
By: Allegany County Delegation

Introduced and read first time: January 18, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education - Emergency Procurements**

3 FOR the purpose of broadening an exception to a certain requirement for competitive
4 bidding in procurements by county boards of education; eliminating the
5 requirement that the emergency repair be required during the regular school year;
6 and generally relating to emergency procurements by county boards of education.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 5-110
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article - Education**

15 5-110.

16 (a) This section does not apply to:

- 17 (1) Baltimore City;
- 18 (2) Contracts for the purchase of books and other materials of instruction as
19 defined in the State Department of Education Financial Reporting Manual; and
- 20 (3) Emergency repairs [required during the regular school year].

21 (b) (1) If the cost of any school building, improvement, supplies, or equipment
22 is more than \$15,000, the county board, at least 2 weeks before bids are to be filed, shall
23 advertise for bids in at least one newspaper of general circulation in the county.

24 (2) The county board may name in the specifications and advertisements for
25 bids the particular make, kind, or brand of article to be contracted for or purchased.

26 (c) (1) A contract for the school building, improvements, supplies, or other
27 equipment shall be awarded to the lowest responsible bidder who conforms to
28 specifications with consideration given to:

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- 1 (i) The quantities involved;
- 2 (ii) The time required for delivery;
- 3 (iii) The purpose for which required;
- 4 (iv) The competency and responsibility of the bidder; and
- 5 (v) The ability of the bidder to perform satisfactory service.

6 (2) The county board may reject any and all bids and readvertise for other
7 bids.

8 (d) (1) In this subsection, the term "minority business enterprise" has the
9 meaning stated in § 14-301 of the State Finance and Procurement Article.

10 (2) In Montgomery County, by resolution and by implementing regulations,
11 the Montgomery County Board of Education shall establish a minority business utilization
12 program to facilitate the participation of responsible certified minority business
13 enterprises in contracts awarded by the Montgomery County Board of Education in
14 accordance with competitive bidding procedures.

15 (e) A contract entered into or purchase made in violation of this section is void.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1996.