



**State of Maryland - 2009 MBE Legislation**  
**Effective October 1, 2009**

<p><b>HB 124</b></p> <p><b>SB 187</b></p>	<p><b>STATE PROCUREMENT – BUNDLING OF PROCUREMENTS</b></p> <p>This law prohibits State agencies from bundling procurements. “Bundling” is defined as consolidating two or more procurement requirements for supplies or services that were previously performed under separate contracts into one contract that is unlikely to be winnable by MBEs or small businesses. The bill does not effect bundling for procurements under the Small Business Reserve Program.</p>
<p><b>HB 389</b></p> <p><b>SB 611</b></p>	<p><b>MINORITY BUSINESS ENTERPRISE PROGRAM – PROHIBITIONS</b></p> <p>This law prohibits a prime contractor from including a certified MBE in a bid or proposal without requesting, receiving, or obtaining the MBE’s authorization. The contractor must also use the MBE’s services to perform the contract. In addition, the contractor may not pay the MBE solely for the use of its name in the bid or proposal. The law also requires this office to operate a fraud hotline to be used to report violations under this law.</p>
<p><b>HB 471</b></p> <p><b>SB 489</b></p>	<p><b>MINORITY BUSINESS ENTERPRISE CERTIFICATION – CAP ON PERSONAL NET WORTH</b></p> <p>This law requires the cap on the personal net worth requirement for certification as a MBE to be adjusted annually in accordance with the Consumer Price Index. It also exempts from the personal net worth, up to \$500,000 of the cash value of any qualified retirement savings plan or individual retirement account. MDOT, in consultation with the Attorney General’s Office and specified legislative committees, must evaluate whether the personal net worth cap should be further adjusted, and report its findings to the General Assembly by December 1, 2010.</p>
<p><b>HB 641</b></p> <p><b>SB 211</b></p>	<p><b>MINORITY BUSINESS ENTERPRISE PROGRAM – PARTICIPATION BY RACE OR GENDER</b></p> <p>This law allows a woman-owned business that is owned by a member of a racial or ethnic minority group to be certified as both a woman-owned business and as a</p>

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	<p>business owned by a member of a recognized racial or ethnic minority group under the State's minority business enterprise (MBE) program. It also allows firms with dual certification to participate in an individual procurement contract as either a woman-owned business or as a business owned by a member of a racial or ethnic minority group, but not both.</p>
<b>HB 1297</b>	<p><b>PROCUREMENT – MINORITY BUSINESS ENTERPRISES – PRIME CONTRACTORS</b></p> <p>This law requires the Board of Public Works to adopt regulations that promote and provide for the counting and reporting of certified minority business enterprises as prime contractors. It also adjusts annual MBE reporting to GOMA to reflect these changes.</p>
<b>HB 1336</b> <b>SB 946</b>	<p><b>MINORITY BUSINESS ENTERPRISE PROGRAM – REPORT TO JOINT COMMITTEE ON FAIR PRACTICES</b></p> <p>This law requires that State procurement units submit a copy of their annual minority business enterprise (MBE) utilization reports to the General Assembly's Joint Committee on Fair Practices.</p>
<b>HB 1554</b>	<p><b>LINKED DEPOSIT PROGRAM – LOANS TO MINORITY BUSINESS ENTERPRISES</b></p> <p>This law allows borrowers under the State's Linked Deposit Program to apply for loans directly from participating lenders rather than through the Department of Housing and Community Development (DHCD). It also exempts decertified minority business enterprises (MBEs) from having their loans reduced if their decertification is due to revenue or employment growth.</p>
<b>SB 568</b>	<p><b>MINORITY BUSINESS ENTERPRISE PROGRAM – DIRECTORY OF MINORITY BUSINESS ENTERPRISES</b></p> <p>This law requires the Maryland Department of Transportation to retain in its directory of MBEs a list of all MBEs that are ineligible to participate in the State's MBE program because (1) the personal net worth of one or more of the MBE's owners exceeds the statutory cap; or (2) the MBE no longer qualifies as a small business under federal guidelines.</p>

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