HOUSE BILL 1224

P2 5lr0019

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Transportation)**
Introduced and read first time: March 2, 2015
Assigned to: Rules and Executive Nominations
Re–referred to: Health and Government Operations, March 9, 2015

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2015

CHAPTER _____

AN ACT concerning

Procurement – Contracts for Pretreatment and Removal of Snow and Ice

FOR the purpose of authorizing the State Highway Administration to enter into procurement contracts for snow and ice removal operations as required or permitted by certain provisions of law; requiring the State Highway Administration to report to the Board of Public Works on the operation and effectiveness of the procurement contracts; authorizing the Board of Public Works, in consultation with the State Highway Administration, to adopt regulations to carry out the requirements of this Act; and generally relating to procurement contracts for snow and ice removal.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–108
Annotated Code of Maryland
(2009 Replacement Volume and 2014 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

13–108.

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.

(a) (1) Except as provided in § 11–205 ("Collusion"), § 10–204 ("Approval for designated contracts"), § 13–219 ("Required clauses – Nondiscrimination clause"), § 13–221 ("Disclosures to Secretary of State"), Title 16 ("Suspension and Debarment of Contractors"), or Title 17 ("Special Provisions – State and Local Subdivisions") of this article, with the approval of the head of a unit, its procurement officer may make an emergency procurement by any method that the procurement officer considers most appropriate to avoid or mitigate serious damage to public health, safety, or welfare.

(2) The procurement officer shall:

(i) obtain as much competition as possible under the circumstances;

(ii) limit the emergency procurement to the procurement of only those items, both in type and quantity, necessary to avoid or to mitigate serious damage to public health, safety, or welfare; and

(iii) after awarding the procurement contract, submit to the Board a written report that gives the justification for use of the emergency procurement procedure.

(B) (1) CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A)(1) OF THIS SECTION, THE STATE HIGHWAY ADMINISTRATION MAY ENTER INTO PROCUREMENT CONTRACTS RELATED TO THE PRETREATMENT AND REMOVAL OF SNOW AND ICE AS REQUIRED OR AUTHORIZED UNDER TITLE ~~18~~ 8 OF THE TRANSPORTATION ARTICLE.

(2) (I) BEGINNING ON JUNE 30, 2016, AND NO LATER THAN JUNE 30 OF EACH SUCCEEDING YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL SUBMIT TO THE BOARD A WRITTEN REPORT ON THE OPERATION AND EFFECTIVENESS OF THE PROCUREMENT CONTRACTS ENTERED INTO UNDER THIS SUBSECTION DURING THE PREVIOUS YEAR.

(II) THE REPORT SHALL INCLUDE:

1. THE NUMBER OF CONTRACTS AWARDED;

2. THE TOTAL DOLLAR VALUE OF THE CONTRACTS AWARDED; AND

3. THE AMOUNT OF CONTRACTING DOLLARS EXPENDED WITH MINORITY BUSINESS ENTERPRISES, CERTIFIED SMALL BUSINESSES, AND CERTIFIED VETERAN–OWNED BUSINESSES, AS DEFINED UNDER TITLE 14 OF THIS ARTICLE.

(3) THE BOARD, IN CONSULTATION WITH THE STATE HIGHWAY ADMINISTRATION, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

[(b)**] (C)** (1) Except as provided in § 11–205 ("Collusion"), § 10–204 ("Approval for designated contracts"), § 13–219 ("Required clauses – Nondiscrimination clause"), § 13–221 ("Disclosures to Secretary of State"), Title 16 ("Suspension and Debarment of Contractors"), or Title 17 ("Special Provisions – State and Local Subdivisions") of this article, with the approval of the head of the unit and the Board, the Maryland Port Commission or the Maryland Aviation Administration may make a procurement on an expedited basis if the head of the unit and the Board find that:

(i) urgent circumstances require prompt action;

(ii) an expedited procurement best serves the public interest; and

(iii) the need for the expedited procurement outweighs the benefits of making the procurement on the basis of competitive sealed bids or competitive sealed proposals.

(2) The procurement officer shall attempt to obtain as much competition as reasonably possible.

[(c)**] (D)** Not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish in eMaryland Marketplace notice of the award.

[(d)**] (E)** For real property leases procured under this section, the term of the lease shall be for the minimum period of time practicable.

SECTION 2. AND BE IT FURTHER ENACTED, That this shall take effect ~~October~~ June 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.