

HOUSE BILL 426

P2

7lr0186
CF SB 311

By: **The Speaker (By Request – Administration) and Delegates Cassilly, Kipke, McConkey, ~~and West~~ West, Pendergrass, Bromwell, Angel, Cullison, Hayes, Hill, Kelly, Krebs, Metzgar, Miele, Morales, Morgan, Pena–Melnyk, Platt, Rosenberg, Saab, Sample–Hughes, Szeliga, and K. Young**

Introduced and read first time: January 26, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Promoting Efficiencies in State Procurement**

3 FOR the purpose of altering various provisions of the State procurement law; altering the
4 dollar value threshold that triggers the requirement to publish a certain notice in
5 eMaryland Marketplace regarding certain procurements; expanding the list of the
6 types of procurement methods available to a procurement officer for certain
7 procurements; specifying a preferred procurement method for human, social,
8 cultural, or educational services; establishing qualification based selection as the
9 method of procurement for certain departments for architectural or engineering
10 services; specifying certain parameters, standards, and requirements applicable
11 under the qualification based selection procurement method; ~~requiring~~ authorizing
12 certain designated procurement units to adopt the master contracting procurement
13 method for procurements for certain services, supplies, commodities, or goods;
14 providing that, under certain circumstances, certain requirements for master
15 contracts do not apply to master contracts for construction; requiring the Board of
16 Public Works to adopt certain regulations regarding the solicitation of master
17 contracts and task orders; repealing the Maryland Architectural and Engineering
18 Services Act and related provisions of law concerning the General Professional
19 Services Selection Board in the Department of General Services; increasing, to at
20 least a certain percentage, the amount of payment security a contractor is required
21 to provide before a public body is authorized to award a construction contract;
22 authorizing the head of a public body to reduce the amount of payment security

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 required for certain construction contracts if a certain determination is made;
2 altering the dollar value of the contract for which certain public bodies may require
3 payment security or performance security for a construction contract; clarifying
4 provisions of law concerning procurements by the board of trustees or other persons
5 for a local community college; providing that competitive sealed proposals is the
6 preferred procurement method for certain educational or consultant services;
7 requiring the Maryland Higher Education Commission to conduct a certain study in
8 consultation with certain associations and report to certain committees of the
9 General Assembly on or before a certain date; defining certain terms; repealing
10 obsolete provisions of law; and generally relating to revisions of the State
11 procurement law.

12 BY repealing and reenacting, without amendments,
13 Article – State Finance and Procurement
14 Section 11–203(a)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 11–203(b), 13–101, 13–102, 13–103, 13–104, 13–109, 13–402, 15–202, and
20 17–103
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2016 Supplement)

23 BY adding to
24 Article – State Finance and Procurement
25 Section 13–112 and 13–114
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2016 Supplement)

28 BY repealing
29 Article – State Finance and Procurement
30 Section 13–301 through 13–323 and the subtitle “Subtitle 3. Architectural and
31 Engineering Services”; and 13–401 and the subtitle “Subtitle 4. Streamlined
32 Process for Procurement of Information Technology Services”
33 Annotated Code of Maryland
34 (2015 Replacement Volume and 2016 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article – Education
37 Section 16–311 and 16–313
38 Annotated Code of Maryland
39 (2014 Replacement Volume and 2016 Supplement)

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

Article – State Finance and Procurement

1

2 11-203.

3 (a) Except as provided in subsection (b) of this section, this Division II does not
4 apply to:

5 (1) procurement by:

6 (i) the Blind Industries and Services of Maryland;

7 (ii) the Maryland State Arts Council, for the support of the arts;

8 (iii) the Maryland Health and Higher Educational Facilities
9 Authority, if no State money is to be spent on a procurement contract;

10 (iv) the Maryland Industrial Training Program or the Partnership
11 for Workforce Quality Program in the Department of Commerce, for training services or
12 programs for new or expanding businesses or industries or businesses or industries in
13 transition;

14 (v) the Maryland Food Center Authority, to the extent the Authority
15 is exempt under Title 10, Subtitle 2 of the Economic Development Article;

16 (vi) the Maryland Public Broadcasting Commission:

17 1. for services of artists for educational and cultural
18 television productions;

19 2. when planning for or fulfilling the obligations of grants or
20 cooperative agreements that support the educational and cultural activities of the
21 Commission; or

22 3. for procurement contracts needed to implement the
23 repacking requirements of the Federal Spectrum Incentive Act;

24 (vii) public institutions of higher education, for cultural,
25 entertainment, and intercollegiate athletic procurement contracts;

26 (viii) the Maryland State Planning Council on Developmental
27 Disabilities, for services to support demonstration, pilot, and training programs;

28 (ix) the Maryland Historical Trust for:

29 1. surveying and evaluating architecturally, archeologically,
30 historically, or culturally significant properties; and

1 2. other than as to architectural services, preparing historic
2 preservation planning documents and educational material;

3 (x) the University of Maryland, for University College Overseas
4 Programs, if the University adopts regulations that:

5 1. establish policies and procedures governing procurement
6 for University College Overseas Programs; and

7 2. promote the purposes stated in § 11–201(a) of this subtitle;

8 (xi) the Department of Commerce, for negotiating and entering into
9 private sector cooperative marketing projects that directly enhance promotion of Maryland
10 and the tourism industry where there will be a private sector contribution to the project of
11 not less than 50% of the total cost of the project, if the project is reviewed by the Attorney
12 General and approved by the Secretary of Commerce or the Secretary’s designee;

13 (xii) the Rural Maryland Council;

14 (xiii) the Maryland State Lottery and Gaming Control Agency, for
15 negotiating and entering into private sector cooperative marketing projects that directly
16 enhance promotion of the Maryland State Lottery and its products, if the cooperative
17 marketing project:

18 1. provides a substantive promotional or marketing value
19 that the lottery determines acceptable in exchange for advertising or other promotional
20 activities provided by the lottery;

21 2. does not involve the advertising or other promotion of
22 alcohol or tobacco products; and

23 3. is reviewed by the Attorney General and approved by the
24 Maryland Lottery Director or the Director’s designee;

25 (xiv) the Maryland Health Insurance Plan established under Title 14,
26 Subtitle 5 of the Insurance Article;

27 (xv) the Maryland Energy Administration, when negotiating or
28 entering into grants or cooperative agreements with private entities to meet federal
29 specifications or solicitation requirements related to energy conservation, energy efficiency,
30 or renewable energy projects that benefit the State;

31 (xvi) the Maryland Developmental Disabilities Administration of the
32 Department of Health and Mental Hygiene for family and individual support services, and
33 individual family care services, as those terms are defined by the Department of Health
34 and Mental Hygiene in regulation;

1 (xvii) the Department of General Services for the renovation of a
2 structure that:

- 3 1. was built during the 18th or 19th century; and
- 4 2. is listed in or eligible for listing in the National Register of
5 Historic Places; and

6 (xviii) the Department of Natural Resources, for negotiating or entering
7 into grants, agreements, or partnerships with nonprofit entities related to conservation
8 service opportunities;

9 (2) procurement by a unit from:

- 10 (i) another unit;
- 11 (ii) a political subdivision of the State;
- 12 (iii) an agency of a political subdivision of the State;
- 13 (iv) a government, including the government of another state, of the
14 United States, or of another country;
- 15 (v) an agency or political subdivision of a government; or
- 16 (vi) a bistate, multistate, bicounty, or multicounty governmental
17 agency; or

18 (3) procurement in support of enterprise activities for the purpose of:

- 19 (i) direct resale; or
- 20 (ii) remanufacture and subsequent resale.

21 (b) (1) The following provisions of this Division II apply to each procurement
22 enumerated in subsection (a) of this section:

- 23 (i) § 11–205 of this subtitle (“Collusion”);
- 24 (ii) § 10–204 of this article (“Approval for designated contracts”);
- 25 (iii) Title 12, Subtitle 2 of this article (“Supervision of Capital
26 Expenditures and Real Property Leases”);
- 27 (iv) § 13–219 of this article (“Required clauses – Nondiscrimination
28 clause”);

- 1 (v) § 13–221 of this article (“Disclosures to Secretary of State”);
2 (vi) Title 12, Subtitle 4 of this article (“Policies and Procedures for
3 Exempt Units”);
4 (vii) § 15–112 of this article (“Change orders”);
5 (viii) Title 16 of this article (“Suspension and Debarment of
6 Contractors”); and
7 (ix) Title 17 of this article (“Special Provisions – State and Local
8 Subdivisions”).

9 (2) Except for procurement under subsection (a)(1)(i) and (xi) and (2)(i) and
10 (vi) of this section, the provisions of Title 14, Subtitle 3 of this article (“Minority Business
11 Participation”) shall apply to each procurement enumerated in subsection (a) of this
12 section.

13 (3) A procurement by an entity listed in subsection (a)(1)(i) through (xiii)
14 and (xvii) of this section shall be made under procedures that promote the purposes stated
15 in § 11–201(a) of this subtitle.

16 (4) (i) A unit that procures human, social, or educational services from
17 an entity enumerated in subsection (a)(2) of this section shall publish in eMaryland
18 Marketplace notice of a procurement contract or an extension or renewal of a procurement
19 contract if:

20 1. the procurement contract, extension, or renewal costs
21 more than [~~\$25,000~~] **\$50,000**; and

22 2. the procurement is made for 3rd party clients described in
23 § 13–106 of this article.

