

SENATE BILL 512

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SB 191/99 - EEA

2000 Regular Session  
0lr2208

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By: **Senator Exum**

Introduced and read first time: February 4, 2000

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Service Contracts - Standards for Privatization**

3 FOR the purpose of establishing standards and procedures for procurement of  
4 services that are currently provided by a unit of State government; requiring an  
5 invitation for bids under this Act to contain certain information; requiring the  
6 Board of Public Works to make a certain certification before approving a  
7 contract under this Act; requiring the Board to conduct the certification review  
8 using existing personnel and resources and prohibiting the Board from  
9 increasing its personnel and resources to conduct the review; and generally  
10 relating to proposed procurement contracts for services currently provided by  
11 State government.

12 BY adding to

13 Article - State Finance and Procurement

14 Section 12-110

15 Annotated Code of Maryland

16 (1995 Replacement Volume and 1999 Supplement)

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

19 **Article - State Finance and Procurement**

20 12-110.

21 (A) THIS SECTION APPLIES TO A PROPOSED PROCUREMENT CONTRACT FOR  
22 SERVICES THAT ARE CURRENTLY PROVIDED BY A UNIT UNDER ITS PUBLIC  
23 AUTHORITY.

24 (B) (1) A CONTRACT UNDER THIS SECTION SHALL BE BASED ON  
25 COMPETITIVE SEALED BIDS.

26 (2) AN INVITATION FOR BIDS UNDER THIS SUBSECTION SHALL:

27 (I) STATE THE WAGES TO BE PAID UNDER THE CONTRACT; AND

1 (II) REQUIRE THE CONTRACTOR TO:

2 1. PROVIDE HEALTH INSURANCE FOR EMPLOYEES WHO  
3 WORK MORE THAN 20 HOURS PER WEEK;

4 2. STATE THE CONTRACTOR'S NEUTRALITY CONCERNING AN  
5 EMPLOYEE'S RIGHT TO COLLECTIVE BARGAINING;

6 3. OFFER JOBS TO QUALIFIED EMPLOYEES OF THE UNIT  
7 WHO WILL BE TERMINATED AS A RESULT OF THE CONTRACT; AND

8 4. COMPLY WITH STATE AND FEDERAL LAW REGARDING  
9 EMPLOYEE RIGHTS, EQUAL EMPLOYMENT OPPORTUNITY, AND NONDISCRIMINATION.

10 (3) THE MINIMUM WAGES PAID UNDER PARAGRAPH (2)(I) OF THIS  
11 SUBSECTION SHALL BE THE LESSER OF:

12 (I) THE AVERAGE PRIVATE SECTOR WAGE FOR COMPARABLE  
13 WORK, AS DETERMINED BY THE DEPARTMENT OF LABOR, LICENSING, AND  
14 REGULATION; AND

15 (II) IN THE STANDARD PAY PLAN, THE STEP 1 WAGE WITHIN THE  
16 GRADE AT WHICH THE POSITION WOULD BE CLASSIFIED IF THE JOB WAS  
17 PERFORMED BY A PUBLIC EMPLOYEE.

18 (4) HEALTH INSURANCE PROVIDED UNDER PARAGRAPH (2)(II)1 OF THIS  
19 SUBSECTION SHALL INCLUDE IMMEDIATE FAMILY MEMBERS OF THE EMPLOYEE,  
20 AND THE EMPLOYER CONTRIBUTION SHALL BE THE SAME PORTION AS THAT PAID BY  
21 THE STATE FOR ITS EMPLOYEES.

22 (C) IF A CONTRACT IS PROPOSED UNDER THIS SECTION, THE AFFECTED UNIT  
23 SHALL PREPARE A STATEMENT OF ITS INTERNAL COSTS TO PROVIDE THE SERVICE  
24 UTILIZING PUBLIC EMPLOYEES.

25 (D) (1) BEFORE AWARDING A CONTRACT UNDER THIS SECTION, THE BOARD  
26 OF PUBLIC WORKS SHALL CERTIFY THAT:

27 (I) THE QUALITY OF SERVICES TO BE PROVIDED BY THE  
28 CONTRACTOR WILL BE AT LEAST EQUAL TO THE QUALITY OF SERVICES PROVIDED BY  
29 THE UNIT;

30 (II) THE CONTRACTOR HAS NO RECORD OF NONCOMPLIANCE WITH  
31 ANY FEDERAL OR STATE LAW OR REGULATION; AND

32 (III) AWARD OF THE CONTRACT IS IN THE PUBLIC INTEREST.

33 (2) (I) THE BOARD SHALL CONDUCT THE CERTIFICATION REQUIRED  
34 UNDER THIS SUBSECTION USING THE BOARD PERSONNEL AND RESOURCES THAT  
35 EXIST ON OCTOBER 1, 2000.

1 (II) THE BOARD MAY NOT INCREASE ITS PERSONNEL OR BUDGET  
2 TO CONDUCT THE CERTIFICATION REVIEW REQUIRED UNDER THIS SUBSECTION.

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