

SENATE BILL 451

P2

3lr2511
CF HB 429

By: ~~Senator Griffith~~ Senators Griffith and Hester

Introduced and read first time: February 2, 2023

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Procurement Improvement Council – Membership and Duties**

3 FOR the purpose of altering the membership of the Procurement Improvement Council;
4 authorizing a certain member to send a designee to attend certain meetings under
5 certain circumstances; clarifying the duties of the Council; and generally relating to
6 ~~the membership of~~ the Procurement Improvement Council.

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 12–105
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2022 Supplement)

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

14 **Article – State Finance and Procurement**

15 12–105.

16 (a) In this section, “Council” means the Procurement Improvement Council.

17 (b) There is a Procurement Improvement Council.

18 (c) (1) The Council consists of the following [20] members:

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 (i) the State Treasurer;
- 2 (ii) the Chancellor of the University System of Maryland;
- 3 (iii) the Chief Procurement Officer;
- 4 (iv) the Secretary of Information Technology;
- 5 (v) the Secretary of Transportation;
- 6 (vi) the Procurement Advisor of the Board;
- 7 (vii) the Special Secretary for the Office of Small, Minority, and
8 Women Business Affairs;
- 9 (viii) the Secretary of Juvenile Services;
- 10 (ix) the Secretary of Human Services;
- 11 (x) the Secretary of Health;
- 12 (xi) the State Superintendent of Schools;

13 **(XII) THE COMPTROLLER;**

14 [(xii)] **(XIII)** the following individuals, appointed by the Governor with
15 the advice and consent of the Senate:

- 16 1. a representative of local government who has expertise in
17 local procurement matters;
- 18 2. two representatives of social service providers in the State;
19 and
- 20 3. a representative of a minority-, women-, or
21 veteran-owned business;

22 [(xiii)] **(XIV)** three members of the general public appointed by the
23 presiding officers of the General Assembly, of whom:

- 24 1. at least one shall have expertise in State procurement
25 matters; and
- 26 2. at least two shall represent a minority-, women-, or
27 veteran-owned business;

1 [(xiv)] **(XV)** a member of the Senate, appointed by the President of the
2 Senate; and

3 [(xv)] **(XVI)** a member of the House of Delegates, appointed by the
4 Speaker of the House.

5 (2) (i) If the State Treasurer is unable to attend a meeting of the
6 Council, the Treasurer may designate the Deputy Treasurer to attend the meeting.

7 (ii) If a member of the Council listed in paragraph (1)(ii) through (xi)
8 of this subsection is unable to attend a meeting of the Council, the member may designate
9 a senior management staff member with experience in procurement to attend the meeting.

10 **(III) IF THE COMPTROLLER IS UNABLE TO ATTEND A MEETING**
11 **OF THE COUNCIL, THE COMPTROLLER MAY SEND A DESIGNEE TO ATTEND THE**
12 **MEETING.**

13 (d) The Chief Procurement Officer is Chairman of the Council.

14 (e) The Council shall meet at least quarterly each year.

15 (f) The Chief Procurement Officer is the principal staff of the Council and the
16 Council shall have any additional staff authorized in accordance with the State budget.

17 (g) The Council shall:

18 (1) ensure that the State's procurement system is utilizing the most
19 advanced procurement methods and management techniques, including policies,
20 procedures, and forms for all procurement activity and contract management;

21 (2) effect and enhance communication between State units on procurement
22 matters, with an emphasis on disseminating information on current developments and
23 advances in procurement methods and management;

24 (3) provide a forum for the discussion of specific procurement issues and
25 problems that arise, including:

26 (i) procurement officer training;

27 (ii) risk analysis and insurance requirements;

28 (iii) management of eMaryland Marketplace and other Internet
29 procurement resources;

30 (iv) use of eMaryland Marketplace and compliance with § 17-502 of
31 this article;

1 (v) use of intergovernmental cooperative purchasing agreements;
2 ~~and~~

3 **(VI) STRATEGIES TO INCREASE THE PARTICIPATION OF SMALL,**
4 **MINORITY-OWNED, AND WOMEN-OWNED BUSINESSES IN PROCUREMENT**
5 **CONTRACTS; AND**

6 ~~(vi)~~ **(VII)** any other issues or problems identified by the Council;

7 (4) advise the Board on problems in the procurement process and make
8 recommendations for improvement of the process;

9 (5) review existing procurement regulations to:

10 (i) determine whether they fulfill the intent and purpose of the law,
11 especially as it relates to fostering broad-based competition; and

12 (ii) make recommendations on the regulations, if revising and
13 restructuring them will result in easier understanding and use; and

14 (6) advise the General Assembly on proposed legislation in order to
15 enhance the efficiency and transparency of State procurement.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.