

# HOUSE BILL 757

P2  
HB 1314/12 – HGO

3lr0364

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By: **Delegate Holmes**

Introduced and read first time: February 6, 2013

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement – Minority Business Enterprises – Reporting of Architectural**  
3 **Services and Engineering Services Contracts**

4 FOR the purpose of requiring certain units of State government to report to certain  
5 entities information concerning procurements by the unit for architectural  
6 services and engineering services involving minority business enterprises for  
7 the preceding fiscal year; altering certain definitions; and generally relating to  
8 the reporting of procurements for architectural services and engineering  
9 services and minority business enterprises.

10 BY repealing and reenacting, without amendments,  
11 Article – State Finance and Procurement  
12 Section 11–101(b) and (i)  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Finance and Procurement  
17 Section 14–305  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

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

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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 **Article – State Finance and Procurement**

2 11–101.

3 (b) (1) “Architectural services” means professional or creative work that:

4 (i) is performed in connection with the design and supervision  
5 of construction or landscaping; and

6 (ii) requires architectural education, training, and experience.

7 (2) “Architectural services” includes consultation, research,  
8 investigation, evaluation, planning, architectural design and preparation of related  
9 documents, and coordination of services that structural, civil, mechanical, and  
10 electrical engineers and other consultants provide.11 (3) “Architectural services” does not include construction inspection  
12 services [or], services provided in connection with an energy performance contract  
13 **FOR STRUCTURAL, MECHANICAL, PLUMBING, OR ELECTRICAL ENGINEERING.**

14 (i) (1) “Engineering services” means professional or creative work that:

15 (i) is performed in connection with any utility, structure,  
16 building, machine, equipment, or process, **INCLUDING STRUCTURAL, MECHANICAL,**  
17 **PLUMBING, ELECTRICAL, GEOTECHNICAL, AND ENVIRONMENTAL ENGINEERING;**  
18 and19 (ii) requires engineering education, training, and experience in  
20 the application of special knowledge of the mathematical, physical, and engineering  
21 sciences.22 (2) “Engineering services” includes consultation, investigation,  
23 evaluation, planning, design, and inspection of construction to interpret and ensure  
24 compliance with specifications and design within the scope of inspection services.25 (3) “Engineering services” does not include services provided in  
26 connection with an energy performance contract.

27 14–305.

28 (a) (1) Within 90 days after the end of the fiscal year, each unit shall  
29 report to the Governor’s Office of Minority Affairs, the certification agency, and,  
30 subject to § 2–1246 of the State Government Article, the Joint Committee on Fair  
31 Practices and Personnel Oversight.

32 (2) A report under this subsection shall for the preceding fiscal year:

1 (i) state the total number and value of procurement contracts  
2 between the unit and certified minority business enterprises, by specific category of  
3 minority business enterprise, including whether the minority business enterprise  
4 participated as a prime contractor or as a subcontractor;

5 (ii) indicate the percentage that those procurement contracts  
6 represent, by specific category of minority business enterprise, of the total number and  
7 value of procurement contracts;

8 (iii) state the total number and the names of certified minority  
9 business enterprises that participated as prime contractors or as subcontractors on  
10 procurement contracts awarded by a unit;

11 (iv) for each minority business included in the report under item  
12 (iii) of this paragraph, list all procurement contracts awarded by a unit to the minority  
13 business enterprise, including a description of the contract; and

14 (v) contain other such information as required by the  
15 Governor's Office of Minority Affairs and the certification agency and approved by the  
16 Board.

17 **(3) AS TO PROCUREMENT CONTRACTS FOR ARCHITECTURAL**  
18 **SERVICES AND ENGINEERING SERVICES REPORTED UNDER PARAGRAPH (2) OF**  
19 **THIS SUBSECTION, THE REPORT SHALL IDENTIFY BY SEPARATE CATEGORY OF**  
20 **MINORITY BUSINESS ENTERPRISE PROCUREMENTS FOR:**

21 **(I) ARCHITECTURAL SERVICES; AND**

22 **(II) ENGINEERING SERVICES.**

23 **[3] (4)** A report under this subsection shall be in a form prescribed  
24 by the Governor's Office of Minority Affairs and the certification agency and approved  
25 by the Board.

26 (b) (1) On or before December 31 of each year, the Governor's Office of  
27 Minority Affairs shall submit to the Board of Public Works and, subject to § 2-1246 of  
28 the State Government Article, to the Legislative Policy Committee a report  
29 summarizing the information the Office receives under subsection (a) of this section.

30 (2) This report may be prepared in conjunction with the annual report  
31 required under § 9-306 of the State Government Article.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 June 1, 2013.