

HOUSE BILL 95

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2002 Regular Session  
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(PRE-FILED)

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By: **Chairman, Commerce and Government Matters Committee**  
**(Departmental - Transportation)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Procurement - Department of Transportation - Supplies and Services for**  
3                                   **Aeronautics Related Activities**

4 FOR the purpose of authorizing the Department of Transportation to procure certain  
5 supplies and services for aeronautics related activities in a certain manner; and  
6 generally relating to the procurement authority of the Department of  
7 Transportation.

8 BY repealing and reenacting, with amendments,  
9 Article - State Finance and Procurement  
10 Section 12-107  
11 Annotated Code of Maryland  
12 (2001 Replacement Volume)

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

15                                   **Article - State Finance and Procurement**

16 12-107.

17 (a) This section does not apply to capital expenditures by the Department of  
18 Transportation or the Maryland Transportation Authority, in connection with State  
19 roads, bridges, or highways, as provided in § 12-202 of this title.

20 (b) Subject to the authority of the Board, jurisdiction over procurement is as  
21 follows:

22 (1) the State Treasurer may engage in or control procurement of banking  
23 and financial services, insurance, and insurance services, as provided in Division I of  
24 this article and Article VI, § 3 of the Maryland Constitution;

25 (2) the Department of Budget and Management may control  
26 procurement of:

- 1 (i) information processing equipment and associated services, as  
2 provided in Title 3, Subtitle 4 of this article;
- 3 (ii) services by a unit, subject to any limitation in this Division II;  
4 and
- 5 (iii) leases of motor vehicles, as provided in Title 3, Subtitle 5 of this  
6 article;
- 7 (3) the Department of General Services may engage in or control  
8 procurement of:
- 9 (i) leases of real property, including leases under Title 4, Subtitle 3  
10 of this article;
- 11 (ii) supplies, including supplies under Title 4, Subtitle 3 of this  
12 article, but excluding insurance, information processing equipment, and motor  
13 vehicle leases;
- 14 (iii) construction, including construction under Title 4, Subtitle 4 of  
15 this article;
- 16 (iv) construction related services, including those under Title 4,  
17 Subtitle 4 of this article; and
- 18 (v) architectural or engineering services under Title 13, Subtitle 3  
19 of this article;
- 20 (4) the Department of Transportation and the Maryland Transportation  
21 Authority, without the approval of any of the other primary procurement units, may  
22 engage in the procurement of:
- 23 (i) construction that is related to transportation, as provided in the  
24 Transportation Article;
- 25 (ii) construction related services that are related to transportation,  
26 as provided in the Transportation Article;
- 27 (iii) architectural or engineering services that are related to  
28 transportation, under Title 13, Subtitle 3 of this article; [and]
- 29 (iv) rolling stock and other property peculiar to the operation of a  
30 transit system, as provided in § 7-403 of the Transportation Article;
- 31 (V) SUPPLIES FOR AERONAUTICS RELATED ACTIVITIES,  
32 INCLUDING MOTOR VEHICLES AND INFORMATION PROCESSING SUPPLIES, BUT  
33 EXCLUDING:
- 34 1. SUPPLIES FUNDED BY THE PROCEEDS FROM STATE  
35 GENERAL OBLIGATION BONDS; AND

2. INSURANCE; AND

2 (VI) SERVICES FOR AERONAUTICS RELATED ACTIVITIES,  
3 INCLUDING INFORMATION PROCESSING SERVICES, BUT EXCLUDING BANKING AND  
4 FINANCIAL SERVICES UNDER THE AUTHORITY OF THE STATE TREASURER UNDER  
5 ITEM (1) OF THIS SUBSECTION;

6 (5) the Maryland Port Commission, without the approval of any of the  
7 other primary procurement units, may engage in the procurement of:

8 (i) supplies for port related activities, including motor vehicles and  
9 information processing supplies, but excluding:

10 1. supplies funded by the proceeds from State general  
11 obligation bonds; and

12                                2.          insurance;

13 (ii) services for port related activities, including information  
14 processing services, but excluding banking and financial services under the authority  
15 of the State Treasurer under item (1) of this subsection;

16 (iii) construction and construction related services for a port facility  
17 as defined in § 6-101(e) of the Transportation Article;

18 (iv) port related architectural and engineering services under Title  
19 13, Subtitle 3 of this article; and

20 (v) leases of real property for port related activities unless the lease  
21 payments are from the General Fund of the State;

22 (6) the Department of Public Safety and Correctional Services may,  
23 without the approval of any of the other primary procurement units:

24 (i) engage in the procurement of construction and construction  
25 related services for State correctional facilities; and

(ii) engage in the procurement of supplies, materials, and equipment in support of construction and construction related services for State correctional facilities in accordance with this Division II and Title 2 and Title 10, Subtitle 1 of the Correctional Services Article; and

30 (7) Morgan State University, without the approval of any of the other  
31 primary procurement units, may engage in the procurement of:

(i) supplies for the University, including motor vehicles and, to the extent provided by Title 3, Subtitle 4 of this article, information processing supplies, but excluding insurance;

35 (ii) services for the University, including information processing  
36 services to the extent provided in Title 3, Subtitle 4 of this article, but excluding

1 banking and financial services under the authority of the State Treasurer under item  
2 (1) of this subsection;

3 (iii) construction and construction related services for the  
4 University, regardless of the source of funds, to the extent that the Board grants  
5 authority over specific projects or classes of projects; and

6 (iv) leases of real property for the University if the lease payments  
7 are not paid from the General Fund of the State.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2002.