

purposes of this subtitle includes Blacks (not of Hispanic origin), Hispanics, American Indians, Alaska natives, Asians, Pacific Islanders, women, and the physically or mentally disabled.

(5) "Certification" means the determination, through whatever procedure is used by the Department of Transportation or recommended by the State Minority Business Certification Council, that a legal entity is a minority business enterprise for purposes of this subtitle.

(b) (1) Each designated department, except the Department of Transportation as to construction contracts, shall structure its procedures for procuring supplies, services, construction, construction related services, architectural services, and engineering services to attempt to achieve, consistent with the purposes of this section, the result that a minimum of 10 percent of the total dollar value of such procurements are made directly or indirectly from certified minority business enterprises.

(2) (i) The Department of Transportation shall structure its procedures for procuring construction to attempt to achieve, consistent with the purposes of this section, participation by certified minority business enterprises, in the amount of at least 10 percent of the dollar value of contracts in excess of \$100,000 on the prime or subcontract level.

(ii) The Department of Transportation shall take into consideration the practical severability of the construction projects.

(3) Each procurement agency shall structure its procedures for procuring supplies, services, construction, construction related services, architectural services, and engineering services to encourage participation in the process by certified minority business enterprises and to attempt to provide to certified minority business enterprises a fair share of State contracts.

(4) The Board of Public Works shall adopt regulations, consistent with the purposes of this Division II, to govern each designated department or other procurement agency. The regulations shall prescribe procedures to be followed by the designated department or agency and by prospective contractors and successful bidders or offerors to maximize notice to, and the opportunity to participate in the procurement process by, a broad range of minority business enterprises. The regulations shall include, but not be limited to:

(i) a requirement that the solicitation document accompanying each solicitation set forth the degree of minority business enterprise participation expected based, in part, upon the potential subcontract opportunities available in