24 (ii) The notice required under this paragraph shall be published not
25 more than 30 days after the execution and approval of the procurement contract or the
26 extension or renewal of the procurement contract.

27 (5) The purchase of advisory services from the General Selection Board or
28 the Transportation Selection Board under § 13–305 of this article shall be governed by the
29 Maryland Architectural and Engineering Services Act.

30 13–101.

31 (a) In this subtitle the following words have the meanings indicated.

32 (B) **“DESIGNATED PROCUREMENT UNIT” MEANS:**

- 1 **(1) THE DEPARTMENT OF BUDGET AND MANAGEMENT;**
2 **(2) THE DEPARTMENT OF GENERAL SERVICES;**
3 **(3) THE DEPARTMENT OF INFORMATION TECHNOLOGY; OR**
4 **(4) THE DEPARTMENT OF TRANSPORTATION.**

5 **[(b)] (C)** “eMaryland Marketplace” means the Internet–based procurement
6 system managed by the Department of General Services.

7 **[(c)] (D)** “Evaluated bid price” means the price of a bid after adjustment in
8 accordance with objective measurable criteria.

9 **(E) “MASTER CONTRACTING” MEANS A STREAMLINED PROCUREMENT**
10 **METHOD THAT PROVIDES FOR THE QUALIFICATION OF BIDDERS AND OFFERORS FOR**
11 **THE PROCUREMENT OF SERVICES, SUPPLIES, OR COMMODITIES.**

12 **[(d)] (F) (1)** “Objective measurable criteria” means standards that enable the
13 State to compare the economy, effectiveness, or value of the subject of the bids.

14 (2) “Objective measurable criteria” includes standards of reliability,
15 operational costs, maintainability, useful life, and residual value.

16 **(G) “PERSON” INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE:**

17 **(1) THE STATE;**

18 **(2) A COUNTY, A MUNICIPAL CORPORATION, OR ANY OTHER**
19 **POLITICAL SUBDIVISION; AND**

20 **(3) ANY UNIT OF THE STATE GOVERNMENT OR A POLITICAL**
21 **SUBDIVISION.**

22 **(H) “TASK ORDER” MEANS A PROCUREMENT PROCESS IN WHICH ONLY**
23 **THOSE VENDORS WITH MASTER CONTRACTS MAY COMPETE TO PROVIDE THE**
24 **SERVICES, SUPPLIES, OR COMMODITIES UNDER THE PROCUREMENT.**

25 13–102.

26 (a) [Except as provided in Subtitle 3 and Subtitle 4 of this title, all procurement
27 by units shall be by competitive sealed bids unless one of the following methods specifically
28 is authorized] **THE FOLLOWING PROCUREMENT METHODS ARE AUTHORIZED AT THE**
29 **PROCUREMENT OFFICER’S DISCRETION, WHERE APPLICABLE:**

1 **(1) COMPETITIVE SEALED BIDS UNDER § 13–103 OF THIS SUBTITLE;**

2 ~~[(1)]~~ **(2)** competitive sealed proposals under § 13–104 or § 13–105 of this
3 subtitle;

4 ~~[(2)]~~ **(3)** noncompetitive negotiation under § 13–106 of this subtitle;

5 ~~[(3)]~~ **(4)** sole source procurement under § 13–107 of this subtitle;

6 ~~[(4)]~~ **(5)** emergency or expedited procurement under § 13–108 of this
7 subtitle;

8 ~~[(5)]~~ **(6)** small procurement under § 13–109 of this subtitle;

9 ~~[(6)]~~ **(7)** an intergovernmental cooperative purchasing agreement under
10 § 13–110 of this subtitle; ~~[or]~~

11 ~~[(7)]~~ **(8)** auction bids under § 13–111 of this subtitle;

12 **(9) ARCHITECTURAL AND ENGINEERING SERVICES QUALIFICATION**
13 **BASED SELECTION UNDER § 13–112 OF THIS SUBTITLE; OR**

14 **(10) MASTER CONTRACTING UNDER § 13–113 OF THIS SUBTITLE.**

15 (b) (1) In awarding a procurement contract for human, social, cultural, or
16 educational service, the preferred method is by competitive sealed proposals under §
17 13–104 of this subtitle.

18 (2) In awarding a procurement contract for a lease of real property, the
19 preferred method is by competitive sealed proposals under § 13–105 of this subtitle.

20 (3) Procurement under an intergovernmental cooperative purchasing
21 agreement is appropriate in situations where the State is expected to achieve a better price
22 as the result of economies of scale or to otherwise benefit by purchasing in cooperation with
23 another governmental entity.

24 13–103.

25 (a) (1) Whenever procurement is based on competitive sealed bids, a
26 procurement officer shall seek bids by issuing an invitation for bids.

27 (2) Subject to subsection (b) of this section, an invitation for bids shall
28 include:

1 (i) the specifications of the procurement contract, including the
2 expected degree of minority business enterprise participation, as provided in § 14-303(b) of
3 this article;

4 (ii) whether the procurement contract will be awarded based on the
5 lowest bid price, the lowest evaluated bid price or, if the procurement is subject to §
6 11-202(3) of this article, the bid most favorable to the State;

7 (iii) if the procurement contract will be based on evaluated bid price,
8 the objective measurable criteria by which the lowest evaluated bid price will be
9 determined; and

10 (iv) if the Secretary of General Services, the Secretary of
11 Transportation, or the Chancellor of the University System of Maryland has so designated,
12 the small business preference.

13 (b) (1) Whenever a procurement officer determines that an initial preparation
14 of specifications for price bids is impracticable, the invitation for bids may:

15 (i) include a request for unpriced technical offers or samples; and

16 (ii) direct bidders to submit price bids:

17 1. with the unpriced technical offers or samples; or

18 2. after the unit evaluates the technical offers or samples and
19 finds that they are acceptable under the criteria set forth in the invitation for bids.

20 (2) A unit shall consider the prices submitted by bidders whose technical
21 offers or samples have been found acceptable.

22 (3) Price bids may not be opened until after the unit has completed
23 evaluation of the technical offers or samples.

24 (4) (i) A price bid may not be opened at any time if the bid is submitted
25 by a bidder whose technical offer or sample has been evaluated as unacceptable to the unit.

26 (ii) A procurement officer shall return an unopened price bid
27 submitted by a bidder whose technical offer or sample has been evaluated as unacceptable.

28 (c) (1) A unit shall give public notice of an invitation for bids before bid
29 opening in accordance with this subsection.

30 (2) A unit shall give reasonable notice that shall be at least 10 days before
31 bid opening.

1 (3) [Until July 1, 2006, the] **THE** unit shall publish notice in [the Contract
2 Weekly, Contract Weekly Online, and] eMaryland Marketplace at least 20 days before bid
3 opening if:

4 (i) the procurement officer reasonably expects bid prices to exceed
5 **[\$25,000] \$50,000** or a lower amount set by the Board by regulation in accordance with
6 Title 10, Subtitle 1 of the State Government Article; and

7 (ii) at least part of the procurement contract is to be performed in
8 this State or the District of Columbia.

9 [(4) On and after July 1, 2006, the unit shall publish the notice required
10 under paragraph (3) of this subsection in eMaryland Marketplace.]

11 **[(5)] (4)** In addition to any notice required under this subsection, a unit
12 may publish notice of an invitation for bids:

13 (i) on a bid board or eMaryland Marketplace; or

14 (ii) in a newspaper, periodical, or trade journal.

15 (d) (1) A procurement officer shall:

16 (i) open bids in public at the time and place designated in the
17 invitation for bids; and

18 (ii) announce, record, and post:

19 1. the name of each bidder; and

20 2. the amount of each bid.

21 (2) Except as provided in paragraph (3) of this subsection, a bid is
22 irrevocable, after bid opening, for the period specified in the invitation for bids.

23 (3) A procurement officer may allow a bidder to correct or withdraw a bid
24 if correction or withdrawal is:

25 (i) allowed under regulations adopted under this Division II; and

26 (ii) approved in writing by the Office of the Attorney General.

27 (e) (1) After obtaining any approval required by law, the procurement officer
28 shall award the procurement contract to the responsible bidder who submits the responsive
29 bid that:

- 1 (i) is the lowest bid price;
- 2 (ii) if the invitation for bids so provides, is the lowest evaluated bid
3 price; or
- 4 (iii) for procurement subject to § 11–202(3) of this article, is the bid
5 most favorable to the State.

6 (2) If, after competitive sealed bids have been opened, a procurement
7 officer determines that only 1 responsible bidder has submitted a responsive bid, the unit
8 may negotiate the procurement contract with that 1 bidder under the procedure for sole
9 source procurement.

10 (3) (i) After competitive sealed bids have been opened, a procurement
11 officer may award a procurement contract on the basis of revised bids if:

- 12 1. all bids are rejected under § 13–206(b) of this title;
- 13 2. all bid prices exceed the funds available for the
14 procurement; or
- 15 3. with the approval of the head of the unit or a designee, the
16 procurement officer determines that all bids are unreasonable as to at least 1 requirement
17 and the delay that would result from issuing a new invitation for bids with revised
18 specifications or quantities would be fiscally disadvantageous or otherwise not in the best
19 interests of the State.

