

SB1066/744633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1066
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “requiring certain entities to include in certain contracts a certain requirement for procuring janitorial products;”; in line 14, after “goals;” insert “requiring certain State or State aided or controlled entities, the University System of Maryland, St. Mary’s College of Maryland, and Morgan State University to submit certain forecasts and reports to the Department of General Services on or before certain dates; requiring certain preferred providers to report to the Department of General Services on or before a certain date; requiring the Department of General Services to report to the Board of Public Works and certain committees of the General Assembly on or before a certain date; requiring the Department of General Services, on or before a certain date, to identify certain State or State aided or controlled entities required to submit certain reports;”; in line 15, strike “studies” and substitute “evaluations”; in the same line, after “submit” insert “certain reports”; in line 16, strike “the Legislative Policy Committee a final report on the studies” and substitute “certain committees”; in the same line, strike “a”; in line 17, strike “date” and substitute “dates”; in the same line, strike “a”; in the same line, strike “term;” and substitute “terms; providing for a delayed effective date for certain provisions of this Act;”; in line 22, after “Section” insert “14-101 through 14-103;”; and in line 27, after “Section” insert “14-110 and”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“14-101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Community service provider” means an entity that:

(Over)

- (1) is organized under the laws of the United States or this State;
 - (2) is accredited by the Division of Rehabilitation Services of the State Department of Education for participation in the Employment Works Program;
 - (3) is operated in the interest of individuals who have a mental or physical disability, including blindness, that:
 - (i) constitutes a substantial barrier to employment; and
 - (ii) prevents the individual from engaging in competitive employment; and
 - (4) does not inure net income wholly or partly to the benefit of any shareholder or other individual.
- (c) “Individual with disability owned business” means a business:
- (1) that is organized under the laws of the United States or the State;
 - (2) that is majority owned by an individual or individuals determined by the Division of Rehabilitation Services in the State Department of Education to have a disability, as defined by Title 21, Subtitle 3 of the Education Article;
 - (3) whose majority owner or owners are directly and significantly engaged in the daily operation of the business;
 - (4) whose workforce includes individuals with disabilities comprising a percentage of the workforce that is at or above the minimum required under the policies or guidelines established by the Pricing and Selection Committee for the Employment Works Program;

(5) whose total gross revenues for contracts assigned under the Program at the time of assignment do not exceed the maximum allowed under policies or guidelines established by the Pricing and Selection Committee for the Employment Works Program; and

(6) that continues to meet all other eligibility criteria established by the Pricing and Selection Committee for the Employment Works Program.

(D) “PREFERRED PROVIDER” MEANS A PROVIDER OF SUPPLIES OR SERVICES GIVEN PREFERENCE IN § 14-103 OF THIS SUBTITLE.

[(d)](E) “State aided or controlled entity” means any public or quasi-public institution that receives aid from the State or that is owned, controlled, or managed by the State.

14-102.

(a) Notwithstanding any other provision of this Division II, [the] A State OR STATE AIDED OR CONTROLLED ENTITY shall buy supplies and services in accordance with § 14-103 OF this subtitle.

(b) The procurement of services from a sheltered workshop is not subject to the cost savings requirements of § 13-405 of the State Personnel and Pensions Article.

14-103.

(a) [The] A State or [a] State aided or controlled entity shall buy supplies and services from:

(1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of the Correctional Services Article, if State Use Industries provides the supplies or services;

(2) Blind Industries and Services of Maryland, if:

(i) Blind Industries and Services of Maryland provides the supplies or services; and

(ii) Maryland Correctional Enterprises does not provide the supplies or services;

(3) the Employment Works Program established under § 14–108 of this subtitle, if:

(i) a community service provider provides the supplies or services;

(ii) neither Maryland Correctional Enterprises nor Blind Industries and Services of Maryland provides the supplies or services; and

(iii) the State or a State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government; or

(4) individual with disability owned businesses if:

(i) an individual with disability owned business provides the supplies or services;

(ii) neither Maryland Correctional Enterprises, Blind Industries and Services of Maryland, nor a community service provider provides the supplies or services; and

(iii) [the] A State or [a] State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government.

