

HOUSE BILL 497

M1, B5

1lr1525

By: **Delegates Conway and Otto**

Introduced and read first time: February 7, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Somers Cove Marina Commission – Procurement of**
3 **Capital Projects**

4 FOR the purpose of authorizing the Executive Director of the Somers Cove Marina to
5 procure certain capital improvement, design, and maintenance projects;
6 requiring the Executive Director to follow certain procurement procedures
7 under certain circumstances; and generally relating to the procurement of
8 capital improvement, design, and maintenance projects for the Somers Cove
9 Marina.

10 BY repealing and reenacting, without amendments,
11 Article – Natural Resources
12 Section 5–908.1(b)(1)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 5–908.1(f)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2010 Supplement)

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

22 **Article – Natural Resources**

23 5–908.1.

24 (b) (1) (i) There is a Somers Cove Marina Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) The Commission is a body politic and corporate and an
2 instrumentality of the State.

3 (f) (1) Except as provided in paragraph (6) of this subsection, the
4 Executive Director shall procure goods, [and] services, **AND CAPITAL**
5 **IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS** in accordance with the
6 requirements of this subsection.

7 (2) For goods, [and] services, **AND CAPITAL IMPROVEMENT,**
8 **DESIGN, AND MAINTENANCE PROJECTS** with an expected value of \$1,000 to \$5,000,
9 the Executive Director shall:

10 (i) Make a written or telephone request for bids;

11 (ii) Evaluate the bids; and

12 (iii) Award the contract to the responsible bidder that submits
13 the responsive bid that is the lowest bid price.

14 (3) For goods, [and] services, **AND CAPITAL IMPROVEMENT,**
15 **DESIGN, AND MAINTENANCE PROJECTS** with an expected value of more than
16 \$5,000, the Executive Director shall:

17 (i) Advertise the solicitation in a local newspaper and on the
18 Somerset County website;

19 (ii) Issue invitations for bids to all known prospective vendors;

20 (iii) Tabulate and evaluate the bids;

21 (iv) Select for award the responsible bidder who submits the
22 responsive bid that is the lowest bid price; and

23 (v) Submit the proposed award to the Commission for review
24 and approval.

25 (4) For an emergency procurement that the Executive Director
26 determines to be necessary to avoid or mitigate serious damage to public health,
27 safety, or welfare, the Executive Director shall:

28 (i) Obtain as much competition as possible under the
29 circumstances; and

30 (ii) After awarding the procurement contract, submit to the
31 Commission and the Secretary a written report that gives the justification for the use
32 of the emergency procurement procedure.

1 (5) The Executive Director shall adopt a procurement policy that
2 includes provisions for minority- and women-owned business participation.

3 (6) This subsection does not apply to procurement in support of
4 enterprise activities for the purpose of direct resale or remanufacture and subsequent
5 resale.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2011.