

HOUSE BILL 252

Unofficial Copy  
P2

2002 Regular Session  
(2r1297)

ENROLLED BILL

-- Commerce and Government Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Wood and McIntosh**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement - Unsolicited Proposals**

3 FOR the purpose of authorizing a unit of State government to award a contract for  
4 goods or services in response to an unsolicited proposal that meets certain  
5 requirements; exempting certain unsolicited proposals from a certain  
6 requirement that procurement be by competitive sealed bid; establishing an  
7 interagency panel to review unsolicited proposals and to make certain  
8 determinations subject to certain requirements and procedures; providing for  
9 the effect of certain action or inaction by the interagency panel; establishing  
10 that a qualifying unsolicited proposal is not required to be a sole source contract;  
11 requiring a procurement officer to obtain certain approval before awarding a  
12 contract in response to an unsolicited proposal; ~~providing for~~ requiring a  
13 procurement officer to protect the confidentiality of information contained in an  
14 unsolicited proposal; limiting the term of a contract based on an unsolicited  
15 proposal; limiting the annual State expenditures under a contract based on an  
16 unsolicited proposal; requiring each contracting unit to publish notice of intent  
17 to award, and notice of award of, an unsolicited proposal in certain publications;

1 ~~requiring certain agencies to implement certain outreach programs; requiring~~  
 2 ~~each contracting unit to publish quarterly a notice encouraging certain~~  
 3 ~~unsolicited proposals in newspapers of general circulation of the State; requiring~~  
 4 ~~each contracting unit to report annually on the impact of this Act to the~~  
 5 ~~Department of Budget and Management providing for certain reconsideration~~  
 6 ~~by the interagency panel of approval of an unsolicited proposal; providing that a~~  
 7 ~~certain provision of the Maryland Public Ethics Law does not apply to certain~~  
 8 ~~persons submitting unsolicited proposals under this Act prohibition against~~  
 9 ~~assisting in the drafting of specifications, an invitation for bids, or a request for~~  
 10 ~~proposals for a procurement does not include providing specifications for certain~~  
 11 ~~unsolicited proposal procurements; providing for the effects of certain provisions~~  
 12 ~~of this Act; requiring the Department of Budget and Management to report~~  
 13 ~~annually on the impact of this Act to the Governor and certain committees of the~~  
 14 ~~General Assembly; defining certain terms; providing for the application of this~~  
 15 ~~Act; providing for the termination of this Act; and generally relating to~~  
 16 ~~unsolicited proposals.~~

17 BY repealing and reenacting, with amendments,  
 18 Article - State Finance and Procurement  
 19 Section 13-102(a)  
 20 Annotated Code of Maryland  
 21 (2001 Replacement Volume)

22 BY adding to  
 23 Article - State Finance and Procurement  
 24 Section 13-107.1  
 25 Annotated Code of Maryland  
 26 (2001 Replacement Volume)

27 BY repealing and reenacting, with amendments,  
 28 Article - State Government  
 29 Section 15-508  
 30 Annotated Code of Maryland  
 31 (1999 Replacement Volume and 2001 Supplement)

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

34 **Article - State Finance and Procurement**

35 13-102.

36 (a) Except as provided in Subtitle 3 and Subtitle 4 of this title, all  
 37 procurement by units shall be by competitive sealed bids unless one of the following  
 38 methods specifically is authorized:

- 1 (1) competitive sealed proposals under § 13-104 or § 13-105 of this  
 2 subtitle;
- 3 (2) noncompetitive negotiation under § 13-106 of this subtitle;
- 4 (3) sole source procurement under § 13-107 of this subtitle;
- 5 (4) emergency or expedited procurement under § 13-108 of this subtitle;
- 6 (5) small procurement under § 13-109 of this subtitle; [or]
- 7 (6) an intergovernmental cooperative purchasing agreement under §  
 8 13-110 of this subtitle; OR
- 9 (7) AN UNSOLICITED PROPOSAL UNDER § 13-107.1 OF THIS SUBTITLE.

10 13-107.1.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 12 INDICATED.

