

HOUSE BILL 95

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(PRE-FILED)

By: **Chairman, Commerce and Government Matters Committee**
(Departmental - Transportation)

Requested: October 19, 2001
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CHAPTER 203

1 AN ACT concerning

2 **Procurement - Department of Transportation - Supplies and Services for**
3 **Aeronautics Related Activities**

4 FOR the purpose of authorizing the Department of Transportation to procure certain
5 supplies and services for aeronautics related activities in a certain manner; and
6 generally relating to the procurement authority of the Department of
7 Transportation.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 12-107
11 Annotated Code of Maryland
12 (2001 Replacement Volume)

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

15 **Article - State Finance and Procurement**

16 12-107.

17 (a) This section does not apply to capital expenditures by the Department of
18 Transportation or the Maryland Transportation Authority, in connection with State
19 roads, bridges, or highways, as provided in § 12-202 of this title.

1 (b) Subject to the authority of the Board, jurisdiction over procurement is as
2 follows:

3 (1) the State Treasurer may engage in or control procurement of banking
4 and financial services, insurance, and insurance services, as provided in Division I of
5 this article and Article VI, § 3 of the Maryland Constitution;

6 (2) the Department of Budget and Management may control
7 procurement of:

8 (i) information processing equipment and associated services, as
9 provided in Title 3, Subtitle 4 of this article;

10 (ii) services by a unit, subject to any limitation in this Division II;
11 and

12 (iii) leases of motor vehicles, as provided in Title 3, Subtitle 5 of this
13 article;

14 (3) the Department of General Services may engage in or control
15 procurement of:

16 (i) leases of real property, including leases under Title 4, Subtitle 3
17 of this article;

18 (ii) supplies, including supplies under Title 4, Subtitle 3 of this
19 article, but excluding insurance, information processing equipment, and motor
20 vehicle leases;

21 (iii) construction, including construction under Title 4, Subtitle 4 of
22 this article;

23 (iv) construction related services, including those under Title 4,
24 Subtitle 4 of this article; and

25 (v) architectural or engineering services under Title 13, Subtitle 3
26 of this article;

27 (4) the Department of Transportation and the Maryland Transportation
28 Authority, without the approval of any of the other primary procurement units, may
29 engage in the procurement of:

30 (i) construction that is related to transportation, as provided in the
31 Transportation Article;

32 (ii) construction related services that are related to transportation,
33 as provided in the Transportation Article;

34 (iii) architectural or engineering services that are related to
35 transportation, under Title 13, Subtitle 3 of this article; [and]

1 (iv) rolling stock and other property peculiar to the operation of a
2 transit system, as provided in § 7-403 of the Transportation Article;

3 (V) SUPPLIES FOR AERONAUTICS RELATED ACTIVITIES,
4 INCLUDING MOTOR VEHICLES AND INFORMATION PROCESSING SUPPLIES, BUT
5 EXCLUDING:

6 1. SUPPLIES FUNDED BY THE PROCEEDS FROM STATE
7 GENERAL OBLIGATION BONDS; AND

8 2. INSURANCE; AND

9 (VI) SERVICES FOR AERONAUTICS RELATED ACTIVITIES,
10 INCLUDING INFORMATION PROCESSING SERVICES, BUT EXCLUDING BANKING AND
11 FINANCIAL SERVICES UNDER THE AUTHORITY OF THE STATE TREASURER UNDER
12 ITEM (1) OF THIS SUBSECTION;

13 (5) the Maryland Port Commission, without the approval of any of the
14 other primary procurement units, may engage in the procurement of:

15 (i) supplies for port related activities, including motor vehicles and
16 information processing supplies, but excluding:

17 1. supplies funded by the proceeds from State general
18 obligation bonds; and

19 2. insurance;

20 (ii) services for port related activities, including information
21 processing services, but excluding banking and financial services under the authority
22 of the State Treasurer under item (1) of this subsection;

23 (iii) construction and construction related services for a port facility
24 as defined in § 6-101(e) of the Transportation Article;

25 (iv) port related architectural and engineering services under Title
26 13, Subtitle 3 of this article; and

27 (v) leases of real property for port related activities unless the lease
28 payments are from the General Fund of the State;

29 (6) the Department of Public Safety and Correctional Services may,
30 without the approval of any of the other primary procurement units:

31 (i) engage in the procurement of construction and construction
32 related services for State correctional facilities; and

33 (ii) engage in the procurement of supplies, materials, and
34 equipment in support of construction and construction related services for State
35 correctional facilities in accordance with this Division II and Title 2 and Title 10,
36 Subtitle 1 of the Correctional Services Article; and

1 (7) Morgan State University, without the approval of any of the other
2 primary procurement units, may engage in the procurement of:

3 (i) supplies for the University, including motor vehicles and, to the
4 extent provided by Title 3, Subtitle 4 of this article, information processing supplies,
5 but excluding insurance;

6 (ii) services for the University, including information processing
7 services to the extent provided in Title 3, Subtitle 4 of this article, but excluding
8 banking and financial services under the authority of the State Treasurer under item
9 (1) of this subsection;

10 (iii) construction and construction related services for the
11 University, regardless of the source of funds, to the extent that the Board grants
12 authority over specific projects or classes of projects; and

13 (iv) leases of real property for the University if the lease payments
14 are not paid from the General Fund of the State.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2002.