

SENATE BILL 894

P2

5lr3072
CF HB 349

By: **Senators Pugh, Conway, McFadden, and Nathan-Pulliam**

Introduced and read first time: March 4, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 6, 2015

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 2015

CHAPTER _____

1 AN ACT concerning

2 **Procurement Preferences – ~~Blind Industries and Services of Maryland~~**
3 **~~Janitorial Products~~ Pricing and Selection Committees**

4 FOR the purpose of repealing the ~~requirement that a State or State aided or controlled~~
5 ~~entity include in certain maintenance contracts a requirement that a prime~~
6 ~~contractor procure certain products from the Blind Industries and Services of~~
7 ~~Maryland under certain circumstances;~~ Pricing Committee for Blind Industries and
8 Services of Maryland and merging the functions of the Committee with the Pricing
9 and Selection Committee for the Employment Works Program; altering the
10 membership and duties of a certain pricing and selection committee; requiring the
11 Governor’s Office of Minority Affairs and the Department of General Services to
12 report to certain committees of the General Assembly on or before certain dates;
13 providing for the termination of certain provisions of this Act; and generally relating
14 to procurement preferences related to the Blind Industries and Services of Maryland;
15 preferences and pricing and selection committees.

16 BY repealing and reenacting, ~~with~~ without amendments,

17 Article – State Finance and Procurement

18 Section 14–103

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2014 Supplement)

21 BY repealing

22 Article – State Finance and Procurement

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 Section 14–104 and 14–105
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2014 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – State Finance and Procurement
6 Section 14–106 and 14–107
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2014 Supplement)

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

11 **Article – State Finance and Procurement**

12 14–103.

13 (a) A State or State aided or controlled entity shall buy supplies and services
14 from:

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

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

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

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

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

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

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

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

29 (4) individual with disability owned businesses if:

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

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

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

6 (b) A State or State aided or controlled entity shall give preference to the
7 providers listed under subsection (a) of this section in the order that the providers are listed.

8 ~~(c)~~ To the extent practicable, a State or State aided or controlled entity shall
9 include in a maintenance contract that has a component for housekeeping or janitorial
10 services, a requirement that a prime contractor procure janitorial products from Blind
11 Industries and Services of Maryland when the specified products are available. ~~‡~~

12 [14–104.

13 (a) In this section, “Committee” means the Pricing Committee for Blind
14 Industries and Services of Maryland.

15 (b) There is a Pricing Committee for Blind Industries and Services of Maryland.

16 (c) The Committee consists of the following 4 members or their respective
17 designees:

18 (1) the Secretary of General Services;

19 (2) the Secretary of Public Safety and Correctional Services;

20 (3) the President of Blind Industries and Services of Maryland; and

21 (4) a member of the Executive Board of the National Federation of the
22 Blind of Maryland appointed by that Executive Board.

23 (d) A member of the Committee:

24 (1) may not receive compensation; but

25 (2) is entitled to reimbursement for expenses under the Standard State
26 Travel Regulations, as provided in the State budget.

27 (e) The Committee shall receive assistance from the staff of Blind Industries and
28 Services of Maryland.

29 (f) (1) The Committee shall set the prices of supplies and services that Blind
30 Industries and Services of Maryland provides.

1 (2) The prices shall reflect the fair market prices for the supplies and
2 services.]

3 [14–105.

4 Every 6 months, Blind Industries and Services of Maryland shall:

5 (1) revise the list of supplies and services that it provides; and

6 (2) send the list to the Secretary of General Services and each person
7 responsible for buying supplies or services for the State or a State aided or controlled
8 entity.]

9 14–106.

10 (a) In this section, “Committee” means the Pricing and Selection Committee for
11 **BLIND INDUSTRIES AND SERVICES OF MARYLAND AND** the Employment Works
12 Program.

13 (b) There is a Pricing and Selection Committee for **BLIND INDUSTRIES AND**
14 **SERVICES OF MARYLAND AND** the Employment Works Program.

15 (c) The Committee consists of the following ~~[6]~~ 5 members:

16 (1) the Secretary of Transportation or a designee;

17 (2) the Secretary of General Services or a designee;

18 (3) the Secretary of Public Safety and Correctional Services or a designee;

19 ~~[(4)~~ the President of Blind Industries and Services of Maryland or a
20 designee.]

21 ~~[(5)]~~ (4) the Assistant Secretary for Vocational Rehabilitation within the
22 State Department of Education or a designee; and

23 ~~[(6)]~~ (5) the Secretary of Labor, Licensing, and Regulation or a designee.