13 (2) "BUSINESS AND ECONOMIC DEVELOPMENT SERVICES" MEANS  
 14 SERVICES PROCURED BY THE DEPARTMENT OF BUSINESS AND ECONOMIC  
 15 DEVELOPMENT.

16 (3) "EDUCATIONAL SERVICES" MEANS SERVICES PROCURED TO  
 17 PROVIDE OR ASSIST IN PROVIDING TRAINING TO THIRD-PARTY CLIENTS UNDER A  
 18 CONTRACT.

19 (4) "HEALTH OR SOCIAL SERVICES" MEANS SERVICES PROCURED TO  
 20 PROVIDE OR ASSIST IN PROVIDING SUPPORT, CARE, OR SHELTER TO THIRD-PARTY  
 21 CLIENTS UNDER A CONTRACT.

22 (B) A PROCUREMENT OFFICER MAY ENTER INTO A CONTRACT BASED ON AN  
 23 UNSOLICITED PROPOSAL IF THE UNSOLICITED PROPOSAL:

24 (1) IS IN WRITING;

25 (2) (I) CONTAINS A NOVEL OR INNOVATIVE CONCEPT, APPLICATION,  
 26 APPROACH, OR METHOD WHICH, TO THE KNOWLEDGE OF THE PROCUREMENT  
 27 OFFICER, IS NOT USED BY OR AVAILABLE TO ANOTHER UNIT; OR

28 (II) DEMONSTRATES A NOVEL CAPABILITY OF THE OFFEROR OF  
 29 THE PROPOSAL;

30 (3) HAS NOT BEEN PREVIOUSLY SUBMITTED TO THE UNIT BY ANOTHER  
 31 PERSON;

32 (4) IS FOR THE DELIVERY OF:

33 (I) EDUCATIONAL SERVICES;

- 1                    (II)    HEALTH OR SOCIAL SERVICES; OR  
2                    (III)   BUSINESS AND ECONOMIC DEVELOPMENT SERVICES; AND  
3                    (5)    MEETS A NEED OF OR IS OTHERWISE ADVANTAGEOUS TO THE UNIT.

4    (C)    (1)    THERE IS AN INTERAGENCY PANEL CONSISTING OF  
5 REPRESENTATIVES APPOINTED BY THE GOVERNOR FROM THE FOLLOWING:

- 6                    (I)     THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;  
7                    (II)    THE DEPARTMENT OF HUMAN RESOURCES;  
8                    (III)   THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;  
9                    (IV)   THE DEPARTMENT OF JUVENILE JUSTICE;  
10                   (V)    THE OFFICE FOR INDIVIDUALS WITH DISABILITIES;  
11                   (VI)   THE DEPARTMENT OF AGING;  
12                   (VII)  THE DEPARTMENT OF BUSINESS AND ECONOMIC  
13 DEVELOPMENT; AND  
14                   (VIII) THE COUNCIL ON MANAGEMENT AND PRODUCTIVITY.

15                   (2)    (1)    A PROCUREMENT OFFICER SHALL FORWARD AN UNSOLICITED  
16 PROPOSAL SUBMITTED UNDER THIS SECTION TO THE INTERAGENCY PANEL  
17 DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR REVIEW AND A  
18 DETERMINATION AS TO WHETHER THE UNSOLICITED PROPOSAL MEETS THE  
19 REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

20                   (II)    THE INTERAGENCY PANEL SHALL MAKE A DETERMINATION AS  
21 TO WHETHER THE UNSOLICITED PROPOSAL MEETS THE REQUIREMENTS OF  
22 SUBSECTION (B) OF THIS SECTION BY A MAJORITY VOTE OF THE PANEL:

- 23                                1.     AT A MEETING OF PANEL MEMBERS OR THEIR  
24 DESIGNEES;  
25                                2.     BY A TELEPHONE POLL OF PANEL MEMBERS; OR  
26                                3.     IN WRITING.

27                   (III)   IF THE INTERAGENCY PANEL DETERMINES THAT THE  
28 UNSOLICITED PROPOSAL DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (B)  
29 OF THIS SECTION, THE PROCUREMENT OFFICER MAY NOT AWARD A PROCUREMENT  
30 CONTRACT BASED ON THE UNSOLICITED PROPOSAL.

