

2023 -- S 0144 SUBSTITUTE A

LC000273/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS
ENTERPRISE

Introduced By: Senators Cano, Quezada, Murray, Mack, DiMario, Kallman, Lawson,
Acosta, Miller, and Britto

Date Introduced: February 01, 2023

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-14.1-6 of the General Laws in Chapter 37-14.1 entitled "Minority
2 Business Enterprise" is hereby amended to read as follows:

3 **37-14.1-6. Minority business enterprise participation.**

4 (a) Minority business enterprises shall be included in all procurements and construction
5 projects under this chapter and shall be awarded a minimum of ~~ten percent (10%)~~ fifteen percent
6 (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%),
7 minority business enterprises owned and controlled by a minority owner, as defined in § 37-14.1-
8 3, shall be awarded a minimum of seven- and one-half percent (7.5%), and minority business
9 enterprises owned and controlled by a woman shall also be awarded a minimum of seven- and one-
10 half percent (7.5%). Annually, by October 1, the department of administration shall submit a report
11 to the general assembly on the status of achieving the aforementioned participation requirements
12 in the most recent fiscal year. The director of the department of administration is further authorized
13 to establish by rules and regulation the certification process and formulas for giving minority
14 business enterprises a preference in contract and subcontract awards.

15 (b) Any minority business enterprise currently certified by the U.S. Small Business
16 Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified by
17 the department of administration as a minority business enterprise and shall only be required to
18 submit evidence of federal certification of good standing.

1 (c) The provisions of chapter 14.1 of title 37 shall not be waived, including, but not limited
2 to, during a declared state of emergency.

3 [\(d\) The State of Rhode Island will arrange for a disparity study to evaluate the need for the](#)
4 [development of programs to enhance the participation in state contracts of business enterprises](#)
5 [owned by women and minorities, to be repeated every five \(5\) years, beginning in fiscal year 2025.](#)

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

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1 This act would increase the minimum required awarded to minority business enterprises to
2 fifteen percent (15%) and of that, require a minimum of seven- and one-half percent (7.5%) be
3 awarded to minority owned businesses and that a minimum of seven- and one-half percent (7.5%)
4 be awarded to minority one women owned businesses.

5 This act would take effect upon passage.

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