20 (ii) If there is more than 1 bidder, discussions about revised
21 specifications or quantities shall be conducted with all responsible bidders who submitted
22 responsive bids. The bidders shall be treated fairly and equally with respect to any
23 discussions.

24 (iii) As promptly as possible, the procurement officer shall:

- 25 1. issue an invitation for revised bids, which shall state
26 whether the award will be made without competitive negotiations; and
- 27 2. require a prompt response to that invitation.

28 (iv) An invitation for revised bids is not subject to the notice
29 requirements in subsection (c) of this section.

30 (v) After revised bids have been submitted, negotiations with
31 bidders may not be conducted unless the procurement officer determines that there is a
32 compelling reason to negotiate.

1 (vi) After revised bids have been opened and any approval required
2 by law has been obtained, the procurement officer shall award the procurement contract to
3 the responsible bidder who submits a responsive bid that:

- 4 1. is the lowest bid price;
- 5 2. if the invitation for revised bids so provides, is the lowest
6 evaluated bid price; or
- 7 3. for procurement subject to § 11–202(3) of this article, is the
8 bid most favorable to the State.

9 (4) A responsible bid or proposal shall include the criteria specified in
10 subsection (a) of this section.

11 (f) Not more than 30 days after the execution and approval of a procurement
12 contract in excess of [~~\$25,000~~ **\$50,000** awarded under this section, or a lower amount set
13 by the Board by regulation in accordance with Title 10, Subtitle 1 of the State Government
14 Article, a unit shall publish notice of the award]:

- 15 (1) until July 1, 2006, in the Contract Weekly and eMaryland Marketplace;
16 and
 - 17 (2) on and after July 1, 2006,] in eMaryland Marketplace.
- 18 13–104.

19 (a) Competitive sealed proposals [may be used if:

- 20 (1) the procurement is for human, social, cultural, or educational services;
- 21 (2) with the approval of the head of a unit, the procurement officer
22 determines that specifications cannot be prepared that allow an award based on the lowest
23 bid price, the lowest evaluated bid price or, if the procurement is subject to § 11–202(3) of
24 this article, the bid most favorable to the State; or
- 25 (3) the head of the unit determines that:

26 (i) the need to use a method other than competitive sealed bids is
27 sufficiently compelling to override the general public policy that favors awarding
28 procurement contracts on the basis of competitive sealed bids; and

29 (ii) the use of competitive sealed bidding for that procurement
30 contract is not practicable or not advantageous to the State] **IS THE PREFERRED METHOD**
31 **FOR HUMAN, SOCIAL, CULTURAL, OR EDUCATIONAL SERVICES.**

1 (b) (1) Whenever procurement is based on competitive sealed proposals, a
2 procurement officer shall seek proposals by issuing a request for proposals.

3 (2) A request for proposals shall include a statement of:

4 (i) the scope of the procurement contract, including the expected
5 degree of minority business enterprise participation, as provided in § 14-303(b) of this
6 article;

7 (ii) the factors, including price, that will be used in evaluating
8 proposals; and

9 (iii) the relative importance of each factor.

10 (c) A unit shall publish a request for proposals in the same manner as required
11 for an invitation for bids.

12 (d) (1) After receipt of proposals but before the procurement officer awards the
13 procurement contract, a unit may conduct discussions with an offeror to:

14 (i) obtain the best price for the State; and

15 (ii) ensure full understanding of:

16 1. the requirements of the State, as set forth in the request
17 for proposals; and

18 2. the proposal submitted by the offeror.

19 (2) If discussions are conducted, the unit:

20 (i) shall conduct the discussions in accordance with regulations
21 adopted under this Division II;

22 (ii) shall provide an opportunity to participate to each responsible
23 offeror who submits a proposal that, in the judgment of the procurement officer, is
24 reasonably susceptible of being selected for award;

25 (iii) shall treat all of those responsible offerors fairly and equally;

26 (iv) may allow all of those responsible offerors to revise their initial
27 proposals by submitting best and final offers, if discussions indicate that it would be in the
28 best interests of the State to do so;

29 (v) may conduct more than 1 series of discussions and requests for
30 best and final offers; and

1 (vi) may not disclose to an offeror any information derived from a
2 proposal or discussions with a competing offeror.

3 (e) (1) Except as provided in paragraph (2) of this subsection:

4 (i) a proposal is irrevocable for the period specified in the request
5 for proposals; and

6 (ii) a best and final offer is irrevocable for the period specified in the
7 request for best and final offers.

8 (2) A procurement officer may allow an offeror to correct or withdraw a
9 proposal or best and final offer if correction or withdrawal is:

10 (i) allowed under regulations adopted under this Division II; and

11 (ii) approved in writing by the Office of the Attorney General.

12 (f) After obtaining any approval required by law, the procurement officer shall
13 award the procurement contract to the responsible offeror who submits the proposal or best
14 and final offer determined to be the most advantageous to the State considering the
15 evaluation factors set forth in the request for proposals.

16 (g) A unit shall publish notice of a contract in excess of ~~[\$25,000]~~ **\$50,000**
17 awarded under this section, or a lower amount set by the Board by regulation in accordance
18 with Title 10, Subtitle 1 of the State Government Article [as follows:

19 (1) until July 1, 2006, in the Contract Weekly and in eMaryland
20 Marketplace; and

21 (2) on and after July 1, 2006,] in eMaryland Marketplace.

22 13-109.

23 (a) In this section, "small procurement" means a procurement for which:

24 (1) a unit spends ~~[\$25,000]~~ **\$50,000** or less;

25 (2) a contractor provides services subject to § 11-202(3) of this article for
26 expected annual revenues of ~~[\$25,000]~~ **\$50,000** or less; or

27 (3) the Department of General Services **OR THE DEPARTMENT OF**
28 **TRANSPORTATION** is seeking to award a procurement contract for a construction with a
29 value that is ~~[\$50,000]~~ **\$100,000** or less.

1 (b) A unit may make small procurements in accordance with the regulations of
2 primary procurement units.

3 (c) A primary procurement unit may not create a small procurement by artificial
4 division of a procurement.

5 (d) Any regulation of a primary procurement unit to govern small procurements:

6 (1) shall provide for a simplified administrative procedure;

7 (2) shall be consistent with the basic intent of this Division II; and

8 (3) may not be disadvantageous economically to the State.

9 (e) At least every 3 years, the Board shall:

10 (1) review the prevailing costs of labor and materials; and

11 (2) if warranted by changes in cost, recommend to the General Assembly
12 appropriate adjustments in the ceiling for a small procurement.

13 **13-112.**

14 (A) IN THIS SECTION, "DEPARTMENT" MEANS THE DEPARTMENT OF
15 GENERAL SERVICES OR THE DEPARTMENT OF TRANSPORTATION.

16 (B) QUALIFICATION BASED SELECTION SHALL ONLY BE USED BY THE
17 DEPARTMENT IF THE PROCUREMENT:

18 (1) IS FOR ARCHITECTURAL SERVICES OR ENGINEERING SERVICES;

19 (2) IS MADE ON A COMPETITIVE BASIS;

20 (3) INCLUDES AN EVALUATION OF THE TECHNICAL PROPOSALS AND
21 QUALIFICATIONS OF AT LEAST TWO PERSONS; AND

22 (4) THE SERVICES CANNOT BE PROVIDED FEASIBLY AND
23 ECONOMICALLY BY EXISTING IN-HOUSE RESOURCES.

24 (C) (1) WHENEVER A PROCUREMENT IS BASED ON QUALIFICATION
25 BASED SELECTION, A PROCUREMENT OFFICER SHALL SEEK PROPOSALS BY ISSUING
26 A REQUEST FOR ARCHITECTURAL SERVICES OR ENGINEERING SERVICES.

27 (2) A REQUEST FOR ARCHITECTURAL SERVICES OR ENGINEERING
28 SERVICES SHALL INCLUDE A STATEMENT:

1 **(I) DESCRIBING GENERALLY THE ARCHITECTURAL SERVICES**
2 **OR ENGINEERING SERVICES THAT ARE THE SUBJECT OF THE PROCUREMENT; AND**

3 **(II) INDICATING HOW AN INTERESTED PERSON MAY RECEIVE**
4 **INFORMATION ABOUT THE PROCUREMENT, INCLUDING A COMPREHENSIVE**
5 **DESCRIPTION OF THE NATURE AND SCOPE OF THE ARCHITECTURAL SERVICES OR**
6 **ENGINEERING SERVICES.**

7 **(D) THE DEPARTMENT SHALL PUBLISH REASONABLE AND TIMELY NOTICE**
8 **OF A REQUEST FOR ARCHITECTURAL SERVICES OR ENGINEERING SERVICES IN**
9 **EMARYLAND MARKETPLACE.**

10 **(E) THE DEPARTMENT SHALL:**

11 **(1) EVALUATE THE TECHNICAL PROPOSALS AND QUALIFICATIONS OF**
12 **THE PERSONS SUBMITTING THE PROPOSALS; AND**

13 **(2) DETERMINE AN ORDER OF PRIORITY BASED ON THOSE**
14 **EVALUATIONS.**

15 **(F) (1) FROM THE RESULTS OF THE SELECTION PROCESS UNDER THIS**
16 **SECTION, THE DEPARTMENT SHALL:**

17 **(I) BEGIN NEGOTIATIONS WITH THE MOST QUALIFIED**
18 **PERSONS; AND**

19 **(II) TRY TO NEGOTIATE A PROCUREMENT CONTRACT WITH**
20 **THAT PERSON AT A RATE OF COMPENSATION THAT IS FAIR, COMPETITIVE, AND**
21 **REASONABLE.**

