

SENATE BILL 70

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2001 Regular Session
11r0111

(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - General Services)

Requested: October 26, 2000
Introduced and read first time: January 10, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 7, 2001

CHAPTER 354

1 AN ACT concerning

2 **State Procurement - Electronic Transactions**

3 FOR the purpose of authorizing primary procurement units of State government to
4 conduct certain ~~procurement transactions~~ procurements by electronic means;
5 providing that bidding on a contract solicited by electronic means constitutes
6 consent to conduct certain ~~transactions~~ elements of the procurement of that
7 contract by electronic means; authorizing the charge of reasonable fees for
8 certain electronic transactions under certain circumstances; requiring certain
9 terms and conditions of certain procurements to comply with certain provisions
10 of law; and generally relating to electronic transactions in procurement
11 contracts.

12 BY adding to
13 Article - State Finance and Procurement
14 Section 13-226
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 2000 Supplement)

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

1 **Article - State Finance and Procurement**

2 13-226.

3 (A) UNLESS OTHERWISE PROHIBITED BY LAW, A PRIMARY PROCUREMENT
4 UNIT MAY CONDUCT ~~ALL OR ANY PART OF A PROCUREMENT TRANSACTION,~~
5 INCLUDING THE SOLICITATION, BIDDING, AWARD, EXECUTION, OR AND
6 ADMINISTRATION OF A CONTRACT, BY ELECTRONIC MEANS AS PROVIDED IN THE
7 UNIFORM ELECTRONIC TRANSACTIONS ACT IN TITLE 21 OF THE COMMERCIAL LAW
8 ARTICLE.

9 (B) BIDDING ON A PROCUREMENT CONTRACT BY ELECTRONIC MEANS SHALL
10 CONSTITUTE CONSENT BY THE BIDDER TO CONDUCT BY ELECTRONIC MEANS ALL
11 ELEMENTS OF THE PROCUREMENT ~~TRANSACTION OF THAT CONTRACT~~ WHICH THE
12 UNIT AGREES TO CONDUCT BY ELECTRONIC MEANS.

13 (C) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
14 UNIT UTILIZING ELECTRONIC MEANS TO CONDUCT ~~ELEMENTS OF A PROCUREMENT~~
15 ~~TRANSACTION~~ OR A PRIVATE CONTRACTOR FURNISHING TO THE STATE ELECTRONIC
16 MEANS FOR CONDUCTING ~~ELEMENTS OF A PROCUREMENT TRANSACTION~~ MAY
17 CHARGE A REASONABLE FEE TO THE BIDDER FOR THE USE OF THE ELECTRONIC
18 MEANS.

19 ~~(2) NO FEE MAY BE CHARGED UNDER THIS SUBSECTION UNLESS~~
20 ~~APPROVED BY THE BOARD OF PUBLIC WORKS.~~

21 (2) UNLESS APPROVED BY THE BOARD OF PUBLIC WORKS, A FEE MAY
22 NOT BE CHARGED UNDER THIS SUBSECTION.

23 (D) THE TERMS AND CONDITIONS OF A PROCUREMENT CONDUCTED UNDER
24 THIS SECTION SHALL COMPLY WITH THE UNIFORM ELECTRONIC TRANSACTIONS ACT
25 IN TITLE 21 OF THE COMMERCIAL LAW ARTICLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2001.