

# HOUSE BILL 734

P2

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By: **Delegates B. Robinson, Anderson, Brooks, Conaway, Glenn, Haynes, McCray, Sydnor, and M. Washington**

Introduced and read first time: February 5, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Preference for Resident Bidders or Offerors**

3 FOR the purpose of requiring a unit of State government to give a resident bidder or offeror  
4 a certain preference on the procurement of certain goods and services under certain  
5 circumstances; defining certain terms; and generally relating to a preference for  
6 resident bidders or offerors on certain State procurement contracts.

7 BY adding to

8 Article – State Finance and Procurement

9 Section 14–401.1

10 Annotated Code of Maryland

11 (2015 Replacement Volume)

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

14 **Article – State Finance and Procurement**

15 **14–401.1.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
17 **INDICATED.**

18 **(2) “PERCENTAGE PREFERENCE” MEANS THE PERCENT OF THE**  
19 **LOWEST RESPONSIVE BID OR OFFER SUBMITTED BY A RESPONSIBLE BIDDER OR**  
20 **OFFEROR WHO IS NOT A RESIDENT OF THIS STATE BY WHICH A RESPONSIVE BID OR**  
21 **OFFER BY A RESIDENT BIDDER OR OFFEROR MAY:**

22 **(I) EXCEED THE LOWEST BID OR OFFER; AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) BE AWARDED A PROCUREMENT CONTRACT FOR GOODS OR  
2 SERVICES.

3 (3) "RESIDENT BIDDER OR OFFEROR" MEANS A BIDDER OR OFFEROR  
4 WHOSE PRINCIPLE OFFICE IS LOCATED IN THE STATE.

5 (4) "SERVICES" MEANS SERVICES, ARCHITECTURAL SERVICES,  
6 CONSTRUCTION RELATED SERVICES, ENGINEERING SERVICES, OR ENERGY  
7 PERFORMANCE CONTRACT SERVICES, ALL AS DEFINED IN § 11-101 OF THIS  
8 ARTICLE.

9 (B) WHEN A UNIT PROCURES GOODS OR SERVICES, THE UNIT SHALL GIVE A  
10 PERCENTAGE PREFERENCE OF 10% TO THE RESIDENT BIDDER OR OFFEROR WHO  
11 SUBMITS THE LOWEST RESPONSIVE BID OR OFFER FROM AMONG THE RESIDENT  
12 BIDDERS OR OFFERORS IF:

13 (1) THE RESIDENT BIDDER OR OFFEROR IS A RESPONSIBLE BIDDER  
14 OR OFFEROR;

15 (2) A RESPONSIBLE BIDDER OR OFFEROR WHOSE PRINCIPLE OFFICE  
16 OR OPERATION IS IN ANOTHER STATE SUBMITS THE LOWEST RESPONSIVE BID OR  
17 OFFER; AND

18 (3) A PREFERENCE DOES NOT CONFLICT WITH A FEDERAL LAW OR  
19 GRANT AFFECTING THE PROCUREMENT CONTRACT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2016.