

(ii) The sheltered market program under this paragraph may not be utilized until all less restrictive remedies under this subsection and race-neutral remedies such as assistance with bonding requirements, financing, or bidding procedures for small firms have been used and found to be ineffective;

(iii) Upon the bid of at least 3 certified minority business contractors, a contract shall be awarded under this paragraph to the lowest of those bidders; and

(iv) If fewer than 3 certified minority business enterprises bid on a contract under this paragraph, the contract shall be awarded under the general provisions of paragraph (4) of this subsection;

(6) Provide for the graduation of a minority business enterprise from the program if the WSSC determines that the minority business enterprise no longer requires the assistance or benefits offered by the program;

(7) Require the solicitation document accompanying each solicitation to set forth the rules and regulations of the minority business utilization program;

(8) Require the geographic location and the principal place of business of the minority business enterprise to be a consideration for participation in this program. Montgomery County businesses and Prince George's County businesses shall each have a targeted percentage of at least 40% of any contracts;

(9) Provide for the WSSC to refuse to recognize the certification of any business found to be in violation of the purposes of the program and to permanently bar any active principals of a violating business from future participation in the program; and

(10) Permit the waiver of all or part of the provisions of the program for a specific contract if the WSSC determines that the application of the program to the contract conflicts with the WSSC's overall objectives and responsibilities, and provide for the WSSC to report annually to the Montgomery County and Prince George's County House and Senate Delegations on those waivers.

(d) Before accepting a certification program under subsection (c)(2) of this section, the WSSC shall examine the program to ensure that:

(1) It adheres to the guidelines set forth in § 3-102(f)(4) of this article; and

(2) The principal owner of an eligible minority business enterprise is in not more than 1 certified business that is participating in the WSSC minority business enterprise program under this section.

(e) (1) The WSSC may conduct any fact-finding study in connection with a minority business enterprise program for consistency with applicable law.

(2) The WSSC shall report the findings of any review completed under this paragraph to the Montgomery County and Prince George's County Delegations to the General Assembly.