22 **(2) IN DETERMINING THE RATE OF COMPENSATION UNDER THIS**
23 **SUBSECTION, THE DEPARTMENT SHALL:**

24 **(I) CONSIDER THE SCOPE AND COMPLEXITY OF THE**
25 **ARCHITECTURAL SERVICES OR ENGINEERING SERVICES REQUIRED; AND**

26 **(II) CONDUCT A DETAILED ANALYSIS OF THE COST OF THOSE**
27 **SERVICES.**

28 **(3) (I) IN DETERMINING THE RATE OF COMPENSATION UNDER**
29 **THIS SUBSECTION, THE DEPARTMENT OF TRANSPORTATION ALSO SHALL COMPLY**
30 **WITH LIMITS ON COSTS REIMBURSEMENT, INCLUDING OVERHEAD LIMITS**
31 **ESTABLISHED BY THE DEPARTMENT.**

1 **(II) IN SETTING THE LIMITS UNDER SUBPARAGRAPH (I) OF THIS**
2 **PARAGRAPH, THE DEPARTMENT OF TRANSPORTATION SHALL CONSIDER THE GOAL**
3 **OF THE SELECTION PROCESS AS WELL AS THE REASONABLE COST OF**
4 **ARCHITECTURAL SERVICES OR ENGINEERING SERVICES.**

5 **(G) IF THE DEPARTMENT IS UNABLE TO NEGOTIATE A SATISFACTORY**
6 **PROCUREMENT CONTRACT AT A RATE OF COMPENSATION THAT IS FAIR,**
7 **COMPETITIVE, AND REASONABLE, IT SHALL:**

8 **(1) TERMINATE NEGOTIATIONS WITH THE MOST QUALIFIED PERSON;**
9 **AND**

10 **(2) NEGOTIATE IN THE SAME MANNER WITH THE NEXT MOST**
11 **QUALIFIED PERSON AND, IF NECESSARY, CONTINUE NEGOTIATIONS IN**
12 **ACCORDANCE WITH THE PROCEDURES UNDER THIS SECTION UNTIL THE AGENCY**
13 **REACHES AN AGREEMENT.**

14 **(H) AFTER OBTAINING ANY APPROVAL REQUIRED BY LAW, THE**
15 **PROCUREMENT OFFICER SHALL AWARD A PROCUREMENT CONTRACT TO THE MOST**
16 **QUALIFIED PERSON WITH WHOM AN AGREEMENT WAS REACHED ON COMPENSATION**
17 **THAT IS FAIR, COMPETITIVE, AND REASONABLE.**

18 **(I) NOT MORE THAN 30 DAYS AFTER THE EXECUTION AND APPROVAL OF A**
19 **PROCUREMENT CONTRACT AWARDED UNDER THIS SECTION, THE DEPARTMENT**
20 **SHALL PUBLISH IN eMARYLAND MARKETPLACE NOTICE OF THE AWARD.**

21 **(J) ALL DOCUMENTS RELATING TO THE AWARD OF A PROCUREMENT**
22 **CONTRACT ARE TO BE MADE AVAILABLE TO THE PUBLIC, INCLUDING:**

- 23 **(1) TECHNICAL RESUMES;**
24 **(2) TECHNICAL PROPOSALS;**
25 **(3) THE PROCUREMENT CONTRACT;**
26 **(4) SCOPE OF SERVICES;**
27 **(5) PROGRAMS/PROJECTS;**
28 **(6) STAFF REPORTS;**
29 **(7) INTERNAL WORKSHEETS; AND**

1 **(8) ALL OTHER INFORMATION RELATING TO THE NEGOTIATION AND**
2 **AWARD OF A PROCUREMENT CONTRACT UNDER THIS SECTION.**

3 **(K) (1) THE DEPARTMENT SHALL WAIVE THE REQUIREMENTS IN**
4 **SUBSECTIONS (B), (E), (F), (G), AND (J) OF THIS SECTION IF:**

5 **(I) THE DEPARTMENT DETERMINES THAT:**

6 **1. THE ARCHITECTURAL SERVICES OR ENGINEERING**
7 **SERVICES CANNOT BE DEFINED SO COMPLETELY AS TO CARRY OUT THOSE**
8 **REQUIREMENTS; OR**

9 **2. THE SPECIFICATIONS REQUIRE ARCHITECTURAL**
10 **SERVICES OR ENGINEERING SERVICES THAT ARE AVAILABLE ONLY FROM A BONA**
11 **FIDE SINGLE SOURCE OR A PROPRIETARY PRODUCT OR PROCESS;**

12 **(II) THE GOVERNOR DECLARES AN EMERGENCY;**

13 **(III) AFTER A NATURAL DISASTER, PUBLIC HEALTH AND SAFETY**
14 **ARE ENDANGERED; OR**

15 **(IV) ON THE RECOMMENDATION OF THE SECRETARY OF THE**
16 **DEPARTMENT AND A FINDING BY THE GOVERNOR THAT EXTRAORDINARY**
17 **CIRCUMSTANCES EXIST, THE BOARD OF PUBLIC WORKS DETERMINES THAT:**

18 **1. FOR A PARTICULAR PROJECT, URGENT**
19 **CIRCUMSTANCES REQUIRE THE SELECTION OF A CONTRACTOR ON AN EXPEDITED**
20 **BASIS;**

21 **2. EXPEDITED SELECTION BEST SERVES THE PUBLIC**
22 **INTEREST; AND**

23 **3. THE NEED FOR AN EXPEDITED SELECTION**
24 **OUTWEIGHS THE BENEFITS OF CARRYING OUT THOSE REQUIREMENTS.**

25 **(2) A WAIVER AND THE REASONS FOR IT SHALL BE DOCUMENTED**
26 **AND:**

27 **(I) IMMEDIATELY REPORTED TO eMARYLAND MARKETPLACE**
28 **FOR PUBLICATION; AND**

29 **(II) REPORTED TO THE LEGISLATIVE POLICY COMMITTEE**
30 **WITHIN 30 DAYS AFTER THE WAIVER OCCURS.**

1 **(L) (1) THE DEPARTMENT MAY NOT AWARD A PROCUREMENT CONTRACT**
2 **TO A PERSON UNDER THIS SUBTITLE UNLESS:**

3 **(I) THE PERSON SUBMITS:**

4 **1. AN AFFIDAVIT OF NONCOLLUSION; AND**

5 **2. A PRICE QUOTATION; AND**

6 **(II) FOR A PROCUREMENT CONTRACT COSTING MORE THAN**
7 **\$200,000, THE PERSON HAS EXECUTED A TRUTH-IN-NEGOTIATION CERTIFICATE.**

8 **(2) THE TRUTH-IN-NEGOTIATION CERTIFICATE SHALL STATE THAT:**

9 **(I) WAGE RATES AND OTHER FACTUAL UNIT COSTS**
10 **SUPPORTING WAGES ARE ACCURATE, COMPLETE, AND CURRENT AS OF THE TIME OF**
11 **CONTRACTING; AND**

12 **(II) THE ORIGINAL PRICE OF THE PROCUREMENT CONTRACT**
13 **AND ANY ADDITIONS TO THE PROCUREMENT CONTRACT WILL BE ADJUSTED TO**
14 **EXCLUDE ANY SIGNIFICANT PRICE INCREASE IF THE DEPARTMENT DETERMINES**
15 **THAT THE PRICE INCREASE IS DUE TO WAGE RATES OR OTHER FACTUAL UNIT COSTS**
16 **THAT WERE INACCURATE, INCOMPLETE, OR NOT CURRENT AS OF THE TIME OF**
17 **CONTRACTING.**

18 **(3) AN ADJUSTMENT TO THE PROCUREMENT CONTRACT SHALL BE**
19 **MADE WITHIN 1 YEAR AFTER THE PROCUREMENT CONTRACT IS COMPLETED.**

20 **(M) THE DEPARTMENT MAY NOT AWARD A PROCUREMENT CONTRACT FOR**
21 **ARCHITECTURAL SERVICES OR ENGINEERING SERVICES THAT:**

22 **(1) IS A COST-PLUS-A-PERCENTAGE-OF-COST CONTRACT; OR**

23 **(2) INCLUDES FEE SCHEDULES THAT ARE BASED ON A PERCENTAGE**
24 **OF CONSTRUCTION COSTS.**

25 **(N) (1) THE STATE MAY POSTAUDIT THE RATES OF CONTRACTORS**
26 **PERFORMING ARCHITECTURAL SERVICES OR ENGINEERING SERVICES.**

27 **(2) ALL RATES USED IN A COST-PLUS-FIXED-FEE PROCUREMENT**
28 **CONTRACT SHALL BE VERIFIED BY POSTAUDIT IF:**

1 **(I) THE COMPENSATION IS MORE THAN \$50,000 AND THE**
2 **PROCUREMENT CONTRACT INVOLVES A UNIT OTHER THAN A TRANSPORTATION**
3 **UNIT; AND**

