

consistent with the [preamble to] PURPOSES OF this subtitle, participation by [business enterprises, determined by the Department of Transportation to be] 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. In so doing, 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, AND CONSTRUCTION TO ENCOURAGE PARTICIPATION IN THE PROCESS BY MINORITY BUSINESS ENTERPRISES AND TO ATTEMPT TO PROVIDE TO MINORITY BUSINESS ENTERPRISES A FAIR SHARE OF STATE CONTRACTS.

(4) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS, CONSISTENT WITH THE PURPOSES OF THIS ARTICLE, TO GOVERN EACH DEPARTMENT OR OTHER PROCUREMENT AGENCY WHEN--THAT AGENCY--OR--DEPARTMENT--RELIES--ON--THE--SUBCONTRACTING--PROCESS--TO SATISFY--THE--REQUIREMENTS--OF--THIS--SUBTITLE. THE REGULATIONS SHALL PRESCRIBE PROCEDURES TO BE FOLLOWED BY THE DEPARTMENT OR AGENCY AND BY PROSPECTIVE CONTRACTORS AND SUCCESSFUL BIDDERS 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 SPECIFICATIONS SOLICITATION DOCUMENT ACCOMPANYING EACH REQUEST FOR BIDS SET FORTH THE NATURE--AND DEGREE OF MINORITY BUSINESS ENTERPRISE PARTICIPATION EXPECTED BASED, IN PART, UPON THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PRIME CONTRACT AND THE AVAILABILITY OF CERTIFIED MINORITY BUSINESS ENTERPRISES TO COMPETITIVELY RESPOND TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES;

(II) A REQUIREMENT THAT THE DEPARTMENT OR AGENCY MAKE AVAILABLE A CURRENT LIST OF CERTIFIED MINORITY BUSINESS ENTERPRISES TO EACH PROSPECTIVE CONTRACTOR;

(III) PROVISIONS ASSURING THE UNIFORMITY OF REQUESTS FOR BIDS ON SUBCONTRACTS;

(IV) PROVISIONS RELATING TO THE TIMING OF REQUESTS FOR BIDS ON SUBCONTRACTS AND OF SUBMISSION OF BIDS THEREON;

(V) PROVISIONS DESIGNED TO ASSURE THAT A COMPETITIVE FISCAL DISADVANTAGE TO THE STATE DOES NOT RESULT FROM AN INADEQUATE RESPONSE BY MINORITY BUSINESS ENTERPRISES TO A REQUEST FOR BIDS;

(VI) PROVISIONS RELATING TO ANY CIRCUMSTANCES UNDER WHICH OBLIGATIONS OF THE CONTRACTOR RELATING TO MINORITY BUSINESS ENTERPRISE PARTICIPATION MAY BE WAIVED BY THE DEPARTMENT OR AGENCY; AND