

HOUSE BILL 628

P2

11r2682
CF SB 241

By: **Delegate Morhaim**

Introduced and read first time: February 9, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Commission to Study Streamlining and Increasing the Efficiency of the**
3 **Procurement Process**

4 FOR the purpose of establishing a Commission to Study Streamlining and Increasing
5 the Efficiency of the Procurement Process; providing for the membership,
6 purposes, and staffing of the Commission; requiring the Commission to study
7 certain matters; requiring the Commission to report to certain persons by a
8 certain date; providing for the termination of this Act; and generally relating to
9 the Commission to Study Streamlining and Increasing the Efficiency of the
10 Procurement Process.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That:

13 (a) There is a Commission to Study Streamlining and Increasing the
14 Efficiency of the Procurement Process.

15 (b) The Commission consists of the following voting members:

16 (1) two members of the House of Delegates, appointed by the Speaker
17 of the House;

18 (2) two members of the Senate of Maryland, appointed by the
19 President of the Senate;

20 (3) the following members appointed by the Governor:

21 (i) one member who has expertise in State procurement law,
22 who shall be the chairman of the Commission;

23 (ii) one member from the information technology industry;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) one member from the construction industry;
- 2 (iv) one member from the commodities industry;
- 3 (v) one member from the human services industry or health
4 care industry;
- 5 (vi) one member from the correctional services industry;
- 6 (vii) one member from the professional services industry, such as
7 engineering or architectural services; and
- 8 (viii) one member from the minority business enterprise
9 community; and
- 10 (4) the following ex officio members:
- 11 (i) the Secretary of General Services, or the Secretary's
12 designee;
- 13 (ii) the Secretary of Transportation, or the Secretary's designee;
- 14 (iii) the Secretary of Budget and Management, or the Secretary's
15 designee;
- 16 (iv) the Chancellor of the University System of Maryland, or the
17 Chancellor's designee;
- 18 (v) the Secretary of Human Resources, or the Secretary's
19 designee;
- 20 (vi) the Secretary of Health and Mental Hygiene, or the
21 Secretary's designee;
- 22 (vii) the Executive Director of the Governor's Office of Minority
23 Affairs, or the Executive Director's designee;
- 24 (viii) the Procurement Advisor appointed under § 12-102 of the
25 State Finance and Procurement Article, or the Procurement Advisor's designee;
- 26 (ix) the State Treasurer, or the State Treasurer's designee; and
- 27 (x) the Comptroller, or the Comptroller's designee.
- 28 (c) The Board of Public Works, the Department of Transportation, and the
29 Governor's Office of Minority Affairs shall provide staff support to the Commission.

1 (d) A member of the Commission may not receive compensation for serving
2 on the Commission, but is entitled to reimbursement for expenses under the Standard
3 State Travel Regulations, as provided in the State budget.

4 (e) The Commission shall study strategies to streamline and increase the
5 efficiency of the procurement process, including:

6 (1) the use of market-based procurement practices;

7 (2) greater and more effective use of technology by the public and
8 State government units in the procurement process and in procurement
9 administration;

10 (3) increased centralization of the procurement system;

11 (4) the feasibility of more uniform application of the procurement law
12 to a wider segment of State government units;

13 (5) outsourcing and privatization;

14 (6) the use of contracts where compensation is based on successful
15 performance;

16 (7) the accountability of State officials who violate the procurement
17 law;

18 (8) rewards and incentives to State officials in order to encourage
19 better procurement results; and

20 (9) the development of standard commercial terms and conditions for
21 information technology contracts, with the goal of promoting maximum competition for
22 those contracts among the firms providing those services, while also balancing the
23 State's goal to protect its interests adequately; and

24 (10) the effectiveness of the dispute resolution process.

25 (f) On or before December 31, 2011, the Commission shall submit a report of
26 its findings and recommendations to the Governor and, subject to § 2-1246 of the
27 State Government Article, the General Assembly.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 2011. It shall remain effective for a period of 1 year and, at the end of May 31,
30 2012, with no further action required by the General Assembly, this Act shall be
31 abrogated and of no further force and effect.