
By: **Delegate Wood**

Introduced and read first time: January 20, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement - Intergovernmental Cooperative Purchasing**

3 FOR the purpose of expanding the definition of "governmental entity" for purposes of
4 a provision under the State procurement law concerning intergovernmental
5 purchasing to include certain affiliations, alliances, consortiums, or groups
6 established to promote intergovernmental cooperative purchasing among
7 governmental entities.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 13-110
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1999 Supplement)

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

15 **Article - State Finance and Procurement**

16 13-110.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Governmental entity" means:

19 (i) the federal government or an agency or other instrumentality of
20 the federal government;

21 (ii) another state or an agency or other instrumentality of another
22 state;

23 (iii) a bistate or multistate agency;

24 (iv) a county, municipal corporation, or other political subdivision of
25 the State or of another state, or an agency or other instrumentality of the political
26 subdivision;

1 (v) a bicounty or multicounty agency; [or]

2 (vi) a primary procurement unit; OR

3 (VII) AN AFFILIATION, ALLIANCE, CONSORTIUM, OR GROUP
4 COMPOSED SOLELY OF GOVERNMENTAL ENTITIES THAT IS ESTABLISHED FOR
5 PURPOSES OF PROMOTING INTERGOVERNMENTAL COOPERATIVE PURCHASING.

6 (3) "Intergovernmental cooperative purchasing agreement" means a
7 contract:

8 (i) 1. entered into by at least one governmental entity and a
9 person selected in a manner that is consistent with the purposes set forth under §
10 11-201 of this article;

11 2. that is available for use by the governmental entity
12 entering the contract and at least one additional governmental entity which may, but
13 need not be, an original party to the contract; and

14 3. that is intended to promote efficiency and savings that can
15 result from intergovernmental cooperative purchasing; or

16 (ii) between a primary procurement unit and a person who, at the
17 time the intergovernmental cooperative purchasing agreement is awarded, has a
18 contract with the federal government or an agency or other instrumentality of the
19 federal government, and who agrees to provide the unit with identical prices, terms,
20 and conditions as stipulated in the federal contract.

21 (b) (1) Subject to § 12-107 of this article and paragraph (3) of this
22 subsection, whenever a primary procurement unit procurement officer determines
23 that it is in the best interest of the State to sponsor or participate in an
24 intergovernmental cooperative purchasing agreement, with the approval of the unit
25 head and subject to any other approval required by law, the primary procurement
26 unit may become a party to or participate under the agreement.

27 (2) a determination under this subsection shall be in writing and include
28 a statement that the intergovernmental cooperative purchasing agreement:

29 (i) will provide cost benefits to the State, promote administrative
30 efficiencies, or promote intergovernmental cooperation; and

31 (ii) is not intended to evade the purposes of this Division II.

32 (3) A primary procurement unit may not participate under a federal
33 contract if the State's participation is valued at less than \$250,000.

34 (c) (1) If a primary procurement unit sponsors an intergovernmental
35 cooperative purchasing agreement:

1 (i) the contract shall be awarded in the same manner as the
2 contract would be awarded under this Division II if the unit was the sole participant
3 under the contract; and

4 (ii) all procedures under this Division II, including procedures
5 governing contract claims and protests, shall apply.

6 (2) A political subdivision of the State may participate under any
7 intergovernmental cooperative purchasing agreement sponsored by a primary
8 procurement unit in a manner consistent with the terms of the agreement.

9 (d) If a primary procurement unit participates in an intergovernmental
10 cooperative purchasing agreement, any protest or contract claim involving the
11 agreement shall be handled in accordance with the terms of the agreement.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2000.