

Chapter 12

(Senate Bill 109)

AN ACT concerning

Task Force to Study Small and Minority Design Firm Participation in State Procurement

FOR the purpose of establishing the Task Force to Study Small and Minority Design Firm Participation in State Procurement; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to determine certain measures; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Small and Minority Design Firm Participation in State Procurement.

Preamble

WHEREAS, Professional design services differ significantly from construction trades, although the State procurement process is general in its application to both industries; and

WHEREAS, The State procurement process does not distinguish between the specific requirements of the professional design services and the construction trades; and

WHEREAS, A recognition of these differences could provide efficiencies to the State and opportunities for local and small minority businesses in the State; and

WHEREAS, Open-ended design contracts present challenges for vendors seeking to comply with Minority Business Enterprise goals through the risk of incurring liquidated damages; and

WHEREAS, Current procurement practices restrict and limit small and minority design business enterprises from equitable participation in State-funded projects; now, therefore,

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

(a) There is a Task Force to Study Small and Minority Design Firm Participation in State Procurement.

(b) The Task Force consists of the following members:

- (1) One member of the Senate of Maryland, appointed by the President of the Senate;
- (2) One member of the House of Delegates, appointed by the Speaker of the House;
- (3) The Special Secretary of Minority Affairs, or the Special Secretary's designee;
- (4) The Comptroller of Maryland, or the Comptroller's designee;
- (5) ~~The Chief Facilities Officer, University of Maryland, College Park, or the Chief Facilities Officer's designee~~
- (i) The Chancellor of the University System of Maryland; or
- (ii) Two designees of the Chancellor from Design and Construction Services, as follows:
1. One from the University of Maryland, College Park; and
 2. One from the University of Maryland, Baltimore;
- (6) ~~The Secretary of Budget and Management, or the Secretary's designee;~~
- ~~(7)~~ (7) The Secretary of General Services, or the Secretary's designee;
- ~~(8)~~ (7) The Secretary of Public Safety and Correctional Services, or the Secretary's designee;
- ~~(9)~~ (8) The Secretary of Transportation, or the Secretary's designee;
- ~~(10)~~ (9) The Executive Director of the Maryland Port Administration, or the Executive Director's designee;
- ~~(11)~~ (10) The Executive Director of the Maryland Stadium Authority, or the Executive Director's designee; and
- ~~(12)~~ (11) The following six members, appointed by the Governor:
- (i) Three licensed Maryland architects, one of whom is a certified Minority Business Enterprise, one who represents a small firm, and one who represents a large firm, as designated by the American Institute of Architects, Maryland Component; and

(ii) Three licensed Maryland engineers, one of whom is a certified Minority Business Enterprise, one who represents a small firm, and one who represents a large firm, as designated by the American Council of Engineering Companies/Maryland.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of General Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) May not receive compensation as a member of the Task Force; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall determine specific measures to ensure equitable participation by small and minority design firms in State-funded projects and measures to avoid the application of liquidated damages on open-ended design contracts.

(g) On or before December 31, 2015, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and, at the end of May 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 14, 2015.