

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 719

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “proposal;” insert “limiting the annual State expenditures under a contract based on an unsolicited proposal;”; in line 12, after “programs;” insert “providing that a certain prohibition against assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include providing specifications for certain unsolicited proposal procurements;”; and after line 27, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 15-508

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 19, after “PROVIDE” insert “OR ASSIST IN PROVIDING”; in line 19, strike “DIRECTLY”; strike beginning with “THE” in line 19 down through “SERVICES” in line 20; in line 22, after “PROVIDE” insert “OR ASSIST IN PROVIDING”; in line 22, strike “DIRECTLY”; and strike beginning with the first “THE” in line 23 down through “SERVICES” in line 24.

AMENDMENT NO. 3

On page 3, in line 16, after “(F)” insert “STATE EXPENDITURES UNDER A CONTRACT AWARDED UNDER THIS SECTION MAY NOT EXCEED \$1,000,000 ANNUALLY.

(G)”;

and in line 23, strike “(G)” and substitute “(H)”.

(Over)

On page 4, in line 7, strike “(H)” and substitute “(I)”; and in line 12, strike “(I)” and substitute “(J)”.

AMENDMENT NO. 4

On page 4, after line 20, insert:

“Article - State Government

15-508.

(a) An individual or a person that employs an individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals may not:

(1) submit a bid or proposal for that procurement; or

(2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

(1) providing descriptive literature such as catalogue sheets, brochures, technical data sheets, or standard specification “samples”, whether requested by an executive agency or provided on an unsolicited basis;

(2) submitting written comments on a specification prepared by an agency or on a solicitation for a bid or proposal when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;

(3) providing specifications for a sole source procurement made in accordance with § 13-107 of the State Finance and Procurement Article; [or]

(4) providing architectural and engineering services for programming, master

planning, or other project planning services; OR

(5) PROVIDING SPECIFICATIONS FOR AN UNSOLICITED PROPOSAL
PROCUREMENT MADE IN ACCORDANCE WITH § 13-107.1 OF THE STATE FINANCE AND
PROCUREMENT ARTICLE.”.