

appropriate recommendations concerning the program, to the Montgomery County and Prince George's County Senate and House Delegations to the Maryland General Assembly.

(7) The provisions of this subsection shall be null and void and may not be enforced after July 1, [2005] ~~2010~~ 2006.

3-109.

(a) In this section, "minority business enterprise" means any legal entity that is organized to engage in commercial transactions and at least 51 percent owned and controlled by 1 or more individuals who are members of a group that is:

(1) Disadvantaged socially or economically by the effects of past discrimination, including discrimination as to certification; and

(2) Identified by a study conducted in accordance with this section or a similar study previously conducted.

(b) By resolution and implementing rules and regulations, the WSSC shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the WSSC for goods and services not covered by § 3-102 of this article if:

(1) The WSSC determines that minority business enterprises are underrepresented in the award of these contracts due to the effects of past discrimination; and

(2) The WSSC determines that such a program is necessary to remedy the effects of past discrimination against minority business enterprises in contracting with the WSSC.

(c) The rules and regulations that establish the program under subsection (b) of this section shall include provisions that:

(1) Recognize the certification of minority business enterprises by the State certification agency designated under § 14-303(b) of the State Finance and Procurement Article;

(2) Recognize any other certification program that in the judgment of the WSSC substantially duplicates the requirements of the State certification agency;

(3) Provide for minority business participation through subcontracting;

(4) Except as provided in paragraph (5) of this subsection, provide for a system of granting a preference of up to the lesser of 5% or \$50,000 to minority business enterprises in evaluating bids and proposals;

(5) (i) Subject to the provisions of subparagraphs (ii), (iii), and (iv) of this paragraph, establish a sheltered market program in which bidding on procurement contracts designated by the WSSC as appropriate is restricted to certified minority business enterprises;