

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 56

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “clarifying” and substitute “providing”; in line 6, after “procurements;” insert “requiring the Maryland Department of Transportation to report to certain persons by a certain date regarding the implementation of this Act; providing for the application of this Act;”; in the same line, strike “date of certain provisions” and substitute “dates”; in line 7, strike “and”; in the same line, after “Act” insert “; and generally relating to procurement for design activities under the State ethics law”; and in line 18, strike “Chapter 482 of the Acts of the General Assembly of 2002” and substitute “Section 1 of this Act”.

AMENDMENT NO. 2

On page 2, in line 16, after “for” insert “;

(I)”;

strike beginning with “, INCLUDING” in line 17 down through “RESPONSIBILITIES” in line 18; and after line 18, insert:

“(II) THE DESIGN OF A CONSTRUCTION PROJECT IF:

1. THE ANTICIPATED VALUE OF THE PROCUREMENT CONTRACT AT THE TIME OF ADVERTISEMENT IS AT LEAST \$2,500,000 AND NOT MORE THAN \$40,000,000; AND

2. THE DESIGN SERVICES DO NOT INVOLVE LEAD OR PRIME DESIGN RESPONSIBILITIES OR CONSTRUCTION PHASE RESPONSIBILITIES ON BEHALF OF THE STATE; OR”.

(Over)

On page 3, strike beginning with “or” in line 9 down through “RESPONSIBILITIES” in line 12 and substitute:

“(4) providing architectural and engineering services for:

(i) programming, master planning, or other project planning services; or

(ii) the design of a construction project if:

1. the anticipated value of the procurement contract at the time of advertisement is at least \$2,500,000 and not more than [ \$40,000,000 ] \$100,000,000; and

2. the design services do not involve lead or prime design responsibilities on construction phase responsibilities on behalf of the State; or

(5) providing specifications for an unsolicited proposal procurement made in accordance with § 13-107.1 of the State Finance and Procurement Article”.

### AMENDMENT NO. 3

On page 3, after line 12, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That on or before September 30, 2005, and annually thereafter through September 30, 2008, inclusive, the Maryland Department of Transportation shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly regarding the implementation of this Act by the Department during the immediately preceding fiscal year, including the impact of this Act on small business and minority business enterprises.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any project or program that has been advertised for construction before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the abrogation of this Act, this Act shall be applicable to any procurement contract in connection with a project or program for which:

(1) final review under the National Environmental Policy Act or the Maryland Environmental Policy Act is completed on or before June 30, 2008; or

(2) an appropriation has been included on or before June 30, 2008, in the development and evaluation portion of the Consolidated Transportation Program.”;

in line 13, strike “3.” and substitute “6.”; strike beginning with the first “the” in line 14 down through “provision” in line 18 and substitute “July 1, 2006.”

SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2004. It shall remain effective for a period of 4 years and 3 months and, at the end of September 30, 2008, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect”;

in line 19, strike “4.” and substitute “8.”; and strike beginning with “subject” in line 19 down through “2004” in line 20 and substitute “except as provided in Sections 6 and 7 of this Act, this Act shall take effect July 1, 2004. It shall remain effective for a period of 4 years and, at the end of June 30, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect”.