

SENATE BILL 179

P2, M5

2lr0043

(PRE-FILED)

By: **Chair, Budget and Taxation Committee (By Request – Departmental – General Services)**

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 2022

CHAPTER _____

1 AN ACT concerning

2 **Energy Performance Contracts – Duration**

3 FOR the purpose of altering the maximum duration of an energy performance contract by
4 a unit of State government.

5 BY repealing and reenacting, without amendments,

6 Article – State Finance and Procurement

7 Section 12–301(a)

8 Annotated Code of Maryland

9 (2021 Replacement Volume)

10 BY repealing and reenacting, with amendments,

11 Article – State Finance and Procurement

12 Section 12–301(b)(1)

13 Annotated Code of Maryland

14 (2021 Replacement Volume)

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

17 **Article – State Finance and Procurement**

18 12–301.

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 (a) (1) (i) A unit shall consult with the Department of General Services
2 during the development phase of a project that will require an energy performance contract.

3 (ii) Before issuing a request for proposals for an energy performance
4 contract, a unit shall consult with the Department of General Services and the Chief
5 Procurement Officer.

6 (2) The Department of General Services shall review the proposed request
7 to ensure that it meets with the State energy standards and preserves the State’s flexibility
8 to investigate and use economically justifiable new technologies.

9 (3) A unit pursuing an energy contract must receive final approval from
10 the Department of General Services before submitting the proposed contract to the Board
11 of Public Works for approval.

12 (b) (1) Notwithstanding any other provision of law and subject to the approval
13 and control of the Board of Public Works and the Chief Procurement Officer, a unit of State
14 government is authorized to enter into energy performance contracts of up to **[15] 30** years’
15 duration.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.