

HOUSE BILL 1108

P2

8lr2425

By: **Delegates McMillan, Barron, Bromwell, Hayes, Krebs, Miele, Morgan,
Pena–Melnyk, Sanchez, and Wilson**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Use of Electronic Means to Conduct Procurement**

3 FOR the purpose of requiring, beginning on a certain date, a primary procurement unit to
4 conduct procurement by a certain electronic means; authorizing a bidder or an offeror
5 to elect to submit a bid or an offer and to conduct each element of a certain
6 procurement contract in hard copy form; and generally relating to the use of
7 electronic means by primary procurement units to conduct State procurements.

8 BY repealing and reenacting, with amendments,

9 Article – State Finance and Procurement

10 Section 13–226

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 13–226.

17 (a) **(1)** Unless otherwise prohibited by law, **BEFORE JULY 1, 2020**, a primary
18 procurement unit may conduct procurement, including the solicitation, bidding, award,
19 execution, and administration of a contract, by electronic means as provided in the Uniform
20 Electronic Transactions Act in Title 21 of the Commercial Law Article.

21 **(2) (I) UNLESS OTHERWISE PROHIBITED BY LAW, BEGINNING**
22 **JULY 1, 2020, A PRIMARY PROCUREMENT UNIT SHALL CONDUCT PROCUREMENT,**
23 **INCLUDING THE SOLICITATION, BIDDING, AWARD, EXECUTION, AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ADMINISTRATION OF A CONTRACT, BY ELECTRONIC MEANS AS PROVIDED IN THE
2 UNIFORM ELECTRONIC TRANSACTIONS ACT IN TITLE 21 OF THE COMMERCIAL
3 LAW ARTICLE.

4 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH, A BIDDER OR AN OFFEROR MAY ELECT TO SUBMIT A BID OR AN OFFER
6 AND CONDUCT ALL ELEMENTS OF THE PROCUREMENT CONTRACT IN HARD COPY
7 FORM.

8 (b) Bidding on a procurement contract by electronic means shall constitute
9 consent by the bidder to conduct by electronic means all elements of the procurement of
10 that contract which the unit agrees to conduct by electronic means.

11 (c) (1) Except as provided in paragraph (2) of this subsection, a unit utilizing
12 electronic means to conduct procurement or a private contractor furnishing to the State
13 electronic means for conducting procurement may charge a reasonable fee to the bidder for
14 the use of the electronic means.

15 (2) Unless approved by the Board of Public Works, a fee may not be charged
16 under this subsection.

17 (d) The terms and conditions of a procurement conducted under this section shall
18 comply with the Uniform Electronic Transactions Act in Title 21 of the Commercial Law
19 Article.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.