
By: Chairman, Commerce and Government Matters Committee (Departmental - Budget and Fiscal Planning)

Introduced and read first time: February 12, 1996
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Exclusions**

3 FOR the purpose of providing an exclusion from the procurement law for certain
4 procurements by State agencies under contracts issued by other governmental units
5 and not for profit organizations; and providing for the effective date of this Act.

6 BY repealing and reenacting, with amendments,
7 Article - State Finance and Procurement
8 Section 11-203(a)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1995 Supplement)

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

13 **Article - State Finance and Procurement**

14 11-203.

15 (a) Except as provided in subsection (b) of this section, this Division II does not
16 apply to:

17 (1) procurement by:

18 (i) the Blind Industries and Services of Maryland;

19 (ii) the Maryland State Arts Council, for the support of the arts;

20 (iii) the Maryland Health and Higher Educational Facilities Authority,
21 if no State money is to be spent on a procurement contract;

22 (iv) the Maryland Higher Education Supplemental Loan Authority, if
23 no State money is to be spent on a procurement contract;

24 (v) the Maryland Industrial Training Program in the Department of
25 Business and Economic Development, for training programs for new or expanding
26 businesses or industries;

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1 (vi) the Maryland Food Center Authority, to the extent the Authority
2 is exempt under Title 13, Subtitle 1 of Article 41 of the Code;

3 (vii) the Maryland Public Broadcasting Commission, for services of
4 artists for educational and cultural television productions;

5 (viii) public institutions of higher education, for cultural, entertainment,
6 and intercollegiate athletic procurement contracts;

7 (ix) the Maryland State Planning Council on Developmental
8 Disabilities, for services to support demonstration, pilot, and training programs;

9 (x) the Maryland Automobile Insurance Fund;

10 (xi) the Maryland Historical Trust for:

11 1. surveying and evaluating architecturally, archeologically,
12 historically, or culturally significant properties; and

13 2. other than as to architectural services, preparing historic
14 preservation planning documents and educational material;

15 (xii) the University of Maryland, for University College Overseas
16 Programs, if the University adopts regulations that:

17 1. establish policies and procedures governing procurement for
18 University College Overseas Programs; and

19 2. promote the purposes stated in § 11-201(a) of this subtitle;

20 (xiii) St. Mary's College of Maryland;

21 (xiv) the Department of Business and Economic Development, for
22 negotiating and entering into private sector cooperative marketing projects that directly
23 enhance promotion of Maryland and the tourism industry where there will be a private
24 sector contribution to the project of not less than 50% of the total cost of the project, if
25 the project is reviewed by the Attorney General and approved by the Secretary of
26 Business and Economic Development or the Secretary's designee; and

27 (xv) the Forum for Rural Maryland;

28 (2) procurement by a unit from:

29 (i) another unit;

30 (ii) a political subdivision of the State;

31 (iii) an agency of a political subdivision of the State;

32 (iv) a government, including the government of another state, of the
33 United States, or of another country;

34 (v) an agency or political subdivision of a government; or

35 (vi) a bistate, multistate, bicounty, or multicounty governmental
36 agency; [or]

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1 (3) PROCUREMENT BY A UNIT UNDER A CONTRACT BETWEEN A
2 PERSON AND:

3 (I) AN ENTITY DESCRIBED IN PARAGRAPH (2) OF THIS
4 SUBSECTION; OR

5 (II) A NOT FOR PROFIT ENTITY WHOSE VOTING MEMBERSHIP IS
6 LIMITED TO THE ENTITIES DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION OR
7 THEIR EMPLOYEES; OR

8 [(3)] (4) procurement in support of enterprise activities for the purpose of:

9 (i) direct resale; or

10 (ii) remanufacture and subsequent resale.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1996.