

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 920

(Delegate Murray, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Procurement - Debarment

This bill expands the list of offenses for which a person may be debarred from participation in the State procurement process.

Fiscal Summary

State Effect: The bill would not materially affect State government operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A contractor competing for State contracts may be debarred if they or any officer, employee, representative, agent, or consultant of the contractor knowingly:

- makes any offer or promise of future employment or business opportunity to, or engage in any discussion of future employment or business opportunity with, any procurement official of the agency conducting the procurement;
- offers, gives, or promises to offer or give any money gratuity, or other thing of value, to any procurement official of the agency conducting the procurement; or
- solicits or obtains from any officer or employee of an agency conducting the procurement, before the award of a contract, any proprietary or source selection information regarding the procurement.

Current Law: A person may be debarred from entering into a contract with the State on several grounds, including conviction for a variety of specified offenses, an admission in writing or under oath of an act that constitutes grounds for conviction of certain offenses, being a successor, assignee, subsidiary, or affiliate of a debarred person, or operating in a manner designed to evade or defeat the purpose of the State Finance and Procurement Article. A person may also be debarred from entering into a contract with the State for any cause the Board of Public Works (BPW) determines to be so serious as to affect the integrity of the procurement process.

Background: BPW indicates that it annually reviews three to five debarment actions. The Office of the Attorney General represents the State in all debarment and suspension activities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of General Services, Board of Public Works, University System of Maryland, Maryland Department of Transportation, Department of Budget and Management, Department of Legislative Services

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