

# Title 21 State Procurement

## Subtitle 11 SOCIOECONOMIC POLICIES

### 03 Minority Business Enterprise Policies

Authority: State Finance and Procurement Article, §14-302, Annotated Code of Maryland; Ch. 154, Acts of 2012

#### **.01 General — Purpose.**

This chapter provides that maximum contracting opportunities be extended to certified minority business enterprises, as both prime contractors and subcontractors, and establishes that:

A. *The Special Secretary of the Office of Minority Affairs, in consultation with the Secretary of Transportation and the Attorney General, shall establish the overall percentage certified MBE participation goal through regulation on a biennial basis.*

B. *The overall percentage certified MBE participation goal set forth in §C applies until a different percentage goal is established in accordance with §A of this regulation.*

[A]C. Each procurement agency shall:

(1) Structure its *procurement* procedures [for making procurements] to try to achieve an overall *goal* [minimum] of [25]29 percent of the unit's total dollar value of all procurement contracts made directly or indirectly from [all] certified minority business enterprises; and

(2) Apply the guidelines established by the *Special Secretary of the Office of Minority Affairs* for determining the subgoals to be set for the groups listed in State Finance and Procurement Article, §14-301(j)(1)(i)1, 2, 3, 4, and 6, Annotated Code of Maryland.

[B. With respect to construction contracts, §A of this regulation applies only to those construction contracts in excess of \$50,000;]

[C]D. To the maximum extent feasible, procurement agencies shall use race-neutral measures in meeting the goals under [§A]§C of this regulation;

[D.] E. – [E.] F. (text unchanged)

#### **.09 Procurement Solicitations.**

A. To attain the overall and specific MBE goals under Regulation [.01A] .01C of this chapter, procurement agencies shall set, where appropriate, an overall certified MBE participation goal, expressed as a percentage of the dollar value of the contract, and subgoals to facilitate the participation of certain groups as prescribed under Regulation [.01A(2)] .01C(2) of this chapter, unless:

(1) (text unchanged)

(2) The contract has been designated as a procurement to be made without any certified MBE participation goals pursuant to Regulation [.01E] .01F of this chapter.

B. - G. (text unchanged)