

# HOUSE BILL 137

P2

(PRE-FILED)

11r0701  
CF 11r1791

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By: **Delegate Charles**

Requested: September 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Procurement Improvement Council – Duties**  
3 **and Report on eMaryland Marketplace**

4 FOR the purpose of requiring the Procurement Improvement Council to provide a forum to  
5 discuss the use of eMaryland Marketplace and compliance with certain provisions of  
6 law; requiring the Council to report to certain committees of the General Assembly  
7 on or before a certain date; and generally relating to the Procurement Improvement  
8 Council and eMaryland Marketplace.

9 BY repealing and reenacting, without amendments,  
10 Article – State Finance and Procurement  
11 Section 12–105(b) and 17–502(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Finance and Procurement  
16 Section 12–105(g)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2020 Supplement)

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

21 **Article – State Finance and Procurement**

22 12–105.

23 (b) There is a Procurement Improvement Council.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) The Council shall:

2 (1) ensure that the State's procurement system is utilizing the most  
3 advanced procurement methods and management techniques, including policies,  
4 procedures, and forms for all procurement activity and contract management;

5 (2) effect and enhance communication between State units on procurement  
6 matters, with an emphasis on disseminating information on current developments and  
7 advances in procurement methods and management;

8 (3) provide a forum for the discussion of specific procurement issues and  
9 problems that arise, including:

10 (i) procurement officer training;

11 (ii) risk analysis and insurance requirements;

12 (iii) management of eMaryland Marketplace and other Internet  
13 procurement resources;

14 **(IV) USE OF eMARYLAND MARKETPLACE AND COMPLIANCE**  
15 **WITH § 17-502(A) OF THIS ARTICLE;**

16 ~~[(iv)]~~ **(V)** use of intergovernmental cooperative purchasing  
17 agreements; and

18 ~~[(v)]~~ **(VI)** any other issues or problems identified by the Council;

19 (4) advise the Board on problems in the procurement process and make  
20 recommendations for improvement of the process;

21 (5) review existing procurement regulations to:

22 (i) determine whether they fulfill the intent and purpose of the law,  
23 especially as it relates to fostering broad-based competition; and

24 (ii) make recommendations on the regulations, if revising and  
25 restructuring them will result in easier understanding and use; and

26 (6) advise the General Assembly on proposed legislation in order to  
27 enhance the efficiency and transparency of State procurement.

28 17-502.

29 (a) In addition to any other provision of law, the following persons shall use  
30 eMaryland Marketplace to publish notice of a procurement or publish a notice of award of

1 a procurement that is at the same amount or exceeds the amount required by the Board for  
2 a State contract to be published in eMaryland Marketplace:

3 (1) a unit of State government;

4 (2) a county;

5 (3) a municipality;

6 (4) a bicounty or multicounty governmental agency;

7 (5) a special tax district, sanitary district, drainage district, soil  
8 conservation district, and water supply district;

9 (6) a public institution of higher education;

10 (7) a public school; and

11 (8) except for the Maryland Health and Higher Educational Facilities  
12 Authority, an entity exempt from the provisions of this Division II in accordance with §  
13 11–203 of this article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,  
15 2022, the Procurement Improvement Council shall submit a report to the Senate  
16 Education, Health, and Environmental Affairs Committee and the House Health and  
17 Government Operations Committee, in accordance with § 2–1257 of the State Government  
18 Article, that provides:

19 (1) guidelines on how to identify entities that are required to publish  
20 notices of procurement and awards of procurement on eMaryland Marketplace under §  
21 17–502(a) of the State Finance and Procurement Article;

22 (2) guidelines on how to identify entities that do not comply with the  
23 requirement to publish notices of procurement and awards of procurement on eMaryland  
24 Marketplace and the reasons why the entities do not publish the required notices and  
25 awards; and

26 (3) recommendations on strategies and enforcement mechanisms to  
27 improve compliance by entities required to publish notices of procurement and awards of  
28 procurement on eMaryland Marketplace, including any necessary legislation to authorize  
29 or implement the strategies and enforcement mechanisms.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2021.