24 (d) A member of the Committee:

25 (1) may not receive compensation; but

26 (2) is entitled to reimbursement for expenses under the Standard State
27 Travel Regulations as provided in the State budget.

28 (e) The Committee shall:

1 **(1) ENSURE THAT SUPPLIES AND SERVICES PROVIDED BY BLIND**
2 **INDUSTRIES AND SERVICES OF MARYLAND OR A COMMUNITY SERVICE PROVIDER**
3 **CREATE WORK OPPORTUNITIES FOR INDIVIDUALS WHO HAVE A MENTAL OR**
4 **PHYSICAL DISABILITY, INCLUDING BLINDNESS, FOR WHICH BLIND INDUSTRIES AND**
5 **SERVICES OF MARYLAND OR THE COMMUNITY SERVICE PROVIDER WAS**
6 **ESTABLISHED TO ASSIST;**

7 **(2) SET THE PRICES OF SUPPLIES AND SERVICES THAT BLIND**
8 **INDUSTRIES AND SERVICES OF MARYLAND PROVIDES TO REFLECT THE FAIR**
9 **MARKET PRICES FOR THE SUPPLIES AND SERVICES;**

10 **[(1)] (3) establish procedures to govern procurement of supplies and**
11 **services from community service providers and individual with disability owned**
12 **businesses;**

13 **[(2)] (4) from the State procurement list, choose appropriate supplies and**
14 **services for community service providers and individual with disability owned businesses**
15 **to offer for procurement;**

16 **[(3)] (5) provide that the State procure those supplies and services from**
17 **a community service provider or an individual with disability owned business;**

18 **[(4)] (6) if supplies or services are not available for procurement from a**
19 **unit of the State government, determine whether supplies or services are available from a**
20 **community service provider or an individual with disability owned business;**

21 **[(5)] (7) determine the fair market price of supplies and services that**
22 **community service providers and individual with disability owned businesses provide;**

23 **[(6)] (8) in accordance with market conditions, adjust prices for the**
24 **supplies and services that community service providers and individual with disability**
25 **owned businesses provide; and**

26 **[(7)] (9) at the request of a community service provider or an individual**
27 **with disability owned business, review and, if appropriate, change the price of a supply or**
28 **service.**

29 **(f) In addition to the duties specified under subsection (e) of this section, the**
30 **Committee shall:**

31 **(1) establish and periodically review eligibility policies or guidelines for**
32 **participating community service providers and individual with disability owned**
33 **businesses;**

1 (2) maintain a current list of community service providers and individual
2 with disability owned businesses;

3 (3) periodically review and revise its list of community service providers
4 and individual with disability owned businesses; and

5 (4) send any revised list to the Secretary of General Services who shall
6 make the list available to each person responsible for buying supplies or services for the
7 State or a State aided or controlled entity.

8 14-107.

9 The Pricing and Selection Committee for **BLIND INDUSTRIES AND SERVICES OF**
10 **MARYLAND AND** the Employment Works Program shall:

11 (1) **(I) MAINTAIN A CURRENT LIST OF SUPPLIES AND SERVICES**
12 **THAT BLIND INDUSTRIES AND SERVICES OF MARYLAND PROVIDES; AND**

13 **(II) maintain a current list of supplies and services that community**
14 **service providers and individual with disability owned businesses provide;**

15 (2) periodically review and revise [its list] **THE LISTS** of supplies and
16 services [that community service providers and individual with disability owned businesses
17 provide] **MAINTAINED IN ACCORDANCE WITH ITEM (1) OF THIS SECTION;** and

18 (3) send the [list] **LISTS**, and any revised [list] **LISTS**, to the Secretary of
19 General Services who shall make the [list] **LISTS** available to each person responsible for
20 buying supplies or services for the State or a State aided or controlled entity.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1 of
22 each year, the Governor's Office of Minority Affairs and the Department of General Services
23 shall report to the Senate Education, Health, and Environmental Affairs Committee and
24 the House Health and Government Operations Committee, in accordance with § 2-1246 of
25 the State Government Article, on the impact of § 14-103(c) of the State Finance and
26 Procurement Article on the procurement by prime contractors of janitorial products from
27 minority business enterprises.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 ~~October~~ July 1, 2015. Section 2 of this Act shall remain effective for a period of 3 years and,
30 at the end of June 30, 2018, with no further action required by the General Assembly.
31 Section 2 of this Act shall be abrogated and of no further force and effect.