

(v) provisions designed to assure that a 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

(vii) such other provisions as the Board considers necessary or appropriate to encourage participation by minority business enterprises, and to protect the integrity of the procurement process.

(c) (1) Subject to § 2-1312 of the State Government Article, each designated department shall make a report annually within 90 days following the close of the fiscal year to the Board, the Legislative Policy Committee, and the Governor's Office of Minority Affairs of the total number and value of its procurements from certified minority business enterprises and the percentage which those procurements represent of the total number and value of its procurements for the preceding fiscal year.

(2) (i) Each procurement agency, other than the designated departments, shall compile, to the extent available, the information specified in paragraph (1) of this subsection. Not later than 90 days following the close of each fiscal year, each such procurement agency shall transmit that information to the Governor's Office of Minority Affairs and additionally shall state whatever steps it has taken to comply with [paragraph] SUBSECTION (b)(3) of this section.

(ii) The Governor's Office of Minority Affairs shall report not later than the end of the calendar year to the Legislative Policy Committee, summarizing the information submitted under subparagraph (i) of this paragraph by procurement agencies.

(3) The Legislative Policy Committee shall direct at least 1 standing committee of the House of Delegates and 1 standing committee of the Senate of Maryland to review annually the performance of State agencies under this section as reported in paragraphs (1) and (2) of this subsection.

(d) (1) The provisions of subsection (b) of this section are inapplicable to the extent any department determines that they are in conflict with any applicable federal program requirement.

(2) The determination shall be in writing and shall be included with the report required under subsection (c) of this section.