

(II) THE OFFICE OF SMALL, LOCAL, AND MINORITY BUSINESS ENTERPRISE, ESTABLISHED UNDER § 3-109 OF THIS SUBTITLE, SHALL ADMINISTER THE MINORITY BUSINESS UTILIZATION PROGRAM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(3) THE REGULATIONS THAT ESTABLISH THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS THAT:

(I) RECOGNIZE THE CERTIFICATION OF MINORITY BUSINESS ENTERPRISES BY THE STATE CERTIFICATION AGENCY DESIGNATED UNDER § 14-303(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(II) RECOGNIZE ANY OTHER CERTIFICATION PROGRAM THAT, IN THE JUDGMENT OF THE WSSC, SUBSTANTIALLY DUPLICATES THE REQUIREMENTS OF THE STATE CERTIFICATION AGENCY;

(III) PROVIDE FOR AN INCREASE IN MINORITY BUSINESS PARTICIPATION AS PRIME CONTRACTORS AND SUBCONTRACTORS;

(IV) PERMIT THE WAIVER OF ALL OR PART OF THE PROVISIONS OF THE PROGRAM FOR A SPECIFIC CONTRACT IF THE WSSC DETERMINES THAT THE APPLICATION OF THE PROGRAM TO THE CONTRACT CONFLICTS WITH THE WSSC'S OVERALL OBJECTIVES AND RESPONSIBILITIES;

(V) PROVIDE FOR THE GRADUATION OF A MINORITY BUSINESS ENTERPRISE FROM THE PROGRAM IF THE WSSC DETERMINES THAT THE MINORITY BUSINESS ENTERPRISE NO LONGER REQUIRES THE ASSISTANCE OR BENEFITS OFFERED BY THE PROGRAM;

(VI) REQUIRE AT THE TIME OF SUBMISSION A BID OR PROPOSAL BASED ON A SOLICITATION WITH AN EXPECTED DEGREE OF MINORITY BUSINESS ENTERPRISE PARTICIPATION TO INCLUDE PROOF OF A CERTIFIED MINORITY BUSINESS ENTERPRISE COMMITMENT BY STATING:

1. THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PRIME PROCUREMENT CONTRACT; AND

2. THE NUMBER OF MINORITY BUSINESS ENTERPRISES THAT HAVE CERTIFIED, UNDER THE PENALTIES OF PERJURY, THAT THE MINORITY BUSINESS ENTERPRISE HAS ENTERED INTO AN AGREEMENT WITH THE BIDDER TO PROVIDE GOODS OR SERVICES UNDER SPECIFIC TERMS OUTLINED IN THE CERTIFICATION BEFORE THE BID IS ACCEPTED;