31                   (IV)    1.     THE INTERAGENCY PANEL SHALL MAKE A  
32 DETERMINATION UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH WITHIN 30 DAYS  
33 AFTER RECEIVING THE UNSOLICITED PROPOSAL FOR REVIEW.

1                                       2.       IF THE INTERAGENCY PANEL FAILS TO MAKE A  
2 DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN THE  
3 30-DAY PERIOD ESTABLISHED UNDER THIS SUBPARAGRAPH, THE UNSOLICITED  
4 PROPOSAL SHALL BE DEEMED TO HAVE BEEN DISAPPROVED BY THE INTERAGENCY  
5 PANEL.

6       (D)   IF AN UNSOLICITED PROPOSAL MEETS THE REQUIREMENTS OF  
7 SUBSECTION (B) OF THIS SECTION, THE OFFEROR OF THE PROPOSAL IS NOT  
8 REQUIRED TO BE THE ONLY AVAILABLE SOURCE FOR THE CONTRACT AWARDED  
9 UNDER THIS SECTION.

10       (E)   BEFORE AWARDING A PROCUREMENT CONTRACT UNDER THIS SECTION, A  
11 PROCUREMENT OFFICER SHALL OBTAIN:

12               (1)   THE APPROVAL OF THE HEAD OF THE UNIT; AND

13               (2)   ANY OTHER APPROVAL REQUIRED BY LAW.

14       (F)   THE TERM, INCLUDING EXTENSIONS, OF A CONTRACT AWARDED UNDER  
15 THIS SECTION MAY NOT EXCEED 2 YEARS.

16       (G)   STATE EXPENDITURES UNDER A CONTRACT AWARDED UNDER THIS  
17 SECTION MAY NOT EXCEED \$1,000,000 ANNUALLY.

18       (H)   (1)   EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION,  
19 A PROCUREMENT OFFICER SHALL TREAT THE INFORMATION CONTAINED IN AN  
20 UNSOLICITED PROPOSAL AS CONFIDENTIAL INFORMATION THAT IS NOT SUBJECT  
21 TO DISCLOSURE UNDER ANY OTHER STATE OR LOCAL LAW.

22               (2)   IF A CONTRACT IS AWARDED UNDER THIS SECTION, DISCLOSURE OF  
23 THE UNSOLICITED PROPOSAL IS GOVERNED BY TITLE 10, SUBTITLE 6, PART III OF  
24 THE STATE GOVERNMENT ARTICLE.

25       (I)   (1)   NOT LESS THAN 30 DAYS BEFORE THE EXECUTION AND AWARD OF A  
26 CONTRACT BASED ON AN UNSOLICITED PROPOSAL UNDER THIS SECTION, THE  
27 CONTRACTING UNIT SHALL PUBLISH A GENERAL NOTICE OF THE INTENT TO AWARD  
28 THE CONTRACT IN:

29               (I)   THE CONTRACT WEEKLY; AND

30               (II)  AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN:

31                                       1.       THE COUNTY OF THE AGENCY TO BE SERVED UNDER THE  
32 CONTRACT; AND

33                                       2.       IF APPLICABLE, THE COUNTY OF THE CLIENT  
34 POPULATION TO BE SERVED BY THE AGENCY UNDER THE CONTRACT.

35               (2)   FOR PURPOSES OF THIS SUBSECTION:

1 (I) THE BALTIMORE SUN AND THE WASHINGTON POST SHALL BE  
 2 CONSIDERED NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTIES OF THE  
 3 STATE; AND

4 (II) IN BALTIMORE CITY, BALTIMORE COUNTY, AND ANNE  
 5 ARUNDEL COUNTY, THE BALTIMORE AFRO-AMERICAN SHALL BE CONSIDERED A  
 6 NEWSPAPER OF GENERAL CIRCULATION.

7 (3) IF, DURING THE 30-DAY PERIOD ESTABLISHED UNDER PARAGRAPH  
 8 (1) OF THIS SUBSECTION, A PERSON PETITIONS THE INTERAGENCY PANEL FOR  
 9 RECONSIDERATION OF A DETERMINATION OF APPROVAL UNDER SUBSECTION (B) OF  
 10 THIS SECTION, THE INTERAGENCY PANEL SHALL RECONSIDER THE  
 11 DETERMINATION OF APPROVAL AND MAKE WRITTEN FINDINGS AFFIRMING OR  
 12 REVERSING THE DETERMINATION OF APPROVAL.

