

HOUSE BILL 497

M1, B5

1lr1525

By: **Delegates Conway and Otto**

Introduced and read first time: February 7, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2011

CHAPTER _____

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; providing that certain procurements with an
8 expected value that exceeds a certain amount are governed by certain
9 provisions of the procurement law; and generally relating to ~~the procurement of~~
10 ~~capital improvement, design, and maintenance projects~~ for the Somers Cove
11 Marina.

12 BY repealing and reenacting, without amendments,
13 Article – Natural Resources
14 Section 5–908.1(b)(1)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Natural Resources
19 Section 5–908.1(f)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Natural Resources**

4 5–908.1.

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

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

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

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

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

16 (ii) Evaluate the bids; and

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

19 (3) For goods, [and] services, **AND CAPITAL IMPROVEMENT,**
20 **DESIGN, AND MAINTENANCE PROJECTS** with an expected value of ~~more than~~ \$5,000
21 **TO \$200,000**, the Executive Director shall:

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

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

25 (iii) Tabulate and evaluate the bids;

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

28 (v) Submit the proposed award to the Commission for review
29 and approval.

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

4 (i) Obtain as much competition as possible under the
5 circumstances; and

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

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

11 (6) (I) This subsection does not apply to procurement in support of
12 enterprise activities for the purpose of direct resale or remanufacture and subsequent
13 resale.

14 (II) PROCUREMENT OF GOODS, SERVICES, CAPITAL
15 IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED
16 VALUE EXCEEDING \$200,000 IS GOVERNED BY DIVISION II OF THE STATE
17 FINANCE AND PROCUREMENT ARTICLE.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.