

HOUSE BILL 28

P2

8lr0842

(PRE-FILED)

By: **Delegate Benson**

Requested: October 9, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Purchase of Apparel Produced in the United States**

3 FOR the purpose of requiring a public body to require that certain apparel production
4 be performed in the United States; requiring that bidders for certain apparel
5 contracts provide contracting public bodies with certain information; requiring
6 that apparel contracts and bid application documents contain certain
7 information; authorizing a public body to waive certain requirements of this Act
8 under certain conditions; making this Act severable; defining certain terms; and
9 generally relating to the purchase of apparel produced in the United States.

10 BY adding to

11 Article – State Finance and Procurement

12 Section 14–409

13 Annotated Code of Maryland

14 (2006 Replacement Volume and 2007 Supplement)

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

17 **Article – State Finance and Procurement**

18 **14–409.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
20 MEANINGS INDICATED.

21 (2) “APPAREL” MEANS ANY CLOTHING, HEADWEAR, LINENS, OR
22 FABRIC.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) **“APPAREL CONTRACT” INCLUDES THE PURCHASE, RENTAL,**
2 **OR OTHER ACQUISITION OF AN APPAREL PRODUCT BY THE STATE, INCLUDING**
3 **AUTHORIZATION BY THE STATE FOR A VENDOR TO SELL AN APPAREL PRODUCT**
4 **THROUGH A CASH ALLOWANCE OR VOUCHER ISSUED BY THE STATE AND A**
5 **LICENSE AGREEMENT WITH A PUBLIC BODY.**

6 (4) (I) **“APPAREL PRODUCTION” INCLUDES THE CUTTING OR**
7 **MANUFACTURING OF APPAREL PRODUCTS PERFORMED BY A CONTRACTOR OR**
8 **SUBCONTRACTOR.**

9 (II) **“APPAREL PRODUCTION” DOES NOT INCLUDE THE**
10 **PRODUCTION OF SUPPLIES OR SUNDRIES, INCLUDING BUTTONS, ZIPPERS, AND**
11 **THREAD.**

12 (5) **“BIDDER” MEANS ANY PERSON MAKING A BID WITH A PUBLIC**
13 **BODY TO SERVE AS A VENDOR TO A PUBLIC BODY.**

14 (6) **“PUBLIC BODY” MEANS:**

15 (I) **THE STATE;**

16 (II) **ANY UNIT OF THE STATE; OR**

17 (III) **ANY GOVERNMENTAL OR QUASI-GOVERNMENTAL**
18 **AUTHORITY CREATED BY THE GENERAL ASSEMBLY.**

19 (7) **“VENDOR” MEANS A PERSON WHO:**

20 (I) **SELLS OR OTHERWISE PROVIDES APPAREL TO OR FOR A**
21 **PUBLIC BODY; OR**

22 (II) **ENTERS INTO A LICENSE AGREEMENT WITH A PUBLIC**
23 **BODY TO PRODUCE OR PROVIDE ITEMS OF APPAREL BEARING NAMES,**
24 **TRADEMARKS, OR IMAGES OF, OR RELATED TO, THE PUBLIC BODY.**

25 (B) **WHEN PURCHASING OR OTHERWISE OBTAINING APPAREL FROM A**
26 **VENDOR, INCLUDING APPROVING A VENDOR FOR PARTICIPATION IN AN**
27 **ALLOWANCE OR VOUCHER PROGRAM, A PUBLIC BODY SHALL REQUIRE ALL**
28 **APPAREL PRODUCTION TO BE PERFORMED IN THE UNITED STATES.**

29 (C) (1) **A BIDDER FOR AN APPAREL CONTRACT SHALL FILE WITH THE**
30 **CONTRACTING PUBLIC BODY IN WRITING THE FOLLOWING INFORMATION:**

1 (I) EVERY LOCATION WHERE APPAREL PRODUCTION IS TO
2 OCCUR, INCLUDING ANY SUBCONTRACTOR LOCATIONS;

3 (II) THE NAME, BUSINESS ADDRESS, AND IDENTITY OF THE
4 PRINCIPAL OFFICERS OF EACH SUBCONTRACTOR THAT IS TO BE USED FOR
5 APPAREL PRODUCTION IN FULFILLMENT OF AN APPAREL CONTRACT; AND

6 (III) AN AFFIDAVIT THAT ALL APPAREL PRODUCTION
7 LOCATIONS ARE IN THE UNITED STATES.

8 (2) THE INFORMATION REPORTED BY A BIDDER TO THE
9 CONTRACTING PUBLIC BODY UNDER PARAGRAPH (1) OF THIS SUBSECTION
10 SHALL BE MADE AVAILABLE TO THE PUBLIC AS SOON AS PRACTICABLE, BUT IN
11 NO EVENT MORE THAN 30 DAYS AFTER A DECISION IS MADE TO AWARD AN
12 APPAREL CONTRACT TO A VENDOR.

13 (3) DURING THE TERM OF A CONTRACT, ANY CHANGES TO THE
14 INFORMATION REPORTED TO THE CONTRACTING PUBLIC BODY BY A VENDOR
15 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE
16 PUBLIC BODY.

17 (D) (1) EACH APPAREL CONTRACT AND BID APPLICATION SHALL
18 CONTAIN A PROVISION DETAILING THE REQUIREMENTS OF THIS SECTION.

19 (2) COMPLIANCE WITH THIS SECTION SHALL BE MADE A BINDING
20 CONDITION OF EACH APPAREL CONTRACT ENTERED INTO BY A CONTRACTING
21 PUBLIC BODY.

22 (E) (1) A PUBLIC BODY MAY WAIVE REQUIREMENTS OF THIS SECTION
23 ON A DETERMINATION THAT THERE IS NO VENDOR AVAILABLE OR ABLE TO
24 MEET THE REQUIREMENTS OF THIS SECTION.

25 (2) IF A PUBLIC BODY EXERCISES A WAIVER UNDER PARAGRAPH
26 (1) OF THIS SUBSECTION, THE PUBLIC BODY SHALL TAKE EVERY REASONABLE
27 MEASURE TO CONTRACT WITH A VENDOR THAT IS MOST CLOSELY ABLE TO
28 SATISFY THE REQUIREMENTS OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
30 Act or the application thereof to any person or circumstance is held invalid for any
31 reason in a court of competent jurisdiction, the invalidity does not affect other
32 provisions or any other application of this Act which can be given effect without the
33 invalid provision or application, and for this purpose the provisions of this Act are
34 declared severable.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2008.