Unofficial Copy L5 2001 Regular Session 1lr0815

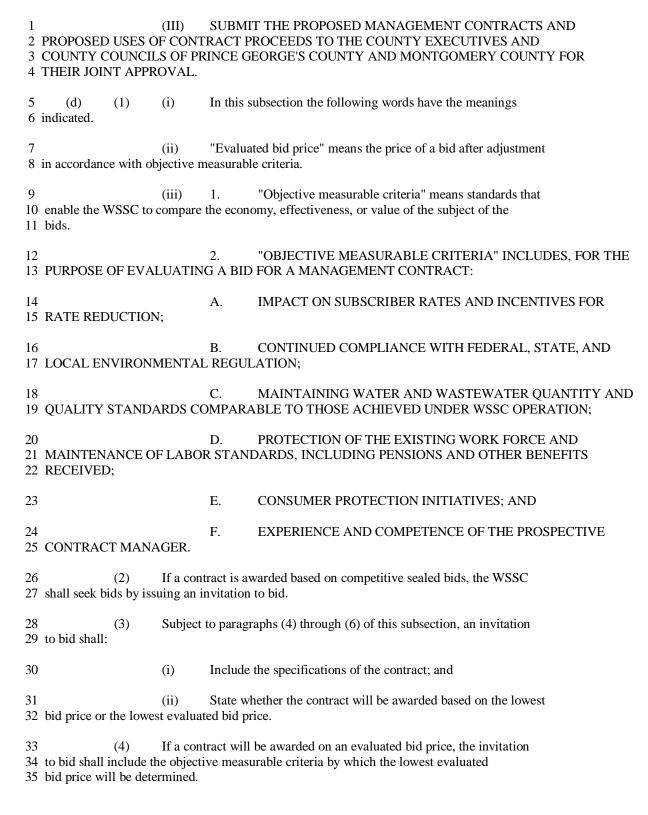
By: Montgomery County Delegation and Prince George's County
Delegation

Delegation
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

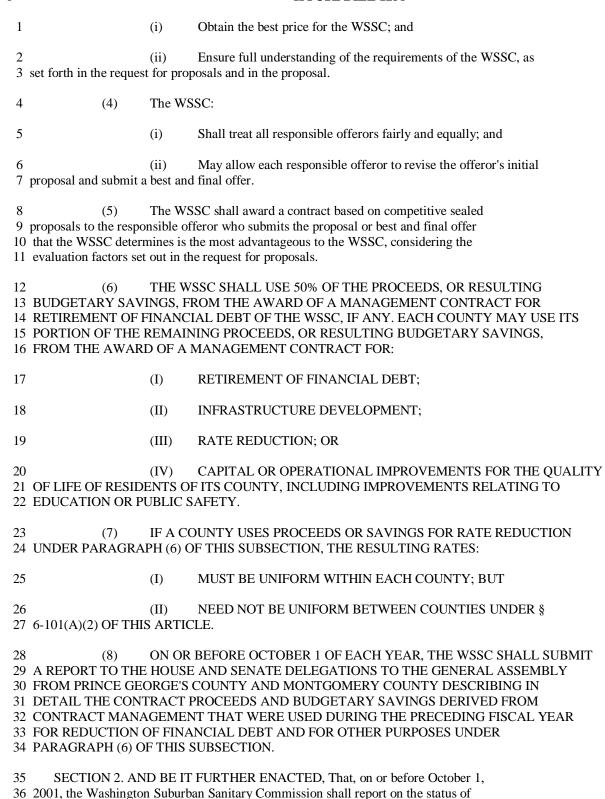
	A BILL ENTITLED							
1	AN ACT concerning							
2 3	•							
4 5 6 7 8 9 10 11 12 13 14	of a certain procurement on or before a certain date; adding and altering certain definitions; and generally relating to the authority of the Washington Suburban Sanitary Commission to procure certain management contracts for certain							
15 16 17 18 19	Section 3-102(a) through (e), inclusive Annotated Code of Maryland							
20 21	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
22	Article 29 - Washington Suburban Sanitary District							
23	3-102.							
24	(a) (1) In this section the following words have the meanings indicated.							
	(2) "Design/build contract" means a contract that provides for both architectural and engineering design services and construction services as a part of a single contract.							

