

(2) THIS SECTION DOES NOT APPLY TO FINANCIAL ASSISTANCE USED SOLELY FOR THE PURPOSE OF ACQUIRING REAL PROPERTY OR STRUCTURES ON REAL PROPERTY.

(B) WITH RESPECT TO FINANCIAL ASSISTANCE UNDER THIS SUBTITLE TO A LOCAL GOVERNMENT:

(1) IF THE LOCAL GOVERNMENT HAS A PROGRAM FOR PROMOTING PROCUREMENT OPPORTUNITIES AMONG MINORITY BUSINESSES THAT IS ACCEPTABLE TO THE DEPARTMENT, THE LOCAL GOVERNMENT SHALL APPLY THE REQUIREMENTS OF THAT PROGRAM TO THE PROCUREMENT OF GOODS OR SERVICES MADE WITH THE PROCEEDS FROM THE FINANCIAL ASSISTANCE; BUT

(2) IF THE LOCAL GOVERNMENT DOES NOT HAVE A PROGRAM THAT IS ACCEPTABLE TO THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LOCAL GOVERNMENT IS SUBJECT TO SUBSECTION (C) OF THIS SECTION.

(C) (1) IN THIS SUBSECTION, "MINORITY BUSINESS ENTERPRISE" MEANS:

~~(I) AN INDIVIDUAL WHO HAS A SOCIAL OR ECONOMIC IMPEDIMENT THAT:~~

~~1. IS BEYOND THE PERSONAL CONTROL OF THE INDIVIDUAL, SUCH AS FINANCIAL CAPACITY, GEOGRAPHICAL OR REGIONAL ECONOMIC DISTRESS, OR LACK OF FORMAL EDUCATION; AND~~

~~2. DOES NOT LIMIT THE ABILITY OF THE INDIVIDUAL TO PROVIDE THE REQUIRED GOODS OR SERVICES; OR~~

~~(II) A BUSINESS ENTITY THAT IS AT LEAST 51% OWNED AND CONTROLLED BY INDIVIDUALS WHO MEET THE STANDARDS UNDER ITEM (I) OF THIS PARAGRAPH HAS THE MEANING STATED IN § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(2) WITH RESPECT TO FINANCIAL ASSISTANCE UNDER THIS SUBTITLE TO AN ENTITY OTHER THAN A LOCAL GOVERNMENT, THE ENTITY SHALL AGREE TO INCLUDE IN THE AGREEMENT PROVIDING THE FINANCIAL ASSISTANCE A PROVISION ACCEPTABLE TO THE DEPARTMENT THAT WOULD ENCOURAGE THE PROCUREMENT FROM MINORITY BUSINESS ENTERPRISES OF GOODS OR SERVICES PURCHASED WITH THE PROCEEDS FROM THE FINANCIAL ASSISTANCE.

(3) IN NEGOTIATING THE PROVISION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL TAKE INTO ACCOUNT RELEVANT FACTORS, INCLUDING:

(I) THE INTENDED USE OF THE PROCEEDS FROM THE FINANCIAL ASSISTANCE; AND

(II) THE FEASIBILITY OF OBTAINING THE REQUIRED GOODS OR SERVICES FROM MINORITY BUSINESS ENTERPRISES.

(D) THE DEPARTMENT MAY REQUIRE THAT A RECIPIENT OF FINANCIAL ASSISTANCE UNDER THIS SUBTITLE SUBMIT TO THE DEPARTMENT A LIST, OR AN