13 (J) IN ADDITION TO PUBLISHING NOTICE OF THE INTENT TO AWARD A  
 14 CONTRACT BASED ON AN UNSOLICITED PROPOSAL UNDER SUBSECTION (I) OF THIS  
 15 SECTION, NOT MORE THAN 30 DAYS AFTER THE EXECUTION AND APPROVAL OF A  
 16 PROCUREMENT CONTRACT AWARDED UNDER THIS SECTION, A UNIT SHALL PUBLISH  
 17 NOTICE OF THE AWARD IN THE CONTRACT WEEKLY.

18 (K) THE FOLLOWING AGENCIES SHALL IMPLEMENT AN EDUCATIONAL  
 19 OUTREACH CAMPAIGN ON THE AVAILABILITY OF THE UNSOLICITED PROPOSAL  
 20 METHOD OF PROCUREMENT:

21 (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

22 (2) THE DEPARTMENT OF HUMAN RESOURCES;

23 (3) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

24 (4) THE DEPARTMENT OF JUVENILE JUSTICE;

25 (5) THE OFFICE FOR INDIVIDUALS WITH DISABILITIES;

26 (6) THE DEPARTMENT OF AGING; AND

27 (7) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.

28 Article - State Government

29 15-508.

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

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

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

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

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

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

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

14 (4) providing architectural and engineering services for programming,  
 15 master planning, or other project planning services; OR

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 30  
 20 of each year the Department of Budget and Management shall report to the Governor  
 21 and, in accordance with § 2-1246 of the State Government Article, the Senate  
 22 Education, Health, and Environmental Affairs Committee and the House Commerce  
 23 and Government Matters Committee, on the impact of this Act, including for the  
 24 previous fiscal year:

25 (1) the number of unsolicited proposals awarded by each contracting unit;

26 (2) the monetary amounts of the contracts awarded under this Act;

27 (3) the goods or services for which contracts were awarded under this Act;  
 28 and

29 (4) the number of contract awardees under this Act who were certified  
 30 minority business enterprises.

31 ~~(A) A PROCUREMENT OFFICER MAY ENTER INTO A CONTRACT BASED ON AN~~  
 32 ~~UNSOLICITED PROPOSAL IF THE UNSOLICITED PROPOSAL:~~

33 ~~(1) IS IN WRITING;~~

34 ~~(2) (1) CONTAINS A NOVEL OR INNOVATIVE CONCEPT, APPLICATION,~~  
 35 ~~APPROACH, OR METHOD WHICH, TO THE KNOWLEDGE OF THE PROCUREMENT~~  
 36 ~~OFFICER, IS NOT USED BY OR AVAILABLE TO ANOTHER UNIT; OR~~

- 1                   (II)    DEMONSTRATES A NOVEL CAPABILITY OF THE OFFERER  
2 ~~OFFEROR OF THE PROPOSAL;~~
- 3                   (3)    HAS NOT BEEN PREVIOUSLY SUBMITTED TO THE UNIT BY ANOTHER  
4 ~~PERSON; AND~~
- 5                   (4)    MEETS A NEED OF OR IS OTHERWISE ADVANTAGEOUS TO THE UNIT.

6    ~~(B)    (1)    THERE IS AN INTERAGENCY PANEL CONSISTING OF~~  
7 ~~REPRESENTATIVES, APPOINTED BY THE GOVERNOR, FROM THE FOLLOWING:~~

- 8                   ~~(I)     THE UNIVERSITY SYSTEM OF MARYLAND;~~
- 9                   ~~(II)    THE DEPARTMENT OF GENERAL SERVICES;~~
- 10                  ~~(III)   THE DEPARTMENT OF TRANSPORTATION;~~
- 11                  ~~(IV)   THE DEPARTMENT OF BUDGET AND MANAGEMENT;~~
- 12                  ~~(V)     THE COUNCIL ON MANAGEMENT AND PRODUCTIVITY; AND~~
- 13                  ~~(VI)   THE PROCURING AGENCY INVOLVED IN THE PROCUREMENT~~  
14 ~~MATTER SUBMITTED TO THE INTERAGENCY PANEL UNDER PARAGRAPH (2) OF THIS~~  
15 ~~SUBSECTION.~~

