2004 Regular Session

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Unofficial Copy P2

By: Delegate Morhaim

Introduced and read first time: February 5, 2004 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement Law - Applicability**

- 3 FOR the purpose of making certain units of State government subject to certain
- 4 requirements of the procurement law; and generally relating to the applicability
- 5 of the procurement law to units of State government.
- 6 BY repealing and reenacting, without amendments,
- 7 Article Financial Institutions
- 8 Section 13-1004(a)
- 9 Annotated Code of Maryland
- 10 (2003 Replacement Volume)
- 11 BY repealing and reenacting, with amendments,
- 12 Article Financial Institutions
- 13 Section 13-1027
- 14 Annotated Code of Maryland
- 15 (2003 Replacement Volume)
- 16 BY repealing and reenacting, without amendments,
- 17 Article Natural Resources
- 18 Section 3-103(a)
- 19 Annotated Code of Maryland
- 20 (2000 Replacement Volume and 2003 Supplement)
- 21 BY repealing and reenacting, with amendments,
- 22 Article Natural Resources
- 23 Section 3-103(g)
- 24 Annotated Code of Maryland
- 25 (2000 Replacement Volume and 2003 Supplement)
- 26 BY repealing and reenacting, with amendments,
- 27 Article State Finance and Procurement

1 2 3	Section 11-203(a)(1) Annotated Code of Maryland (2001 Replacement Volume and 2003 Supplement)				
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
6	Article - Financial Institutions				
7	13-1004.				
8 9	(a) There is a body corporate and politic known as the Canal Place Preservation and Development Authority.				
10	13-1027.				
11	The Authority is exempt:				
12	(1) From the payment of taxes or assessments of any kind; AND				
	(2) [Except as provided in Title 14, Subtitle 3 of the State Finance and Procurement Article, from the provisions of Division II of the State Finance and Procurement Article; and				
16 17	(3)] From the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.				
18	Article - Natural Resources				
19	3-103.				
22 23	(a) There is a body politic and corporate known as the "Maryland Environmental Service". The Service is an instrumentality of the State and a public corporation by that name, style, and title, and the exercise by the Service of the powers conferred by this subtitle is the performance of an essential governmental function of the State.				
25 26	(g) [(1)] The Service is exempt from the provisions of Part III of Subtitle 3 and Subtitles 4, 5, 6, and 7 of Title 4 of the State Finance and Procurement Article.				
	[(2) The Service is exempt from the provisions of Division II of the State Finance and Procurement Article, but is not exempt from Subtitle 3 of Title 14, Title 16, and Title 17 of the State Finance and Procurement Article.				
32 33 34	(3) All purchases by the Service, including but not limited to contracts and orders for materials, services, and supplies performed or furnished in connection with the construction of any project owned or controlled by the Service, shall be awarded in accordance with rules and regulations adopted pursuant to the Administrative Procedure Act, which rules and regulations shall provide, with respect to contracts and orders involving the expenditure of more than \$10,000 for award				

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2 3 4 5	regulations need not be State. The Service's rul design competition ma	e approve les and re y include competiti	g or public design competition, and which rules and ed by any other board, agency, or department of the egulations providing for competitive bidding or public e competitive sealed bidding, competitive negotiations, ive sealed bidding where all bids are rejected as d contract formation.]
7			Article - State Finance and Procurement
8	11-203.		
9 10	(a) Except as not apply to:	s provide	ed in subsection (b) of this section, this Division II does
11	(1)	procuren	nent by:
12		(i)	[the Blind Industries and Services of Maryland;
13		(ii)	the Maryland State Arts Council, for the support of the arts;
14 15			the Maryland Health and Higher Educational Facilities to be spent on a procurement contract;
16 17			the Maryland Higher Education Supplemental Loan Authority, t on a procurement contract;
20	for Workforce Quality	/ Program	the Maryland Industrial Training Program or the Partnership in in the Department of Business and Economic rices or programs for new or expanding businesses or ustries in transition;
22 23			the Maryland Food Center Authority, to the extent the e 13, Subtitle 1 of Article 41 of the Code;
24 25			the Maryland Public Broadcasting Commission, for services of ural television productions;
26 27		[(viii)] ercollegi	(II) public institutions of higher education, for cultural, ate athletic procurement contracts;
28 29			the Maryland State Planning Council on Developmental port demonstration, pilot, and training programs;
30		(x)	the Maryland Automobile Insurance Fund;
31		(xi)	the Maryland Historical Trust for:
32 33	historically, or cultura	lly signi	1. surveying and evaluating architecturally, archeologically, ficant properties; and

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1 2	2. other than as to architectural services, preparing historic preservation planning documents and educational material;
3 4	(xii)] (III) the University of Maryland, for University College Overseas Programs, if the University adopts regulations that:
5 6	1. establish policies and procedures governing procurement for University College Overseas Programs; and
7	2. promote the purposes stated in § 11-201(a) of this subtitle;
8	[(xiii)] (IV) St. Mary's College of Maryland;
11 12 13	[(xiv)] (V) the Department of Business and Economic Development, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of Maryland and the tourism industry where there will be a private sector contribution to the project if not less than 50% of the total cost of the project, if the project is reviewed by the Attorney General and approved by the Secretary of Business and Economic Development or the Secretary's designee;
15	[(xv) the Rural Maryland Council;
18	(xvi)] (VI) the Maryland State Lottery Agency, for negotiating and entering into private sector cooperative marketing projects that directly enhance promotion of the Maryland State Lottery and its products, if the cooperative marketing project:
	1. provides a substantive promotional or marketing value that the lottery determines acceptable in exchange for advertising or other promotional activities provided by the lottery;
23 24	does not involve the advertising or other promotion of alcohol or tobacco products; and
25 26	3. is reviewed by the Attorney General and approved by the Maryland Lottery Director or the Director's designee;
27 28	[(xvii) the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of the Insurance Article;
31	(xviii)] (VII) the Maryland Energy Administration, when negotiating or entering into grants or cooperative agreements with private entities to meet federal specifications or solicitation requirements related to energy conservation, energy efficiency, or renewable energy projects that benefit the State; and
35	[(xix)] (VIII) the Maryland Developmental Disabilities Administration of the Department of Health and Mental Hygiene for family and individual support services, and individual family care services, as those terms are defined by the Department of Health and Mental Hygiene in regulation;

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2004.