

2009 Procurement Legislation Watch List

House Bills As of March 10, 2009

HB 124/SB 187 – State Procurement - Structuring and Bundling of Procurements

Prohibits a unit of State government subject to the State procurement law from structuring or bundling a procurement for the purpose of precluding or limiting participation by a small business or minority business; exempts the Small Business Reserve from the prohibition. Favorable HGO report with amendments March 10.

HB 326 – Procurement – Minority Business Enterprises – Retention of Certification and Status and Participation in the Minority Business Enterprise Program

Authorizes the certification agency for the minority business enterprise (MBE) program to allow, for three years, an MBE that graduates from the program to retain its certification number and participate in the MBE program as if it were certified. Unfavorable report HGO March 10.

HB 389/SB 611 – Minority Business Enterprise Program – Prohibitions and Penalties for Contractors

Unless a waiver has been granted or an amendment authorized, HB 389 prohibits prime contractors from naming an MBE in its bid/proposal then:

- a) Failing to notify the MBE of its inclusion in the bid/proposal;
- b) Failing to request a quote from the MBE;
- c) Failing to use the MBE in the performance of the contract; or
- d) Paying the MBE for use of its name in the bid/proposal.

The penalty for violating the above is mandatory suspension or debarment from State contracts. The Bill requires the Governor's Office of Minority Affairs to set up a fraud hotline to report violations. Hearing HGO on Feb 18.

HB 410 - Minority Business Enterprise Program - Eligibility

Increases from \$1.5 million to \$3 million the personal net worth cap for a person to be considered "economically disadvantaged". Unfavorable report HGO March 10.

HB 471/SB 489 - Minority Business Enterprise Program Certification – Cap on Personal Net Worth

Increases from \$1.5 million to \$3 million the personal net worth cap for a person to be considered "economically disadvantaged". Favorable report with amendments HGO March 10.

HB 559/SB 656 – Procurement – Service Disabled Veteran Business Enterprise Participation

Establishing a participation goal for certified service disabled veteran business enterprises for procurement contracts; requiring an awarding unit to consider specified efforts by and award specified contracts to bidders or offerors that meet or make a good-faith effort to meet participation goals; requiring the Maryland Department of Veterans Affairs and the Department of Business and Economic Development jointly to adopt specified regulations. Hearing HGO on Feb. 25.

HB 594/SB 355 – Minority Business Enterprise Certification – Personal Net Worth Requirement – Repeal

Repealing the requirement regarding personal net worth for certification as a minority business enterprise. Unfavorable report HGO March 10.

HB 641/SB 211 – Minority Business Enterprise Program – Participation by Race or Gender

Authorizing a woman-owned business to participate in individual procurement contracts as either a woman-owned business or a business owned by a member of an ethnic or racial minority group for specified purposes within the Minority Business Enterprise Program; altering a provision relating to the Department of Transportation and the application of requirements for its procurement contracts; altering a definition under the Minority Business Enterprise Program. Hearing HGO on Feb. 25.

HB 708 – Recipients of State Incentives or Financial Assistance – Diversity Initiatives

Requiring specified units of State government to ensure that an entity that receives a specified State incentive or financial assistance has adopted and implemented a specified diversity initiative and embraces minority business enterprise participation in its activities; requiring specified entities to submit an annual report to the Governor's Office of Minority Affairs. Hearing HGO on March 4.

HB 1203 – Procurement – Intergovernmental Cooperative Purchasing Agreements – Contracts

Requiring the Department of General Services, before it enters into a specified intergovernmental cooperative purchasing agreement, to advertise a specified solicitation for a specified period on a specified web site and, if it enters into a specified purchasing agreement, to procure the same products or services for use by a political subdivision of the State. Hearing HGO March 11.

HB 1297 – Procurement – Minority Business Enterprises – Prime Contractors

Requiring the Board of Public Works to adopt regulations that include information concerning the availability of minority business enterprises to respond competitively as prime contractors for specified procurements; and requiring the Board to adopt legislation establishing goals for the participation of certified minority businesses as prime contractors. Hearing HGO on March 18.

HB 1300 – State Procurement – Small Business Preference Program - Expansion

Applies the requirements of the Small Business Preference Program to all units of the Executive Branch. Hearing HGO on March 18.

HB 1336/SB 946 – Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

Requiring each unit of the State to submit a specified report regarding the Minority Business Enterprise Program to the Joint Committee on Fair Practices within 90 days after the end of the fiscal year. Hearing HGO on March 24.

***Senate Bills
As of March 10, 2009***

SB 187/Crossfiled with HB 124 summarized above – State Procurement - Structuring and Bundling of Procurements

Hearing EHEA on Feb. 12.

SB 211/Crossfiled with HB 641 summarized above – Minority Business Enterprise Program – Participation by Race or Gender

Hearing EHEA on Feb. 12.

SB 355/Crossfiled with HB 594 summarized above – Minority Business Enterprise Certification – Personal Net Worth Requirement – Repeal

Hearing EHEA on March 5.

SB 489/Crossfiled with HB 471 summarized above - Minority Business Enterprise Certification – Cap on Personal Net Worth

Hearing EHEA on March 5.

SB 568 – Minority Business Enterprise Program – Directory of Minority Business Enterprises

Requiring a specified minority business certification agency to include in its directory minority business enterprises that have become ineligible for the Minority Business Enterprise Program for specified reasons. Hearing EHEA on March 5.

SB 611/Crossfiled with HB 389 summarized above – Minority Business Enterprise Program – Prohibitions and Penalties for Contractors

Hearing EHEA on March 5.

SB 612 – Procurement – Minority Business Enterprise Program – Contracting Modification

Authorizing a woman-owned business to participate in individual procurement contracts as either a woman-owned business or a business owned by a member of an ethnic or racial minority group for specified purposes within the Minority Business Enterprise Program; altering a provision relating to the Department of Transportation and the application of requirements for its procurement contracts; altering a definition under the Minority Business Enterprise Program. Hearing EHEA on March 5.

SB 656/HB 559 – Procurement – Service Disabled Veteran Business Enterprise Participation

Establishing a participation goal for certified service disabled veteran business enterprises for procurement contracts; requiring an awarding unit to consider specified efforts by and award specified contracts to bidders or offerors that meet or make a good-faith effort to meet participation goals; requiring the Maryland Department of Veterans Affairs and the Department of Business and Economic Development jointly to adopt specified regulations. Hearing EHEA on March 5.

SB 978 – Procurement – Minority Business Enterprises – Goal-Setting

Requires a unit to consider the potential pool of certified minority businesses that has the technical expertise, availability, and willingness to execute a procurement contract before the unit sets the minority business enterprise participation goal for the contract. Hearing EHEA on March 24.

Additional information on legislation affecting minorities and women can be accessed on the Maryland General Assembly website at <http://mlis.state.md.us/2009rs/subjects/minorities.htm>.