16                  ~~(2)    (I)     A PROCUREMENT OFFICER SHALL FORWARD AN UNSOLICITED~~  
17 ~~PROPOSAL SUBMITTED UNDER THIS SECTION TO THE INTERAGENCY PANEL~~  
18 ~~DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR REVIEW AND A~~  
19 ~~DETERMINATION AS TO WHETHER THE UNSOLICITED PROPOSAL MEETS THE~~  
20 ~~REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

21                  ~~(II)    THE INTERAGENCY PANEL SHALL MAKE A DETERMINATION AS~~  
22 ~~TO WHETHER THE UNSOLICITED PROPOSAL MEETS THE REQUIREMENTS OF~~  
23 ~~SUBSECTION (A) OF THIS SECTION BY A MAJORITY VOTE OF THE PANEL:~~

24                                 ~~1.     AT A MEETING OF PANEL MEMBERS OR THEIR~~  
25 ~~DESIGNEES;~~

26                                 ~~2.     BY A TELEPHONE POLL OF PANEL MEMBERS; OR~~

27                                 ~~3.     IN WRITING.~~

28                  ~~(III)   IF THE INTERAGENCY PANEL DETERMINES THAT THE~~  
29 ~~UNSOLICITED PROPOSAL DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A)~~  
30 ~~OF THIS SECTION, THE PROCUREMENT OFFICER MAY NOT AWARD A PROCUREMENT~~  
31 ~~CONTRACT BASED ON THE UNSOLICITED PROPOSAL.~~

32                  ~~(IV)    1.     THE INTERAGENCY PANEL SHALL MAKE A~~  
33 ~~DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS~~  
34 ~~AFTER RECEIVING THE UNSOLICITED PROPOSAL FOR REVIEW.~~



1 ~~IF THE INTERAGENCY PANEL FAILS TO MAKE A~~  
 2 ~~DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN THE~~  
 3 ~~30 DAY PERIOD ESTABLISHED UNDER THIS SUBPARAGRAPH, THE UNSOLICITED~~  
 4 ~~PROPOSAL SHALL BE DEEMED TO HAVE BEEN DISAPPROVED BY THE INTERAGENCY~~  
 5 ~~PANEL.~~

6 ~~(B) (C) IF AN UNSOLICITED PROPOSAL MEETS THE REQUIREMENTS OF~~  
 7 ~~SUBSECTION (A) OF THIS SECTION, THE OFFERER OFFEROR OF THE PROPOSAL IS~~  
 8 ~~NOT REQUIRED TO BE THE ONLY AVAILABLE SOURCE FOR THE CONTRACT AWARDED~~  
 9 ~~UNDER THIS SECTION.~~

10 ~~(C) (D) BEFORE AWARDED A PROCUREMENT CONTRACT UNDER THIS~~  
 11 ~~SECTION, A PROCUREMENT OFFICER SHALL OBTAIN:~~

12 ~~(1) THE APPROVAL OF THE HEAD OF THE UNIT; AND~~

13 ~~(2) ANY OTHER APPROVAL REQUIRED BY LAW.~~

14 ~~(D) (E) THE TERM, INCLUDING EXTENSIONS, OF A CONTRACT AWARDED~~  
 15 ~~UNDER THIS SECTION MAY NOT EXCEED 2 YEARS.~~

16 ~~(E) (F) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS~~  
 17 ~~SUBSECTION, A PROCUREMENT OFFICER MAY SHALL TREAT THE INFORMATION~~  
 18 ~~CONTAINED IN AN UNSOLICITED PROPOSAL AS CONFIDENTIAL INFORMATION THAT~~  
 19 ~~IS NOT SUBJECT TO DISCLOSURE UNDER ANY OTHER STATE OR LOCAL LAW.~~