4 **(II) THE COMPENSATION IS MORE THAN \$25,000 AND THE**
5 **PROCUREMENT CONTRACT INVOLVES A TRANSPORTATION UNIT.**

6 **(3) ON REQUEST BY A PROCURING AUTHORITY OF ANY POLITICAL**
7 **SUBDIVISION OF THE STATE THAT IS CONSIDERING AN ARCHITECT OR ENGINEER**
8 **FOR A SPECIFIC PROJECT, ANY STATE AUDIT OF THE ARCHITECT OR ENGINEER**
9 **SHALL BE MADE AVAILABLE.**

10 **(O) (1) THE DEPARTMENT MAY TERMINATE WITHOUT LIABILITY A**
11 **PROCUREMENT CONTRACT FOR ARCHITECTURAL SERVICES OR ENGINEERING**
12 **SERVICES IF:**

13 **(I) THERE HAS BEEN A CONVICTION OF A CRIME ARISING OUT**
14 **OF OR IN CONNECTION WITH THE PROCUREMENT CONTRACT OR ANY PAYMENT TO**
15 **BE MADE UNDER THE PROCUREMENT CONTRACT; OR**

16 **(II) THERE HAS BEEN A BREACH OR VIOLATION OF ANY**
17 **PROVISION OF THIS SUBTITLE.**

18 **(2) SUBJECT TO SUBSECTION (A) OF THIS SECTION, THE**
19 **DEPARTMENT MAY DEDUCT FROM THE PROCUREMENT CONTRACT PRICE OR**
20 **OTHERWISE RECOVER THE FULL AMOUNT OF ANY FEE, COMMISSION, GIFT,**
21 **PERCENTAGE, OR OTHER CONSIDERATION PAID IN VIOLATION OF THIS SUBTITLE.**

22 **(3) IF A PROCUREMENT CONTRACT IS TERMINATED UNDER THIS**
23 **SECTION, THE CONTRACTOR:**

24 **(I) IS ENTITLED ONLY TO THE EARNED VALUE OF THE WORK**
25 **COMPLETED AS OF THE DATE OF TERMINATION, PLUS TERMINATION COSTS;**

26 **(II) IS LIABLE FOR ANY COSTS INCURRED FOR COMPLETION OF**
27 **THE WORK OVER THE MAXIMUM AMOUNT PAYABLE TO THE CONTRACTOR UNDER**
28 **THE PROCUREMENT CONTRACT; AND**

29 **(III) SHALL REFUND ALL PROFITS OR FIXED FEES REALIZED**
30 **UNDER THE PROCUREMENT CONTRACT.**

31 **(4) (I) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO**
32 **ANY OTHER RIGHT OR REMEDY ALLOWED BY LAW.**

1 **(II) BY CARRYING OUT THIS SECTION, THE DEPARTMENT DOES**
2 **NOT WAIVE ANY OTHER RIGHT OR REMEDY PROVIDED BY LAW.**

3 **(P) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY**
4 **OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000**
5 **OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.**

6 **(Q) (1) THE DEPARTMENT OF GENERAL SERVICES AND THE**
7 **DEPARTMENT OF TRANSPORTATION SHALL ADOPT REGULATIONS THAT PROVIDE**
8 **SUBSTANTIALLY SIMILAR PROCEDURES TO CARRY OUT THIS SECTION.**

9 **(2) THE PROCEDURES OF THE DEPARTMENT SHALL ENSURE THAT A**
10 **RECOMMENDATION TO THE BOARD OF PUBLIC WORKS FOR THE AWARD OF A**
11 **PROCUREMENT CONTRACT FOR ARCHITECTURAL SERVICES OR ENGINEERING**
12 **SERVICES COSTING OVER \$200,000 IS MADE ON A COMPETITIVE BASIS AND**
13 **INCLUDES AN EVALUATION OF THE TECHNICAL PROPOSALS AND QUALIFICATIONS**
14 **OF AT LEAST TWO PERSONS.**

15 **[13-402.] 13-113.**

16 (a) The [Secretary] **DESIGNATED PROCUREMENT UNITS ~~shall~~ MAY** adopt
17 **MASTER CONTRACTING**, a streamlined procurement [process for procurement of
18 information technology services that provides] **METHOD, TO PROVIDE** for the qualification
19 of an offeror in one or more categories of [information technology] services, **SUPPLIES, OR**
20 **COMMODITIES.**

21 (b) The [streamlined procurement process] **MASTER CONTRACTING**
22 **PROCUREMENT METHOD** adopted by [the Secretary] **EACH DESIGNATED**
23 **PROCUREMENT UNIT** shall include:

24 (1) the categories of [information technology] services, **SUPPLIES, OR**
25 **COMMODITIES** in which an offeror may submit a proposal for qualification;

26 (2) a procedure for the consideration and approval of proposals for
27 qualification of [an unlimited number of] **MULTIPLE** offerors in each category of
28 [information technology] services, **SUPPLIES, OR COMMODITIES;**

29 (3) the execution of a standard contract for a specified period of time
30 between the State and an offeror approved [for qualification in a category of information
31 technology services] **AS A MASTER CONTRACTOR; AND**

32 (4) [the policies and procedures to be followed by a unit of the Executive
33 Branch in the issuance of a solicitation for a task order for information technology services
34 to a qualified offeror that has executed a contract with the Secretary; and

1 (5) a performance evaluation procedure to be used by a unit of the
2 Executive Branch to evaluate the performance of a qualified offeror that has completed
3 work on a task order.

4 (c) (1) A unit of the Executive Branch that requires [information technology]
5 services, **SUPPLIES, OR COMMODITIES COVERED UNDER A MASTER CONTRACT** may
6 issue a solicitation for a task order to a [qualified offeror in the appropriate category of
7 information technology services] **MASTER CONTRACTOR** consistent with [procedures and
8 policies] **THE REGULATIONS** adopted [by the Secretary in subsection (b) of this section]
9 **UNDER § 13-114 OF THIS SUBTITLE.**

10 (2) The solicitation for a task order shall include a statement of the:

11 (i) factors that will be used in evaluating a [qualified offeror's]
12 **MASTER CONTRACTOR'S response; and**

13 (ii) relative importance of each factor.

14 (d) (1) If the unit of the Executive Branch expects that the total cost of the
15 [information technology] services, **SUPPLIES, OR COMMODITIES** will exceed \$100,000, the
16 unit shall issue a solicitation for a task order to all [qualified offerors] **MASTER**
17 **CONTRACTORS** in the appropriate category established by the [Secretary] **DESIGNATED**
18 **PROCUREMENT UNIT.**

19 (2) If the unit of the Executive Branch expects that the total cost of the
20 [information technology services] **SERVICES, SUPPLIES, OR COMMODITIES** will be
21 \$100,000 or less, the unit shall issue a solicitation for a task order to a minimum of six
22 qualified [offerors] **MASTER CONTRACTORS** or all [qualified offerors] **MASTER**
23 **CONTRACTORS**, whichever is less, in the appropriate category established by the
24 [Secretary] **DESIGNATED PROCUREMENT UNIT.**

25 (e) After a unit of the Executive Branch receives responses from [qualified
26 offerors] **MASTER CONTRACTORS** to a solicitation for a task order, the unit shall evaluate
27 the responses and may select [an offeror] **A MASTER CONTRACTOR** based on the response
28 that is determined to be the most advantageous to the State considering the evaluation
29 factors set forth in the task order.

30 **(F) THE REQUIREMENTS OF SUBSECTIONS (C)(2), (D), AND (E) OF THIS**
31 **SECTION DO NOT APPLY TO A MASTER CONTRACT FOR CONSTRUCTION IF THE**
32 **MASTER CONTRACT:**

33 **(1) IS AWARDED THROUGH A COMPETITIVE PROCESS IN ACCORDANCE**
34 **WITH THIS SUBTITLE; AND**

1 **(2) STATES HOW TASK ORDERS WILL BE AWARDED AND THE MAXIMUM**
2 **NUMBER OF QUALIFIED CONTRACTORS THAT WILL BE AWARDED A MASTER**
3 **CONTRACT FOR CONSTRUCTION.**

4 **13-114.**

5 **(A) THE BOARD SHALL ADOPT REGULATIONS IN ACCORDANCE WITH TITLE**
6 **10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE TO ESTABLISH A UNIFORM**
7 **PROCESS FOR THE SOLICITATION OF MASTER CONTRACTS AND TASK ORDERS.**

8 **(B) EACH DESIGNATED PROCUREMENT UNIT SHALL ENSURE COMPLIANCE**
9 **WITH THE REGULATIONS SET FORTH IN SUBSECTION (A) OF THIS SECTION.**

10 [Subtitle 3. Architectural and Engineering Services.]

11 [13-301.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) “General Selection Board” means the General Professional Services Selection
14 Board.

15 (c) “Person” includes, unless the context requires otherwise:

16 (1) the State;

17 (2) a county, municipal corporation, or other political subdivision; and

18 (3) any unit of the State government or a political subdivision.

19 (d) “Selection Board” means the General Selection Board or the Transportation
20 Selection Board.

21 (e) “Transportation Selection Board” means the Transportation Professional
22 Services Selection Board.

23 (f) “Transportation unit” means:

24 (1) the Department of Transportation;

25 (2) any unit in the Department of Transportation;

26 (3) the Maryland Port Commission; or

27 (4) the Maryland Transportation Authority.]

1 [13–302.

