

(PRE-FILED)

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

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER _____

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:

1 **Article - State Finance and Procurement**

2 13-304.

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

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

10 13-306.

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

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

16 13-310.

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

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

22 (b) The Transportation Selection Board shall:

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

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

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

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

30 (2) indicate how an interested person may receive information about the
31 procurement.

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

1 13-317.

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

4 (1) the person submits:

5 (i) an affidavit of noncollusion; and

6 (ii) a price quotation; and

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

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

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

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

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

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