

SENATE BILL 645

P2, E4

1lr2311

By: **Senators Kagan, Reilly, and Jackson**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **9-1-1 Board – Procurement Reform**

3 FOR the purpose of requiring a county, to the extent practicable, to ensure that a certain
4 procurement contract for which reimbursement will be sought from the 9-1-1 Board
5 is awarded through a transparent and competitive process consistent with certain
6 provisions of the State Procurement Law; requiring a county, to the extent
7 practicable, to strive to meet certain goals in awarding certain procurement
8 contracts; requiring the Board, on receipt of a request for reimbursement for a
9 certain procurement contract, to submit a copy of the contract to a certain
10 procurement officer; requiring the procurement officer to review the procurement
11 contract and make a certain certification, assess the county's progress toward
12 meeting certain goals, and make a certain recommendation to the Board within a
13 certain number of days after the date the contract was submitted to the procurement
14 officer; requiring the Board to consider the recommendation of the procurement
15 officer when reviewing certain requests or considering whether to authorize certain
16 expenditures; requiring the Department of Emergency Management to employ a
17 procurement officer with certain responsibilities under certain circumstances;
18 making certain provisions of this Act contingent on the taking effect of another Act;
19 providing for the termination of certain provisions of this Act, subject to a certain
20 contingency; and generally relating to the 9-1-1 Board.

21 BY repealing and reenacting, with amendments,
22 Article – Public Safety
23 Section 1-306(b)
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2020 Supplement)

26 BY adding to
27 Article – Public Safety
28 Section 1-306.1
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2020 Supplement)

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

Article – Public Safety

1–306.

(b) The Board’s responsibilities include:

(1) establishing planning guidelines for enhanced 9–1–1 system plans and deployment of wireless enhanced 9–1–1 service in accordance with this subtitle;

(2) establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the Board;

(3) establishing procedures for the request for reimbursement of the costs of enhancing a 9–1–1 system by a county or counties in which a 9–1–1 system is in operation, and procedures to review and approve or disapprove the request;

(4) transmitting the planning guidelines and procedures established under this section, and any amendments to them, to the governing body of each county;

(5) submitting to the Secretary each year a schedule for implementing the enhancement of county or multicounty 9–1–1 systems, and an estimate of funding requirements based on the approved county plans;

(6) developing, with input from counties, and publishing on or before July 1, 2004, an implementation schedule for deployment of wireless enhanced 9–1–1 service;

(7) **SUBJECT TO § 1–306.1 OF THIS SUBTITLE**, reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9–1–1 systems, and submitting to the Secretary each year a schedule for reimbursement and an estimate of funding requirements;

(8) reviewing the enhancement of 9–1–1 systems;

(9) providing for an audit of county expenditures for the operation and maintenance of 9–1–1 systems;

(10) ensuring inspections of public safety answering points;

(11) reviewing and approving or disapproving requests from counties with operational enhanced 9–1–1 systems to be exempted from the expenditure limitations under § 1–312 of this subtitle;

1 (12) **SUBJECT TO § 1-306.1 OF THIS SUBTITLE**, authorizing expenditures
2 from the 9-1-1 Trust Fund that:

3 (i) are for enhancements of 9-1-1 systems that:

4 1. are required by the Board;

5 2. will be provided to a county by a third party contractor;

6 and

7 3. will incur costs that the Board has approved before the
8 formation of a contract between the county and the contractor; and

9 (ii) are approved by the Board for payment:

10 1. from money collected under § 1-310 of this subtitle; and

11 2. directly to a third party contractor on behalf of a county;

12 (13) establishing planning guidelines for Next Generation 9-1-1 services
13 system plans and deployment of Next Generation 9-1-1 services in accordance with this
14 subtitle;

15 (14) establishing minimum standards for records retention guidelines for
16 9-1-1 audio, pictures, video, text messages, and data;

17 (15) establishing training standards for public safety answering point
18 personnel based on national best practices, including training concerning Next Generation
19 9-1-1 topics; and

20 (16) establishing minimum standards for cybersecurity, oversight, and
21 accountability of service level agreements between counties and core service providers of
22 Next Generation 9-1-1 services.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
24 as follows:

