

(ii) consider the practical severability of the construction projects.

(c) (1) The provisions of [§] §§ 14-301(E) AND 14-303 of this subtitle and subsections (a) and (b) of this section are inapplicable to the extent that any of the primary procurement units determines the provisions to be in conflict with any applicable federal program requirement.

(2) The determination under this subsection shall be included with the report required under § 14-305 of this subtitle.

14-303.

(a) (1) 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.

(2) The regulations shall establish procedures to be followed by units, 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.

(b) These regulations shall include:

(1) PROVISIONS DESIGNATING ONE AGENCY TO CERTIFY AND DECERTIFY MINORITY BUSINESS ENTERPRISES FOR ALL UNITS THROUGH A SINGLE PROCESS THAT MEETS APPLICABLE FEDERAL REQUIREMENTS;

[(1)] (2) a requirement that the solicitation document accompanying each solicitation set forth the expected degree of minority business enterprise participation based, in part, on:

(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the availability of certified minority business enterprises to respond competitively to the potential subcontract opportunities;

[(2)] (3) a requirement that the unit provide a current list of certified minority business enterprises to each prospective contractor;

[(3)] (4) provisions to ensure the uniformity of requests for bids on subcontracts;

[(4)] (5) provisions relating to the timing of requests for bids on subcontracts and of submission of bids on subcontracts;

[(5)] (6) provisions designed to ensure that a fiscal disadvantage to the State does not result from an inadequate response by minority business enterprises to a request for bids;

[(6)] (7) provisions relating to any circumstances under which a unit may