

(4) EXCEPT AS PROVIDED IN ITEM (5) OF THIS SUBSECTION, PROVIDE FOR A SYSTEM OF GRANTING A PREFERENCE OF UP TO THE LESSER OF 5% OR \$50,000 TO MINORITY BUSINESS ENTERPRISES IN EVALUATING BIDS AND PROPOSALS;

(5) SUBJECT TO THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION, ESTABLISH A SHELTERED MARKET PROGRAM IN WHICH BIDDING ON PROCUREMENT CONTRACTS DESIGNATED BY THE WSSC AS APPROPRIATE IS RESTRICTED TO CERTIFIED MINORITY BUSINESS ENTERPRISES;

(6) 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;

(7) REQUIRE THE SOLICITATION DOCUMENT ACCOMPANYING EACH SOLICITATION TO SET FORTH THE REGULATIONS OF THE MINORITY BUSINESS UTILIZATION PROGRAM;

(8) REQUIRE THE GEOGRAPHIC LOCATION AND THE PRINCIPAL PLACE OF BUSINESS OF THE MINORITY BUSINESS ENTERPRISE TO BE A CONSIDERATION FOR PARTICIPATION IN THIS PROGRAM, INCLUDING REQUIRING MONTGOMERY COUNTY BUSINESSES AND PRINCE GEORGE'S COUNTY BUSINESSES TO EACH HAVE A TARGETED PERCENTAGE OF AT LEAST 40% OF ANY CONTRACTS;

(9) AUTHORIZE THE WSSC TO REFUSE TO RECOGNIZE THE CERTIFICATION OF ANY BUSINESS FOUND TO BE IN VIOLATION OF THE PURPOSES OF THE PROGRAM AND TO PERMANENTLY BAR ANY ACTIVE PRINCIPALS OF A VIOLATING BUSINESS FROM FUTURE PARTICIPATION IN THE PROGRAM;

(10) 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, AND REQUIRE THE WSSC TO REPORT ANNUALLY TO THE MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY HOUSE AND SENATE DELEGATIONS ON THOSE WAIVERS;

(11) REQUIRE AT THE TIME OF SUBMISSION EACH BID OR PROPOSAL THAT IS BASED ON A SOLICITATION WITH AN EXPECTED DEGREE OF