2 (a) There is a General Professional Services Selection Board in the Department
3 of General Services.

4 (b) (1) The General Selection Board consists of:

5 (i) 4 permanent members; and

6 (ii) 1 temporary member.

7 (2) The permanent members shall be:

8 (i) the Secretary of General Services, ex officio, or a designee; and

9 (ii) 3 members who are appointed by the Governor and shall be:

10 1. 1 appointee from the Department of General Services on
11 recommendation of the Secretary of General Services; and

12 2. 2 appointees from the general public, at least 1 of whom is
13 not an architect or engineer.

14 (3) The temporary member shall be the head of the unit whose request is
15 under consideration.

16 (4) On recommendation of the Secretary of General Services, the Governor
17 may appoint an alternate member to serve in the absence of the appointee under paragraph
18 (2)(ii)1 of this subsection.

19 (c) (1) The appointee from the Department of General Services serves at the
20 pleasure of the Governor.

21 (2) An appointee from the general public:

22 (i) serves a term of 5 years; and

23 (ii) at the end of the term, continues to serve until a successor is
24 appointed and qualifies.

25 (3) A temporary member serves only for the purpose of considering and
26 acting on the request of the unit that the temporary member represents.

27 (4) A permanent member who is appointed after a term has begun serves
28 only for the rest of the term and until a successor is appointed and qualifies.

1 (d) (1) The Governor may remove a member for incompetence, misconduct,
2 neglect of duty, or other sufficient cause.

3 (2) A member may not participate in any matter before the General
4 Selection Board in which the member:

5 (i) has an interest; or

6 (ii) is or, within the previous 12 months, has been associated with:

7 1. a transportation unit that has an interest in the matter;

8 or

9 2. any other person who is not a unit and has an interest in
10 the matter.

11 (e) Each appointee from the general public is entitled to:

12 (1) compensation in accordance with the State budget; and

13 (2) reimbursement for expenses under the Standard State Travel
14 Regulations, as provided in the State budget.]

15 [13–303.

16 (a) There is a Transportation Professional Services Selection Board in the
17 Department of Transportation.

18 (b) (1) The Transportation Selection Board consists of:

19 (i) 4 individuals who are permanent members; and

20 (ii) 1 individual who is a temporary member.

21 (2) The permanent membership shall consist of the following:

22 (i) the Secretary of Transportation, ex officio, or a designee;

23 (ii) 1 individual from the Department of Transportation, appointed
24 by the Governor on recommendation of the Secretary of Transportation; and

25 (iii) 2 individuals appointed by the Governor from the general public,
26 at least 1 of whom is not an architect or engineer.

27 (3) The transportation unit whose request the Transportation Selection
28 Board is considering shall appoint the temporary member.

1 (4) On recommendation of the Secretary of Transportation, the Governor
2 may appoint an alternate member to serve in the absence of the appointee under paragraph
3 (2)(ii) of this subsection.

4 (c) (1) The appointee from the Department of Transportation serves at the
5 pleasure of the Governor.

6 (2) An appointee from the general public:

7 (i) serves a term of 5 years; and

8 (ii) at the end of the term, continues to serve until a successor is
9 appointed and qualifies.

10 (3) A temporary member serves only for the purpose of considering and
11 acting on the request of the transportation unit that the temporary member represents.

12 (4) A permanent member who is appointed after a term has begun serves
13 only for the rest of the term and until a successor is appointed and qualifies.

14 (d) (1) The Governor may remove a member for incompetence, misconduct,
15 neglect of duty, or other sufficient cause.

16 (2) A member may not participate in any matter before the Transportation
17 Selection Board in which the member:

18 (i) has an interest; or

19 (ii) is or, within the previous 12 months, has been associated with a
20 person, other than a transportation unit, who has an interest in the matter.

21 (e) Each appointee from the general public is entitled to:

22 (1) compensation in accordance with the State budget; and

23 (2) reimbursement for expenses under the Standard State Travel
24 Regulations, as provided in the State budget.]

25 [13–304.

26 (a) The selection boards shall adopt regulations that provide substantially similar
27 procedures to carry out this subtitle.

28 (b) The procedures of each selection board shall ensure that a recommendation to
29 the Board of Public Works for the award of a procurement contract for architectural or
30 engineering services costing over \$200,000 is made on a competitive basis and includes an
31 evaluation of the technical proposals and qualifications of at least 2 persons.]

1 [13-305.

2 (a) At the request of a school board or a political subdivision of the State, the
3 Selection Board may provide advisory services about procurement of architectural services
4 or engineering services.

5 (b) A school board or political subdivision that receives advisory services under
6 this section shall reimburse the Selection Board for its costs.]

7 [13-306.

8 (a) Except for a transportation unit, a unit that intends to procure architectural
9 or engineering services costing more than \$200,000 shall submit a request to the General
10 Selection Board at a public meeting of that Board.

11 (b) The General Selection Board shall publish reasonable and timely notice of a
12 request presented under this section.]

13 [13-307.

14 (a) The General Selection Board may approve a request for architectural or
15 engineering services only if it concludes that the services cannot be provided feasibly and
16 economically by existing in-house resources.

17 (b) The General Selection Board shall:

18 (1) publish uniform and consistent announcements of all approvals for
19 requests for architectural services or engineering services; and

20 (2) mail a copy of an announcement to each person who requests notice.

21 (c) An announcement of an approval under this section shall:

22 (1) describe generally the architectural services or engineering services
23 that are the subject of the procurement; and

24 (2) indicate how an interested person may receive information about the
25 procurement.

26 (d) (1) On request, the General Selection Board shall provide to an interested
27 person a comprehensive description of the nature and scope of the architectural or
28 engineering services that are the subject of the procurement.

29 (2) The unit requesting the procurement shall prepare the description
30 required under this subsection.]

1 [13–308.

2 (a) The General Selection Board shall:

3 (1) evaluate technical proposals and the qualifications of the persons
4 submitting proposals; and

5 (2) determine an order of priority based on those evaluations.

6 (b) (1) The General Selection Board shall:

7 (i) begin negotiations with the most qualified person; and

8 (ii) try to negotiate a procurement contract with that person at a rate
9 of compensation that is fair, competitive, and reasonable.

10 (2) In determining the rate of compensation under this subsection, the
11 General Selection Board shall:

12 (i) consider the scope and complexity of the architectural or
13 engineering services required; and

14 (ii) conduct a detailed analysis of the cost of those services.

15 (c) (1) If the General Selection Board is unable to negotiate a satisfactory
16 procurement contract at a rate of compensation that is fair, competitive, and reasonable, it
17 shall:

18 (i) terminate negotiations with the most qualified person; and

19 (ii) negotiate in the same manner with the second and, if necessary,
20 the third most qualified person chosen under subsection (a) of this section.

21 (2) If the General Selection Board is unable to negotiate a procurement
22 contract with any person chosen under subsection (a) of this section, the General Selection
23 Board shall:

24 (i) choose additional persons in order of their competence and
25 qualification; and

26 (ii) continue negotiations in accordance with the procedures under
27 this section until it reaches an agreement.

28 (d) The General Selection Board may delegate the negotiation process to the
29 Department of General Services, but any negotiating team shall include a representative
30 of the unit requesting the procurement.]

1 [13-309.

2 The General Selection Board shall:

3 (1) review all procurement contract documents; and

4 (2) announce the general content of the documents at a public meeting of
5 that Board.]

6 [13-310.

7 (a) (1) A transportation unit that intends to procure architectural or
8 engineering services shall submit a request to the Secretary of Transportation.

9 (2) The Secretary of Transportation shall certify to the Transportation
10 Selection Board that the architectural or engineering services requested under this section
11 cannot be provided feasibly and economically by existing in-house resources.

12 (b) The Transportation Selection Board shall:

13 (1) publish uniform and consistent announcements of all requests for
14 architectural services or engineering services; and

15 (2) mail a copy of an announcement to each person who requests notice of
16 a specific project.

17 (c) An announcement of a request under this section shall:

18 (1) describe generally the architectural or engineering services that are the
19 subject of the procurement; and

20 (2) indicate how an interested person may receive information about the
21 procurement.

22 (d) A transportation unit shall negotiate competitively each procurement contract
23 for architectural or engineering services costing \$200,000 or less at a price that the
24 transportation unit determines to be fair and reasonable.]

25 [13-311.

26 (a) The Department of Transportation shall establish a selection process based
27 on a competitive procedure to:

28 (1) promote engineering and design quality and ensure maximum
29 competition by professional companies of all sizes providing architectural or engineering
30 services;

1 (2) evaluate technical proposals and the qualifications of the persons
2 submitting proposals; and

3 (3) determine an order of priority based on those evaluations.

4 (b) (1) From the results of the selection process under subsection (a) of this
5 section, the transportation unit shall:

6 (i) begin negotiations with the most qualified person; and

7 (ii) try to negotiate a procurement contract with that person at a rate
8 of compensation that is fair, competitive, and reasonable.

9 (2) In determining the rate of compensation under this subsection, the
10 transportation unit shall:

11 (i) consider the scope and complexity of the architectural or
12 engineering services required;

13 (ii) conduct a detailed analysis of the cost of those services; and

14 (iii) comply with limits on costs reimbursement, including, but not
15 limited to overhead limits, established by the Transportation Selection Board. In setting
16 such limits, the Board shall consider the goal of the selection process set forth in paragraph
17 (1) of this subsection, as well as the reasonable cost of architectural or engineering services.

