Minority, and Women Business Affairs to designate certain procurements as being excluded from the requirements of § 14–302(a) of this subtitle; [and]

(21) PROVISIONS PROMOTING AND PROVIDING FOR THE COUNTING AND REPORTING OF MINORITY BUSINESS ENTERPRISES CERTIFIED AS BOTH A WOMAN–OWNED BUSINESS AND A BUSINESS OWNED BY A MEMBER OF AN ETHNIC OR RACIAL GROUP IN ACCORDANCE WITH § 14–302(A)(5) OF THIS SUBTITLE; AND

[(21)] **(22)** other provisions that the Board considers necessary or appropriate to encourage participation by minority business enterprises and to protect the integrity of the procurement process.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.