

HOUSE BILL 701

P2, P1, P3

7lr1703

By: **Delegate Krimm**

Introduced and read first time: February 1, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Lease of Property – Required Notice and Requests for Proposals**

3 FOR the purpose of requiring the Department of General Services to give written notice to
4 a certain governing body and certain members of the General Assembly at least a
5 certain number of days before issuing a request for proposals for an initial lease of
6 property; requiring a certain notice given before an initial lease of property to include
7 certain information; providing that a certain notice given before an initial lease of
8 property is not required to include certain information; requiring that a certain
9 notice of a proposed initial lease of property include certain information; altering the
10 information that must be included in the statement of factors required to be included
11 in a certain request of proposals for a lease of real property; and generally relating
12 to the lease of property by the State.

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 4–319 and 13–105(a)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2016 Supplement)

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

20 **Article – State Finance and Procurement**

21 4–319.

22 (a) This section applies to any lease of property by the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) AT LEAST 30 DAYS BEFORE THE DEPARTMENT ISSUES A REQUEST**
2 **FOR PROPOSALS FOR AN INITIAL LEASE OF PROPERTY, THE DEPARTMENT SHALL**
3 **GIVE WRITTEN NOTICE TO:**

4 **(I) THE GOVERNING BODY OF EACH POLITICAL SUBDIVISION IN**
5 **WHICH THE PROPERTY IS LOCATED; AND**

6 **(II) EACH MEMBER OF THE GENERAL ASSEMBLY IN WHOSE**
7 **LEGISLATIVE DISTRICT THE PROPERTY IS LOCATED.**

8 **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL INCLUDE:**

10 **(I) THE NAME OF THE STATE ENTITY THAT WILL USE THE**
11 **PROPERTY AND THE INTENDED USE OF THE PROPERTY;**

12 **(II) A STATEMENT EXPLAINING THE NOTICE REQUIREMENT AND**
13 **A CITATION TO THIS SUBSECTION AND ANY CORRESPONDING REGULATIONS; AND**

14 **(III) A STATEMENT THAT WRITTEN COMMENTS MAY BE**
15 **SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (D) OF THIS**
16 **SECTION.**

17 **(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE A**
18 **NOTICE TO INCLUDE:**

19 **(I) A COPY OF A REQUEST FOR PROPOSALS; OR**

20 **(II) A WORK STATEMENT OR A STATEMENT OF THE FACTORS**
21 **THAT WILL BE USED IN EVALUATING THE PROPOSALS AS REQUIRED TO BE**
22 **INCLUDED IN A REQUEST FOR PROPOSALS IN § 13-105(A) OF THIS ARTICLE.**

23 **[(b)] (C) (1) [The] AFTER ISSUING A REQUEST FOR PROPOSALS, THE**
24 **Department shall give written notice of each proposed initial lease of property to:**

25 **(i) the governing body of each political subdivision in which the**
26 **property is located; and**

27 **(ii) each member of the General Assembly in whose legislative**
28 **district the property is located.**

29 **(2) If the notice given under paragraph (1) of this subsection is for at least**
30 **2 proposed sites from which 1 site is to be selected, before any site is finally selected, the**
31 **Department shall give written notice of the site that has been proposed for final selection.**

1 **(3) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL**
2 **INCLUDE:**

3 **(I) A STATEMENT EXPLAINING THE NOTICE REQUIREMENT AND**
4 **A CITATION TO THIS SUBSECTION AND ANY CORRESPONDING REGULATIONS; AND**

5 **(II) A STATEMENT THAT WRITTEN COMMENTS MAY BE**
6 **SUBMITTED TO THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (D) OF THIS**
7 **SECTION.**

8 **[(c)] (D)** Within 30 days after receiving A notice **REQUIRED** under subsection
9 **(b)(1) OR (C)(1)** of this section, the governing body or the member of the General Assembly
10 may submit written comments to the Department.

11 **[(d)] (E)** A lease for a site may not be executed until 31 days after the day that
12 notice is received under subsection **[(b)(1)] (C)(1)** of this section.

13 13–105.

14 (a) A request for proposals for a lease of real property shall include:

15 (1) a work statement that shall be used as a basis for the evaluation of
16 proposals;

17 (2) a statement of the factors[, including price,] that will be used in
18 evaluating proposals, **INCLUDING:**

19 **(I) PRICE; AND**

20 **(II) FOR A LEASE OF REAL PROPERTY TO BE USED BY A STATE**
21 **ENTITY THAT PROVIDES GOVERNMENT SERVICES, THAT THE LOCATION OF THE**
22 **REAL PROPERTY SHALL ADEQUATELY SERVE THE POPULATION THAT RECEIVES THE**
23 **SERVICES; and**

24 (3) a statement of the relative importance of each factor.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2017.