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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						
Education - County Boards of Education - Competitive Bidding						
FOR the purpose of increasing the threshold dollar amount of a contract for which a county board of education must use competitive bidding; providing that a certain threshold amount shall be the same as a certain amount that applies to units of State government under certain circumstances; making a stylistic change; and 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)						
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 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						

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	(3) A county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.						
6	(b) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF the cost of any school building, improvement, supplies, or equipment is more than [\$15,000] \$25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:						
8	(i)	A newspaper of general circulation in the region;					
9 10	publication; or	The Maryland Contract Weekly or comparable State					
11 12	(iii) local school system bid board	An electronic posting on a bid board and physical posting on the					
15	(2) IF THE AMOUNT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DIFFERS FROM THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL APPLY UNDER PARAGRAPH (1) OF THIS SUBSECTION.						
		(i) The county board shall draft specifications that provide a of the functional characteristics or the nature of an nodifying the county board's requirements.					
20	(ii)	The specifications may:					
21 22	requirements; and	1. Include a statement of any of the county board's					
23 24	testing of the item before proc	2. Provide for the submission of samples, inspection, or surement.					
27 28	to describe the standard of qua	(i) Except as provided in subparagraph (ii) of this specifications that use one or more manufacturer's product ality, performance, or other characteristics needed to rements, must allow for the submission of equivalent					
30 31	(ii) board determines in the writte	Subparagraph (i) of this paragraph does not apply if the county n specification that:					
32 33	maintain compatibility of serv	1. A particular manufacturer's product is required to ice or equipment;					
34 35	the health needs of students;	2. A particular manufacturer's product is required to meet					

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1 2	consideration; or		3.	Replacement parts or maintenance are a paramount			
3			4.	A product is purchased for resale.			
	4 (c) (1) A contract for the school building, improvements, supplies, or other 5 equipment shall be awarded to the lowest responsible bidder who conforms to 6 specifications with consideration given to:						
7		(i)	The qua	antities involved;			
8		(ii)	The tim	e required for delivery;			
9		(iii)	The pur	pose for which required;			
10		(iv)	The cor	npetency and responsibility of the bidder;			
11		(v)	The abi	lity of the bidder to perform satisfactory service; and			
12		(vi)	The pla	n for utilization of minority contractors.			
13 14	(2) other bids.	The cou	inty boar	d may reject any and all bids and readvertise for			
15 16	(d) (1) meaning stated in §	(d) (1) In this subsection, the term "minority business enterprise" has the aning stated in § 14-301 of the State Finance and Procurement Article.					
19 20	7 (2) In Montgomery County, by resolution and by implementing 8 regulations, the Montgomery County Board of Education shall establish a minority 9 business utilization program to facilitate the participation of responsible certified 0 minority business enterprises in contracts awarded by the Montgomery County Board 1 of Education in accordance with competitive bidding procedures.						
24	2 (e) Nonpublic schools may participate under any contracts for goods or 3 commodities that are awarded by county boards, other public agencies, or 4 intergovernmental purchasing organizations, if the lead agency for the contract 5 award follows public bidding procedures.						
26	A contract entered into or purchase made in violation of this section is void.						
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.						