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By: **Senator Hogan**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

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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; 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 2005 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 2005 Supplement)

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

21 **Article - State Finance and Procurement**

22 13-102.1.

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

24 (B) (1) THE DEPARTMENT OF BUDGET AND MANAGEMENT MAY ESTABLISH  
25 FEES FOR THE USE OF EMARYLAND MARKETPLACE BY AN ENTITY THAT PUBLISHES  
26 A NOTICE OF A PROCUREMENT, CONDUCTS A PROCUREMENT, OR PUBLISHES A  
27 NOTICE OF AWARD.

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

4 13-103.

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

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

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

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

16 13-104.

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

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

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

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

28 13-107.1.

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

30 (2) To pay the costs of operating eMaryland Marketplace, the unit shall  
31 deduct and retain from the procurement contract price that was submitted by the  
32 responsible bidder to whom the procurement contract was awarded the fee specified  
33 by the Department of Budget and Management under paragraph (3) of this  
34 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, 2007.