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By: **Delegates Griffith and Swain**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Procurement Officers - Certification**

3 FOR the purpose of requiring a procurement officer employed by the State or by a
4   political subdivision of the State after a certain date to be certified as a Certified
5   Professional Public Buyer (CPPB) by the Universal Public Purchasing
6   Certification Council (UPPCC) within a certain time; specifying an exception to
7   the certification requirement; defining certain terms; providing for the
8   application of this Act; and generally relating to the certification of procurement
9   officers.

10 BY repealing and reenacting, without amendments,
11   Article - State Finance and Procurement
12   Section 11-101(a), (o), and (x)
13   Annotated Code of Maryland
14   (1995 Replacement Volume and 1999 Supplement)

15 BY adding to
16   Article - State Finance and Procurement
17   Section 17-501 and 17-502 to be under the new subtitle "Subtitle 5.
18   Certification of Procurement Officers"
19   Annotated Code of Maryland
20   (1995 Replacement Volume and 1999 Supplement)

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

23   **Article - State Finance and Procurement**

24 11-101.

25   (a)   In this Division II the following words have the meanings indicated unless:

26   (1)   the context clearly requires a different meaning; or

27   (2)   a different definition is provided for a particular title or provision.

1   (o)   "Procurement officer" means an individual authorized by a unit to:

2   (1)   enter into a procurement contract;

3   (2)   administer a procurement contract; or

4   (3)   make determinations and findings with respect to a procurement
5 contract.

6   (x)   (1)   "Unit" means an officer or other entity that is in the Executive
7 Branch of the State government and is authorized by law to enter into a procurement
8 contract.

9   (2)   "Unit" does not include:

10   (i)   a bistate, multistate, bicounty, or multicounty governmental
11 agency; or

12   (ii)   a special tax district, sanitary district, drainage district, soil
13 conservation district, water supply district, or other political subdivision of the State.

14   SUBTITLE 5. CERTIFICATION OF PROCUREMENT OFFICERS.

15 17-501.

16   (A)   IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18   (B)   "COUNCIL" MEANS THE UNIVERSAL PUBLIC PURCHASING CERTIFICATION
19 COUNCIL (UPPCC).

20   (C)   (1)   "POLITICAL SUBDIVISION" MEANS:

21   (I)   A COUNTY;

22   (II)   A MUNICIPAL CORPORATION; OR

23   (III)   A BICOUNTY OR MULTICOUNTY GOVERNMENTAL AGENCY.

24   (2)   "POLITICAL SUBDIVISION" DOES NOT INCLUDE:

25   (I)   A SPECIAL TAX DISTRICT;

26   (II)   A SANITARY DISTRICT;

27   (III)   A DRAINAGE DISTRICT;

28   (IV)   A SOIL CONSERVATION DISTRICT; OR

29   (V)   A WATER SUPPLY DISTRICT.

1   (D)   "PROCUREMENT OFFICER" INCLUDES A PROCUREMENT OFFICER WHO
2 REPRESENTS A POLITICAL SUBDIVISION OF THE STATE.

3 17-502.

4   (A)   A PROCUREMENT OFFICER WHO IS NOT CERTIFIED AS A CERTIFIED
5 PROFESSIONAL PUBLIC BUYER (CPPB) BY THE COUNCIL WITHIN 2 YEARS FROM THE
6 DATE THAT THE PROCUREMENT OFFICER FIRST BECAME ELIGIBLE TO APPLY FOR
7 THE CERTIFICATION MAY NOT PERFORM THE DUTIES OF A PROCUREMENT OFFICER
8 FOR THE STATE OR A POLITICAL SUBDIVISION OF THE STATE UNTIL THE
9 PROCUREMENT OFFICER BECOMES CERTIFIED.

10   (B)   THE CERTIFICATION REQUIREMENT IN SUBSECTION (A) OF THIS SECTION
11 DOES NOT APPLY TO A PROCUREMENT OFFICER WHO IS CERTIFIED AS A CERTIFIED
12 PUBLIC PURCHASING OFFICER (CPPO) BY THE COUNCIL.

13   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed only prospectively and may not be applied or interpreted to have any effect
15 on or application to any individual who was employed by the State or any political
16 subdivision of the State as a procurement officer before the effective date of this Act.

17   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.