(b) [The] A State or [a] State aided or controlled entity shall give preference to the [entities] PROVIDERS listed under subsection (a) of this section in the order that the [entities] PROVIDERS are listed.

(C) TO THE EXTENT PRACTICABLE, A STATE OR STATE AIDED OR CONTROLLED ENTITY SHALL INCLUDE IN A MAINTENANCE CONTRACT THAT HAS A COMPONENT FOR HOUSEKEEPING OR JANITORIAL SERVICES, A REQUIREMENT THAT A PRIME CONTRACTOR PROCURE JANITORIAL PRODUCTS FROM BLIND INDUSTRIES AND SERVICES OF MARYLAND WHEN THE SPECIFIED PRODUCTS ARE AVAILABLE.

14-110.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUBSECTIONS (B) AND (C) OF THIS SECTION APPLY TO:

(1) A STATE OR STATE AIDED OR CONTROLLED ENTITY THAT IS:

(I) SUBJECT TO THE REQUIREMENTS OF § 14-103 OF THIS SUBTITLE AND § 14-305 OF THIS TITLE; OR

(II) IDENTIFIED BY THE DEPARTMENT OF GENERAL SERVICES; AND

(2) THE UNIVERSITY SYSTEM OF MARYLAND, ST. MARY'S COLLEGE OF MARYLAND, AND MORGAN STATE UNIVERSITY.

(B) (1) WITHIN 60 DAYS AFTER THE ENACTMENT OF THE BUDGET BILL BY THE GENERAL ASSEMBLY, EACH STATE OR STATE AIDED OR CONTROLLED ENTITY SHALL PREPARE AND SUBMIT TO THE DEPARTMENT OF GENERAL SERVICES A FISCAL YEAR PROCUREMENT EXPENDITURE FORECAST THAT DETAILS THE EXPECTED EXPENDITURES AND CONTRACTS TO BE AWARDED UNDER § 14-103 OF THIS SUBTITLE IN THE NEXT FISCAL YEAR.

(2) THE FORECAST REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE ACTIVITIES PLANNED TO INCREASE THE NUMBER OF CONTRACTS AWARDED UNDER § 14-103 OF THIS SUBTITLE.

(C) (1) WITHIN 90 DAYS AFTER THE END OF EACH FISCAL YEAR, A STATE OR STATE AIDED OR CONTROLLED ENTITY SHALL SUBMIT A REPORT TO THE DEPARTMENT OF GENERAL SERVICES THAT COMPLIES WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION.

(2) FOR THE PRECEDING FISCAL YEAR, THE REPORT SHALL INCLUDE:

(I) THE TOTAL NUMBER AND THE DOLLAR VALUE OF CONTRACTS AWARDED BY THE STATE OR STATE AIDED OR CONTROLLED ENTITY TO A PREFERRED PROVIDER;

(II) THE TOTAL NUMBER AND THE DOLLAR VALUE OF PAYMENTS MADE BY A STATE OR STATE AIDED OR CONTROLLED ENTITY TO A PREFERRED PROVIDER, INCLUDING PURCHASE CARD PROCUREMENTS;

(III) THE TOTAL NUMBER AND THE DOLLAR VALUE OF CONTRACTS AWARDED BY THE STATE OR STATE AIDED OR CONTROLLED ENTITY TO A PROVIDER OTHER THAN A PREFERRED PROVIDER;

(IV) THE TOTAL NUMBER AND THE DOLLAR VALUE OF PAYMENTS MADE BY THE STATE OR STATE AIDED OR CONTROLLED ENTITY TO A PROVIDER OTHER THAN A PREFERRED PROVIDER, INCLUDING PURCHASE CARD PROCUREMENTS;

(V) THE PERCENTAGE THAT THE CONTRACTS TO PREFERRED PROVIDERS REPRESENT OF THE TOTAL NUMBER OF PROCUREMENT CONTRACTS;

(VI) THE PERCENTAGE THAT THE PAYMENTS TO PREFERRED PROVIDERS REPRESENT OF THE TOTAL VALUE OF PAYMENTS; AND

(VII) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OF GENERAL SERVICES.

