

HOUSE BILL 1008

P2

4lr2309
CF SB 767

By: **Delegates Pena–Melnyk, Barve, DeBoy, Guzzone, Haynes, Hixson,
Luedtke, A. Miller, Proctor, Rosenberg, F. Turner, V. Turner,
A. Washington, and M. Washington**

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Service Contracts – Notice and Reporting Requirements**

3 FOR the purpose of requiring certain reporting agencies each year to submit certain
4 reports to the budget committees of the General Assembly; requiring the Board
5 of Public Works to submit a proposed service contract to certain persons and
6 post notice of the Board’s intent to enter into a certain service contract on a
7 certain Web site at least a certain time period before entering into a certain
8 service contract; authorizing certain budget committees to submit comments to
9 the Board within a certain period of time; altering a certain definition; defining
10 certain terms; and generally relating to the procurement of service contracts.

11 BY repealing and reenacting, without amendments,
12 Article – State Finance and Procurement
13 Section 13–218.1
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Personnel and Pensions
18 Section 13–401
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2013 Supplement)

21 BY adding to
22 Article – State Personnel and Pensions
23 Section 13–406
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Finance and Procurement**

4 13–218.1.

5 (a) In this section, “service contract” has the meaning stated in § 13–401 of
6 the State Personnel and Pensions Article.

7 (b) (1) At least 60 days before the issuance of a solicitation for a service
8 contract that is not exempt under § 13–403(c) or § 13–404(b) of the State Personnel
9 and Pensions Article, the unit shall provide the exclusive representative of the
10 employees who may be affected by the service contract with written notice of:

11 (i) work that is being proposed for contracting; and

12 (ii) contracting procedures, requirements, timetables, and
13 employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions
14 Article.

15 (2) (i) 1. Except as provided in subparagraph 2 of this
16 subparagraph, this paragraph applies to a solicitation for a service contract for
17 janitorial services.

18 2. This paragraph does not apply to a service contract
19 for janitorial services under Title 14, Subtitle 1 of this article.

20 (ii) In consultation with the Department of General Services,
21 the Board shall adopt regulations concerning a solicitation for a service contract for
22 janitorial services to require that a bidder or offeror delineate its costs by category,
23 including:

24 1. labor;

25 2. cleaning supplies; and

26 3. projected man–hours to satisfactorily complete the
27 service.

28 (c) A violation of this section does not constitute grounds to challenge or
29 appeal an award of a procurement or the process through which the procurement was
30 conducted.

31 **Article – State Personnel and Pensions**

32 13–401.

1 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Service contract” means a procurement contract for services that:

3 (1) will be provided to a unit in the Executive Branch of State
4 government, **INCLUDING A UNIT THAT HAS AN INDEPENDENT PERSONNEL**
5 **SYSTEM; AND**

6 [(2) will be performed within a State–operated facility; and]

7 [(3)] (2) in the estimation of the procurement officer, will exceed an
8 annual cost of \$100,000.

9 (c) “Services” has the meaning stated in § 11–101 of the State Finance and
10 Procurement Article.

11 (d) “Unit” has the meaning stated in § 11–101 of the State Finance and
12 Procurement Article.

13 **13–406.**

14 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
15 **MEANINGS INDICATED.**

16 (2) **“BOARD” MEANS THE BOARD OF PUBLIC WORKS.**

17 (3) **“BUDGET COMMITTEES” MEANS THE SENATE BUDGET AND**
18 **TAXATION COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, AND THE**
19 **HOUSE APPROPRIATIONS COMMITTEE.**

20 (4) **“REPORTING AGENCY” HAS THE MEANING STATED IN §**
21 **10A–102 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

22 (B) **BY JANUARY 1 OF EACH YEAR, EACH REPORTING AGENCY SHALL**
23 **SUBMIT TO THE BUDGET COMMITTEES, IN ACCORDANCE WITH § 2–1246 OF THE**
24 **STATE GOVERNMENT ARTICLE:**

25 (1) **A REPORT CONCERNING EACH SERVICE CONTRACT UNDER**
26 **CONSIDERATION OVER \$200,000; AND**

27 (2) **A STATUS REPORT CONCERNING EACH EXISTING SERVICE**
28 **CONTRACT IN WHICH THE REPORTING AGENCY IS INVOLVED.**

1 **(C) (1) AT LEAST 45 DAYS BEFORE APPROVING A SERVICE**
2 **CONTRACT, THE BOARD SHALL:**

3 **(I) SUBMIT THE PROPOSED SERVICE CONTRACT, IN**
4 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO:**

- 5 1. **THE COMPTROLLER;**
- 6 2. **THE STATE TREASURER;**
- 7 3. **THE BUDGET COMMITTEES; AND**
- 8 4. **THE DEPARTMENT OF LEGISLATIVE SERVICES;**
- 9 **AND**

10 **(II) POST NOTICE OF THE BOARD'S INTENT TO ENTER INTO**
11 **A SERVICE CONTRACT ON THE WEB SITE OF THE DEPARTMENT.**

12 **(2) WITHIN 30 DAYS AFTER RECEIVING A PROPOSED SERVICE**
13 **CONTRACT, THE BUDGET COMMITTEES MAY SUBMIT COMMENTS TO THE BOARD.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.