

8-101.

(a) (1) In this section the following words have the meanings indicated.

(2) "Secretary" means the Secretary of General Services, the Secretary of the Department of Transportation, or the President of the University of Maryland.

(3) "Small business" has the meaning established by the Secretary in rules and regulations, subject to the criteria set forth in subsection (b) of this section.

(4) "Small business set-aside" means a purchase request for which the Secretary invites bids from a list of qualified bidders including small businesses.

(5) "PREDETERMINED PERCENTAGE PREFERENCE" MEANS THE PERCENTAGE, NOT TO EXCEED 5 PERCENT, SET BY A SECRETARY, BY WHICH THE BID OR OFFER OF THE LOWEST RESPONSIVE AND RESPONSIBLE SMALL BUSINESS MAY EXCEED THE BID OR OFFER OF THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER OR OFFEROR THAT IS NOT A SMALL BUSINESS.

(b) (1) [The] EACH Secretary shall adopt rules and regulations specifying the criteria for qualification as a small business.

[(2) The criteria shall include a maximum number for employees and a maximum dollar volume computed on annual sales and receipts of a bidder and all its affiliates. The maximum number of employees and maximum dollar volume may vary from industry to industry to the extent necessary to reflect different characteristics. However, with respect to maximum number of employees, a manufacturing business may not employ more than 250 individuals. With respect to maximum dollar volume, a wholesale business may not have annual sales in excess of \$2,500,000 for its most recent fiscal year and a retail business or business selling services may not have annual sales and receipts in excess of \$5,000,000.]

(2) THE CRITERIA FOR QUALIFICATION MAY VARY FROM INDUSTRY TO INDUSTRY TO REFLECT DIFFERENT INDUSTRY CHARACTERISTICS.

(3) ONE OF THE CRITERIA TO BE USED IN ESTABLISHING QUALIFICATIONS SHALL BE A MAXIMUM NUMBER OF EMPLOYEES FOR EACH CLASS OF BUSINESSES.

(c) [The] (1) EACH Secretary shall adopt rules and regulations specifying procedures for:

[(1)] (1) Compiling and maintaining a comprehensive bidder's list of small businesses;