18 (c) (1) If the transportation unit is unable to negotiate a satisfactory
19 procurement contract at a rate of compensation that is fair, competitive, and reasonable, it
20 shall:

21 (i) terminate negotiations with the most qualified person; and

22 (ii) negotiate in the same manner with the second and, if necessary,
23 the third most qualified person chosen under subsection (a) of this section.

24 (2) If the transportation unit is unable to negotiate a procurement contract
25 with any person chosen under subsection (a) of this section, the transportation unit shall:

26 (i) choose additional persons in order of their competence and
27 qualification; and

28 (ii) continue negotiations in accordance with the procedures under
29 this section until it reaches an agreement.

1 (d) The Transportation Selection Board may delegate the negotiation process to
2 the Department of Transportation, but any negotiating team shall include a representative
3 of the transportation unit requesting the procurement.]

4 [13–312.

5 (a) A transportation unit shall submit to the Transportation Selection Board the
6 name of the person with whom an agreement for the procurement of architectural services
7 or engineering services is reached in accordance with § 13–311 of this subtitle.

8 (b) The Transportation Selection Board shall:

9 (1) review all procurement contract documents; and

10 (2) announce the general content of the documents at a public meeting of
11 that Board.

12 (c) (1) The Transportation Selection Board shall hold a public meeting at
13 which that Board shall:

14 (i) accept or reject the person with whom the agreement was
15 reached; or

16 (ii) for cause, postpone its decision on the selection.

17 (2) The Transportation Selection Board shall provide reasonable and
18 timely notice of a meeting required under this subsection.]

19 [13–313.

20 The Selection Board shall make available for public review all documents that relate
21 to the award of a procurement contract, including:

22 (1) technical resumes;

23 (2) proposals;

24 (3) the procurement contract;

25 (4) scope of services;

26 (5) programs;

27 (6) staff reports;

28 (7) internal worksheets; and

1 (8) all other information that relates to the negotiation and award of a
2 procurement contract under this subtitle.]

3 [13–314.

4 (a) The Selection Board shall waive the requirements of §§ 13–304(b), 13–308,
5 13–309, 13–311, 13–312(b), and 13–313 of this subtitle if:

6 (1) the Selection Board determines that:

7 (i) the architectural services or engineering services cannot be
8 defined so completely as to carry out those requirements; or

9 (ii) the specifications require architectural services or engineering
10 services that are available only from a bona fide single source or a proprietary product or
11 process;

12 (2) the Governor declares an emergency;

13 (3) after a natural disaster, public health and safety are endangered; or

14 (4) on the recommendation of the Secretary of General Services or the
15 Secretary of Transportation and a finding by the Governor that extraordinary
16 circumstances exist, the Board of Public Works determines that:

17 (i) for a particular project, urgent circumstances require the
18 selection of a contractor on an expedited basis;

19 (ii) expedited selection best serves the public interest; and

20 (iii) the need for an expedited selection outweighs the benefits of
21 carrying out those requirements.

22 (b) A waiver and the reasons for it shall be documented and:

23 (1) immediately reported to eMaryland Marketplace for publication; and

24 (2) reported to the Legislative Policy Committee within 30 days after the
25 waiver occurs.]

26 [13–315.

27 (a) (1) After choosing a contractor in accordance with this subtitle, the
28 Selection Board shall recommend that contractor to the Board of Public Works.

29 (2) With each recommendation, the Selection Board shall submit a
30 statement of the reasons for the selection.

1 (3) The statement required under this subsection serves as a public notice
2 of the selection.

3 (b) The Selection Board shall assure the Board of Public Works that the
4 recommended contractor has the financial capacity to:

5 (1) provide the architectural services or engineering services; and

6 (2) protect the State from errors and omissions that might arise from the
7 performance of the architectural or engineering services by:

8 (i) the contractor; or

9 (ii) third parties relying on the completed design or work product.]

10 [13–316.

11 (a) Within 10 days after an offeror of architectural services or engineering
12 services receives notice of a recommendation by the Selection Board to the Board of Public
13 Works, the offeror may appeal the recommendation to the Board of Public Works.

14 (b) On an appeal under this section, the Board shall:

15 (1) approve the recommendation;

16 (2) disapprove the recommendation; or

17 (3) remand the matter to the Selection Board for further consideration.

18 (c) The Board of Public Works may award a prospective offeror or an offeror the
19 reasonable costs of filing and pursuing an appeal, not including attorney's fees, if:

20 (1) the prospective offeror or offeror appeals the recommendation of the
21 Transportation Selection Board or the General Selection Board to enter into an
22 architectural services or engineering services contract to the Board of Public Works;

23 (2) the Board of Public Works disapproves the recommendation of the
24 Transportation Selection Board or the General Selection Board; and

25 (3) the Board of Public Works finds that there has been a violation of the
26 procurement law or regulations.

27 (d) The Board of Public Works shall adopt regulations to implement this section
28 and to determine what constitutes reasonable costs of filing and pursuing an appeal.]

29 [13–317.

1 (a) A unit may not award a procurement contract to a person under this subtitle
2 unless:

3 (1) the person submits:

4 (i) an affidavit of noncollusion; and

5 (ii) a price quotation; and

6 (2) for a procurement contract costing more than \$200,000, the person has
7 executed a truth-in-negotiation certificate.

8 (b) The truth-in-negotiation certificate shall state that:

9 (1) wage rates and other factual unit costs supporting wages are accurate,
10 complete, and current as of the time of contracting; and

11 (2) the original price of the procurement contract and any additions to the
12 procurement contract will be adjusted to exclude any significant price increase if the
13 Selection Board determines that the price increase is due to wage rates or other factual
14 unit costs that were inaccurate, incomplete, or not current as of the time of contracting.

15 (c) An adjustment to the procurement contract shall be made within 1 year after
16 the procurement contract is completed.]

17 [13-318.

18 The Selection Board may not award a procurement contract for architectural services
19 or engineering services that:

20 (1) is a cost-plus-a-percentage-of-cost contract; or

21 (2) includes fee schedules that are based on a percentage of construction
22 costs.]

23 [13-320.

24 (a) (1) The State may postaudit the rates of contractors performing
25 architectural services or engineering services under this subtitle as required by the
26 regulations adopted under this subtitle.

27 (2) All rates used in a cost-plus-fixed-fee procurement contract shall be
28 verified by postaudit if:

29 (i) the compensation is more than \$50,000 and the procurement
30 contract involves a unit other than a transportation unit; and

1 (ii) the compensation is more than \$25,000 and the procurement
2 contract involves a transportation unit.

3 (b) On request by a procuring authority of any political subdivision of the State
4 that is considering an architect or engineer for a specific project, any State audit of the
5 architect or engineer shall be made available.]

6 [13-321.

7 (a) The Board may terminate without liability a procurement contract for
8 architectural services or engineering services if:

9 (1) there has been a conviction of a crime arising out of or in connection
10 with the procurement contract or any payment to be made under the procurement contract;
11 or

12 (2) there has been a breach or violation of any provision of this subtitle.

13 (b) Subject to subsection (a) of this section, the Board may deduct from the
14 procurement contract price or otherwise recover the full amount of any fee, commission,
15 gift, percentage, or other consideration paid in violation of this subtitle.

16 (c) If a procurement contract is terminated under this section, the contractor:

17 (1) is entitled only to the earned value of the work completed as of the date
18 of termination, plus termination costs;

19 (2) is liable for any costs incurred for completion of the work over the
20 maximum amount payable to the contractor under the procurement contract; and

21 (3) shall refund all profits or fixed fees realized under the procurement
22 contract.

23 (d) (1) The provisions of this section are in addition to any other right or
24 remedy allowed by law.

25 (2) By carrying out this section, the Board does not waive any other right
26 or remedy provided by law.]

27 [13-322.

28 A person who violates any provision of this subtitle is guilty of a felony and on
29 conviction is subject to a fine not exceeding \$20,000 or imprisonment not exceeding 10 years
30 or both.]

1 [13–323.

2 This subtitle may be cited as the “Maryland Architectural and Engineering Services
3 Act”.]

4 [Subtitle 4. Streamlined Process for Procurement of Information Technology Services.]

5 [13–401.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) “Information technology” has the meaning stated in § 3A–301 of this article.

8 (c) “Secretary” means the Secretary of Information Technology.]

9 15–202.

10 [This] **EXCEPT TO THE EXTENT AUTHORIZED BY REGULATION BY THE BOARD,**
11 **THIS** subtitle does not apply to a protest concerning[:

12 (1) except for a protest relating to a violation of § 13–212.1 of this article,
13 the formation of a procurement contract for architectural services or engineering services;
14 or

15 (2) except to the extent authorized by regulation by the Board,] any act or
16 omission by a procurement agency under Title 14, Subtitle 6 of this article.

17 17–103.

18 (a) (1) Before a public body awards a construction contract exceeding
19 \$100,000, the contractor shall provide payment security and performance security that
20 meet the requirements of § 17–104 of this subtitle.

21 (2) ~~The~~ **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
22 **SUBSECTION, THE** security shall be:

23 (i) for performance security, in an amount that the public body
24 considers adequate for its protection; and

25 (ii) for payment security, at least ~~50%~~ **100%** of the total amount
26 payable under the contract.

