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**By: Senator Teitelbaum (Chairman, Ad Hoc Work Group on Procurement) and  
Senators McCabe and Sfikas**

Introduced and read first time: January 12, 1996

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Conflict of Interest**

3 FOR the purpose of providing that certain kinds of activities do not disqualify an  
4 individual from participating in or assisting another in participating in certain  
5 procurements; and generally relating to the limitation on participating in a  
6 procurement after assisting in the drafting of certain documents relating to that  
7 procurement.

8 BY repealing and reenacting, with amendments,

9 Article - State Government

10 Section 15-508

11 Annotated Code of Maryland

12 (1995 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Government**

16 15-508.

17 (A) An individual who assists an executive unit in the drafting of specifications, an  
18 invitation for bids, or a request for proposals for a procurement, or a person that employs  
19 the individual, may not:

20 (1) submit a bid or proposal for that procurement; or

21 (2) assist or represent another person, directly or indirectly, who is  
22 submitting a bid or proposal for that procurement.

23 (B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, ASSISTING IN THE  
24 DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR  
25 PROPOSALS FOR A PROCUREMENT DOES NOT INCLUDE:

26 (1) PROVIDING DESCRIPTIVE LITERATURE SUCH AS CATALOGUE  
27 SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION  
28 "SAMPLES", WHETHER REQUESTED BY AN EXECUTIVE AGENCY OR PROVIDED ON  
29 AN UNSOLICITED BASIS;

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1                   (2) SUBMITTING WRITTEN COMMENTS ON A SPECIFICATION PREPARED  
2 BY AN AGENCY OR ON A SOLICITATION FOR A BID OR PROPOSAL WHEN COMMENTS  
3 ARE SOLICITED FROM TWO OR MORE INDIVIDUALS AS PART OF A REQUEST FOR  
4 INFORMATION OR A PREBID OR PREPROPOSAL PROCESS; OR

5                   (3) PROVIDING SPECIFICATIONS FOR A SOLE SOURCE PROCUREMENT  
6 MADE IN ACCORDANCE WITH § 13-107 OF THE STATE FINANCE AND PROCUREMENT  
7 ARTICLE.

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