

Chapter 341

(House Bill 497)

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement of ~~Capital Projects~~

FOR the purpose of authorizing the Executive Director of the Somers Cove Marina to procure certain capital improvement, design, and maintenance projects; requiring the Executive Director to follow certain procurement procedures *and make certain procurements in accordance with certain provisions of the procurement law* under certain circumstances; ~~providing that certain procurements with an expected value that exceeds a certain amount are governed by certain provisions of the procurement law;~~ *requiring the Executive Director to submit certain procurements to the Board of Public Works for approval;* and generally relating to ~~the procurement of capital improvement, design, and maintenance projects~~ for the Somers Cove Marina.

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

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

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

Article – Natural Resources

5–908.1.

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

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

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

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

- (i) Make a written or telephone request for bids;
- (ii) Evaluate the bids; and
- (iii) Award the contract to the responsible bidder that submits the responsive bid that is the lowest bid price.

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

- (i) Advertise the solicitation in a local newspaper and on the Somerset County website;
- (ii) Issue invitations for bids to all known prospective vendors;
- (iii) Tabulate and evaluate the bids;
- (iv) Select for award the responsible bidder who submits the responsive bid that is the lowest bid price; and
- (v) Submit the proposed award to the Commission for review and approval.

(4) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED VALUE EXCEEDING \$200,000 IN ACCORDANCE WITH DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) FOR GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS FUNDED BY THE PROCEEDS FROM STATE BONDS, THE EXECUTIVE DIRECTOR SHALL SUBMIT THE PROPOSED AWARD TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

~~(4)~~ **(6)** For an emergency procurement that the Executive Director determines to be necessary to avoid or mitigate serious damage to public health, safety, or welfare, the Executive Director shall:

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

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

~~(5)~~ **(7)** The Executive Director shall adopt a procurement policy that includes provisions for minority- and women-owned business participation.

~~(6)~~ **(8)** ~~(4)~~ This subsection does not apply to procurement in support of enterprise activities for the purpose of direct resale or remanufacture and subsequent resale.

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

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

Approved by the Governor, May 10, 2011.