

(PRE-FILED)

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

Requested: October 26, 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 - Architectural and Engineering Services - Review by**  
3 **Selection Boards**

4 FOR the purpose of increasing the threshold amount requiring a recommendation to  
5 the Board of Public Works from the General Professional Services Selection  
6 Board and the Transportation Professional Services Selection Board for the  
7 award of contracts for architectural and engineering services; providing that a  
8 unit of the Department of Transportation shall negotiate competitively contracts  
9 for architectural and engineering services below a certain threshold amount;  
10 revising the threshold amount for a certain certificate; and generally relating to  
11 procurement of architectural and engineering services.

12 BY repealing and reenacting, with amendments,  
13 Article - State Finance and Procurement  
14 Section 13-304, 13-306, 13-310, and 13-317  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume)

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

19 **Article - State Finance and Procurement**

20 13-304.

21 (a) The selection boards shall adopt regulations that provide substantially  
22 similar procedures to carry out this subtitle.

23 (b) The procedures of each selection board shall ensure that a  
24 recommendation to the Board of Public Works for the award of a procurement  
25 contract for architectural or engineering services costing over [\$100,000] \$200,000 is  
26 made on a competitive basis and includes an evaluation of the technical proposals and  
27 qualifications of at least 2 persons.

1 13-306.

2 (a) Except for a transportation unit, a unit that intends to procure  
3 architectural or engineering services costing more than [\$100,000] \$200,000 shall  
4 submit a request to the General Selection Board at a public meeting of that Board.

5 (b) The General Selection Board shall publish reasonable and timely notice of  
6 a request presented under this section.

7 13-310.

8 (a) (1) A transportation unit that intends to procure architectural or  
9 engineering services shall submit a request to the Secretary of Transportation.

10 (2) The Secretary of Transportation shall certify to the Transportation  
11 Selection Board that the architectural or engineering services requested under this  
12 section cannot be provided feasibly and economically by existing in-house resources.

13 (b) The Transportation Selection Board shall:

14 (1) publish uniform and consistent announcements of all requests for  
15 architectural services or engineering services; and

16 (2) mail a copy of an announcement to each person who requests notice  
17 of a specific project.

18 (c) An announcement of a request under this section shall:

19 (1) describe generally the architectural or engineering services that are  
20 the subject of the procurement; and

21 (2) indicate how an interested person may receive information about the  
22 procurement.

23 (d) A transportation unit shall negotiate competitively each procurement  
24 contract for architectural or engineering services costing [\$100,000] \$200,000 or less  
25 at a price that the transportation unit determines to be fair and reasonable.

26 13-317.

27 (a) A unit may not award a procurement contract to a person under this  
28 subtitle unless:

29 (1) the person submits:

30 (i) an affidavit of noncollusion; and

31 (ii) a price quotation; and

32 (2) for a procurement contract costing more than [\$100,000] \$200,000,  
33 the person has executed a truth-in-negotiation certificate.

1 (b) The truth-in-negotiation certificate shall state that:

2 (1) wage rates and other factual unit costs supporting wages are  
3 accurate, complete, and current as of the time of contracting; and

4 (2) the original price of the procurement contract and any additions to  
5 the procurement contract will be adjusted to exclude any significant price increase if  
6 the Selection Board determines that the price increase is due to wage rates or other  
7 factual unit costs that were inaccurate, incomplete, or not current as of the time of  
8 contracting.

9 (c) An adjustment to the procurement contract shall be made within 1 year  
10 after the procurement contract is completed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect July 1, 2002.