

HOUSE BILL 388

P2, F2

2lr1267

By: **Delegate Luedtke**

Introduced and read first time: January 19, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage – University System of Maryland, Morgan State University, and**
3 **St. Mary’s College of Maryland – Applicability**

4 FOR the purpose of providing that the State prevailing wage law applies to a procurement
5 for a public work contract by the University System of Maryland, Morgan State
6 University, and St. Mary’s College of Maryland; and generally relating to the
7 prevailing wage.

8 BY repealing and reenacting, without amendments,

9 Article – State Finance and Procurement

10 Section 11–203(e)(1), (2), and (7)

11 Annotated Code of Maryland

12 (2021 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – State Finance and Procurement

15 Section 11–203(e)(5)

16 Annotated Code of Maryland

17 (2021 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – State Finance and Procurement**

21 11–203.

22 (e) (1) In this subsection, “University” means the University System of
23 Maryland, Morgan State University, or St. Mary’s College of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University and to Baltimore City Community College:

1. § 11–205 of this subtitle (“Collusion”);
2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);
3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);
4. § 13–225 of this article (“Retainage”);
5. Title 14, Subtitle 3 of this article (“Minority Business Participation”);
6. Title 14, Subtitle 7 of this article (“Certified Local Farm Enterprise Program”);
7. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);
8. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and
9. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, TITLE 17, SUBTITLE 2 OF THIS ARTICLE (“PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS”) APPLIES TO A UNIVERSITY.**

(iii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(i) procurement by a University or Baltimore City Community College from:

1. another unit;

1 2. a political subdivision of the State;

2 3. an agency of a political subdivision of the State;

3 4. a government, including the government of another state,
4 of the United States, or of another country;

5 5. an agency or political subdivision of a government; or

6 6. a bistate, multistate, bicounty, or multicounty
7 governmental agency;

8 (ii) procurement by a University in support of enterprise activities
9 for the purpose of:

10 1. direct resale;

11 2. remanufacture and subsequent resale; or

12 3. procurement by the University for overseas programs; or

13 (iii) procurement by the University System of Maryland for:

14 1. services of managers to invest, in accordance with the
15 management and investment policies adopted by the Board of Regents of the University
16 System of Maryland, gift and endowment assets received by the University System of
17 Maryland in accordance with § 12–104(e) of the Education Article; or

18 2. expenditures to manage, maintain, and enhance, in
19 accordance with the management and investment policies adopted by the Board of Regents
20 of the University System of Maryland, the value of gift and endowment assets received by
21 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2022.