

HOUSE BILL 1363

F1, M3
HB 596/08 – W&M

9lr3077

By: **Delegates Murphy and Kipke**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Procurement of Green Product Cleaning**
3 **Supplies**

4 FOR the purpose of requiring a county board of education to procure green product
5 cleaning supplies for its schools; requiring a county board to adopt certain
6 specifications; defining a certain term; authorizing a county board to use certain
7 cleaning supplies until those supplies are exhausted; providing for the
8 application of this Act; and generally relating to the procurement of green
9 product cleaning supplies by county boards of education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–112
13 Annotated Code of Maryland
14 (2008 Replacement Volume)

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

17 **Article – Education**

18 5–112.

19 (a) This section does not apply to:

20 (1) Contracts for the purchase of books and other materials of
21 instruction as defined in the State Department of Education Financial Reporting
22 Manual;

23 (2) Emergency repairs; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) [A] **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS**
2 **SECTION, A** county board's participation in contracts for goods or commodities that
3 are awarded by other public agencies or by intergovernmental purchasing
4 organizations if the lead agency for the contract follows public bidding procedures.

5 (b) (1) Except as provided in paragraph (2) of this subsection, if the cost of
6 any school building, improvement, supplies, or equipment is more than \$25,000, the
7 county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a
8 medium accessible to the general public, which includes:

9 (i) A newspaper of general circulation in the region;

10 (ii) The Maryland Contract Weekly or comparable State
11 publication; or

12 (iii) An electronic posting on a bid board and physical posting on
13 the local school system bid board.

14 (2) If the amount specified in paragraph (1) of this subsection differs
15 from the amount in § 13-109(a) of the State Finance and Procurement Article, the
16 amount in § 13-109(a) of the State Finance and Procurement Article shall apply under
17 paragraph (1) of this subsection.

18 (3) (i) The county board shall draft specifications that provide a
19 clear and accurate description of the functional characteristics or the nature of an item
20 to be procured, without modifying the county board's requirements.

21 (ii) The specifications may:

22 1. Include a statement of any of the county board's
23 requirements; and

24 2. Provide for the submission of samples, inspection, or
25 testing of the item before procurement.

26 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
27 specifications that use one or more manufacturer's product to describe the standard of
28 quality, performance, or other characteristics needed to meet the county board's
29 requirements, must allow for the submission of equivalent products.

30 (ii) Subparagraph (i) of this paragraph does not apply if the
31 county board determines in the written specification that:

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

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)(3) 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 [(e)] **(F)** Nonpublic schools may participate under any contracts for goods or
11 commodities that are awarded by county boards, other public agencies, or
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.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not prohibit
17 a county board from using cleaning supplies in its inventory on the effective date of
18 this Act until those supplies are exhausted.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
20 construed 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, 2009.