

# HOUSE BILL 1203

P2

9lr2325

---

By: **Delegate Rosenberg**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Intergovernmental Cooperative Purchasing Agreements –**  
3 **Contracts**

4 FOR the purpose of requiring the Department of General Services, before it enters into  
5 a certain intergovernmental cooperative purchasing agreement, to advertise a  
6 certain solicitation for a certain period on a certain website and to procure  
7 certain products or services for certain local governments; and generally  
8 relating to intergovernmental cooperative purchasing agreements.

9 BY repealing and reenacting, with amendments,  
10 Article – State Finance and Procurement  
11 Section 13–110  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2008 Supplement)

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

16 **Article – State Finance and Procurement**

17 13–110.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Governmental entity” means:

20 (i) the federal government or an agency or other  
21 instrumentality of the federal government;

22 (ii) another state or an agency or other instrumentality of  
23 another state;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) a bistate or multistate agency;

2 (iv) a county, municipal corporation, or other political  
3 subdivision of the State or of another state, or an agency or other instrumentality of  
4 the political subdivision;

5 (v) a bicounty or multicounty agency;

6 (vi) a primary procurement unit; or

7 (vii) an affiliation, alliance, consortium, or group composed solely  
8 of governmental entities that is established for purposes of promoting  
9 intergovernmental cooperative purchasing.

10 (3) "Intergovernmental cooperative purchasing agreement" means a  
11 contract:

12 (i) 1. entered into by at least one governmental entity and a  
13 person selected in a manner that is consistent with the purposes set forth under §  
14 11–201 of this article;

15 2. that is available for use by the governmental entity  
16 entering the contract and at least one additional governmental entity which may, but  
17 need not be, an original party to the contract; and

18 3. that is intended to promote efficiency and savings  
19 that can result from intergovernmental cooperative purchasing; or

20 (ii) between a primary procurement unit and a person who, at  
21 the time the intergovernmental cooperative purchasing agreement is awarded, has a  
22 contract with the federal government or an agency or other instrumentality of the  
23 federal government, and who agrees to provide the unit with identical prices, terms,  
24 and conditions as stipulated in the federal contract.

25 (b) (1) Subject to § 12–107 of this article, whenever a primary  
26 procurement unit procurement officer determines that it is in the best interest of the  
27 State to sponsor or participate in an intergovernmental cooperative purchasing  
28 agreement, with the approval of the unit head and subject to any other approval  
29 required by law, the primary procurement unit may become a party to or participate  
30 under the agreement.

31 (2) A determination under this subsection shall be in writing and  
32 include a statement that the intergovernmental cooperative purchasing agreement:

33 (i) will provide cost benefits to the State, promote  
34 administrative efficiencies, or promote intergovernmental cooperation; and

(ii) is not intended to evade the purposes of this Division II.

(c) (1) If a primary procurement unit sponsors an intergovernmental cooperative purchasing agreement:

(i) the contract shall be awarded in the same manner as the contract would be awarded under this Division II if the unit was the sole participant under the contract; and

(ii) all procedures under this Division II, including procedures governing contract claims and protests, shall apply.

(2) A political subdivision of the State may participate under any intergovernmental cooperative purchasing agreement sponsored by a primary procurement unit in a manner consistent with the terms of the agreement.

(d) If a primary procurement unit participates in an intergovernmental cooperative purchasing agreement, any protest or contract claim involving the agreement shall be handled in accordance with the terms of the agreement.

**(E) BEFORE THE DEPARTMENT OF GENERAL SERVICES ENTERS INTO AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT THAT COULD REDUCE TO A SINGLE CONTRACTOR OR REDUCE BY MORE THAN 50% THE NUMBER OF CURRENT CONTRACTORS UNDER THE PROCUREMENT, THE DEPARTMENT OF GENERAL SERVICES SHALL:**

**(1) ADVERTISE THE SOLICITATION FOR A MINIMUM OF 21 DAYS ON EMARYLAND MARKETPLACE; AND**

**(2) IF IT ENTERS INTO AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT, PROCURE THE SAME PRODUCTS OR SERVICES FOR USE BY A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.