

~~WHEREAS, Evidence of discrimination against women demonstrates that there is continuing discrimination against such persons in the construction contracting area and the elimination of such discrimination is substantially related to important government objectives; and~~

~~WHEREAS, In nonconstruction areas of contracting, in Maryland and in the State marketplace, businesses owned and controlled by women are underutilized and this disparity taken with other evidence demonstrates that this underutilization is the product of current, continuing discrimination against women in these areas of contracting; and~~

~~WHEREAS, The Maryland Minority Business Enterprise Program has not eradicated the impact of past discrimination or precluded ongoing discrimination; and~~

~~WHEREAS, Continuation of a narrowly tailored program, meeting the requirements of Croson and later decisions is essential to the ultimate achievement of a marketplace in which minority firms will not be subject to discrimination and in which minority firms, will without aid of such a program, obtain, and continue to obtain, a fair share of private and public contract expenditures; and~~

~~WHEREAS, Race and gender neutral means of assisting minority firms exist and have been attempted, but do not effectively eradicate the effects of past discrimination or preclude ongoing discrimination against minority businesses, and have no substantial likelihood of achieving the goal that these businesses will obtain, and continue to obtain, a fair share of State public contract expenditures in the absence of a minority business program; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - State Finance and Procurement**

13-207.

(a) Except as otherwise provided in this section, a procurement officer may not require a bidder or offeror to provide bid security on a procurement contract if the procurement officer expects the price to be [\$50,000] \$100,000 or less.

(b) (1) A procurement officer shall require a bidder or offeror to provide bid security on a procurement contract for construction if:

(i) the price is expected to exceed [\$50,000] \$100,000; or

(ii) the price is expected to be [\$50,000] \$100,000 or less but federal law or a condition of federal assistance requires the security.

(2) The amount of bid security required for a procurement contract for construction shall be:

(i) at least 5% of the bid or price proposal; or

(ii) if the bid or price proposal states a rate but not a total price, an amount determined by the procurement officer.