By: Delegates Morhaim, Boteler, Costa, Frank, Pendergrass, and Weldon Weldon, Boschert, Cardin, Cryor, Elmore, Gilleland, McKee, and Myers

Introduced and read first time: February 1, 2006 Assigned to: Ways and Means

Committee Report: Favorable with amendments House action: Adopted Read second time: February 28, 2006

CHAPTER_____

1 AN ACT concerning

2

Education - County Boards of Education - Competitive Bidding

3 FOR the purpose of increasing the threshold dollar amount of a contract for which a

- 4 county board of education must use competitive bidding; providing that a certain
- 5 threshold amount shall be the same as a certain amount that applies to units of
- 6 State government under certain circumstances; making a stylistic change; and
- 7 generally relating to public school procurement.

8 BY repealing and reenacting, with amendments,

- 9 Article Education
- 10 Section 5-112
- 11 Annotated Code of Maryland
- 12 (2004 Replacement Volume and 2005 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 Article - Education

16 5-112.

17 (a) This section does not apply to:

18 (1) Contracts for the purchase of books and other materials of instruction19 as defined in the State Department of Education Financial Reporting Manual;

20 (2) Emergency repairs; and

UNOFFICIAL COPY OF HOUSE BILL 569

2 that are awarded by oth	(3) A county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.						
5 IF the cost of any school 6 [\$15,000] \$25,000, the	(b) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF the cost of any school building, improvement, supplies, or equipment is more than [\$15,000] \$25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:						
8	(i) A new	wspaper of general circulation in the region;					
9 10 publication; or	(ii) The N	Maryland Contract Weekly or comparable State					
11 12 local school system bio		ectronic posting on a bid board and physical posting on the					
14 DIFFERS FROM THE 15 PROCUREMENT AR	E AMOUNT I RTICLE, THE	UNT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION N § 13-109(A) OF THE STATE FINANCE AND AMOUNT IN § 13-109(A) OF THE STATE FINANCE AND LL APPLY UNDER PARAGRAPH (1) OF THIS SUBSECTION.					
18 clear and accurate desc		The county board shall draft specifications that provide a functional characteristics or the nature of an ing the county board's requirements.					
20	(ii) The s	pecifications may:					
2122 requirements; and	1.	Include a statement of any of the county board's					
2324 testing of the item before	2. ore procureme	Provide for the submission of samples, inspection, or nt.					
[(3)] (4) (i) Except as provided in subparagraph (ii) of this [subsection] PARAGRAPH, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.							
3031 board determines in th	· / I	aragraph (i) of this paragraph does not apply if the county if it if the county					
3233 maintain compatibility	1. v of service or	A particular manufacturer's product is required to equipment;					
3435 the health needs of stu	2. dents;	A particular manufacturer's product is required to meet					

2

UNOFFICIAL COPY OF HOUSE BILL 569

1 2 consideration; o	r	3.	Replacement parts or maintenance are a paramount				
3		4.	A product is purchased for resale.				
5 equipment shall	(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:						
7	(i)	The qua	ntities involved;				
8	(ii)	The tim	e required for delivery;				
9	(iii)	The pur	pose for which required;				
10	(iv)	The cor	npetency and responsibility of the bidder;				
11	(v)	The abi	ity of the bidder to perform satisfactory service; and				
12	(vi)	The pla	n for utilization of minority contractors.				
13 (2) 14 other bids.) The co	The county board may reject any and all bids and readvertise for					
15(d)(1)In this subsection, the term "minority business enterprise" has the16meaning stated in § 14-301 of the State Finance and Procurement Article.							
17 (2) In Montgomery County, by resolution and by implementing 18 regulations, the Montgomery County Board of Education shall establish a minority 19 business utilization program to facilitate the participation of responsible certified 20 minority business enterprises in contracts awarded by the Montgomery County Board 21 of Education in accordance with competitive bidding procedures.							
22 (e) No	onpublic scho	ols may p	articipate under any contracts for goods or				

(e) Nonpublic schools may participate under any contracts for goods or
commodities that are awarded by county boards, other public agencies, or
intergovernmental purchasing organizations, if the lead agency for the contract

25 award follows public bidding procedures.

3

26 (f) A contract entered into or purchase made in violation of this section is void.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 28 effect July 1, 2006.