

1. Newly formed businesses and businesses whose ownership or control has changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the businesses;

2. A previous or continuing employer–employee relationship between or among present owners is carefully reviewed to ensure that the employee–owner has management responsibilities and capabilities discussed in this section; and

3. Any relationship between a minority business enterprise and a business which is not a minority business enterprise which has an interest in the minority business enterprise is carefully reviewed to determine if the interest of the nonminority business conflicts with the ownership and control requirements of this section.

(5) (i) The WSSC may conduct any impartial fact–finding study in connection with a minority business enterprise program for consistency with applicable law.

(ii) The WSSC shall report the findings of any review completed under this paragraph to the Montgomery County and Prince George’s County Delegations to the General Assembly.

(6) By September [15, 2001,] 15 OF EACH YEAR, the WSSC shall issue a report concerning the implementation and administration of the minority business enterprise program [through] FOR THE FISCAL YEAR ENDING ON THE PRECEDING June 30, [2001,] and appropriate recommendations concerning the program, to the Montgomery County and Prince George’s County Senate and House Delegations to the Maryland General Assembly.

(7) The provisions of this subsection shall be null and void and may not be enforced after July 1, [2002] 2005.

3–109.

(a) In this section, “minority business enterprise” means any legal entity that is organized to engage in commercial transactions and at least 51 percent owned and controlled by 1 or more individuals who are members of a group that is:

(1) Disadvantaged socially or economically by the effects of past discrimination, including discrimination as to certification; and

(2) Identified by a study conducted in accordance with this section or a similar study previously conducted.

(b) By resolution and implementing rules and regulations, the WSSC shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the WSSC for goods and services not covered by § 3–102 of this article if: