

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 140

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Procurement - Conflict” and substitute “State Procurement Law - Conflicts”; in line 3, strike “providing” and substitute “modifying the Maryland Public Ethics Law to provide”; in the same line, strike “kinds of”; in lines 3 and 4, strike “an individual” and substitute “a person”; in lines 4 and 5, strike “certain procurements” and substitute “a State procurement”; in line 5, before “and” insert “authorizing the Board of Public Works to allow by regulation certain activities relating to outside assistance without barring certain participation in the State procurement process;”; in the same line, strike “limitation on participating” and substitute “prohibition against participation”; and in line 6, strike “certain documents relating to” and substitute “specifications, an invitation for bids, or a request for proposals involving”.

AMENDMENT NO. 2

On page 1, in line 17, strike “An individual” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON”.

On page 2, in line 1, strike “PURPOSES” and substitute “THE PURPOSE”; in line 4, strike “CATALOGUE” and substitute “CATALOG”; and in line 6, strike “PROVIDED”.

AMENDMENT NO. 3

On page 2, after line 14, insert:

“(C) A PERSON WHO HAS ASSISTED AN EXECUTIVE AGENCY IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS MAY SUBMIT A BID OR PROPOSAL OR ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS SUBMITTING A BID OR PROPOSAL FOR THAT PROCUREMENT IF THE BOARD OF PUBLIC WORKS PROVIDES BY REGULATION THAT, AS TO THAT TYPE OF OUTSIDE ASSISTANCE OR THAT KIND OF PROCUREMENT:

(Over)

(1) IT IS IN THE BEST INTEREST OF THE STATE FOR AN EXECUTIVE AGENCY TO OBTAIN OUTSIDE ASSISTANCE IN DRAFTING THE SPECIFICATIONS, THE INVITATION FOR BIDS, OR THE REQUEST FOR PROPOSALS; AND

(2) ALLOWING A PERSON WHO HAS ASSISTED IN DRAFTING THE SPECIFICATIONS, THE INVITATION FOR BIDS, OR THE REQUEST FOR PROPOSALS TO PARTICIPATE IN THE SUBMISSION OF A BID OR PROPOSAL FOR THE SAME PROCUREMENT WILL NOT UNDERMINE THE POTENTIAL FOR EFFECTIVE BROAD-BASED COMPETITION FOR THAT KIND OF PROCUREMENT.”.