F1, M3 8lr0534

By: Delegates Kipke, Beidle, Costa, Gaines, George, Guzzone, Holmes, Hubbard, Manno, Murphy, O'Donnell, Schuh, and Smigiel

Introduced and read first time: January 31, 2008

Assigned to: Ways and Means

## A BILL ENTITLED

1	AN ACT concerning			
$\frac{2}{3}$	County Boards of Education – Procurement of Green Product Cleaning Supplies			
4 5 6 7 8 9	FOR the purpose of requiring a county board of education to procure green product cleaning supplies for its schools; requiring a county board to adopt certain specifications; defining a certain term; authorizing a county board to use certain cleaning supplies until those supplies are exhausted; providing for the application of this Act; and generally relating to the procurement of green product cleaning supplies by county boards of education.			
10 11 12 13 14	BY repealing and reenacting, with amendments, Article – Education Section 5–112 Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)			
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
17	Article - Education			
18	5–112.			
19	(a) This section does not apply to:			
20 21 22	(1) Contracts for the purchase of books and other materials of instruction as defined in the State Department of Education Financial Reporting Manual;			
23	(2) Emergency repairs; and			



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1 2 3 4	(3) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.				
5 6 7 8	(b) (1) Except as provided in paragraph (2) of this subsection, if the cost of any school building, improvement, supplies, or equipment is more than \$25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:				
9	(i) A newspaper of general circulation in the region;				
10 11	(ii) The Maryland Contract Weekly or comparable State publication; or				
12 13	(iii) An electronic posting on a bid board and physical posting on the local school system bid board.				
14 15 16 17	(2) If the amount specified in paragraph (1) of this subsection differs from the amount in $\S 13-109(a)$ of the State Finance and Procurement Article, the amount in $\S 13-109(a)$ of the State Finance and Procurement Article shall apply under paragraph (1) of this subsection.				
18 19 20	(3) (i) The county board shall draft specifications that provide a clear and accurate description of the functional characteristics or the nature of an item to be procured, without modifying the county board's requirements.				
21	(ii) The specifications may:				
22 23	1. Include a statement of any of the county board's requirements; and				
24 25	2. Provide for the submission of samples, inspection, or testing of the item before procurement.				
26 27 28 29	(4) (i) Except as provided in subparagraph (ii) of this paragraph, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's requirements, must allow for the submission of equivalent products.				
30 31	(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:				

1. A particular manufacturer's product is required to maintain compatibility of service or equipment;

$\frac{1}{2}$	2. A particular manufacturer's product is required to meet the health needs of students;				
$\frac{3}{4}$	consideration; or	3.	Replacement parts or maintenance are a paramount		
5		4.	A product is purchased for resale.		
6 7 8	(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:				
9		(i) T	he quantities involved;		
10		(ii) T	he time required for delivery;		
11		(iii) T	he purpose for which required;		
12		(iv) T	he competency and responsibility of the bidder;		
13		(v) T	he ability of the bidder to perform satisfactory service; and		
14		(vi) T	he plan for utilization of minority contractors.		
15 16	(2) other bids.	The cou	nty board may reject any and all bids and readvertise for		
17 18	(d) (1) meaning stated in		subsection, the term "minority business enterprise" has the of the State Finance and Procurement Article.		
19 20 21 22 23	regulations, the M business utilizatio minority business	Iontgome on progra enterpris	tgomery County, by resolution and by implementing ry County Board of Education shall establish a minority am to facilitate the participation of responsible certified ses in contracts awarded by the Montgomery County Board with competitive bidding procedures.		
24 25 26	SUPPLIES" INCLU	UDES CI	IIS SUBSECTION, "GREEN PRODUCT CLEANING LEANING AND SANITIZING SUPPLIES THAT PERFORM SITIVE ENVIRONMENTAL ATTRIBUTES, INCLUDING:		
27		(I) B	IODEGRADABILITY;		
28		(II) L	OW TOXICITY;		
29		(III) L	OW VOLATILE ORGANIC COMPOUND CONTENT;		
30		(IV) R	EDUCED PACKAGING; AND		

1	(V) LOW LIFE CYCLE ENERGY USE.				
2	(2) (I) TO THE EXTENT PRACTICABLE, A COUNTY BOARD				
3	SHALL PROCURE GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS				
4	SCHOOLS.				
5	(II) IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS				
6	SECTION, A COUNTY BOARD SHALL DRAFT SPECIFICATIONS THAT PROVIDE A				
7	CLEAR AND ACCURATE DESCRIPTION OF THE FUNCTIONAL CHARACTERISTICS				
8	OR NATURE OF THE GREEN PRODUCT CLEANING SUPPLIES THAT ARE TO BE				
9	PROCURED.				
10	[(a)] (E) Name allie as leads are associated and describe as a second as a sec				
11	[(e)] <b>(F)</b> Nonpublic schools may participate under any contracts for goods or commodities that are awarded by county boards, other public agencies, or				
$\frac{11}{12}$	intergovernmental purchasing organizations, if the lead agency for the contract award				
13	follows public bidding procedures.				
14	[(f)] (G) A contract entered into or purchase made in violation of this				
15	section is void.				
10	SECTION 9 AND DE IT ELIDTHED ENACTED. That this Act door not muchibit				
16 17	SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not prohibit a county board from using cleaning supplies in its inventory on the effective date of				
18	this Act until those supplies are exhausted.				
	one and one of the comments of				
19	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be				
20	constructed to apply only prospectively and may not be applied or interpreted to have				
21	any effect on or application to any obligation or contract for cleaning supplies existing				
22	before the effective date of this Act.				
23	SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect				
24	October 1, 2008.				