



SPONSOR: Sen. Peterson & Rep. Oberle;  
Sen. McDowell & Rep. Roy

DELAWARE STATE SENATE

142nd GENERAL ASSEMBLY

SENATE BILL NO. 140  
AS AMENDED BY  
SENATE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REPORTING REQUIREMENTS BY VENDORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Section 6923(k), Title 29, Delaware Code by adding the following sentence to the end of paragraph  
2 (1) to read: "The formal contract must include the successful bidders' and successful bidders' subcontractors' valid  
3 minority/women business enterprise certification numbers, as supplied by the Department, or valid minority/woman, denial  
4 forms, as supplied by the Department. The information provided by the certification numbers or denial forms shall be used for  
5 data collection only."

6           Section 2. Amend Section 6924(c)(1), Title 29, Delaware Code by adding the following phrase to subparagraph e. after  
7 the phrase "must contain" and before the word "and": "must include the firm's valid minority/woman business enterprise  
8 certification number, as supplied by the Department, or a valid minority/woman business enterprise denial form, as supplied by  
9 the Department. The information provided by the certification number or denial form shall, in no way, be used by the agency to  
10 determine the contract award. Such information shall be used for data collection only."

11           Section 3. Amend Section 6924(l), Title 29, Delaware Code by adding a new paragraph (5) as follows: "(5) It does not  
12 include its valid minority/woman enterprise certification number, as supplied by the Department, or a valid minority/woman  
13 business enterprise denial form, as supplied by the Department. The information provided by the certification number or denial  
14 form shall, in no way, be used by the agency to determine the contract award. Such information shall be used for data  
15 collection only."

16 Section 4. Amend Section 6962(d)(13) a., Title 29, Delaware Code by adding the following at the end of the first  
17 paragraph in said subparagraph: “The formal contract awarded by an agency or school district and its board must include the  
18 successful bidders’ and the successful bidders’ subcontractors’ valid minority/woman business enterprise certification numbers,  
19 as supplied by the Department, or valid minority/woman business enterprise denial forms, as supplied by the Department, for  
20 the contractor and any subcontractors. The information provided by the certification numbers or denial forms shall be used for  
21 data collection only.”

22 Section 5. Amend Section 6980, Title 29, Delaware Code by adding the following to the end of the first sentence in  
23 said section as follows: “except that a bidder shall not be considered responsive unless the bidder indicates its and its  
24 subcontractors’ valid minority/woman, business certification number, as supplied by the Department or supplies a valid  
25 minority woman business enterprise denial form, as supplied by the Department. The information provided by the certification  
26 number or denial form shall, in no way be used by the agency to determine the contract award. Such information shall be used  
27 for data collection only.”

28 Section 6. Amend Section 6981(c), Title 29, Delaware Code by adding paragraph (9) as follows: “(9) The requirement  
29 that each bidder shall include in its response to the request for proposal either a valid minority/woman business enterprise  
30 certification number, as supplied by the Department or a valid minority/woman business enterprise denial form for itself and  
31 any subcontractors. The information provided by the certification number or denial form shall, in no way, be used by the  
32 agency to determine the final contract award. Such information shall be used for data collection only.”

33 Section 7. Amend Section 6981, Title 29, Delaware Code by adding a new subsection (i) as follows: “(i) The selection  
34 shall require that an applicant shall be considered non-responsive if the applicant does not include in its response to the request  
35 for proposal a valid minority/ woman business enterprise certification number, as supplied by the Department or a valid  
36 minority/woman business enterprise denial form, as supplied by the Department, for either itself or any subcontractors. The  
37 information provided by the certification number or denial form shall, in no way, be used by the agency to determine the final  
38 contract award. Such information shall be used for data collection only.”

39 Section 8. This act shall become effective on September 1, 2003.

40           Section 9. Amend §6923(e)(2), Title 29, Delaware Code by deleting from subparagraph b. the phrase “; and”,  
41 and substituting in lieu thereof a semicolon “;”, by deleting the “.” at the end of subparagraph c., and by substituting in  
42 lieu thereof the phrase “; and”, and by adding a new sub-paragraph “d.”, to read as follows:

43           "d. The firm’s valid minority/women business enterprise certification number, as supplied by the Department, or  
44 a valid minority/women enterprise denial form, as supplied by the Department. The information provided by the  
45 certification number or denial form shall, in no way, be used by the agency to determine the contract award. Such  
46 information shall be used for data collection only.”