

CHAPTER 525

(House Bill 865)

AN ACT concerning

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

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

BY adding to

Article – State Finance and Procurement

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

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Article – State Finance and Procurement

SUBTITLE 5. eMARYLAND MARKETPLACE – USE BY CERTAIN PERSONS.

17–501.

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

(B) “eMARYLAND MARKETPLACE” HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.

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

17–502.

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

- (1) A UNIT OF STATE GOVERNMENT;**
- (2) A COUNTY;**
- (3) A MUNICIPALITY;**
- (4) A BICOUNTY OR MULTICOUNTY GOVERNMENTAL AGENCY;**
- (5) A SPECIAL TAX DISTRICT, SANITARY DISTRICT, DRAINAGE DISTRICT, SOIL CONSERVATION DISTRICT, AND WATER SUPPLY DISTRICT;**
- (6) A PUBLIC INSTITUTION OF HIGHER EDUCATION;**
- (7) A PUBLIC SCHOOL; AND**
- (8) EXCEPT FOR THE MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY, AN ENTITY EXEMPT FROM THE PROVISIONS OF THIS DIVISION II IN ACCORDANCE WITH § 11-203 OF THIS ARTICLE.**

(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION FROM PUBLISHING NOTICE OF A PROCUREMENT OR PUBLISHING A NOTICE OF AWARD IN ACCORDANCE WITH ANY OTHER LAW OR POLICY.

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

- (1) THE AWARD OF A PROCUREMENT; OR**
- (2) THE PROCESS THROUGH WHICH A PROCUREMENT WAS CONDUCTED.**

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

Approved by the Governor, May 13, 2008.