
By: **Delegate Rosenberg**
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Streamlined Process for Procurement of Information**
3 **Technology Services**

4 FOR the purpose of requiring the Secretary of Budget and Management to adopt by
5 regulation a streamlined procurement process for procurement of information
6 technology services; requiring the streamlined procurement process adopted by
7 the Secretary to include a procedure for consideration and approval of certain
8 proposals, policies, and procedures for certain task orders, the execution of
9 certain contracts, and a certain performance evaluation procedure; authorizing
10 a unit of the Executive Branch to issue task orders consistent with certain
11 procedures and policies; requiring task orders issued by a unit of the Executive
12 Branch to contain certain items; requiring a unit of the Executive Branch to
13 issue a task order to all qualified offerors if the total cost is expected to exceed a
14 certain amount and to issue a task order to a certain number of qualified
15 offerors if the total cost is expected to be at or less than a certain amount;
16 requiring a unit of the Executive Branch to evaluate responses from qualified
17 offerors and authorizing the unit to select the offeror's response that is the most
18 advantageous to the State after consideration of certain factors; defining certain
19 terms; and generally relating to adoption by the Secretary of a streamlined
20 process for procurement of information technology services.

21 BY repealing and reenacting, with amendments,
22 Article - State Finance and Procurement
23 Section 13-102
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 2000 Supplement)

26 BY adding to
27 Article - State Finance and Procurement
28 Section 13-401 and 13-402 to be under the new subtitle "Subtitle 4.
29 Streamlined Process for Procurement of Information Technology Services"
30 Annotated Code of Maryland
31 (1995 Replacement Volume and 2000 Supplement)

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

3 **Article - State Finance and Procurement**

4 13-102.

5 (a) Except as provided in Subtitle 3 AND SUBTITLE 4 of this title, all
6 procurement by units shall be by competitive sealed bids unless one of the following
7 methods specifically is authorized:

- 8 (1) competitive sealed proposals under § 13-104 or § 13-105 of this
9 subtitle;
- 10 (2) noncompetitive negotiation under § 13-106 of this subtitle;
- 11 (3) sole source procurement under § 13-107 of this subtitle;
- 12 (4) emergency or expedited procurement under § 13-108 of this subtitle;
- 13 (5) small procurement under § 13-109 of this subtitle; or
- 14 (6) an intergovernmental cooperative purchasing agreement under §
15 13-110 of this subtitle.

16 (b) (1) In awarding a procurement contract for human, social, cultural, or
17 educational service, the preferred method is by competitive sealed proposals under §
18 13-104 of this subtitle.

19 (2) In awarding a procurement contract for a lease of real property, the
20 preferred method is by competitive sealed proposals under § 13-105 of this subtitle.

21 (3) Procurement under an intergovernmental cooperative purchasing
22 agreement is appropriate in situations where the State is expected to achieve a better
23 price as the result of economies of scale or to otherwise benefit by purchasing in
24 cooperation with another governmental entity.

25 SUBTITLE 4. STREAMLINED PROCESS FOR PROCUREMENT OF INFORMATION
26 TECHNOLOGY SERVICES.

27 13-401.

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (B) "INFORMATION TECHNOLOGY" HAS THE MEANING STATED IN § 3-402 OF
31 THIS TITLE.

32 (C) "SECRETARY" MEANS THE SECRETARY OF BUDGET AND MANAGEMENT.

1 13-402.

2 (A) BY REGULATION, THE SECRETARY SHALL ADOPT A STREAMLINED
3 PROCUREMENT PROCESS FOR PROCUREMENT OF INFORMATION TECHNOLOGY
4 SERVICES THAT PROVIDES FOR THE QUALIFICATION OF OFFERORS IN ONE OR MORE
5 CATEGORIES OF INFORMATION TECHNOLOGY SERVICES.

