
By: **Chairman, Health and Government Operations Committee (By Request
- Departmental - Education)**

Introduced and read first time: January 22, 2004

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Education - County Boards of Education - Competitive Bidding**

3 FOR the purpose of increasing the threshold dollar amount of a contract for which a
4 county board of education must use competitive bidding; providing that a certain
5 threshold amount shall be the same as a certain amount that applies to units of
6 State government under certain circumstances; making a stylistic change; and
7 generally relating to public school procurement.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 5-112
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

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

15 **Article - Education**

16 5-112.

17 (a) This section does not apply to:

18 (1) Contracts for the purchase of books and other materials of instruction
19 as defined in the State Department of Education Financial Reporting Manual;

20 (2) Emergency repairs; and

1 (3) A county board's participation in contracts for goods or commodities
2 that are awarded by other public agencies or by intergovernmental purchasing
3 organizations if the lead agency for the contract follows public bidding procedures.

4 (b) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
5 IF the cost of any school building, improvement, supplies, or equipment is more than
6 [\$15,000] \$25,000, the county board, at least 2 weeks before bids are to be filed, shall
7 advertise for bids in a medium accessible to the general public, which includes:

8 (i) A newspaper of general circulation in the region;

9 (ii) The Maryland Contract Weekly or comparable State
10 publication; or

11 (iii) An electronic posting on a bid board and physical posting on the
12 local school system bid board.

13 (2) IF THE AMOUNT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION
14 DIFFERS FROM THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND
15 PROCUREMENT ARTICLE, THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND
16 PROCUREMENT ARTICLE SHALL APPLY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

17 [(2)] (3) (i) The county board shall draft specifications that provide a
18 clear and accurate description of the functional characteristics or the nature of an
19 item to be procured, without modifying the county board's requirements.

20 (ii) The specifications may:

21 1. Include a statement of any of the county board's
22 requirements; and

23 2. Provide for the submission of samples, inspection, or
24 testing of the item before procurement.

25 [(3)] (4) (i) Except as provided in subparagraph (ii) of this
26 [subsection] PARAGRAPH, specifications that use one or more manufacturer's product
27 to describe the standard of quality, performance, or other characteristics needed to
28 meet the county board's requirements, must allow for the submission of equivalent
29 products.

30 (ii) Subparagraph (i) of this paragraph does not apply if the county
31 board determines in the written specification that:

32 1. A particular manufacturer's product is required to
33 maintain compatibility of service or equipment;

34 2. A particular manufacturer's product is required to meet
35 the health needs of students;

