
By: Delegates Frank and Morhaim

Introduced and read first time: January 15, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 Local Government - Procurement - Resident Preferences - Prohibited

3 FOR the purpose of prohibiting a county, Baltimore City, or a municipal corporation
4 from granting a certain preference to a resident bidder in the award of certain
5 procurement contracts under certain circumstances; allowing a county, Baltimore
6 City, or a municipal corporation to grant a preference to a resident bidder over a
7 nonresident bidder under certain circumstances; defining certain terms; repealing a
8 certain reciprocal local preference law applicable to Frederick County; and
9 generally relating to resident preferences by local governments in the award of
10 certain procurement contracts.

11 BY repealing

12 The Public Local Laws of Frederick County
13 Section 2-2-3
14 Article 11 - Public Local Laws of Maryland
15 (1979 Edition and June 1995 Supplement, as amended by Chapter 613 of the Acts of
16 the General Assembly of 1995)

17 BY repealing and reenacting, without amendments,

18 Article 24 - Political Subdivisions - Miscellaneous Provisions
19 Section 1-101(a) and (b)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1995 Supplement)

22 BY adding to

23 Article 24 - Political Subdivisions - Miscellaneous Provisions
24 Section 1-108
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1995 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That Section(s) 2-2-3 of Article 11 - Frederick County of the Code of
29 Public Local Laws of Maryland be repealed.

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

2

1 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

2 1-101.

3 (a) Unless the context clearly requires otherwise, in this article the following
4 words have the meanings indicated.

5 (b) "County" means a county of the State and Baltimore City.

6 1-108.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "PREFERENCE" INCLUDES:

10 (I) A PERCENTAGE PREFERENCE;

11 (II) AN EMPLOYEE RESIDENCY REQUIREMENT; OR

12 (III) ANY OTHER PROVISION THAT FAVORS A RESIDENT OVER A
13 NONRESIDENT.

14 (3) "RESIDENT BIDDER" MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS
15 LOCATED IN THE STATE.

16 (4) "NONRESIDENT BIDDER" MEANS A BIDDER WHOSE PRINCIPAL
17 OFFICE IS LOCATED OUTSIDE THE STATE.

18 (B) WHEN A COUNTY OR MUNICIPAL CORPORATION USES COMPETITIVE
19 SEALED BIDDING TO AWARD A PROCUREMENT CONTRACT, IN DETERMINING THE
20 LOWEST RESPONSIVE BID, THE COUNTY OR MUNICIPAL CORPORATION:

21 (1) MAY NOT DISCRIMINATE AGAINST A RESIDENT BIDDER BY
22 GRANTING A PREFERENCE TO ANY OTHER RESIDENT BIDDER; AND

23 (2) MAY DISCRIMINATE AGAINST A NONRESIDENT BIDDER BY
24 GRANTING A PREFERENCE TO A RESIDENT BIDDER.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1996.