F1, M3 HB 596/08 – W&M

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

County Boards of Education - Procurement of Green Product Cleaning Supplies

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 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;

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(2) Emergency repairs; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



$1 \\ 2 \\ 3 \\ 4$	(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			
$\begin{array}{c} 12\\ 13 \end{array}$	(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 § 13–109(a) of the State Finance and Procurement Article, the amount in § 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			
$\begin{array}{c} 24 \\ 25 \end{array}$	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.			
$\begin{array}{c} 30\\ 31 \end{array}$	(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:			
32 33	1. A particular manufacturer's product is required to maintain compatibility of service or equipment;			

$rac{1}{2}$	meet the health nee	2. eds of stude	A particular manufacturer's product is required to ents;	
$\frac{3}{4}$	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) The	quantities involved;	
10		(ii) The	time required for delivery;	
11		(iii) The	purpose for which required;	
12		(iv) The	competency and responsibility of the bidder;	
13		(v) The	ability of the bidder to perform satisfactory service; and	
14		(vi) The	plan for utilization of minority contractors.	
$\begin{array}{c} 15\\ 16 \end{array}$	(2) other bids.	The county	y board may reject any and all bids and readvertise for	
17 18			section, the term "minority business enterprise" has the the State Finance and Procurement Article.	
19 20 21 22 23	regulations, the Me business utilization minority business e	ontgomery n program enterprises	omery County, by resolution and by implementing County Board of Education shall establish a minority to facilitate the participation of responsible certified in contracts awarded by the Montgomery County Board th competitive bidding procedures.	
24 25 26	SUPPLIES" INCLU	DES CLEA	SUBSECTION, "GREEN PRODUCT CLEANING ANING AND SANITIZING SUPPLIES THAT PERFORM FIVE ENVIRONMENTAL ATTRIBUTES, INCLUDING:	
27		(I) B IO	DEGRADABILITY;	
28		(II) Lov	V TOXICITY;	
29		(III) Lov	V VOLATILE ORGANIC COMPOUND CONTENT;	
30		(IV) REI	DUCED PACKAGING; AND	

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(V) LOW LIFE CYCLE ENERGY USE.

2 (2) (1) 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.