

HOUSE BILL 865

P2

8lr1936

By: Delegates Morhaim, Bromwell, Miller, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Beitzel, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

Introduced and read first time: February 6, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2008

CHAPTER _____

1 AN ACT concerning

2 ~~Government Efficiency and Streamlining Operations~~
3 Procurement – eMaryland Marketplace – Use

4 FOR the purpose of requiring certain persons to use eMaryland Marketplace to
5 advertise for a certain procurement and to publish notice of an award of a
6 certain contract; defining certain terms; providing for the construction of this
7 Act; prohibiting an unintentional violation from constituting grounds to
8 challenge or appeal the award of a procurement or the process through which a
9 procurement was conducted; and generally relating to the use of eMaryland
10 Marketplace.

11 BY adding to

12 Article – State Finance and Procurement

13 Section 17–501 and 17–502 to be under the new subtitle “Subtitle 5. eMaryland
14 Marketplace – Use by Certain Persons”

15 Annotated Code of Maryland

16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – State Finance and Procurement**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **SUBTITLE 5. eMARYLAND MARKETPLACE – USE BY CERTAIN PERSONS.**

2 **17-501.**

3 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 (B) **“eMARYLAND MARKETPLACE” HAS THE MEANING STATED IN §**
6 **13-101 OF THIS ARTICLE.**

7 (C) **“PROCUREMENT” MEANS PROCUREMENT BY COMPETITIVE SEALED**
8 **BIDDING, COMPETITIVE SEALED PROPOSALS, OR NONCOMPETITIVE**
9 **NEGOTIATION.**

10 **17-502.**

11 (A) **IN ADDITION TO ANY OTHER PROVISION OF LAW, THE FOLLOWING**
12 **PERSONS SHALL USE eMARYLAND MARKETPLACE TO PUBLISH NOTICE OF A**
13 **PROCUREMENT OR PUBLISH A NOTICE OF AWARD OF A PROCUREMENT THAT IS**
14 **AT THE SAME AMOUNT OR EXCEEDS THE AMOUNT REQUIRED BY THE BOARD**
15 **FOR A STATE CONTRACT TO BE PUBLISHED IN eMARYLAND MARKETPLACE:**

16 (1) **A UNIT OF STATE GOVERNMENT;**

17 (2) **A COUNTY;**

18 (3) **A MUNICIPALITY;**

19 (4) **A BICOUNTY OR MULTICOUNTY GOVERNMENTAL AGENCY;**

20 (5) **A SPECIAL TAX DISTRICT, SANITARY DISTRICT, DRAINAGE**
21 **DISTRICT, SOIL CONSERVATION DISTRICT, AND WATER SUPPLY DISTRICT;**

22 (6) **A PUBLIC INSTITUTION OF HIGHER EDUCATION;**

23 (7) **A PUBLIC SCHOOL; AND**

24 (8) **EXCEPT FOR THE MARYLAND HEALTH AND HIGHER**
25 **EDUCATIONAL FACILITIES AUTHORITY, AN ENTITY EXEMPT FROM THE**
26 **PROVISIONS OF THIS DIVISION II IN ACCORDANCE WITH § 11-203 OF THIS**
27 **ARTICLE.**

28 (B) **THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PERSON**
29 **LISTED IN SUBSECTION (A) OF THIS SECTION FROM PUBLISHING NOTICE OF A**

1 PROCUREMENT OR PUBLISHING A NOTICE OF AWARD IN ACCORDANCE WITH
2 ANY OTHER LAW OR POLICY.

3 (C) AN UNINTENTIONAL VIOLATION OF THIS SECTION MAY NOT
4 CONSTITUTE GROUNDS TO CHALLENGE OR APPEAL:

5 (1) THE AWARD OF A PROCUREMENT; OR

6 (2) THE PROCESS THROUGH WHICH A PROCUREMENT WAS
7 CONDUCTED.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.