

HOUSE BILL 492

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F5

2002 Regular Session  
2lr0848  
CF 2lr0506

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By: **Delegates Morhaim, Heller, Shriver, Bozman, Barkley, Barve, Boutin, Bronrott, Burns, Busch, Carlson, Clagett, D'Amato, DeCarlo, Dembrow, Dewberry, Donoghue, Doory, Dypski, Eckardt, Frush, Giannetti, Glassman, Goldwater, Hammen, Hubbard, Hubers, Hurson, James, Kach, Kagan, Klausmeier, Kopp, Leopold, Mandel, Marriott, McIntosh, McKee, Menes, Nathan-Pulliam, Parrott, Phillips, Pitkin, Ports, Redmer, Riley, Rosenberg, Shank, Sher, Sophocleus, Stocksdale, Weir, and ~~Zirkin~~ Zirkin, R. Baker, Montague, Conroy, Cryor, and Rzepkowski**

Introduced and read first time: January 30, 2002  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **School Buying Consortium - County Boards of Education - Procurement -**  
3 **Exceptions**

4 FOR the purpose of authorizing a county board to participate in certain contracts for  
5 goods or commodities; authorizing the advertisement of bids for certain  
6 procurements in certain media; authorizing nonpublic schools to participate in  
7 certain contracts for goods or commodities; and requiring the Department of  
8 Education to establish a process that allows access to certain information.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 5-112  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume)

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

1 **Article - Education**

2 5-112.

3 (a) This section does not apply to:

4 (1) Contracts for the purchase of books and other materials of instruction  
5 as defined in the State Department of Education Financial Reporting Manual; [and]

6 (2) Emergency repairs; AND

7 (3) A COUNTY BOARD'S PARTICIPATION IN CONTRACTS FOR GOODS OR  
8 COMMODITIES THAT ARE AWARDED BY OTHER PUBLIC AGENCIES OR BY  
9 INTERGOVERNMENTAL PURCHASING ORGANIZATIONS IF THE LEAD AGENCY FOR  
10 THE CONTRACT FOLLOWS PUBLIC BIDDING PROCEDURES.11 (b) (1) If the cost of any school building, improvement, supplies, or  
12 equipment is more than \$15,000, the county board, at least 2 weeks before bids are to  
13 be filed, shall advertise for bids in [at least one newspaper of general circulation in  
14 the county] A MEDIUM ACCESSIBLE TO THE GENERAL PUBLIC, WHICH INCLUDES:

15 (I) A NEWSPAPER OF GENERAL CIRCULATION IN THE REGION;

16 (II) THE MARYLAND CONTRACT WEEKLY OR COMPARABLE STATE  
17 PUBLICATION; OR18 (III) AN ELECTRONIC POSTING ON A BID BOARD AND PHYSICAL  
19 POSTING ON THE LOCAL SCHOOL SYSTEM BID BOARD.20 (2) (i) The county board shall draft specifications that provide a clear  
21 and accurate description of the functional characteristics or the nature of an item to  
22 be procured, without modifying the county board's requirements.

23 (ii) The specifications may:

24 1. Include a statement of any of the county board's  
25 requirements; and26 2. Provide for the submission of samples, inspection, or  
27 testing of the item before procurement.28 (3) (i) Except as provided in subparagraph (ii) of this subsection,  
29 specifications that use one or more manufacturer's product to describe the standard of  
30 quality, performance, or other characteristics needed to meet the county board's  
31 requirements, must allow for the submission of equivalent products.32 (ii) Subparagraph (i) of this paragraph does not apply if the county  
33 board determines in the written specification that:34 1. A particular manufacturer's product is required to  
35 maintain compatibility of service or equipment;



