

1 **Article - State Finance and Procurement**

2 11-203.

3 (a) Except as provided in subsection (b) of this section, this Division II does
4 not apply to:

5 (1) procurement by:

6 (i) the Blind Industries and Services of Maryland;

7 (ii) the Maryland State Arts Council, for the support of the arts;

8 (iii) the Maryland Health and Higher Educational Facilities
9 Authority, if no State money is to be spent on a procurement contract;10 (iv) the Maryland Higher Education Supplemental Loan Authority,
11 if no State money is to be spent on a procurement contract;12 (v) the Maryland Industrial Training Program or the Partnership
13 for Workforce Quality Program in the Department of Business and Economic
14 Development, for training services or programs for new or expanding businesses or
15 industries or businesses or industries in transition;16 (vi) the Maryland Food Center Authority, to the extent the
17 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;18 (vii) the Maryland Public Broadcasting Commission, for services of
19 artists for educational and cultural television productions;20 (viii) public institutions of higher education, for cultural,
21 entertainment, and intercollegiate athletic procurement contracts;22 (ix) the Maryland State Planning Council on Developmental
23 Disabilities, for services to support demonstration, pilot, and training programs;

24 (x) the Maryland Automobile Insurance Fund;

25 (xi) the Maryland Historical Trust for:

26 1. surveying and evaluating architecturally, archeologically,
27 historically, or culturally significant properties; and28 2. other than as to architectural services, preparing historic
29 preservation planning documents and educational material;30 (xii) the University of Maryland, for University College Overseas
31 Programs, if the University adopts regulations that:32 1. establish policies and procedures governing procurement
33 for University College Overseas Programs; and

1 (iv) a government, including the government of another state, of the
2 United States, or of another country;

3 (v) an agency or political subdivision of a government; or

4 (vi) a bistate, multistate, bicounty, or multicounty governmental
5 agency; or

6 (3) procurement in support of enterprise activities for the purpose of:

7 (i) direct resale; or

8 (ii) remanufacture and subsequent resale.

9 (b) (1) (I) The following provisions of this Division II apply to each
10 procurement enumerated in subsection (a) of this section:

11 [(i)] 1. § 11-205 of this subtitle ("Fraud in procurement");

12 [(ii)] 2. § 12-204 of this article ("Board approval for designated
13 contracts");

14 [(iii)] 3. Title 12, Subtitle 2 of this article ("Supervision of Capital
15 Expenditures and Real Property Leases");

16 [(iv)] 4. § 13-219 of this article ("Required clauses -
17 Nondiscrimination clause");

18 [(v)] 5. § 13-221 of this article ("Disclosures to Secretary of
19 State");

20 [(vi)] 6. Title 16 of this article ("Debarment of Contractors"); and

21 [(vii)] 7. Title 17 of this article ("Special Provisions - State and
22 Local Subdivisions").

23 (II) TITLE 14, SUBTITLE 3 OF THIS ARTICLE APPLIES TO A
24 PROCUREMENT BY THE MARYLAND DEVELOPMENTAL DISABILITIES
25 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE EXEMPT
26 UNDER SUBSECTION (A)(1)(XVIII) OF THIS SECTION.

27 (2) A procurement by an entity listed in subsection (a)(1)(i) through
28 [(xv)] (XVIII) of this section shall be made under procedures that promote the
29 purposes stated in § 11-201(a) of this subtitle.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2003.