1 2	(3) "Facilities construction contract" means a contract that provides services for the construction of:				
3		(i)	Water or wastewater treatment plants;		
4 5	within the pumping st	(ii) ation site	Water or wastewater pumping stations and related force mains limits;		
6		(iii)	Water storage facilities; and		
7		(iv)	Wastewater storage facilities or buildings.		
8 9	(4) FOR THE MANAGE		GEMENT CONTRACT" MEANS A CONTRACT THAT PROVIDES OF:		
10		(I)	THE CONSTRUCTION OF A FACILITY; OR		
11 12	A FACILITY.	(II)	THE MAINTENANCE AND DAILY OPERATION OF EQUIPMENT OR		
13 14	[(4)] the construction of a	(5) pipeline.	"Pipeline contract" means a contract that provides services for		
15 16			applies to design/build [contracts and] CONTRACTS, MANAGEMENT CONTRACTS.		
19 20	sewer system, OR W	ed with th ITH A M	er the WSSC decides, after an opportunity for a hearing has e design or construction of a water supply or sanitary IANAGEMENT CONTRACT FOR A WATER SUPPLY OR M, the WSSC shall comply with the requirements of this		
24 25 26	SERIES OF MANAGE THE FACILITIES OF PROCESS BY THE	NITIATE GEMENT F THE W COUNT	THSTANDING ANY OTHER PROVISION OF THIS SECTION, THE A BIDDING PROCESS FOR A MANAGEMENT CONTRACT OR CONTRACTS COVERING ALL OR A SIGNIFICANT PART OF VSSC WITHOUT PRIOR JOINT APPROVAL OF THE BIDDING Y EXECUTIVES AND COUNTY COUNCILS OF PRINCE MONTGOMERY COUNTY.		
			The WSSC shall advertise, by notice in newspapers and considers proper, for bids or proposals for the design and parts or as a whole, as the WSSC considers advisable.		
	[(3)] construction contract pipeline contracts.	(4) s with co	Design/build contracts shall be used only for facilities sts exceeding \$2 million and may not be used for		
34	[(4)]	(5)	The WSSC:		
35 36	considers that the pri	(i) ces quote	May readvertise the work or any part of the work if the WSSC d are unreasonable; or		

1 2	part or all of the work	(ii) by day la	Subject to paragraph [(5)] (6) of this subsection, may do any labor.		
			Notwithstanding paragraph [(6)] (7) of this subsection, at any \$15,000 or less by day labor for construction working bids or proposals.		
6	[(6)]	(7)	The WSS	SC shall award contracts by:	
7 8	section; or	(i)	Competit	tive sealed bids in accordance with subsection (d) of this	
9 10	of this section.	(ii)	Competit	tive sealed proposals in accordance with subsection (e)	
13	1 (8) THE WSSC SHALL BUDGET ADEQUATE RESOURCES UNDER § 1-204 OF 2 THIS ARTICLE TO OBTAIN EXPERTS AND LEGAL AND FINANCIAL ADVISORY SERVICES 3 NEEDED TO ENSURE THAT THE COMPETITIVE BIDDING AND PROPOSAL PROCESS 4 UNDER THIS SECTION IS CONDUCTED FAIRLY.				
15	[(7)]	(9)	The WSS	SC may reject any bid or proposal.	
16	[(8)]	(10)	The WSS	SC:	
17 18	for bidders or offerors	(i) ; and	May ado	pt regulations to establish a prequalification process	
19 20	subsection (e)(3) of th	(ii) is section		opt regulations to govern discussions held under	
			er into an	Except as prohibited under subparagraph (ii) of this y type of contract under this section that	
24		(ii)	The WSS	SC:	
25 26	and		1.	May not enter a cost-plus-percentage-of-cost contract;	
27 28	under a WSSC contrac	ct.	2.	Shall prohibit a cost-plus-percentage-of-cost subcontract	
29	(12)	ON OR	BEFORE	APRIL 1, 2002, THE WSSC SHALL:	
			TS COVI	ETE A PROCUREMENT PROCESS FOR ONE OR MORE ERING ALL OR A SIGNIFICANT PART OF THE	
33 34	MANAGEMENT CO	(II) NTRAC		7, AND APPROVE OR REJECT, BIDS FOR THE PROPOSED	



	(5) the responsible bidder as appropriate.	The WSSC shall award contracts based on competitive sealed bids to der who submits the lowest bid price or lowest evaluated bid price,				
4 5	(6) for price bids is impra	If the WSSC determines that an initial preparation of specifications ractical, the invitation for bids may:				
6		(i)	Include a request for unpriced technical offers or samples; and			
7		(ii)	Direct the bidder to submit a:			
8 9	sample; or		1. Sealed price bid with the unpriced technical offer or			
		2. Price bid after the WSSC evaluates the technical offer or the offer or sample is acceptable under the criteria set forth in				
13 14	(7) or samples, the WSS		itation to bid includes a request for unpriced technical offers			
15 16	sample is acceptable;	(i)	Consider the price bid of a bidder whose technical offer or			
17 18	or sample is unaccept	(ii) table; and	Return unopened the price bid of a bidder whose technical offer			
	(iii) Award the contract to the responsible bidder whose technical offer or sample is acceptable and who submits the lowest bid or lowest evaluated bid, as specified in the invitation to bid.					
24	(8) IN EVALUATING BIDS FOR A MANAGEMENT CONTRACT, THE WSSC S SHALL LIMIT THE NUMBER OF BIDDERS FOR FURTHER EVALUATION TO THOSE BIDDERS THAT ARE MOST QUALIFIED BASED ON A REVIEW OF OBJECTIVE MEASURABLE CRITERIA.					
26 27	()		ract is awarded based on competitive sealed proposals, the issuing a request for proposals.			
28	(2)	A reque	st for proposals shall include:			
29		(i)	A statement describing the scope of the contract;			
30 31	proposals; and	(ii)	The factors, including price, that will be used in evaluating			
32		(iii)	The relative importance of each factor.			
33 34	(3) WSSC may conduct		reipt of proposals, but before the contract is awarded, the as with an offeror to:			



- 1 any procurement of a management contract under this Act to the House and Senate
 2 delegations to the General Assembly and the county executives and county councils of
- 3 Prince George's County and Montgomery County, respectively.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 5 July 1, 2001.