
By: **Delegate McIntosh**

Introduced and read first time: January 28, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Competitive Sealed Proposals - Use**

3 FOR the purpose of repealing the requirement that a head of a unit of State
4 government make a certain determination before using the competitive sealed
5 proposal method of procurement under certain circumstances; and generally
6 relating to the use of competitive sealed proposals in procurement.

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 13-104(a)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2004 Supplement)

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

14 **Article - State Finance and Procurement**

15 13-104.

16 (a) Competitive sealed proposals may be used if:

17 (1) the procurement is for human, social, cultural, or educational
18 services;

19 (2) with the approval of the head of a unit, the procurement officer
20 determines that specifications cannot be prepared that allow an award based on the
21 lowest bid price, the lowest evaluated bid price or, if the procurement is subject to §
22 11-202(3) of this article, the bid most favorable to the State; or

23 (3) the head of the unit determines that[:

24 (i) the need to use a method other than competitive sealed bids is
25 sufficiently compelling to override the general public policy that favors awarding
26 procurement contracts on the basis of competitive sealed bids; and

1 (ii)] the use of competitive sealed bidding for that procurement
2 contract is not practicable or not advantageous to the State.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2005.