20 ~~(2) IF A CONTRACT IS AWARDED UNDER THIS SECTION, DISCLOSURE OF~~  
 21 ~~THE UNSOLICITED PROPOSAL IS GOVERNED BY TITLE 10, SUBTITLE 6, PART III OF~~  
 22 ~~THE STATE GOVERNMENT ARTICLE.~~

23 ~~(F) (G) (1) NOT LESS THAN 30 DAYS BEFORE THE EXECUTION AND AWARD~~  
 24 ~~OF A CONTRACT BASED ON AN UNSOLICITED PROPOSAL UNDER THIS SECTION, THE~~  
 25 ~~CONTRACTING UNIT SHALL PUBLISH A GENERAL NOTICE OF THE INTENT TO AWARD~~  
 26 ~~THE CONTRACT IN:~~

27 ~~(1) (I) THE CONTRACT WEEKLY; AND~~

28 ~~(2) (II) AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN:~~

29 ~~(1) (1) THE COUNTY OF THE AGENCY TO BE SERVED UNDER THE~~  
 30 ~~CONTRACT; AND~~

31 ~~(II) (2) IF APPLICABLE, THE COUNTY OF THE CLIENT~~  
 32 ~~POPULATION TO BE SERVED BY THE AGENCY UNDER THE CONTRACT.~~

33 ~~(2) FOR PURPOSES OF THIS SUBSECTION:~~

34 ~~(1) THE BALTIMORE SUN AND THE WASHINGTON POST SHALL BE~~  
 35 ~~CONSIDERED NEWSPAPERS OF GENERAL CIRCULATION IN ALL COUNTIES OF THE~~  
 36 ~~STATE; AND~~

1 ~~(H) THE BALTIMORE AFRO AMERICAN SHALL BE CONSIDERED A~~  
 2 ~~NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE CITY, BALTIMORE COUNTY,~~  
 3 ~~AND ANNE ARUNDEL COUNTY.~~

4 ~~(3) IF, DURING THE 30 DAY PERIOD ESTABLISHED UNDER PARAGRAPH~~  
 5 ~~(1) OF THIS SUBSECTION, A PERSON PETITIONS THE INTERAGENCY PANEL FOR~~  
 6 ~~RECONSIDERATION OF A DETERMINATION OF APPROVAL UNDER SUBSECTION (B) OF~~  
 7 ~~THIS SECTION, THE INTERAGENCY PANEL SHALL RECONSIDER THE DETERMINATION~~  
 8 ~~OF APPROVAL AND MAKE WRITTEN FINDINGS AFFIRMING OR REVERSING THE~~  
 9 ~~DETERMINATION OF APPROVAL.~~

10 ~~(G) (1) AT LEAST QUARTERLY, EACH CONTRACTING UNIT SHALL PUBLISH~~  
 11 ~~NOTICE, WHICH NOTICE ENCOURAGES SMALL BUSINESS PERSONS TO OFFER~~  
 12 ~~UNSOLICITED PROPOSALS, IN AT LEAST ONE NEWSPAPER OF GENERAL~~  
 13 ~~CIRCULATION IN:~~

14 ~~(I) THE COUNTY OF THE AGENCY TO BE SERVED UNDER THE~~  
 15 ~~CONTRACT; AND~~

16 ~~(II) IF APPLICABLE, THE COUNTY OF THE CLIENT POPULATION TO~~  
 17 ~~BE SERVED BY THE AGENCY UNDER THE CONTRACT.~~

18 ~~(2) FOR PURPOSES OF THIS SUBSECTION:~~

19 ~~(I) THE BALTIMORE SUN AND THE WASHINGTON POST SHALL BE~~  
 20 ~~CONSIDERED NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTIES OF THE~~  
 21 ~~STATE; AND~~

22 ~~(II) IN BALTIMORE CITY, BALTIMORE COUNTY, AND ANNE ARUNDEL~~  
 23 ~~COUNTY, THE BALTIMORE AFRO AMERICAN SHALL BE CONSIDERED A NEWSPAPER~~  
 24 ~~OF GENERAL CIRCULATION.~~

