

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs and Finance --

Introduced by **Delegates Morhaim and Weldon, Weldon, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Kach, Kullen, Mandel, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, and V. Turner**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Procurement - eMaryland Marketplace**

3 FOR the purpose of authorizing the Department of Budget and Management to
4 establish fees for the use of eMaryland Marketplace by certain entities;
5 prohibiting the Department from charging a unit a fee under certain
6 circumstances; repealing certain procedures for deducting and retaining certain
7 fees to pay certain costs; *providing for a delayed effective date*; and generally
8 relating to Internet-based procurement and eMaryland Marketplace.

9 BY adding to
10 Article - State Finance and Procurement
11 Section 13-102.1
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2004 Supplement)

1 BY repealing
2 Article - State Finance and Procurement
3 Section 13-103(g), 13-104(h), 13-107.1(k), and 13-111(h)
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2004 Supplement)
6 (As enacted by Chapter 515 of the Acts of the General Assembly of 2004)

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

9 **Article - State Finance and Procurement**

10 13-102.1.

11 (A) A UNIT MAY NOT CHARGE A FEE TO ACCESS EMARYLAND MARKETPLACE.

12 (B) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY ESTABLISH
13 FEES FOR THE USE OF EMARYLAND MARKETPLACE BY AN ENTITY THAT PUBLISHES
14 A NOTICE OF A PROCUREMENT, CONDUCTS A PROCUREMENT, OR PUBLISHES A
15 NOTICE OF AWARD.

16 (2) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY NOT
17 CHARGE A UNIT, AS DEFINED IN § 11-101(X) OF THIS ARTICLE, A FEE UNDER THIS
18 SUBSECTION.

19 13-103.

20 [(g) (1) A unit may not charge a fee to access eMaryland Marketplace.

21 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
22 deduct and retain from the procurement contract price that was submitted by the
23 responsible bidder to whom the procurement contract was awarded the fee specified
24 by the Department of Budget and Management under paragraph (3) of this
25 subsection.

26 (3) (i) The Department of Budget and shall establish by regulation,
27 and adjust each fiscal year as necessary, the fee that is to be deducted from each
28 procurement contract under this section.

29 (ii) The fee shall be set at an amount that is sufficient to pay the
30 costs of operating eMaryland Marketplace.]

31 13-104.

32 [(h) (1) A unit may not charge a fee to access eMaryland Marketplace.

33 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
34 deduct and retain from the procurement contract price that was submitted by the
35 responsible bidder to whom the procurement contract was awarded the fee specified

1 by the Department of Budget and Management under paragraph (3) of this
2 subsection.

3 (3) (i) The Department of Budget and Management shall establish by
4 regulation, and adjust each fiscal year as necessary, the fee that is to be deducted
5 from each procurement contract under this section.

6 (ii) The fee shall be set at an amount that is sufficient to pay the
7 costs of operating eMaryland Marketplace.]

8 13-107.1.

9 [(k) (1) A unit may not charge a fee to access eMaryland Marketplace.

10 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
11 deduct and retain from the procurement contract price that was submitted by the
12 responsible bidder to whom the procurement contract was awarded the fee specified
13 by the Department of Budget and Management under paragraph (3) of this
14 subsection.

15 (3) (i) The Department of Budget and Management shall establish by
16 regulation, and adjust each fiscal year as necessary, the fee that is to be deducted
17 from each procurement contract under this section.

18 (ii) The fee shall be set at an amount that is sufficient to pay the
19 costs of operating eMaryland Marketplace.]

20 13-111.

21 [(h) (1) A unit may not charge a fee to access eMaryland Marketplace.

22 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
23 deduct and retain from the procurement contract price that was submitted by the
24 responsible bidder to whom the procurement contract was awarded the fee specified
25 by the Department of Budget and Management under paragraph (3) of this
26 subsection.

27 (3) (i) The Department of Budget and Management shall establish by
28 regulation, and adjust each fiscal year as necessary, the fee that is to be deducted
29 from each procurement contract under this section.

30 (ii) The fee shall be set at an amount that is sufficient to pay the
31 costs of operating eMaryland Marketplace.]

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 ~~July 1, 2005~~ July 1, 2006.

