

1. consider the practical severability of the construction projects; and

2. implement a program that will enable the unit to evaluate each contract to determine the appropriateness of the goal.

(3) With respect to the Maryland Department of Transportation, the provisions of paragraph (2)(i) of this subsection shall apply only to construction contracts in excess of \$50,000.

(4) Each unit shall meet the maximum feasible portion of the goals stated in paragraphs (1), (2), and (3) of this subsection by using race-neutral measures to facilitate minority business enterprise participation in the procurement process.

(5) To achieve the result specified in paragraph (1) or (2) of this subsection, a contractor, including a contractor that is a certified minority business enterprise, shall:

(i) identify specific work categories appropriate for subcontracting;

(ii) at least 10 days before bid opening, solicit minority business enterprises, through written notice that:

1. describes the categories of work under item (i) of this subparagraph; and

2. provides information regarding the type of work being solicited and specific instructions on how to submit a bid;

(iii) attempt to make personal contact with the firms in item (ii) of this paragraph;

(iv) assist minority business enterprises to fulfill bonding requirements or to obtain a waiver of those requirements;

(v) in order to publicize contracting opportunities to minority business enterprises, attend prebid meetings or other meetings scheduled by the unit; and

(vi) upon acceptance of a bid, provide the unit with a list of minority businesses with whom the contractor negotiated, including price quotes from minority and nonminority firms.

(6) (i) The unit shall make a finding whether the contractor complied, in good faith, with paragraph (5) of this subsection.

(ii) If the unit finds the contractor complied with paragraph (5) of this subsection, the unit may not require the contractor to renegotiate any subcontract in order to achieve a different result.

~~(7) EACH UNIT THAT CANNOT REASONABLY MEET THE MINORITY BUSINESS ENTERPRISE GOALS SET FORTH IN THIS SUBSECTION SHALL SUBMIT A~~