



BILL NO.: House Bill 68

TITLE: Department of the Environment – Grants – Small Business and Certified Minority Business Enterprises

POSITION: **SUPPORT**

DATE: March 25, 2010

COMMITTEE: Education, Health and Environmental Affairs

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** House Bill 68 as **AMENDED**. The bill would require grant recipients, who receive \$500,000 or more from the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund for stormwater management or stream and wetland restoration projects, to demonstrate to the Maryland Department of the Environment (MDE) that specifically noted steps were taken to include small businesses, certified minority business enterprises (MBEs), and certified MBEs classified as women-owned businesses (WBEs) in the decision process.

The amendment states that MDE must also consider the grantees' availability of qualified small businesses, MBEs, and WBEs for a project. Without the amendment, however, MACo believed the bill would open the door to potentially subjective interpretation by MDE in determining if the grantee complied with the noted steps. MDE does not object to the amended language.

The bill specifies that if MDE is not satisfied with the steps taken, the Department may withhold financial assistance for the project. The steps include:

- (1) Placing small businesses, MBEs, and WBEs on solicitation lists;
- (2) Assuring that small businesses, MBEs, and WBEs are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small businesses, MBEs, and WBEs;
- (4) Establishing delivery schedules, where the requirement permits, that encourage participation by small businesses, MBEs, and WBEs; and
- (5) Using the services and assistance of the Maryland Department of Transportation and the Governor's Office of Minority Affairs in identifying and soliciting small businesses, MBEs, and WBEs.

MACo supports the use of small business, MBE, and WBE participation where practicable. The amendment addresses MACo's concern that it is often difficult, especially in rural areas, to find these qualifying businesses that possess the knowledge and means necessary to bid or work on the project.

Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on HB 68 **as AMENDED**.