

(11) A REQUIREMENT THAT A UNIT VERIFY THAT MINORITY BUSINESS ENTERPRISES LISTED IN A SUCCESSFUL BID ARE ACTUALLY PARTICIPATING TO THE EXTENT LISTED IN THE PROJECT FOR WHICH THE BID WAS SUBMITTED;

(12) PROVISIONS ESTABLISHING A GRADUATION PROGRAM, WHICH SHALL ENSURE THAT A BUSINESS REMAIN CERTIFIED FOR A PERIOD OF TIME NOT TO EXCEED 7 YEARS BASED ON THE FINANCIAL VIABILITY OF THE MINORITY BUSINESS ENTERPRISE, USING ANNUAL GROSS RECEIPTS OR OTHER ECONOMIC INDICATORS AS MAY BE DETERMINED BY THE BOARD; AND

(9) (13) other provisions that the Board considers necessary or appropriate to encourage participation by minority business enterprises and to protect the integrity of the procurement process.

(c) The regulations adopted under this section shall specify that a unit may not allow a business to participate as if it were a certified minority business enterprise if the business's certification is pending.

14-304.

(a) In the same manner and with the same fees as provided by law in civil cases, in a matter regarding the decertification of a certified minority business enterprise, the certification agency may:

- (1) subpoena witnesses;
- (2) administer oaths; and
- (3) compel the production of records, books, papers, and other documents.

(b) If a person fails to comply with a subpoena issued under subsection (a) of this section, or fails to produce documents or other evidence, on petition of the certification agency, a court of competent jurisdiction may pass an order directing compliance with the subpoena or compelling the production of documents or other evidence.

14-305.

(a) (1) Within 90 days after the end of the fiscal year, each [designated] unit shall report to the Governor's Office of Minority Affairs.

(2) A report under this subsection shall for the preceding fiscal year:

(i) state the total number and value of procurement contracts between the [designated] unit and certified minority business enterprises, by specific category of minority business enterprise;

(ii) indicate the percentage that those procurement contracts represent, by specific category of minority business enterprise, of the total number and value of procurement contracts; and

(iii) contain other such information as required by the Governor's Office of Minority Affairs and approved by the Board.