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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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Committee Report: Favorable

Senate action: Adopted

Read second time: March 22, 2006

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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; 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:

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 Management shall establish by  
19 regulation, and adjust each fiscal year as necessary, the fee that is to be deducted  
20 from each 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, 2007.