

# SENATE BILL 194

P2

4lr1080

(PRE-FILED)

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By: **Senators Hayes and M. Washington**

Requested: October 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Maryland Correctional Enterprises – Waiver**

3 FOR the purpose of requiring the Department of General Services to grant a waiver from  
4 a certain requirement to use a certain preferred provider for the procurement of  
5 supplies and services under certain circumstances; requiring Maryland Correctional  
6 Enterprises to provide certain information on the delivery of supplies and services  
7 in an annual report; and generally relating to procurements from preferred  
8 providers.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 14–103 and 14–110(d)  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2023 Supplement)

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

16 **Article – State Finance and Procurement**

17 14–103.

18 (a) A State or State aided or controlled entity shall buy supplies and services  
19 from:

20 (1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of  
21 the Correctional Services Article, if Maryland Correctional Enterprises provides the  
22 supplies or services;

23 (2) Blind Industries and Services of Maryland, if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Blind Industries and Services of Maryland provides the supplies  
2 or services; and

3 (ii) Maryland Correctional Enterprises does not provide the supplies  
4 or services; or

5 (3) the Employment Works Program established under § 14–108 of this  
6 subtitle, if:

7 (i) a community service provider or an individual with disability  
8 owned business provides the supplies or services;

9 (ii) neither Maryland Correctional Enterprises nor Blind Industries  
10 and Services of Maryland provides the supplies or services; and

11 (iii) a State or State aided or controlled entity is not required by law  
12 to buy the supplies or services from any other unit of the State government.

13 (b) A State or State aided or controlled entity shall give preference to the  
14 providers listed under subsection (a) of this section in the order that the providers are listed.

15 (c) To the extent practicable, a State or State aided or controlled entity shall  
16 include in a maintenance contract that has a component for housekeeping or janitorial  
17 services, a requirement that a prime contractor procure janitorial products from Blind  
18 Industries and Services of Maryland if the specified products are made, manufactured,  
19 remanufactured, or assembled by Blind Industries and Services of Maryland and are  
20 available.

21 **(D) (1) ON REQUEST BY A STATE OR STATE AIDED OR CONTROLLED**  
22 **ENTITY, THE DEPARTMENT OF GENERAL SERVICES SHALL GRANT A WAIVER TO THE**  
23 **STATE OR STATE AIDED OR CONTROLLED ENTITY FROM THE REQUIREMENT UNDER**  
24 **SUBSECTION (A)(1) OF THIS SECTION IF:**

25 **(I) THE PRICE OF THE NEEDED SUPPLIES AND SERVICES IS AT**  
26 **LEAST 10% ABOVE MARKET RATES FOR SIMILAR SUPPLIES AND SERVICES; OR**

27 **(II) THE TIME AT WHICH THE NEEDED SUPPLIES AND SERVICES**  
28 **WOULD BE DELIVERED DOES NOT MEET THE ENTITY’S NEEDS.**

29 **(2) THE DEPARTMENT OF GENERAL SERVICES SHALL ADOPT**  
30 **REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

31 14–110.

32 (d) (1) Within 90 days after the end of each fiscal year, a preferred provider

1 awarded a contract in accordance with § 14–103 of this subtitle shall report to the  
2 Department of General Services in accordance with [paragraph (2)] **PARAGRAPHS (2) AND**  
3 **(3)** of this subsection.

4 (2) For the preceding fiscal year, the report shall state the total number of  
5 full-time equivalents for individuals with disabilities who contributed to the work of the  
6 contracts.

7 **(3) FOR THE PRECEDING FISCAL YEAR, MARYLAND CORRECTIONAL**  
8 **ENTERPRISES SHALL REPORT THE LENGTH OF TIME BETWEEN EACH ORDER AND**  
9 **DELIVERY OF SUPPLIES AND SERVICES.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.