

# SENATE BILL 396

P2

5lr2634  
CF HB 279

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By: **Senator Pugh**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Prospective Responsible Bidders or Offerors – Transitioning to**  
3 **Be Prime Contractors**

4 FOR the purpose of prohibiting a unit from placing certain requirements on prospective  
5 responsible bidders or offerors; prohibiting a unit from drafting specifications  
6 requiring unnecessary experience or excessive bonding on prospective responsible  
7 bidders or offerors; and generally relating to prospective responsible bidders or  
8 offerors and the application of certain procurement specifications.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 13–205  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2014 Supplement)

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

16 **Article – State Finance and Procurement**

17 13–205.

18 (a) A unit:

19 (1) shall draft specifications to encourage maximum practicable  
20 competition without modifying the requirements of the State; and

21 (2) may not:

22 **(I)** draft specifications to favor a single prospective bidder or offeror;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(II) PLACE UNREASONABLE REQUIREMENTS ON PROSPECTIVE**  
2 **BIDDERS OR OFFERORS;**

3                   **(III) DRAFT SPECIFICATIONS REQUIRING UNNECESSARY**  
4 **EXPERIENCE; OR**

5                   **(IV) DRAFT SPECIFICATIONS REQUIRING EXCESSIVE BONDING.**

6           (b) A unit shall require a prospective bidder or offeror of supplies or construction  
7 to state in the bid or offer:

8                   (1) whether the procurement will or may include recycled materials; and

9                   (2) the types, amounts, and application of recycled materials that the  
10 bidder or offeror intends to include in the procurement.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2015.