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By: **Senator Conway**

Introduced and read first time: February 22, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **State Ethics Law - Architectural and Engineering Services - Applicability of**  
3 **Restrictions on Participation in Procurement**

4 FOR the purpose of providing that certain limitations relating to providing  
5 architectural and engineering services for the design of certain construction  
6 projects do not apply to certain individuals who are associated with certain  
7 certified minority business enterprises; providing for the termination of this Act;  
8 and generally relating to the application of certain restrictions on the  
9 participation in certain procurements by certain certified minority business  
10 enterprises.

11 BY repealing and reenacting, with amendments,  
12 Article - State Government  
13 Section 15-508  
14 Annotated Code of Maryland  
15 (2004 Replacement Volume and 2005 Supplement)  
16 (As enacted by Chapter 84 of the Acts of 2004)

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

19 **Article - State Government**

20 15-508.

21 (a) An individual or a person that employs an individual who assists an  
22 executive unit in the drafting of specifications, an invitation for bids, a request for  
23 proposals for a procurement, or the selection or award made in response to an  
24 invitation for bids or request for proposals may not:

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

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

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

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

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

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

13 (4) providing architectural and engineering services for:

14 (i) programming, master planning, or other project planning  
15 services; or

16 (ii) the design of a construction project if:

17 1. the anticipated value of the procurement contract at the  
18 time of advertisement is at least \$2,500,000 and not more than \$100,000,000; and

19 2. the design services do not involve lead or prime design  
20 responsibilities on construction phase responsibilities on behalf of the State; or

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

23 (C) THE LIMITATIONS SET FORTH IN SUBSECTION (A) OF THIS SECTION DO  
24 NOT APPLY TO A PERSON WHO IS PROVIDING ARCHITECTURAL AND ENGINEERING  
25 SERVICES FOR THE DESIGN OF A CONSTRUCTION PROJECT DESCRIBED IN  
26 SUBSECTION (B)(4)(II) OF THIS SECTION IF THE PERSON:

27 (1) IS A CERTIFIED MINORITY BUSINESS ENTERPRISE, AS DEFINED  
28 UNDER § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

29 (2) IS A SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUAL,  
30 AS DEFINED UNDER § 14-301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;  
31 AND

32 (3) IS IN EITHER OF THE FOLLOWING MINORITY GROUPS:

33 (I) AFRICAN AMERICAN; OR

34 (II) WOMEN.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect July 1, 2006. It shall remain effective for a period of 2 years and, at the end of  
3 June 30, 2008, with no further action required by the General Assembly, this Act shall  
4 be abrogated and of no further force and effect.