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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Procurement - Percentage Price Preference for Recycled Materials -**
3 **Chicken Litter**

4 FOR the purpose of establishing a certain percentage price preference for items made
5 with processed and pasteurized chicken litter; altering the definition of a certain
6 term; providing for a certain effective date; and generally relating to a
7 percentage price preference for chicken litter.

8 BY repealing and reenacting, with amendments,
9 Article - State Finance and Procurement
10 Section 14-405
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

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

15 **Article - State Finance and Procurement**

16 14-405.

17 (a) (1) In this section the following words have the meanings indicated.

1 (2) (i) "Recycled materials" means material recovered from or
2 otherwise destined for the waste stream.

3 (ii) "Recycled materials" includes post-consumer material,
4 industrial scrap material, compost, PROCESSED AND PASTEURIZED CHICKEN LITTER,
5 and obsolete inventories.

6 (3) "Percentage price preference" means the percent by which a
7 responsive bid from a responsible bidder whose product contains recycled materials
8 may exceed the lowest responsive bid submitted by a responsible bidder whose
9 products do not contain recycled materials.

10 (b) No later than January 1, 1994, the Board shall adopt regulations that
11 require the Secretary of General Services, the Secretary of Transportation, and the
12 Chancellor of the University System of Maryland to establish a percentage price
13 preference, not to exceed 5%, for the purchase of products made from recycled
14 materials.

15 (c) A percentage price preference under this section may not be used in
16 conjunction with any other percentage price preference established under this title.

17 (d) (1) To encourage the maximum purchase of commodities utilizing
18 recycled materials, the Department of General Services, in consultation with the
19 Department of the Environment, the University of Maryland, the Maryland
20 Environmental Service, the Department of Transportation, the Department of
21 Natural Resources, the Department of Health and Mental Hygiene, and as necessary
22 with representatives of the recycling industry and environmental organizations, shall
23 establish a list of acceptable products which contain recycled materials.

24 (2) The list shall be published for use by State agencies at least twice
25 each year.

26 (e) By January 1, 1991, each State unit shall review the procurement
27 specifications currently used by the unit and, to the extent practicable, require the
28 use of a percentage price preference in their purchase of supplies and commodities
29 containing recycled materials.

30 (f) (1) Except as provided in paragraph (2) of this subsection, this section is
31 broadly applicable to all procurements by the State if the quality of the product is
32 consistent with the requirements of the bid specifications.

33 (2) Only to the extent necessary to prevent the denial of federal moneys
34 or eliminate the inconsistency with federal law, this section does not apply to a
35 procurement by the State if the procurement officer determines that compliance with
36 this section would:

37 (i) cause denial of federal moneys; or

38 (ii) be inconsistent with the requirements of federal law.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2003.