

## Chapter 138

(House Bill 757)

AN ACT concerning

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

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

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

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

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

#### **Article – State Finance and Procurement**

11–101.

- (b) (1) “Architectural services” means professional or creative work that:
- (i) is performed in connection with the design and supervision of construction or landscaping; and
  - (ii) requires architectural education, training, and experience.
- (2) “Architectural services” includes consultation, research, investigation, evaluation, planning, architectural design and preparation of related

documents, and coordination of services that structural, civil, mechanical, and electrical engineers and other consultants provide.

(3) “Architectural services” does not include construction inspection services [or], services provided in connection with an energy performance contract **FOR STRUCTURAL, MECHANICAL, PLUMBING, OR ELECTRICAL ENGINEERING.**

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

(i) is performed in connection with any utility, structure, building, machine, equipment, or process, **INCLUDING STRUCTURAL, MECHANICAL, PLUMBING, ELECTRICAL, GEOTECHNICAL, AND ENVIRONMENTAL ENGINEERING;** and

(ii) requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

(2) “Engineering services” includes consultation, investigation, evaluation, planning, design, and inspection of construction to interpret and ensure compliance with specifications and design within the scope of inspection services.

(3) “Engineering services” does not include services provided in connection with an energy performance contract.

14–305.

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

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

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

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

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

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

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

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

**(I) ARCHITECTURAL SERVICES; AND**

**(II) ENGINEERING SERVICES.**

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

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

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

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

**Approved by the Governor, April 9, 2013.**