

# Title 21 STATE PROCUREMENT REGULATIONS

## Subtitle 11 SOCIOECONOMIC POLICIES

### Chapter 03 Minority Business Enterprise Policies

Authority: State Finance and Procurement Article, §§12-101 and 14-301—14-308, Annotated Code of Maryland

.01. —15 (text unchanged)

[ .16 Minority Business Enterprise Advisory Committee.

A. There shall be established within the Department of Transportation a Minority Business Enterprise Advisory Committee which shall make recommendations to the Secretary of Transportation concerning certification, expansion of services, and nonrenewals of minority business enterprises, and shall advise the Secretary of Transportation on matters related to the Minority Business Enterprise Program.

B. The Minority Business Enterprise Advisory Committee shall consist of 12 members including:

(1) A chairman and two additional members from the Department of Transportation, designated by the Secretary of Transportation;

(2) One member from the Department of General Services, designated by the Secretary of General Services;

(3) One member from the University System of Maryland, designated by the Chancellor;

(4) One member from the Department of Budget and Management, designated by the Secretary of Budget and Management;

(5) One member from the Department of Public Safety and Correctional Services, designated by the Secretary of Public Safety and Correctional Services;

(6) One member from the Governor's Office of Small, Minority & Women Business Affairs, designated by the Special Secretary; and

(7) Four members representing the general public, designated by the Secretary of Transportation.

C. Each committee member shall serve at the pleasure of the designating authority.]

*.16 There shall be established within the Department of Transportation a Certification Review Committee (CRC) which shall be established to assist the Department in reducing certification processing time. The CRC will make recommendations to the CRC Chair regarding MBE/DBE/ACDBE/SBE certification. CRC will meet weekly to review cases and provide the Chair with feedback regarding certification eligibility.*

*A. The CRC will be comprised of a chairperson, managers, and lead officers in the Office of Minority Business Enterprise.*

*B. Each CRC member will receive a copy of the investigative report and supporting documents for each proposed case. CRC members review case file documents to address and clarify any issues observed.*

*C. The CRC shall review the investigative report and any other pertinent materials in the case file to determine if the firm meets eligibility requirements in the requested NAICS codes.*

*D. Each member shall make a recommendation regarding a firm's certification status. The Chair or the Chair's designee determines final certification decisions. Firms approved for MBE/DBE/ACDBE/SBE Certification will be listed in the Maryland Department of Transportation's (MDOT) Directory of Certified Firms. In the case of a denial, the Chair or the Chair's designee will issue a letter stating the reasons for the denial and provide the firm its appeal rights.*

*E. In accordance with State Ethics Law, CRC members, including the Chairperson, may not participate in the deliberations regarding a firm in which he or she or certain relatives (spouse, father, mother, sister, brother, child), are employees or members of the firm, have any legal or equitable interest, contingent compensation arrangement, contractual or creditor relationship with the applicant that may impair the member's impartiality and independence of judgment. MDOT may establish additional policies and/or procedures for CRC members in accordance with the Ethics Law.*

.17 —(text unchanged)

Paul J. Wiedefeld

Secretary

Maryland Department of Transportation