25 **Article – Public Safety**

26 **1-306.1.**

27 **(A) TO THE EXTENT PRACTICABLE, IN AWARDING PROCUREMENT**
28 **CONTRACTS FOR WHICH REIMBURSEMENT WILL BE REQUESTED UNDER THIS**
29 **SUBTITLE, A COUNTY SHALL:**

1 **(1) ENSURE THAT EACH CONTRACT WITH A VALUE OF \$500,000 OR**
2 **MORE IS AWARDED THROUGH A TRANSPARENT AND COMPETITIVE PROCESS**
3 **CONSISTENT WITH THE PROVISIONS OF TITLE 13 OF THE STATE FINANCE AND**
4 **PROCUREMENT ARTICLE; AND**

5 **(2) STRIVE TO MEET:**

6 **(I) THE MINORITY BUSINESS PARTICIPATION GOAL**
7 **ESTABLISHED FOR A UNIT BY THE SPECIAL SECRETARY FOR THE OFFICE OF SMALL,**
8 **MINORITY, AND WOMEN BUSINESS AFFAIRS UNDER § 14-302(A)(1)(II) OF THE**
9 **STATE FINANCE AND PROCUREMENT ARTICLE;**

10 **(II) THE SMALL BUSINESS PARTICIPATION GOAL ESTABLISHED**
11 **FOR A UNIT UNDER § 14-502(C) OF THE STATE FINANCE AND PROCUREMENT**
12 **ARTICLE; AND**

13 **(III) THE VETERAN-OWNED SMALL BUSINESS PARTICIPATION**
14 **GOAL ESTABLISHED FOR A UNIT UNDER § 14-602(A) OF THE STATE FINANCE AND**
15 **PROCUREMENT ARTICLE.**

16 **(B) (1) ON RECEIPT OF A REQUEST FOR REIMBURSEMENT FOR A**
17 **PROCUREMENT CONTRACT WITH A VALUE OF \$500,000 OR MORE, THE BOARD SHALL**
18 **SUBMIT A COPY OF THE CONTRACT TO A PROCUREMENT OFFICER OF THE**
19 **DEPARTMENT OF GENERAL SERVICES.**

20 **(2) THE PROCUREMENT OFFICER SHALL:**

21 **(I) REVIEW THE PROCUREMENT CONTRACT AND CERTIFY**
22 **WHETHER THE CONTRACT WAS AWARDED THROUGH A TRANSPARENT AND**
23 **COMPETITIVE PROCESS CONSISTENT WITH THE PROVISIONS OF TITLE 13 OF THE**
24 **STATE FINANCE AND PROCUREMENT ARTICLE;**

25 **(II) ASSESS THE COUNTY'S PROGRESS TOWARD MEETING THE**
26 **GOALS SPECIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION; AND**

27 **(III) NOT LATER THAN 60 DAYS AFTER THE DATE THE CONTRACT**
28 **WAS SUBMITTED TO THE PROCUREMENT OFFICER, MAKE A RECOMMENDATION TO**
29 **THE BOARD REGARDING WHETHER THE REQUEST FOR REIMBURSEMENT SHOULD**
30 **BE APPROVED OR DISAPPROVED.**

31 **(3) THE BOARD SHALL CONSIDER THE RECOMMENDATION OF THE**
32 **PROCUREMENT OFFICER WHEN:**

1 **(I) REVIEWING REQUESTS FOR REIMBURSEMENT UNDER §**
2 **1-306(A)(7) OF THIS SUBTITLE; AND**

3 **(II) CONSIDERING WHETHER TO AUTHORIZE EXPENDITURES**
4 **FROM THE 9-1-1 TRUST FUND UNDER § 1-306(A)(12) OF THIS SUBTITLE.**

5 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
6 as follows:

7 **Article – Public Safety**

8 **1-306.1.**

9 **(A) TO THE EXTENT PRACTICABLE, IN AWARDING PROCUREMENT**
10 **CONTRACTS FOR WHICH REIMBURSEMENT WILL BE REQUESTED UNDER THIS**
11 **SUBTITLE, A COUNTY SHALL:**

