
By: **Delegates Morhaim and Weldon**

Introduced and read first time: February 2, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

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; and generally relating to Internet-based procurement
8 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)

14 BY repealing

15 Article - State Finance and Procurement
16 Section 13-103(g), 13-104(h), 13-107.1(k), and 13-111(h)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2004 Supplement)
19 (As enacted by Chapter 515 of the Acts of the General Assembly of 2004)

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

22 **Article - State Finance and Procurement**

23 13-102.1.

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

25 (B) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY ESTABLISH
26 FEES FOR THE USE OF EMARYLAND MARKETPLACE BY AN ENTITY THAT PUBLISHES

1 A NOTICE OF A PROCUREMENT, CONDUCTS A PROCUREMENT, OR PUBLISHES A
2 NOTICE OF AWARD.

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

6 13-103.

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

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

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

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

18 13-104.

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

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

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

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

30 13-107.1.

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

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

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

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

6 13-111.

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2005.