
**By: Chairman, Commerce and Government Matters Committee (Departmental -
Transportation)**

Introduced and read first time: February 14, 1996
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement Law - Transportation Professional Services Selection Board - Architectural**
3 **or Engineering Services Contracts**

4 FOR the purpose of requiring the Department of Transportation to establish a selection
5 process for a certain purpose; requiring transportation units to comply with certain
6 limits established by the Transportation Professional Services Selection Board in
7 determining the rate of compensation for persons providing architectural or
8 engineering services; requiring the Board to consider certain factors in establishing
9 limits on costs reimbursement; and generally relating to the Transportation
10 Professional Services Selection Board.

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 13-311
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1995 Supplement)

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

18 **Article - State Finance and Procurement**

19 13-311.

20 (a) The Department of Transportation shall establish a selection process based on
21 a competitive procedure to:

22 (1) PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE
23 MAXIMUM COMPETITION BY PROFESSIONAL COMPANIES OF ALL SIZES PROVIDING
24 ARCHITECTURAL OR ENGINEERING SERVICES;

25 [(1)] (2) evaluate technical proposals and the qualifications of the persons
26 submitting proposals; and

27 [(2)] (3) determine an order of priority based on those evaluations.

28 (b) (1) From the results of the selection process under subsection (a) of this
29 section, the transportation unit shall:

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1 (i) begin negotiations with the most qualified person; and

2 (ii) try to negotiate a procurement contract with that person at a rate
3 of compensation that is fair, competitive, and reasonable.

4 (2) In determining the rate of compensation under this subsection, the
5 transportation unit shall:

6 (i) consider the scope and complexity of the architectural or
7 engineering services required; [and]

8 (ii) conduct a detailed analysis of the cost of those services; AND

9 (III) COMPLY WITH LIMITS ON COSTS REIMBURSEMENT,
10 INCLUDING, BUT NOT LIMITED TO OVERHEAD LIMITS, ESTABLISHED BY THE
11 TRANSPORTATION SELECTION BOARD. IN SETTING SUCH LIMITS, THE BOARD SHALL
12 CONSIDER THE GOAL OF THE SELECTION PROCESS SET FORTH IN PARAGRAPH (1) OF
13 THIS SUBSECTION, AS WELL AS THE REASONABLE COST OF ARCHITECTURAL OR
14 ENGINEERING SERVICES.

15 (c) (1) If the transportation unit is unable to negotiate a satisfactory
16 procurement contract at a rate of compensation that is fair, competitive, and reasonable,
17 it shall:

18 (i) terminate negotiations with the most qualified person; and

19 (ii) negotiate in the same manner with the second and, if necessary,
20 the third most qualified person chosen under subsection (a) of this section.

21 (2) If the transportation unit is unable to negotiate a procurement contract
22 with any person chosen under subsection (a) of this section, the transportation unit shall:

23 (i) choose additional persons in order of their competence and
24 qualification; and

25 (ii) continue negotiations in accordance with the procedures under
26 this section until it reaches an agreement.

27 (d) The Transportation Selection Board may delegate the negotiation process to
28 the Department of Transportation, but any negotiating team shall include a
29 representative of the transportation unit requesting the procurement.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.