
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

Introduced and read first time: February 2, 2005
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 8, 2005

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; 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:

1 **Article - State Finance and Procurement**

2 13-102.1.

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

4 (B) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY ESTABLISH
5 FEES FOR THE USE OF EMARYLAND MARKETPLACE BY AN ENTITY THAT PUBLISHES
6 A NOTICE OF A PROCUREMENT, CONDUCTS A PROCUREMENT, OR PUBLISHES A
7 NOTICE OF AWARD.8 (2) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY NOT
9 CHARGE A UNIT, AS DEFINED IN § 11-101(X) OF THIS ARTICLE, A FEE UNDER THIS
10 SUBSECTION.

11 13-103.

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

13 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
14 deduct and retain from the procurement contract price that was submitted by the
15 responsible bidder to whom the procurement contract was awarded the fee specified
16 by the Department of Budget and Management under paragraph (3) of this
17 subsection.18 (3) (i) The Department of Budget and shall establish by regulation,
19 and adjust each fiscal year as necessary, the fee that is to be deducted from each
20 procurement contract under this section.21 (ii) The fee shall be set at an amount that is sufficient to pay the
22 costs of operating eMaryland Marketplace.]

23 13-104.

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

25 (2) To pay the costs of operating eMaryland Marketplace, the unit shall
26 deduct and retain from the procurement contract price that was submitted by the
27 responsible bidder to whom the procurement contract was awarded the fee specified
28 by the Department of Budget and Management under paragraph (3) of this
29 subsection.30 (3) (i) The Department of Budget and Management shall establish by
31 regulation, and adjust each fiscal year as necessary, the fee that is to be deducted
32 from each procurement contract under this section.33 (ii) The fee shall be set at an amount that is sufficient to pay the
34 costs of operating eMaryland Marketplace.]

1 13-107.1.

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

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

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

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

13 13-111.

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

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

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

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

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