

(VII) REQUIRE EACH GENERAL CONTRACTOR TO SUBMIT MONTHLY REPORTS OF THE NUMBER OF MINORITY BUSINESS ENTERPRISES EMPLOYED BY THE GENERAL CONTRACTOR TO THE WSSC;

(VIII) REQUIRE EACH GENERAL CONTRACTOR TO PROVIDE PROMPT NOTIFICATION TO THE WSSC IF A CONTRACT WITH A MINORITY BUSINESS ENTERPRISE IS TERMINATED; AND

(IX) REQUIRE EACH GENERAL CONTRACTOR TO:

1. MAINTAIN A PARTICIPATION LEVEL FROM MINORITY BUSINESS ENTERPRISES THAT IS CONSISTENT WITH THE PARTICIPATION LEVEL REFERENCED UNDER ITEM (VI)2 OF THIS PARAGRAPH; OR

2. PROVIDE JUSTIFICATION FOR THE GENERAL CONTRACTOR'S INABILITY TO MAINTAIN THAT PARTICIPATION LEVEL.

(4) (I) BEFORE ACCEPTING A CERTIFICATION PROGRAM UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, THE WSSC SHALL EXAMINE THE PROGRAM TO ENSURE THAT IT ADHERES TO THE GUIDELINES PROVIDED IN THIS PARAGRAPH.

(II) UNLESS THE ~~STATE~~ CERTIFICATION CERTIFYING AGENCY DETERMINES THAT AN INDIVIDUAL'S CLAIM IS INVALID, BONA FIDE MINORITY GROUP MEMBERSHIP SHALL BE ESTABLISHED ON THE BASIS OF THE INDIVIDUAL'S CLAIM THAT THE INDIVIDUAL IS A MEMBER OF A MINORITY GROUP AND IS SO REGARDED BY THAT PARTICULAR MINORITY COMMUNITY.

(III) 1. AN ELIGIBLE MINORITY BUSINESS ENTERPRISE SHALL BE AN INDEPENDENT BUSINESS.

2. THE OWNERSHIP AND CONTROL OF THE ELIGIBLE MINORITY BUSINESS ENTERPRISE BY MINORITIES SHALL BE REAL, SUBSTANTIAL, AND CONTINUING AND SHALL GO BEYOND THE PRO FORMA OWNERSHIP OF THE BUSINESS AS REFLECTED IN ITS OWNERSHIP DOCUMENTS.

3. THE MINORITY OWNERS SHALL ENJOY THE CUSTOMARY INCIDENTS OF OWNERSHIP AND SHALL SHARE IN THE RISKS AND PROFITS COMMENSURATE WITH THEIR OWNERSHIP INTERESTS AS DEMONSTRATED BY AN EXAMINATION OF THE SUBSTANCE RATHER THAN FORM OF ARRANGEMENTS.