

HOUSE BILL 837

P2

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CF SB 342

By: **Delegates Haynes, Anderson, Chang, Hettleman, Jackson, Jones, Korman, McCray, Sophocleus, Tarlau, Valderrama, and P. Young**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Public Senior Higher Education Institutions**
3 **– Policies Concerning Procurement Contracts**

4 FOR the purpose of requiring that certain policies of public senior higher education
5 institutions promote certain purposes and be similar to certain provisions concerning
6 required clauses for procurement contracts; and generally relating to public senior
7 higher education institutions and the application of certain policies concerning
8 procurement contracts.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 11–203(e)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

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 11–203.

18 (e) (1) In this subsection, “University” means the University System of
19 Maryland, Morgan State University, or St. Mary’s College of Maryland.

20 (2) Except as otherwise provided in this subsection, this Division II does
21 not apply to the University System of Maryland, Morgan State University, or St. Mary’s
22 College of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) (i) A procurement by a University shall comply with the policies and procedures developed by the University and approved by the Board of Public Works and the Administrative, Executive, and Legislative Review Committee of the General Assembly in accordance with § 12–112 of the Education Article for the University System of Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of the Education Article for St. Mary’s College of Maryland.

(ii) 1. The review and approval of the Board of Public Works shall be required for the following types of contracts with a value that exceeds \$1,000,000:

A. capital improvements;

B. services; and

C. dispositions of personal property subject to § 10–305 of this article, except for dispositions of personal property that was purchased with the proceeds of a general obligation loan.

2. In its review of a contract for services or capital improvements with a value that exceeds \$1,000,000, the Board of Public Works may request the comments of the appropriate agencies, including the Department of Budget and Management and the Department of General Services.

(4) A University’s policies shall:

(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article; [and]

(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

(III) PROMOTE THE PURPOSES OF § 13–402 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

(IV) TO THE MAXIMUM EXTENT PRACTICABLE, BE SIMILAR TO § 13–218.1 OF THIS ARTICLE.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:

1. § 11–205 of this subtitle (“Collusion”);

2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);

- 1 1. another unit;
- 2 2. a political subdivision of the State;
- 3 3. an agency of a political subdivision of the State;
- 4 4. a government, including the government of another state,
5 of the United States, or of another country;
- 6 5. an agency or political subdivision of a government; or
- 7 6. a bistate, multistate, bicounty, or multicounty
8 governmental agency;
- 9 (ii) procurement by a University in support of enterprise activities
10 for the purpose of:
 - 11 1. direct resale;
 - 12 2. remanufacture and subsequent resale; or
 - 13 3. procurement by the University for overseas programs; or
- 14 (iii) procurement by the University System of Maryland for:
 - 15 1. services of managers to invest, in accordance with the
16 management and investment policies adopted by the Board of Regents of the University
17 System of Maryland, gift and endowment assets received by the University System of
18 Maryland in accordance with § 12–104(e) of the Education Article; or
 - 19 2. expenditures to manage, maintain, and enhance, in
20 accordance with the management and investment policies adopted by the Board of Regents
21 of the University System of Maryland, the value of gift and endowment assets received by
22 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

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