
By: **Senator Gladden**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Youth Corps - Preferences**

3 FOR the purpose of establishing a certain preference for certain State procurement
4 contracts; providing certain exclusions from a certain preference for certain
5 State procurement contracts under certain circumstances; providing for the
6 application of certain preferences; requiring the Board of Public Works to adopt
7 certain regulations; defining certain terms; and generally relating to State
8 procurement contracts and a preference for certain persons who submit certain
9 bids or proposals.

10 BY adding to

11 Article - State Finance and Procurement

12 Section 14-407

13 Annotated Code of Maryland

14 (2001 Replacement Volume and 2003 Supplement)

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

17 **Article - State Finance and Procurement**

18 14-407.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "PREFERENCE" MEANS AN AMOUNT EQUAL TO 5% OF THE LOWEST
22 RESPONSIVE BID OR PROPOSAL RECEIVED IN RESPONSE TO AN INVITATION FOR BIDS
23 OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT CONTRACT FOR SUPPLIES,
24 SERVICES, AND CONSTRUCTION-RELATED SERVICES.

25 (3) "YOUTH CORPS" MEANS A PROGRAM OPERATED BY THE STATE, A
26 LOCAL GOVERNMENT, OR A NONPROFIT ORGANIZATION THAT ENGAGES PRIMARILY
27 YOUTH AND YOUNG ADULTS IN FULL-TIME COMMUNITY SERVICE, TRAINING, AND
28 EDUCATIONAL ACTIVITIES.

1 (B) (1) THIS SECTION DOES NOT APPLY WHEN A PREFERENCE WOULD
2 CONFLICT WITH FEDERAL LAW OR PROVISIONS OF A FEDERAL GRANT AFFECTING
3 THE PROCUREMENT CONTRACT.

4 (2) A PREFERENCE UNDER THIS SECTION IS IN ADDITION TO ANY
5 PREFERENCE A YOUTH CORPS MAY BE ENTITLED TO UNDER THIS DIVISION II OF
6 THIS ARTICLE.

7 (C) WHEN A UNIT USES COMPETITIVE SEALED BIDDING OR A REQUEST FOR
8 PROPOSALS TO AWARD A PROCUREMENT CONTRACT FOR SUPPLIES, SERVICES, AND
9 CONSTRUCTION-RELATED SERVICES, THE UNIT SHALL GRANT THE CONTRACT TO A
10 YOUTH CORPS IF:

11 (1) THE YOUTH CORPS SUBMITS THE LOWEST RESPONSIVE BID OR
12 PROPOSAL AMONG THE YOUTH CORPS SUBMITTING BIDS OR PROPOSALS; AND

13 (2) THE BID OR PROPOSAL, AFTER SUBTRACTING THE PREFERENCE
14 UNDER THIS SECTION, DOES NOT EXCEED THE LOWEST RESPONSIVE BID OR
15 PROPOSAL.

16 (D) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

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