27 **(3) BEFORE ISSUING AN INVITATION FOR BIDS FOR A CONSTRUCTION**
28 **CONTRACT REQUIRING PAYMENT SECURITY, THE HEAD OF THE PUBLIC BODY MAY**
29 **REDUCE THE AMOUNT OF PAYMENT SECURITY REQUIRED TO NOT LESS THAN 50%**

1 OF THE TOTAL AMOUNT PAYABLE UNDER THE CONTRACT IF A DETERMINATION IS
 2 MADE IN WRITING THAT INCLUDES:

3 (I) A STATEMENT THAT REDUCING THE AMOUNT IS IN THE BEST
 4 INTEREST OF THE STATE; AND

5 (II) INFORMATION ON:

6 1. THE VALUE AND NUMBER OF SUBCONTRACTS TO BE
 7 AWARDED BY THE CONTRACTOR; AND

8 2. THE VALUE OF THE CONTRACT.

9 (b) A public body, other than the State or a unit of the State government, may
 10 require payment security or performance security for a construction contract if:

11 (1) the contract exceeds [~~\$25,000~~] **\$50,000** but does not exceed \$100,000;
 12 and

13 (2) the amount of the security does not exceed 50% of the contract amount.

14 **Article – Education**

15 16–311.

16 (a) (1) Except as provided in paragraph (2) of this subsection, this section
 17 applies to every contract for any building, improvement, equipment, or supplies.

18 (2) This section does not apply to:

19 (i) The purchase of books or other materials for instruction;

20 (ii) Emergency repairs;

21 (iii) Any contract or purchase made by a county for a community
 22 college under procedures authorized by the county charter or an act of the General
 23 Assembly; or

24 (iv) Any contract or purchase that qualifies as a “small procurement”
 25 as defined in the State Procurement Regulations.

26 (b) [All procurements shall be by competitive sealed bids, as described in this
 27 section, unless one of the following methods is specifically authorized] **AT THE**
 28 **DISCRETION OF THE PROCUREMENT OFFICER, THE FOLLOWING PROCUREMENT**
 29 **METHODS ARE AUTHORIZED WHERE APPLICABLE:**

1 **(1) COMPETITIVE SEALED BIDS UNDER SUBSECTION (C) OF THIS**
2 **SECTION;**

3 **[(1)] (2)** Competitive sealed proposals under § 16–313 of this subtitle;

4 **[(2)] (3)** Sole source procurement under § 16–314 of this subtitle; or

5 **[(3)] (4)** Noncompetitive negotiation under § 16–314.1 of this subtitle.

6 **(c) (1) THE BOARD OF TRUSTEES MAY PROVIDE FOR PROCUREMENT BY**
7 **COMPETITIVE SEALED BIDS IN ACCORDANCE WITH THIS SUBSECTION.**

8 **(2) (I) WHENEVER PROCUREMENT IS BASED ON COMPETITIVE**
9 **SEALED BIDS, THE BOARD OF TRUSTEES, OR ITS DESIGNEE, SHALL SEEK BIDS BY**
10 **ISSUING AN INVITATION FOR BIDS.**

11 **[(1)] (II)** The board of trustees, at least 2 weeks before bids are to be filed,
12 shall advertise for bids in at least one newspaper published in the county.

13 **[(2)] (III)** The board of trustees may name in the specifications and
14 advertisements for bids the particular make, kind, or brand of article to be contracted for
15 or purchased.

16 **[(d) (1)] (3)** The board of trustees of each community college may provide for
17 the prequalification of persons as prospective responsible bidders for procurements other
18 than leases of real property.

19 **[(2)] (4)** If a board of trustees uses a prequalification procedure for
20 awarding a procurement contract:

21 (i) A person who is not prequalified may submit a bid or proposal;
22 and

23 (ii) After bid opening or receipt of proposals and before awarding the
24 procurement contract, a procurement officer may determine that:

25 1. A person who was not prequalified at the time of bid
26 opening or receipt of proposals is a responsible bidder; or

27 2. A prequalified person is not a responsible bidder.

28 **[(e) (1)] (5)** Except as provided in **[subsection (f)] PARAGRAPH (7)** of this
29 **[section] SUBSECTION**, the contract shall be awarded to the lowest responsible bidder, who
30 conforms to the specifications, with consideration given to:

31 (i) The quantities involved;

- 1 (ii) The time required for delivery;
- 2 (iii) The purpose for which required;
- 3 (iv) The competence and responsibility of the bidder; and
- 4 (v) The ability of the bidder to perform the contract satisfactorily.

5 ~~[(2)]~~ **(6)** The board of trustees may reject any and all bids and readvertise
6 for other bids.

7 ~~[(f) (1)]~~ **(7)** **(I)** In this ~~[subsection]~~ **PARAGRAPH**, the term “minority
8 business enterprise” has the meaning stated in § 14–301 of the State Finance and
9 Procurement Article.

10 ~~[(2)]~~ **(II)** In Montgomery County, by resolution and by implementing rules
11 and regulations, the Board of Trustees of Montgomery Community College shall establish
12 a mandatory minority business utilization program to facilitate the participation of
13 responsible certified minority business enterprises in contracts awarded by the Board of
14 Trustees of Montgomery Community College in accordance with competitive bidding
15 requirements.

16 ~~[(h)]~~ **(D)** A contract entered into or purchase made in violation of this section is
17 void.

18 16–313.

19 (a) (1) The board of trustees may provide for procurement by competitive
20 sealed proposals in accordance with the provisions of this section.

21 (2) The board of trustees may adopt regulations to implement the
22 provisions of this section.

23 (b) Competitive sealed proposals ~~[may be used if:~~

24 (1) The procurement is for educational or consultant services;

25 (2) The procurement is for any building, improvement, equipment, or
26 supplies and the board of trustees or its designee determines that specifications cannot be
27 prepared that allow an award based on the lowest bid price, the lowest evaluated bid price,
28 or the bid most favorable to the college; or

29 (3) The board of trustees or its designee determines that:

1 (i) The need to use a method other than competitive sealed bids is
2 sufficiently compelling to override the general public policy that favors awarding
3 procurement contracts on the basis of competitive sealed bids; and

4 (ii) The use of competitive sealed bidding for that procurement
5 contract is not practicable or not advantageous to the college] **IS THE PREFERRED**
6 **PROCUREMENT METHOD FOR EDUCATIONAL OR CONSULTANT SERVICES.**

7 (c) (1) Whenever procurement is based on competitive sealed proposals, the
8 board of trustees or its designee shall seek proposals by issuing a request for proposals.

9 (2) A request for proposals shall include a statement of:

10 (i) The scope of the procurement contract;

11 (ii) The results to be achieved or services to be provided;

12 (iii) The factors, including price, that will be used in evaluating
13 proposals; and

14 (iv) The relative importance of each factor.

15 (d) The board of trustees or its designee shall publish a request for proposals in
16 the same manner as required for an invitation for bids.

17 (e) (1) After receipt of proposals but before the board of trustees awards the
18 procurement contract, the board or its designee may conduct discussions with an offeror to:

19 (i) Obtain the best price for the college; and

20 (ii) Ensure full understanding of:

21 1. The requirements of the college as set forth in the request
22 for proposals; and

23 2. The proposal submitted by the offeror.

24 (2) If discussions are conducted, the board of trustees or its designee:

25 (i) Shall conduct the discussions in accordance with regulations
26 adopted by the board;

27 (ii) Shall provide an opportunity to participate to each responsible
28 offeror who submits a proposal that, in the judgment of the board or its designee, is
29 reasonably susceptible of being selected for award;

30 (iii) Shall treat all of the responsible offerors fairly and equally;

1 (iv) May allow all of the responsible offerors to revise their initial
2 proposals by submitting best and final offers, if discussions indicate that it would be in the
3 best interests of the college to do so;

4 (v) May conduct more than one series of discussions and requests for
5 best and final offers; and

6 (vi) May not disclose to an offeror any information derived from a
7 proposal of or discussions with a competing offeror.

8 (f) (1) Except as provided in paragraph (2) of this subsection:

9 (i) A proposal is irrevocable for the period specified in the request
10 for proposals; and

11 (ii) A best and final offer is irrevocable for the period specified in the
12 request for best and final offers.

13 (2) The board of trustees or its designee may allow an offeror to correct or
14 withdraw a proposal or best and final offer if correction or withdrawal is allowed under
15 regulations adopted by the board.

16 (g) After obtaining any approval required by law, the board of trustees shall
17 award the procurement contract to the responsible offeror who submits the proposal or best
18 and final offer determined to be the most advantageous to the college considering the
19 evaluation factors set forth in the request for proposals.

20 (h) The board of trustees may reject any and all proposals and readvertise for
21 other offers.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
23 2017, the Maryland Higher Education Commission, in consultation with the
24 Maryland–Delaware–District of Columbia Press Association and the Maryland Association
25 of Community Colleges, shall:

26 (1) study the use and cost of advertising for bids in at least one newspaper
27 published in the county as required under § 16–311 of the Education Article; and

28 (2) report to the Senate Education, Health, and Environmental Affairs
29 Committee and the House Health and Government Operations Committee, in accordance
30 with § 2–1246 of the State Government Article, on the findings of the study conducted under
31 item (1) of this section.

32 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2017.