
By: **Senator Greenip**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Architectural and Engineering Services - Participation in**
3 **Procurement**

4 FOR the purpose of altering an exception to the provision of the Maryland Public
5 Ethics Law that disqualifies a person, under certain circumstances, from
6 participation in certain procurements; specifying that architectural or
7 engineering services for the design of certain construction projects shall be
8 subject to the exception, regardless of the anticipated value of the project;
9 making void a certain prospective amendment to the law; repealing a certain
10 termination provision; and generally relating to the application of the Maryland
11 Public Ethics Law to procurement contracts.

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 15-508
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 Supplement)

17 BY repealing
18 Chapter 84 of the Acts of the General Assembly of 2004
19 Section 6

20 BY repealing and reenacting, with amendments,
21 Chapter 84 of the Acts of the General Assembly of 2004
22 Section 8

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

25 **Article - State Government**

26 15-508.

27 (a) An individual or a person that employs an individual who assists an
28 executive unit in the drafting of specifications, an invitation for bids, a request for

1 proposals for a procurement, or the selection or award made in response to an
 2 invitation for bids or request for proposals may not:

3 (1) submit a bid or proposal for that procurement; or

4 (2) assist or represent another person, directly or indirectly, who is
 5 submitting a bid or proposal for that procurement.

6 (b) For purposes of subsection (a) of this section, assisting in the drafting of
 7 specifications, an invitation for bids, or a request for proposals for a procurement does
 8 not include:

9 (1) providing descriptive literature such as catalogue sheets, brochures,
 10 technical data sheets, or standard specification "samples", whether requested by an
 11 executive agency or provided on an unsolicited basis;

12 (2) submitting written comments on a specification prepared by an
 13 agency or on a solicitation for a bid or proposal when comments are solicited from two
 14 or more persons as part of a request for information or a prebid or preproposal
 15 process;

16 (3) providing specifications for a sole source procurement made in
 17 accordance with § 13-107 of the State Finance and Procurement Article;

18 (4) providing architectural and engineering services for:

19 (i) programming, master planning, or other project planning
 20 services; or

21 (ii) the design of a construction project if

22 1. the anticipated value of the procurement contract at the
 23 time of advertisement is at least \$2,500,000 and not more than \$40,000,000; and

24 2.] the design services do not involve lead or prime design
 25 responsibilities or construction phase responsibilities on behalf of the State; or

26 (5) providing specifications for an unsolicited proposal procurement
 27 made in accordance with § 13-107.1 of the State Finance and Procurement Article.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 29 read as follows:

30 **Chapter 84 of the Acts of 2004**

31 [SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act
 32 shall take effect on July 1, 2006.]

33 SECTION 8. AND BE IT FURTHER ENACTED, That[, except as provided in
 34 Sections 6 and 7 of this Act,] this Act shall take effect July 1, 2004. [It shall remain

1 effective for a period of 4 years and, at the end of June 30, 2008, with no further action
2 required by the General Assembly, this Act shall be abrogated and of no further force
3 and effect.]

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2006.