

HOUSE BILL 1224

P2

5lr0019

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Transportation)**

Introduced and read first time: March 2, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 9, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Contracts for Pretreatment and Removal of Snow and Ice**

3 FOR the purpose of authorizing the State Highway Administration to enter into
4 procurement contracts for snow and ice removal operations as required or permitted
5 by certain provisions of law; requiring the State Highway Administration to report
6 to the Board of Public Works on the operation and effectiveness of the procurement
7 contracts; authorizing the Board of Public Works, in consultation with the State
8 Highway Administration, to adopt regulations to carry out the requirements of this
9 Act; and generally relating to procurement contracts for snow and ice removal.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 13–108
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2014 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – State Finance and Procurement**

18 13–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval for
2 designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), § 13–221
3 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of Contractors”),
4 or Title 17 (“Special Provisions – State and Local Subdivisions”) of this article, with the
5 approval of the head of a unit, its procurement officer may make an emergency procurement
6 by any method that the procurement officer considers most appropriate to avoid or mitigate
7 serious damage to public health, safety, or welfare.

8 (2) The procurement officer shall:

9 (i) obtain as much competition as possible under the circumstances;

10 (ii) limit the emergency procurement to the procurement of only
11 those items, both in type and quantity, necessary to avoid or to mitigate serious damage to
12 public health, safety, or welfare; and

13 (iii) after awarding the procurement contract, submit to the Board a
14 written report that gives the justification for use of the emergency procurement procedure.

15 **(B) (1) CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A)(1) OF**
16 **THIS SECTION, THE STATE HIGHWAY ADMINISTRATION MAY ENTER INTO**
17 **PROCUREMENT CONTRACTS RELATED TO THE PRETREATMENT AND REMOVAL OF**
18 **SNOW AND ICE AS REQUIRED OR AUTHORIZED UNDER TITLE ~~18~~ 8 OF THE**
19 **TRANSPORTATION ARTICLE.**

20 **(2) (I) BEGINNING ON JUNE 30, 2016, AND NO LATER THAN JUNE**
21 **30 OF EACH SUCCEEDING YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL**
22 **SUBMIT TO THE BOARD A WRITTEN REPORT ON THE OPERATION AND**
23 **EFFECTIVENESS OF THE PROCUREMENT CONTRACTS ENTERED INTO UNDER THIS**
24 **SUBSECTION DURING THE PREVIOUS YEAR.**

25 **(II) THE REPORT SHALL INCLUDE:**

26 **1. THE NUMBER OF CONTRACTS AWARDED;**

27 **2. THE TOTAL DOLLAR VALUE OF THE CONTRACTS**
28 **AWARDED; AND**

29 **3. THE AMOUNT OF CONTRACTING DOLLARS EXPENDED**
30 **WITH MINORITY BUSINESS ENTERPRISES, CERTIFIED SMALL BUSINESSES, AND**
31 **CERTIFIED VETERAN-OWNED BUSINESSES, AS DEFINED UNDER TITLE 14 OF THIS**
32 **ARTICLE.**

1 **(3) THE BOARD, IN CONSULTATION WITH THE STATE HIGHWAY**
 2 **ADMINISTRATION, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS**
 3 **OF THIS SUBSECTION.**

4 **[(b)] (C)** (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval
 5 for designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), §
 6 13–221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of
 7 Contractors”), or Title 17 (“Special Provisions – State and Local Subdivisions”) of this
 8 article, with the approval of the head of the unit and the Board, the Maryland Port
 9 Commission or the Maryland Aviation Administration may make a procurement on an
 10 expedited basis if the head of the unit and the Board find that:

11 (i) urgent circumstances require prompt action;

12 (ii) an expedited procurement best serves the public interest; and

13 (iii) the need for the expedited procurement outweighs the benefits of
 14 making the procurement on the basis of competitive sealed bids or competitive sealed
 15 proposals.

16 (2) The procurement officer shall attempt to obtain as much competition as
 17 reasonably possible.

18 **[(c)] (D)** Not more than 30 days after the execution and approval of a
 19 procurement contract awarded under this section, a unit shall publish in eMaryland
 20 Marketplace notice of the award.

21 **[(d)] (E)** For real property leases procured under this section, the term of the
 22 lease shall be for the minimum period of time practicable.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this shall take effect ~~October~~
 24 June 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.