

2023 -- H 5736

LC002030

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: Representatives Giraldo, Alzate, Morales, and Potter

Date Introduced: February 21, 2023

Referred To: House Corporations

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%) of the dollar
6 value of the entire procurement or project. The director of the department of administration is
7 further authorized to establish by rules and regulation the certification process and formulas for
8 giving minority business enterprises a preference in contract and subcontract awards.

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

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

15 (d)(1) The department of administration shall provide a list of certified minority and
16 women-owned business enterprises to each prospective contractor and no waiver for this chapter
17 shall be granted until after each prospective contractor receives guidance and/or assistance in
18 complying with the provisions of this chapter from the department of administration.

1 (2) Upon issuance of a waiver of compliance, the department of administration shall make
2 publicly available records of all waivers of compliance. Such records shall include:
3 (i) Information identifying the contract, including the value of the contract;
4 (ii) Information identifying the contracting agency;
5 (iii) The name of the contractor receiving the waiver;
6 (iv) The date of the waiver; and
7 (v) The specific contract provisions to which the waiver applies.
8 (e) Each contracting agency that substantially fails to make a good faith effort to achieve
9 the maximum feasible participation of minority and women-owned business enterprises in such
10 agency's contracting shall be required to submit to the director of the department of administration
11 a remedial action plan to remedy such failure.

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

=====
LC002030
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS
ENTERPRISE

1 This act would require the department of administration to provide a list of certified
2 minority and women-owned business enterprises to each prospective contractor of a construction
3 project and would prohibit the issuance of a waiver from this requirement until the contractor
4 received assistance from the department.

5 This act would take effect upon passage.

=====
LC002030
=====