

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 8, 2002

CHAPTER_____

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, subject to certain dollar limits; establishing procurements by
6 noncompetitive negotiation as an exception to the general requirements for
7 procurements by community colleges; requiring the Board of Trustees of the
8 Community College for Baltimore County to establish certain standards and
9 procedures relating to noncompetitive negotiation procurements; and generally
10 relating to noncompetitive negotiation procurement at the Community College
11 of Baltimore County.

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

17 BY adding to
18 Article - Education
19 Section 16-314.5
20 Annotated Code of Maryland
21 (2001 Replacement Volume)

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

Article - Education

16-311.

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

- (1) Competitive sealed proposals under § 16-313 of this subtitle; [or]
- (2) Sole source procurement under § 16-314 of this subtitle; OR
- (3) COMPETITIVE NEGOTIATION UNDER § 16-314.5 OF THIS SUBTITLE.

16-314.5.

(A) THIS SECTION APPLIES TO CONTRACTS IN AMOUNTS NOT EXCEEDING THE PRODUCT OF FOUR TIMES THE MAXIMUM AMOUNT OF A SMALL PROCUREMENT AS DEFINED IN § 13-109 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

- (1) FOR UNSOLICITED OFFERS THAT:
 - (I) ARE IN WRITING;
 - (II) ARE SUFFICIENTLY DETAILED TO ALLOW A JUDGMENT REGARDING THE POTENTIAL UTILITY OF THE OFFER;
 - (III) ARE UNIQUE OR INNOVATIVE;
 - (IV) DEMONSTRATE THE PROPRIETARY CHARACTER OF THE OFFERING WARRANTING CONSIDERATION OF THE USE OF COMPETITIVE NEGOTIATION;
 - (V) MAY BE SUBJECT TO TESTING UNDER TERMS AND CONDITIONS SPECIFIED BY THE DIRECTOR OF PURCHASING; AND
 - (VI) CANNOT BE PROCURED THROUGH COMPETITIVE METHODOLOGIES;
- (2) FOR THE PROCUREMENT OF GOODS OR SERVICES RELATED TO INSTRUCTION OR CURRICULUM DEVELOPMENT;
- (3) FOR THE PROCUREMENT OF SERVICES RELATED TO PRIVATE FUND-RAISING ACTIVITIES; OR
- (4) UNDER OTHER CIRCUMSTANCES WHEN THE DIRECTOR OF PURCHASING DETERMINES THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST INTERESTS OF THE COLLEGE AND THE STATE.

1 ~~(B)~~ (C) (1) THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE FOR
2 BALTIMORE COUNTY SHALL ESTABLISH STANDARDS AND PROCEDURES FOR THE
3 APPLICATION OF SUBSECTION (A) OF THIS SECTION TO A PARTICULAR TRANSACTION.

4 (2) THE STANDARDS AND PROCEDURES SHALL REQUIRE:

5 (I) THE OFFICE, DIVISION, OR DEPARTMENT REQUESTING
6 NONCOMPETITIVE NEGOTIATION TO SUBMIT A WRITTEN JUSTIFICATION TO THE
7 DIRECTOR OF PURCHASING;

8 (II) A WRITTEN DETERMINATION BY THE DIRECTOR OF
9 PURCHASING THAT NONCOMPETITIVE NEGOTIATION IS IN THE BEST INTEREST OF
10 THE COLLEGE AND THE STATE; AND

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

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