

# HOUSE BILL 190

P2

(PRE-FILED)

11r0492  
CF SB 157

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By: **Delegate Lierman**

Requested: September 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement – Specialized Printing Services Contracts – Board of Public Works**  
3 **Approval**

4 FOR the purpose of requiring the Board of Public Works to approve the award of a  
5 procurement contract for specialized printing services before a unit may execute the  
6 contract; prohibiting the Board from delegating its authority to approve the award  
7 of a procurement contract for specialized printing services; defining a certain term;  
8 altering certain definitions; and generally relating to the approval of specialized  
9 printing services contracts.

10 BY repealing and reenacting, without amendments,  
11 Article – State Finance and Procurement  
12 Section 11–101(a), (d), (n), and (o)  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Finance and Procurement  
17 Section 11–101(u) and (x) and 12–101  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2020 Supplement)

20 BY adding to  
21 Article – State Finance and Procurement

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### 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 11–101(u–1)  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2020 Supplement)

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

6 **Article – State Finance and Procurement**

7 11–101.

8 (a) In this Division II the following words have the meanings indicated unless:

9 (1) the context clearly requires a different meaning; or

10 (2) a different definition is provided for a particular title or provision.

11 (d) “Board” means the Board of Public Works.

12 (n) (1) “Procurement” means the process of:

13 (i) leasing real or personal property as lessee; or

14 (ii) buying or otherwise obtaining supplies, services, construction,  
15 construction related services, architectural services, engineering services, or services  
16 provided under an energy performance contract.

17 (2) “Procurement” includes the solicitation and award of procurement  
18 contracts and all phases of procurement contract administration.

19 (o) (1) “Procurement contract” means an agreement in any form entered into  
20 by a unit for procurement.

21 (2) “Procurement contract” does not include:

22 (i) a collective bargaining agreement with an employee  
23 organization;

24 (ii) an agreement with a contractual employee, as defined in §  
25 1–101(d) of the State Personnel and Pensions Article;

26 (iii) a Medicaid, Judicare, or similar reimbursement contract for  
27 which law sets:

28 1. user or recipient eligibility; and

29 2. price payable by the State; or

1 (iv) a Medicaid contract with a managed care organization, as  
2 defined in § 15–101(e) of the Health – General Article as to which regulations adopted by  
3 the Department establish:

- 4 1. recipient eligibility;
- 5 2. minimum qualifications for managed care organizations;
- 6 and
- 7 3. criteria for enrolling recipients in managed care  
8 organizations.

9 (u) (1) Except as provided in paragraph (3) of this subsection, “services”  
10 means:

- 11 (i) the labor, time, or effort of a contractor; and
- 12 (ii) any product or report necessarily associated with the rendering  
13 of a service.

14 (2) “Services” includes:

15 (I) services provided by attorneys, accountants, physicians,  
16 consultants, and other professionals who are independent contractors; AND

17 (II) **SPECIALIZED PRINTING SERVICES.**

18 (3) “Services” does not include:

- 19 (i) construction related services;
- 20 (ii) architectural services;
- 21 (iii) engineering services; or
- 22 (iv) energy performance contract services.

23 (U–1) **“SPECIALIZED PRINTING SERVICES” MEANS SERVICES VALUED AT**  
24 **\$100,000 OR MORE FOR THE PRINTING OF A BALLOT, AS DEFINED IN § 1–101 OF THE**  
25 **ELECTION LAW ARTICLE, OR A DOCUMENT THAT CONTAINS SENSITIVE OR**  
26 **PERSONALLY IDENTIFIABLE INFORMATION.**

27 (x) (1) “Supplies” means:

- 28 (i) insurance;

- 1 (ii) tangible personal property;
- 2 (iii) printing; and
- 3 (iv) services necessarily associated with insurance or tangible  
4 personal property.

5 (2) "Supplies" does not include:

- 6 (i) an interest in real property; [or]
- 7 (ii) tangible personal property acquired or used in connection with  
8 an energy performance contract; **OR**

9 **(III) SPECIALIZED PRINTING SERVICES.**

10 12–101.

11 (a) This section does not apply to capital expenditures by the Department of  
12 Transportation or the Maryland Transportation Authority, in connection with State roads,  
13 bridges, or highways, as provided in § 12–202 of this title.

14 (b) (1) The Board may control procurement by units.

15 (2) To implement the provisions of this Division II, the Board may:

- 16 (i) set policy;
- 17 (ii) adopt regulations, in accordance with Title 10, Subtitle 1 of the  
18 State Government Article; and
- 19 (iii) establish internal operational procedures consistent with this  
20 Division II.

21 (3) The Board shall ensure that the regulations of the primary  
22 procurement units provide for procedures that are consistent with this Division II and Title  
23 13, Subtitle 4 of the State Personnel and Pensions Article and, to the extent the  
24 circumstances of a particular type of procurement or a particular unit do not require  
25 otherwise, are substantially the same.

26 (4) **[The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
27 **THE** Board may delegate any of its authority that it determines to be appropriate for  
28 delegation and may require prior Board approval for specified procurement actions.

29 (5) Except as limited by the Maryland Constitution, the Board may  
30 exercise any control authority conferred on a primary procurement unit by this Division II

1 and, to the extent that its action conflicts with the action of the primary procurement unit,  
2 the action of the Board shall prevail.

3 (6) The Board shall develop and submit to the General Assembly, in  
4 accordance with § 2-1257 of the State Government Article, an annual report on the  
5 procurement system that includes information on actions necessary to improve effective  
6 broad-based competition in procurement.

7 (c) (1) **THE BOARD MUST APPROVE THE AWARD OF A PROCUREMENT**  
8 **CONTRACT FOR SPECIALIZED PRINTING SERVICES BEFORE THE UNIT MAY EXECUTE**  
9 **THE CONTRACT.**

10 (2) **THE BOARD MAY NOT DELEGATE ITS AUTHORITY TO APPROVE**  
11 **THE AWARD OF A PROCUREMENT CONTRACT FOR SPECIALIZED PRINTING SERVICES.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.