12 **(1) ENSURE THAT EACH CONTRACT WITH A VALUE OF \$500,000 OR**
13 **MORE IS AWARDED THROUGH A TRANSPARENT AND COMPETITIVE PROCESS**
14 **CONSISTENT WITH THE PROVISIONS OF TITLE 13 OF THE STATE FINANCE AND**
15 **PROCUREMENT ARTICLE; AND**

16 **(2) STRIVE TO MEET:**

17 **(I) THE MINORITY BUSINESS PARTICIPATION GOAL**
18 **ESTABLISHED FOR A UNIT BY THE SPECIAL SECRETARY FOR THE OFFICE OF SMALL,**
19 **MINORITY, AND WOMEN BUSINESS AFFAIRS UNDER § 14-302(A)(1)(II) OF THE**
20 **STATE FINANCE AND PROCUREMENT ARTICLE;**

21 **(II) THE SMALL BUSINESS PARTICIPATION GOAL ESTABLISHED**
22 **FOR A UNIT UNDER § 14-502(C) OF THE STATE FINANCE AND PROCUREMENT**
23 **ARTICLE; AND**

24 **(III) THE VETERAN-OWNED SMALL BUSINESS PARTICIPATION**
25 **GOAL ESTABLISHED FOR A UNIT UNDER § 14-602(A) OF THE STATE FINANCE AND**
26 **PROCUREMENT ARTICLE.**

27 **(B) (1) THE DEPARTMENT OF EMERGENCY MANAGEMENT SHALL**
28 **EMPLOY A PROCUREMENT OFFICER WHOSE RESPONSIBILITIES SHALL INCLUDE**
29 **REVIEWING PROCUREMENT CONTRACTS IN ACCORDANCE WITH THIS SUBSECTION.**

30 **(2) ON RECEIPT OF A REQUEST FOR REIMBURSEMENT FOR A**
31 **PROCUREMENT CONTRACT WITH A VALUE OF \$500,000 OR MORE, THE BOARD SHALL**

1 SUBMIT A COPY OF THE CONTRACT TO THE PROCUREMENT OFFICER OF THE
2 DEPARTMENT OF EMERGENCY MANAGEMENT.

3 (3) THE PROCUREMENT OFFICER SHALL:

4 (I) REVIEW THE PROCUREMENT CONTRACT AND CERTIFY
5 WHETHER THE CONTRACT WAS AWARDED THROUGH A TRANSPARENT AND
6 COMPETITIVE PROCESS CONSISTENT WITH THE PROVISIONS OF TITLE 13 OF THE
7 STATE FINANCE AND PROCUREMENT ARTICLE;

8 (II) ASSESS THE COUNTY'S PROGRESS TOWARD MEETING THE
9 GOALS SPECIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION; AND

10 (III) NOT LATER THAN 60 DAYS AFTER THE DATE THE CONTRACT
11 WAS SUBMITTED TO THE PROCUREMENT OFFICER, MAKE A RECOMMENDATION TO
12 THE BOARD REGARDING WHETHER THE REQUEST FOR REIMBURSEMENT SHOULD
13 BE APPROVED OR DISAPPROVED.

14 (4) THE BOARD SHALL CONSIDER THE RECOMMENDATION OF THE
15 PROCUREMENT OFFICER WHEN:

16 (I) REVIEWING A REQUEST FOR REIMBURSEMENT UNDER §
17 1-306(A)(7) OF THIS SUBTITLE; AND

18 (II) CONSIDERING WHETHER TO AUTHORIZE AN EXPENDITURE
19 FROM THE 9-1-1 TRUST FUND UNDER § 1-306(A)(12) OF THIS SUBTITLE.

20 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
21 effect October 1, 2021, contingent on the taking effect of Chapter ____ (S.B. ____) (1lr2185)
22 of the Acts of the General Assembly of 2021, and if Chapter ____ (S.B. ____) (1lr2185) does
23 not become effective, Section 3 of this Act, with no further action required by the General
24 Assembly, shall be null and void.

25 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
26 4 of this Act, this Act shall take effect October 1, 2021. If Section 3 of this Act takes effect,
27 Section 2 of this Act, with no further action required by the General Assembly, shall be null
28 and void.