

AMOUNT OF AT LEAST 10% OF THE DOLLAR VALUE OF PROCUREMENT CONTRACTS IN EXCESS OF \$100,000 ON THE PRIME OR SUBCONTRACT LEVEL; AND

(II) CONSIDER THE PRACTICAL SEVERABILITY OF THE CONSTRUCTION PROJECTS.

(C) CONFLICTS WITH FEDERAL REQUIREMENTS.

(1) THE PROVISIONS OF § 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.

REVISOR'S NOTE: This section is new language derived without substantive change from former SF § 11-148(b) and (d).

The introductory phrases of subsections (a) and (b)(1) of this section, "[e]xcept for leases of real property", are added to reflect that former SF § 11-148(b)(1) and (3) referred specifically to "procuring supplies, services, construction, construction related services, architectural services, and engineering services" and, thus, did not encompass leases of real property and may not have encompassed leases of personal property. The substitution of the defined term "procurement" and the express exclusion for leases of real property resolves this ambiguity.

In subsection (c)(2) of this section, the former requirement that the determination be "in writing" is deleted as unnecessary in light of the substantive requirement, in § 11-207(1) of this article, that determinations be in writing.

Defined terms: "Certified minority business enterprise" § 14-301

"Construction" § 11-101 "Designated unit" § 14-301

"Primary procurement units" § 11-101

"Procurement" § 11-101

"Procurement contract" § 11-101 "Unit" § 11-101

14-303. REGULATIONS BY BOARD.

(A) IN GENERAL.