25 ~~(H) IN ADDITION TO PUBLISHING NOTICE OF THE INTENT TO AWARD A~~  
 26 ~~CONTRACT BASED ON AN UNSOLICITED PROPOSAL UNDER SUBSECTION (F) (G) OF~~  
 27 ~~THIS SECTION, NOT MORE THAN 30 DAYS AFTER THE EXECUTION AND APPROVAL OF~~  
 28 ~~A PROCUREMENT CONTRACT AWARDED UNDER THIS SECTION, A UNIT SHALL~~  
 29 ~~PUBLISH NOTICE OF THE AWARD IN THE CONTRACT WEEKLY.~~

30 ~~(I) THE PROVISIONS OF § 15-508(A) OF THE STATE GOVERNMENT ARTICLE DO~~  
 31 ~~NOT APPLY TO A PERSON WHO SUBMITS AN UNSOLICITED PROPOSAL UNDER THIS~~  
 32 ~~SECTION WITH RESPECT TO THE DRAFTING OF SPECIFICATIONS OR ANY OTHER~~  
 33 ~~MATTER PERTAINING TO THE UNSOLICITED PROPOSAL.~~

34 ~~(J) THIS SECTION DOES NOT:~~

35 ~~(1) ALTER ANY REQUIREMENTS OR PROCEDURES ESTABLISHED BY LAW~~  
 36 ~~RELATING TO PROCUREMENT FROM MINORITY BUSINESS ENTERPRISES; OR~~

37 ~~(2) AFFECT THE AUTHORITY OF THE BOARD TO:~~

- 1                    ~~(I)        DELEGATE ITS AUTHORITY UNDER § 12-101(B)(4) OF THIS~~  
 2 ~~ARTICLE; OR~~
- 3                    ~~(II)        ADOPT REGULATIONS TO ALLOW A UNIT OF STATE~~  
 4 ~~GOVERNMENT TO ENTER INTO A CONTRACT WITHOUT BOARD APPROVAL UNDER §~~  
 5 ~~12-203(A) OF THIS ARTICLE.~~

6        SECTION 2. AND BE IT FURTHER ENACTED, That on or before June 30 of  
 7 each year each contracting unit shall report to the Department of Budget and  
 8 Management, and on or before September 30 of each year the Department shall  
 9 report ~~September 30 of each year, the Department of Budget and Management shall~~  
 10 ~~generate, from the State's electronic financial management information system, a~~  
 11 ~~report on the impact of this Act. The report shall be provided to the Governor and, in~~  
 12 ~~accordance with § 2-1246 of the State Government Article, the Senate Education,~~  
 13 ~~Health, and Environmental Affairs Committee and the House Commerce and~~  
 14 ~~Government Matters Committee, on the impact of this Act, including The report shall~~  
 15 ~~include, for the previous fiscal year:~~

- 16                    ~~(1)        the number of unsolicited proposals received awarded by each~~  
 17 ~~contracting unit;~~
- 18                    ~~(2)        a description of the unsolicited proposals received by each contracting~~  
 19 ~~unit;~~
- 20                    ~~(3)        the number of persons offering an unsolicited proposal who were~~  
 21 ~~awarded a contract under this section;~~
- 22                    ~~(4)        the size and characteristics of the persons offering unsolicited~~  
 23 ~~proposals and the persons awarded a contract under this section;~~
- 24                    ~~(2)        the goods or services for which contracts were awarded under this~~  
 25 ~~Act;~~
- 26                    ~~(3)        the monetary amounts of the contracts awarded under this Act; and~~
- 27                    ~~(4)        the number of contract awardees under this Act that were certified~~  
 28 ~~minority business enterprises.~~
- 29                    ~~(5)        the monetary amounts of the contracts awarded under this section;~~
- 30                    ~~(6)        the goods or services for which contracts were awarded under this~~  
 31 ~~section; and~~
- 32                    ~~(7)        a description of the activities in which each contracting unit engaged~~  
 33 ~~to attract and encourage minority business enterprises to offer unsolicited proposals.~~

34        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply only  
 35 to an unsolicited proposal offered on or after the effective date of this Act.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2002. It shall remain effective for a period of 6 years and, at the end of  
3 September 30, 2008, with no further action required by the General Assembly, this  
4 Act shall be abrogated and of no further force and effect.