

HOUSE BILL 1434

P2
HB 190/21 – HGO

2lr3079

By: **Delegate Charles**

Introduced and read first time: February 22, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Ballot Printing Services Contracts – Board of Public Works**
3 **Approval**

4 FOR the purpose of requiring the Board of Public Works to approve the award of a
5 procurement contract for ballot printing services for ballots before a unit may
6 execute the contract; prohibiting the Board from delegating its authority to approve
7 the award of a procurement contract for ballot printing services; and generally
8 relating to the approval of specialized printing services contracts.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 11–101(a), (d), (n), and (o)
12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 11–101(u) and (x) and 12–101
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

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 11–101.

23 (a) In this Division II the following words have the meanings indicated unless:

24 (1) the context clearly requires a different meaning; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a different definition is provided for a particular title or provision.

2 (d) "Board" means the Board of Public Works.

3 (n) (1) "Procurement" means the process of:

4 (i) leasing real or personal property as lessee; or

5 (ii) buying or otherwise obtaining supplies, services, construction,
6 construction related services, architectural services, engineering services, or services
7 provided under an energy performance contract.

8 (2) "Procurement" includes the solicitation and award of procurement
9 contracts and all phases of procurement contract administration.

10 (o) (1) "Procurement contract" means an agreement in any form entered into
11 by a unit for procurement.

12 (2) "Procurement contract" does not include:

13 (i) a collective bargaining agreement with an employee
14 organization;

15 (ii) an agreement with a contractual employee, as defined in §
16 1–101(d) of the State Personnel and Pensions Article;

17 (iii) a Medicaid, Judicare, or similar reimbursement contract for
18 which law sets:

19 1. user or recipient eligibility; and

20 2. price payable by the State; or

21 (iv) a Medicaid contract with a managed care organization, as
22 defined in § 15–101(e) of the Health – General Article as to which regulations adopted by
23 the Department establish:

24 1. recipient eligibility;

25 2. minimum qualifications for managed care organizations;

26 and

27 3. criteria for enrolling recipients in managed care
28 organizations.

1 (u) (1) Except as provided in paragraph (3) of this subsection, “services”
2 means:

3 (i) the labor, time, or effort of a contractor; and

4 (ii) any product or report necessarily associated with the rendering
5 of a service.

6 (2) “Services” includes:

7 (I) services provided by attorneys, accountants, physicians,
8 consultants, and other professionals who are independent contractors; AND

9 (II) **PRINTING SERVICES FOR A BALLOT, AS DEFINED IN § 1-101**
10 **OF THE ELECTION LAW ARTICLE.**

11 (3) “Services” does not include:

12 (i) construction related services;

13 (ii) architectural services;

14 (iii) engineering services; or

15 (iv) energy performance contract services.

16 (x) (1) “Supplies” means:

17 (i) insurance;

18 (ii) tangible personal property;

19 (iii) printing; and

20 (iv) services necessarily associated with insurance or tangible
21 personal property.

22 (2) “Supplies” does not include:

23 (i) an interest in real property; [or]

24 (ii) tangible personal property acquired or used in connection with
25 an energy performance contract; OR

26 (III) **BALLOT PRINTING SERVICES.**

1 12-101.

2 (a) This section does not apply to capital expenditures by the Department of
3 Transportation or the Maryland Transportation Authority, in connection with State roads,
4 bridges, or highways, as provided in § 12-202 of this title.

5 (b) (1) The Board may control procurement by units.

6 (2) To implement the provisions of this Division II, the Board may:

7 (i) set policy;

8 (ii) adopt regulations, in accordance with Title 10, Subtitle 1 of the
9 State Government Article; and

10 (iii) establish internal operational procedures consistent with this
11 Division II.

12 (3) The Board shall ensure that the regulations of the primary
13 procurement units provide for procedures that are consistent with this Division II and Title
14 13, Subtitle 4 of the State Personnel and Pensions Article and, to the extent the
15 circumstances of a particular type of procurement or a particular unit do not require
16 otherwise, are substantially the same.

17 (4) **[The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
18 **THE** Board may delegate any of its authority that it determines to be appropriate for
19 delegation and may require prior Board approval for specified procurement actions.

20 (5) Except as limited by the Maryland Constitution, the Board may
21 exercise any control authority conferred on a primary procurement unit by this Division II
22 and, to the extent that its action conflicts with the action of the primary procurement unit,
23 the action of the Board shall prevail.

24 (6) The Board shall develop and submit to the General Assembly, in
25 accordance with § 2-1257 of the State Government Article, an annual report on the
26 procurement system that includes information on actions necessary to improve effective
27 broad-based competition in procurement.

28 **(C) (1) THE BOARD MUST APPROVE THE AWARD OF A PROCUREMENT**
29 **CONTRACT FOR BALLOT PRINTING SERVICES BEFORE THE UNIT MAY EXECUTE THE**
30 **CONTRACT.**

31 **(2) THE BOARD MAY NOT DELEGATE ITS AUTHORITY TO APPROVE**
32 **THE AWARD OF A PROCUREMENT CONTRACT FOR BALLOT PRINTING SERVICES.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.