

HOUSE BILL 572

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2002 Regular Session
(2r1982)

ENROLLED BILL

-- Commerce and Government Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates A. Jones, Burns, DeCarlo, Finifter, Hubers,
Klausmeier, Malone, Minnick, Mohorovic, Morhaim, Nathan-Pulliam,
and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 378

1 AN ACT concerning

2 **Community Colleges - Baltimore County - Procurement**

3 FOR the purpose of authorizing the Board of Trustees of the Community College of
4 Baltimore County to conduct noncompetitive negotiations for certain
5 procurements, subject to certain dollar limits; establishing procurements by
6 noncompetitive negotiation as an exception to the general requirements for
7 procurements by community colleges; requiring the Board of Trustees of the
8 Community College for Baltimore County to establish certain standards and
9 procedures relating to noncompetitive negotiation procurements; and generally
10 relating to noncompetitive negotiation procurement at the Community College
11 of Baltimore County.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 16-311(b)

1 Annotated Code of Maryland
2 (2001 Replacement Volume)

3 BY adding to
4 Article - Education
5 Section 16-314.5
6 Annotated Code of Maryland
7 (2001 Replacement Volume)

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

10 **Article - Education**

11 16-311.

12 (b) All procurements shall be by competitive sealed bids, as described in this
13 section, unless one of the following methods is specifically authorized:

- 14 (1) Competitive sealed proposals under § 16-313 of this subtitle; [or]
15 (2) Sole source procurement under § 16-314 of this subtitle; OR
16 (3) COMPETITIVE NEGOTIATION UNDER § 16-314.5 OF THIS SUBTITLE.

17 16-314.5.

18 (A) THIS SECTION APPLIES TO CONTRACTS IN AMOUNTS NOT EXCEEDING THE
19 PRODUCT OF FOUR TIMES THE MAXIMUM AMOUNT OF A SMALL PROCUREMENT AS
20 DEFINED IN § 13-109 OF THE STATE FINANCE AND PROCUREMENT ARTICLE \$100,000.

21 (B) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR BALTIMORE
22 COUNTY MAY AWARD A PROCUREMENT CONTRACT ON THE BASIS OF
23 NONCOMPETITIVE NEGOTIATION:

- 24 (1) FOR UNSOLICITED OFFERS THAT:
25 (I) ARE IN WRITING;
26 (II) ARE SUFFICIENTLY DETAILED TO ALLOW A JUDGMENT
27 REGARDING THE POTENTIAL UTILITY OF THE OFFER;
28 (III) ARE UNIQUE OR INNOVATIVE;
29 (IV) DEMONSTRATE THE PROPRIETARY CHARACTER OF THE
30 OFFERING WARRANTING CONSIDERATION OF THE USE OF COMPETITIVE
31 NEGOTIATION;
32 (V) MAY BE SUBJECT TO TESTING UNDER TERMS AND CONDITIONS
33 SPECIFIED BY THE DIRECTOR OF PURCHASING; AND

1 (VI) CANNOT BE PROCURED THROUGH COMPETITIVE
2 METHODOLOGIES;

3 (2) FOR THE PROCUREMENT OF GOODS OR SERVICES RELATED TO
4 INSTRUCTION OR CURRICULUM DEVELOPMENT;

5 (3) FOR THE PROCUREMENT OF SERVICES RELATED TO PRIVATE
6 FUND-RAISING ACTIVITIES; OR

7 (4) UNDER OTHER CIRCUMSTANCES WHEN THE DIRECTOR OF
8 PURCHASING DETERMINES THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST
9 INTERESTS OF THE COLLEGE AND THE STATE.

10 ~~(B)~~ (C) (1) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR
11 BALTIMORE COUNTY SHALL ESTABLISH STANDARDS AND PROCEDURES FOR THE
12 APPLICATION OF SUBSECTION (A) OF THIS SECTION TO A PARTICULAR TRANSACTION.

13 (2) THE STANDARDS AND PROCEDURES SHALL REQUIRE:

14 (I) THE OFFICE, DIVISION, OR DEPARTMENT REQUESTING
15 NONCOMPETITIVE NEGOTIATION TO SUBMIT A WRITTEN JUSTIFICATION TO THE
16 DIRECTOR OF PURCHASING;

17 (II) A WRITTEN DETERMINATION BY THE DIRECTOR OF
18 PURCHASING THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST INTEREST OF
19 THE COLLEGE AND THE STATE; AND

20 (III) THE WRITTEN APPROVAL OF THE AWARD OF THE CONTRACT
21 ON THE BASIS OF NONCOMPETITIVE NEGOTIATION BY THE BOARD OF TRUSTEES.

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