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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

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CHAPTER \_\_\_\_\_

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~~ a solicitation for a task order  
11 consistent with certain procedures and policies; requiring ~~task orders~~ a task  
12 order issued by a unit of the Executive Branch to contain certain items;  
13 requiring a unit of the Executive Branch to issue a task order to all qualified  
14 offerors if the total cost is expected to exceed a certain amount ~~and~~ ; requiring a  
15 unit of the Executive Branch to issue a task order to a certain number of  
16 qualified offerors or all qualified offerors, whichever number is less, if the total  
17 cost is expected to be at or less than a certain amount; requiring a unit of the  
18 Executive Branch to evaluate responses from qualified offerors and authorizing  
19 the unit to select the offeror's response that is the most advantageous to the  
20 State after consideration of certain factors; defining certain terms; and  
21 generally relating to adoption by the Secretary of a streamlined process for  
22 procurement of information technology services.

23 BY repealing and reenacting, with amendments,  
24 Article - State Finance and Procurement  
25 Section 13-102  
26 Annotated Code of Maryland

1 (1995 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article - State Finance and Procurement

4 Section 13-401 and 13-402 to be under the new subtitle "Subtitle 4.

5 Streamlined Process for Procurement of Information Technology Services"

6 Annotated Code of Maryland

7 (1995 Replacement Volume and 2000 Supplement)

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

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

10 **Article - State Finance and Procurement**

11 13-102.

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

15 (1) competitive sealed proposals under § 13-104 or § 13-105 of this  
16 subtitle;

17 (2) noncompetitive negotiation under § 13-106 of this subtitle;

18 (3) sole source procurement under § 13-107 of this subtitle;

19 (4) emergency or expedited procurement under § 13-108 of this subtitle;

20 (5) small procurement under § 13-109 of this subtitle; or

21 (6) an intergovernmental cooperative purchasing agreement under §  
22 13-110 of this subtitle.

23 (b) (1) In awarding a procurement contract for human, social, cultural, or  
24 educational service, the preferred method is by competitive sealed proposals under §  
25 13-104 of this subtitle.

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

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

1 SUBTITLE 4. STREAMLINED PROCESS FOR PROCUREMENT OF INFORMATION  
2 TECHNOLOGY SERVICES.

3 13-401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

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

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

9 13-402.

10 (A) BY REGULATION, THE SECRETARY SHALL ADOPT A STREAMLINED  
11 PROCUREMENT PROCESS FOR PROCUREMENT OF INFORMATION TECHNOLOGY  
12 SERVICES THAT PROVIDES FOR THE QUALIFICATION OF ~~OFFERORS~~ AN OFFEROR IN  
13 ONE OR MORE CATEGORIES OF INFORMATION TECHNOLOGY SERVICES.

14 (B) THE STREAMLINED PROCUREMENT PROCESS ADOPTED BY THE  
15 SECRETARY SHALL INCLUDE:

16 (1) THE CATEGORIES OF INFORMATION TECHNOLOGY SERVICES IN  
17 WHICH AN OFFEROR MAY SUBMIT A PROPOSAL FOR QUALIFICATION;

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

21 (3) THE EXECUTION OF A STANDARD CONTRACTS CONTRACT FOR A  
22 SPECIFIED PERIODS PERIOD OF TIME BETWEEN THE STATE AND ~~OFFERORS~~ AN  
23 OFFEROR APPROVED FOR QUALIFICATION IN A CATEGORY OF INFORMATION  
24 TECHNOLOGY SERVICES;

25 (4) THE POLICIES AND PROCEDURES TO BE FOLLOWED BY ~~UNITS~~ A UNIT  
26 OF THE EXECUTIVE BRANCH IN THE ISSUANCE OF ~~TASK ORDERS~~ A SOLICITATION  
27 FOR A TASK ORDER FOR INFORMATION TECHNOLOGY SERVICES TO A QUALIFIED  
28 ~~OFFERORS~~ OFFEROR THAT ~~HAVE~~ HAS EXECUTED ~~CONTRACTS~~ A CONTRACT WITH  
29 THE SECRETARY; AND

30 (5) A PERFORMANCE EVALUATION PROCEDURE TO BE USED BY ~~UNITS~~ A  
31 UNIT OF THE EXECUTIVE BRANCH TO EVALUATE THE PERFORMANCE OF A  
32 QUALIFIED ~~OFFERORS~~ OFFEROR THAT ~~HAVE~~ HAS COMPLETED WORK ON ~~TASK~~  
33 ~~ORDERS~~ A TASK ORDER.

34 (C) (1) A UNIT OF THE EXECUTIVE BRANCH THAT REQUIRES INFORMATION  
35 TECHNOLOGY SERVICES MAY ISSUE A SOLICITATION FOR A TASK ORDER TO A  
36 QUALIFIED ~~OFFERORS~~ OFFEROR IN THE APPROPRIATE CATEGORY OF INFORMATION

1 TECHNOLOGY SERVICES CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED  
2 BY THE SECRETARY IN SUBSECTION (B) OF THIS SECTION.

3 (2) THE SOLICITATION FOR A TASK ORDER SHALL INCLUDE A  
4 STATEMENT OF THE:

5 (I) FACTORS THAT WILL BE USED IN EVALUATING A QUALIFIED  
6 ~~OFFERORS' RESPONSES~~ OFFEROR'S RESPONSE; AND

7 (II) RELATIVE IMPORTANCE OF EACH FACTOR.

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

12 (2) IF THE UNIT OF THE EXECUTIVE BRANCH EXPECTS THAT THE TOTAL  
13 COST OF THE INFORMATION TECHNOLOGY SERVICES WILL BE \$100,000 OR LESS, THE  
14 UNIT ~~MAY SHALL~~ ISSUE A SOLICITATION FOR A TASK ORDER TO A MINIMUM OF SIX  
15 QUALIFIED OFFERORS OR ALL QUALIFIED OFFERORS, WHICHEVER IS LESS, IN THE  
16 APPROPRIATE CATEGORY ESTABLISHED BY THE SECRETARY.

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

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