

BY: Delegate La Vay

AMENDMENTS TO SENATE BILL NO. 202

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "school;" insert "requiring a contractor submitting a bid or proposal for school construction to submit dual bids; providing for the content of the bids; requiring the contracting public body to select a bid not providing for prevailing wages under certain circumstances; providing that certain provisions of this Act apply notwithstanding certain other provisions of the State procurement law;".

AMENDMENT NO. 2

On page 1, after line 8, insert:

"BY adding to

Article - State Finance and Procurement

Section 13-102.1

Annotated Code of Maryland

(1995 Replacement Volume and 1999 Supplement)";

and in line 11, after "17-201" insert "and 17-210".

AMENDMENT NO. 3

On page 2, after line 1, insert:

"13-102.1.

NOTWITHSTANDING THE PROVISIONS OF THIS SUBTITLE, A PUBLIC BODY SOLICITING BIDS FOR A PUBLIC SCHOOL CONSTRUCTION CONTRACT ON OR AFTER JULY 1, 2000, SHALL:

(Over)

(1) REQUIRE THE SUBMISSION OF DUAL BIDS AS PROVIDED UNDER § 17-210(D) OF THIS ARTICLE; AND

(2) USE THE PROCEDURE FOR AWARDED BIDS REQUIRED UNDER § 17-210(D) OF THIS ARTICLE. ”.

AMENDMENT NO. 4

On page 4, after line 18, insert:

“17-210.

(a) Before a public body advertises for bids or proposals for a public work contract, it shall request the Commissioner to determine the prevailing wage rate for each classification of worker required to perform the public work contract.

(b) (1) The Commissioner shall give notice of each prevailing wage rate determination for a public work contract under this subtitle.

(2) On written request, the Commissioner shall mail to any representative of any classification, any employer, or any representative of any group of employers notice:

(i) that a determination will be made, at least 60 days before making the determination; and

(ii) of the determination, after making the determination.

(c) After a determination has been made, the public body shall include each prevailing wage rate for straight time and overtime:

(1) in any call for bids or proposals;

(2) in the specifications for the public work contract; and

(3) in the public work contract.

(D) (1) BEGINNING JULY 1, 2000, EACH CONTRACTOR SUBMITTING A BID FOR A PUBLIC SCHOOL CONSTRUCTION CONTRACT COVERED UNDER THIS SUBTITLE SHALL SUBMIT TWO BIDS:

(I) ONE BID SHALL INCLUDE THE USE OF THE PREVAILING WAGE; AND

(II) ONE BID SHALL OMIT THE USE OF THE PREVAILING WAGE.

(2) (I) EACH PUBLIC BODY SOLICITING BIDS FOR A PUBLIC SCHOOL CONSTRUCTION CONTRACT SHALL COMPARE THE TWO BIDS SUBMITTED UNDER THIS SUBSECTION.

(II) THE PUBLIC BODY MAY AWARD A CONTRACT IN ACCEPTANCE OF A BID SUBMITTED UNDER THIS SUBSECTION THAT DOES NOT INCLUDE THE USE OF THE PREVAILING WAGE IF THAT BID RESULTS IN A SAVINGS TO THE PUBLIC BODY OF 5% OR MORE OF THE COST OF THE LOWEST BID SUBMITTED THAT INCLUDES THE USE OF THE PREVAILING WAGE.".