(D) (1) WITHIN 90 DAYS AFTER THE END OF EACH FISCAL YEAR, A PREFERRED PROVIDER AWARDED A CONTRACT IN ACCORDANCE WITH § 14-103 OF THIS SUBTITLE SHALL REPORT TO THE DEPARTMENT OF GENERAL SERVICES IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) FOR THE PRECEDING FISCAL YEAR, THE REPORT SHALL STATE THE TOTAL NUMBER OF FULL-TIME EQUIVALENTS FOR INDIVIDUALS WITH DISABILITIES WHO CONTRIBUTED TO THE WORK OF THE CONTRACTS.

(E) WITHIN 60 DAYS AFTER RECEIPT OF ALL OF THE REPORTS REQUIRED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION, THE DEPARTMENT OF GENERAL SERVICES SHALL SUBMIT A SUMMARY OF THE INFORMATION TO:

(1) THE BOARD OF PUBLIC WORKS; AND

(2) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE LEGISLATIVE POLICY COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement”.

AMENDMENT NO. 3

On page 3, strike beginning with “A” in line 5 down through “INDIVIDUALS” in line 7 and substitute “A CORPORATION THAT:

(1) IS INCORPORATED IN THE STATE OR OTHERWISE QUALIFIED TO DO BUSINESS IN THE STATE;

(2) HAS BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE; AND

(3) IS ORGANIZED TO PROMOTE THE INTERESTS OF PHYSICALLY OR MENTALLY DISABLED INDIVIDUALS”.

AMENDMENT NO. 4

On page 5, in line 2, strike “AND”; and in line 5, after “LAW” insert “; AND”

C. A PROCUREMENT BY THE MARYLAND DEVELOPMENTAL DISABILITIES ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR FAMILY AND INDIVIDUAL SUPPORT SERVICES, COMMUNITY RESIDENTIAL SERVICES, RESOURCE COORDINATION SERVICES, BEHAVIORAL SUPPORT SERVICES, VOCATIONAL AND DAY SERVICES, AND RESPITE SERVICES, AS THOSE TERMS ARE DEFINED IN REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE”.

AMENDMENT NO. 5

On page 6, in line 24, after “(12)” insert “(I)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in line 26, strike “2013” and substitute “2015”; in line 27, strike “HOWEVER:” and substitute “INCLUDING ALL OPTIONS, RENEWALS, AND OTHER EXTENSIONS.”; in line 28, strike “(I) THE” and substitute “(II) 1. THE”; in line 30, strike “; AND” and substitute a period; in line 31, strike “(II) THE” and substitute “2. THE”; after line 34, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2015, the Department of General Services shall identify the State or State aided or controlled entities required to submit reports under § 14-110 of the State Finance and Procurement Article, as enacted by Section 1 of this Act.”;

and in line 35, strike “2.” and substitute “4.”

On page 7, in line 2, strike “Office of the Attorney General” and substitute “Department of General Services”; in line 3, strike “Section 1” and substitute “Sections 1 and 2”; in line 4, strike “on” and substitute “in”; in line 5, after “procurement” insert

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“and, to the extent practicable, related activities.”; strike beginning with the first “and” in line 5 down through “information” in line 14 and substitute:

“(b) On or before December 1, 2015, the Department of Disabilities shall submit an interim report on the evaluation to the Senate Education, Health, and Environmental Affairs Committee, the House Health and Government Operations Committee, and the Legislative Policy Committee of the General Assembly in accordance with § 2–1246 of the State Government Article”;

in line 15, strike “2013” and substitute “2016”; in line 16, after “to” insert “the Senate Education, Health, and Environmental Affairs Committee, the House Health and Government Operations Committee, and”; in lines 18 and 22, strike “3.” and “4.”, respectively, and substitute “5.” and “7.”, respectively; after line 21, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this Act shall take effect July 1, 2015.”;

and in line 22, after “That” insert “, except as provided in Section 6 of this Act.”.