

HOUSE BILL 572

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HB 1008/90 - JUD

2002 Regular Session
2lr1982

By: **Delegates A. Jones, Burns, DeCarlo, Finifter, Hubers, Klausmeier,
Malone, Minnick, Mohorovic, Morhaim, Nathan-Pulliam, and Zirkin**
Introduced and read first time: February 1, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Community Colleges - Baltimore County - Procurement**

3 FOR the purpose of authorizing the Board of Trustees of the Community College of
4 Baltimore County to conduct noncompetitive negotiations for certain
5 procurements; establishing procurements by noncompetitive negotiation as an
6 exception to the general requirements for procurements by community colleges;
7 requiring the Board of Trustees of the Community College for Baltimore County
8 to establish certain standards and procedures relating to noncompetitive
9 negotiation procurements; and generally relating to noncompetitive negotiation
10 procurement at the Community College of Baltimore County.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 16-311(b)
14 Annotated Code of Maryland
15 (2001 Replacement Volume)

16 BY adding to
17 Article - Education
18 Section 16-314.5
19 Annotated Code of Maryland
20 (2001 Replacement Volume)

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

23 **Article - Education**

24 16-311.

25 (b) All procurements shall be by competitive sealed bids, as described in this
26 section, unless one of the following methods is specifically authorized:

27 (1) Competitive sealed proposals under § 16-313 of this subtitle; [or]

1 (2) Sole source procurement under § 16-314 of this subtitle; OR

2 (3) COMPETITIVE NEGOTIATION UNDER § 16-314.5 OF THIS SUBTITLE.

3 16-314.5.

4 (A) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR BALTIMORE
5 COUNTY MAY AWARD A PROCUREMENT CONTRACT ON THE BASIS OF
6 NONCOMPETITIVE NEGOTIATION:

7 (1) FOR UNSOLICITED OFFERS THAT:

8 (I) ARE IN WRITING;

9 (II) ARE SUFFICIENTLY DETAILED TO ALLOW A JUDGMENT
10 REGARDING THE POTENTIAL UTILITY OF THE OFFER;

11 (III) ARE UNIQUE OR INNOVATIVE;

12 (IV) DEMONSTRATE THE PROPRIETARY CHARACTER OF THE
13 OFFERING WARRANTING CONSIDERATION OF THE USE OF COMPETITIVE
14 NEGOTIATION;

15 (V) MAY BE SUBJECT TO TESTING UNDER TERMS AND CONDITIONS
16 SPECIFIED BY THE DIRECTOR OF PURCHASING; AND

17 (VI) CANNOT BE PROCURED THROUGH COMPETITIVE
18 METHODOLOGIES;

19 (2) FOR THE PROCUREMENT OF GOODS OR SERVICES RELATED TO
20 INSTRUCTION OR CURRICULUM DEVELOPMENT;

21 (3) FOR THE PROCUREMENT OF SERVICES RELATED TO PRIVATE
22 FUND-RAISING ACTIVITIES; OR

23 (4) UNDER OTHER CIRCUMSTANCES WHEN THE DIRECTOR OF
24 PURCHASING DETERMINES THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST
25 INTERESTS OF THE COLLEGE AND THE STATE.

26 (B) (1) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR
27 BALTIMORE COUNTY SHALL ESTABLISH STANDARDS AND PROCEDURES FOR THE
28 APPLICATION OF SUBSECTION (A) OF THIS SECTION TO A PARTICULAR TRANSACTION.

29 (2) THE STANDARDS AND PROCEDURES SHALL REQUIRE:

30 (I) THE OFFICE, DIVISION, OR DEPARTMENT REQUESTING
31 NONCOMPETITIVE NEGOTIATION TO SUBMIT A WRITTEN JUSTIFICATION TO THE
32 DIRECTOR OF PURCHASING;

1 (II) A WRITTEN DETERMINATION BY THE DIRECTOR OF
2 PURCHASING THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST INTEREST OF
3 THE COLLEGE AND THE STATE; AND

4 (III) THE WRITTEN APPROVAL OF THE AWARD OF THE CONTRACT
5 ON THE BASIS OF NONCOMPETITIVE NEGOTIATION BY THE BOARD OF TRUSTEES.

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