

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 137 (Delegate Charles)
Health and Government Operations

State Finance and Procurement - Procurement Improvement Council - Duties
and Report on eMaryland Marketplace

This bill expands the duties of the Procurement Improvement Council (PIC) to include providing a forum for the discussion of the use of eMaryland Marketplace (eMM) and compliance with a requirement that State and local entities publish notices of procurements or notices of procurement awards on eMM. It also requires PIC to submit a report to specified committees of the General Assembly by December 31, 2022, on compliance with the requirement to publish those notices. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None. The Department of General Services (DGS), which staffs PIC, can prepare the required report with existing resources. No effect on revenues.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law:

eMaryland Marketplace

eMM is the Internet-based procurement system managed by DGS. For State procurements expected to be valued at more than \$50,000, procurement officers must publish notice of invitations for bids and requests for proposals on eMM at least 20 days before bid or

proposal opening; for a contract award of more than \$50,000, they must also publish notice of the award on eMM.

In addition to State agencies, statute requires other entities to use eMM to publish notices of procurements *or* notices of contract awards valued at more than \$50,000. These other entities include counties, municipalities, bicounty or multicounty governmental agencies, special tax and utility districts, public institutions of higher education, public schools, and other entities otherwise exempt from State procurement law. For these entities, failure to publish a solicitation or contract award on eMM is not grounds to challenge or appeal the procurement award or the process through which a procurement was conducted.

Although not reflected in statute, DGS has rebranded eMM as eMaryland Marketplace Advantage (eMMA).

Procurement Improvement Council

PIC was established by Chapter 590 of 2017 as the successor to the Procurement Advisory Council. It has 12 members representing State agencies, local government, and the general public, and is chaired by the Chief Procurement Officer for the State. Statute assigns numerous responsibilities to PIC, among them ensuring that the State's procurement system is utilizing the most advanced procurement methods and management techniques, and advising and making recommendations to the Board of Public Works and the General Assembly on improving the State's procurement process.

Additional Information

Prior Introductions: HB 1113 of 2020, a similar bill as amended in the House, was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Department of General Services; Department of Legislative Services

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