

2-302.

In this subtitle "minority" means any group that the Commission finds, after appropriate study, to be socially or economically disadvantaged as a result of discrimination in the public or private sector that has affected the group's utilization and participation in contracting or procurement with the Commission.

2-303.

If the Commission determines that a program is necessary to remedy discrimination against minority business enterprises in contracting or procurement with the Commission, the Commission shall establish a Minority Business Utilization Program to facilitate participation of responsible certified minority business enterprises in contracts awarded by the Commission for goods, services, and construction.

2-304.

(a) The Commission shall adopt regulations for the operation of the Minority Business Enterprise Utilization Program established under this subtitle.

(b) The regulations shall include provisions for:

(1) Acceptance of the certification of minority business enterprises that have been certified by the State certification agency designated under § 14-303 of the State Finance and Procurement Article;

(2) Waiver of all or part of the Program provisions for a specific contract if the Commission determines that:

(i) Minority business enterprises are unavailable; or

(ii) The application of the Program to the contract conflicts with the Commission's overall objectives and responsibilities;

(3) Graduation of a minority business enterprise from the Program if the Commission determines that the minority business enterprise no longer requires the assistance or benefits offered by the Program;

(4) Termination of the Program when the Program is no longer necessary to remedy the effects of past discrimination;

(5) Acceptance of the decisions of any other certification program that, in the judgment of the Commission, assures that certified minority business enterprises are legitimate;

(6) Minority participation in subcontracting as well as direct contracting;
and

(7) Application of reasonable preferences to certified minority business enterprises in evaluating competitive bids or proposals.