6 (B) THE STREAMLINED PROCUREMENT PROCESS ADOPTED BY THE
7 SECRETARY SHALL INCLUDE:

8 (1) CATEGORIES OF INFORMATION TECHNOLOGY SERVICES IN WHICH
9 AN OFFEROR MAY SUBMIT A PROPOSAL FOR QUALIFICATION;

10 (2) A PROCEDURE FOR THE CONSIDERATION AND APPROVAL OF
11 PROPOSALS FOR QUALIFICATION OF AN UNLIMITED NUMBER OF OFFERORS AT
12 LEAST ONCE A YEAR IN EACH CATEGORY OF INFORMATION TECHNOLOGY SERVICES;

13 (3) THE EXECUTION OF STANDARD CONTRACTS FOR SPECIFIED
14 PERIODS OF TIME BETWEEN THE STATE AND OFFERORS APPROVED FOR
15 QUALIFICATION IN A CATEGORY OF INFORMATION TECHNOLOGY SERVICES;

16 (4) POLICIES AND PROCEDURES TO BE FOLLOWED BY UNITS OF THE
17 EXECUTIVE BRANCH IN THE ISSUANCE OF TASK ORDERS FOR INFORMATION
18 TECHNOLOGY SERVICES TO QUALIFIED OFFERORS THAT HAVE EXECUTED
19 CONTRACTS WITH THE SECRETARY; AND

20 (5) A PERFORMANCE EVALUATION PROCEDURE TO BE USED BY UNITS
21 OF THE EXECUTIVE BRANCH TO EVALUATE THE PERFORMANCE OF QUALIFIED
22 OFFERORS THAT HAVE COMPLETED WORK ON TASK ORDERS.

23 (C) (1) A UNIT OF THE EXECUTIVE BRANCH THAT REQUIRES INFORMATION
24 TECHNOLOGY SERVICES MAY ISSUE A SOLICITATION FOR A TASK ORDER TO
25 QUALIFIED OFFERORS IN THE APPROPRIATE CATEGORY OF INFORMATION
26 TECHNOLOGY SERVICES CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED
27 BY THE SECRETARY IN SUBSECTION (B) OF THIS SECTION.

28 (2) THE SOLICITATION FOR A TASK ORDER SHALL INCLUDE A
29 STATEMENT OF THE:

30 (I) FACTORS THAT WILL BE USED IN EVALUATING QUALIFIED
31 OFFERORS' RESPONSES; AND

32 (II) RELATIVE IMPORTANCE OF EACH FACTOR.

33 (D) (1) IF THE UNIT OF THE EXECUTIVE BRANCH EXPECTS THAT THE TOTAL
34 COST OF THE INFORMATION TECHNOLOGY SERVICES WILL EXCEED \$100,000, THE
35 UNIT SHALL ISSUE A TASK ORDER TO ALL QUALIFIED OFFERORS IN THE
36 APPROPRIATE CATEGORY ESTABLISHED BY THE SECRETARY.

1 (2) IF THE UNIT OF THE EXECUTIVE BRANCH EXPECTS THAT THE TOTAL
2 COST OF THE INFORMATION TECHNOLOGY SERVICES WILL BE \$100,000 OR LESS, THE
3 UNIT MAY ISSUE A SOLICITATION FOR A TASK ORDER TO A MINIMUM OF SIX
4 QUALIFIED OFFERORS IN THE APPROPRIATE CATEGORY ESTABLISHED BY THE
5 SECRETARY.

6 (E) AFTER A UNIT OF THE EXECUTIVE BRANCH RECEIVES RESPONSES FROM
7 QUALIFIED OFFERORS TO A SOLICITATION FOR A TASK ORDER, THE UNIT SHALL
8 EVALUATE THE RESPONSES AND MAY SELECT AN OFFEROR BASED ON THE
9 RESPONSE THAT IS DETERMINED TO BE THE MOST ADVANTAGEOUS TO THE STATE
10 CONSIDERING THE EVALUATION FACTORS SET FORTH IN THE TASK ORDER.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2001.