

# HOUSE BILL 1363

F1, M3  
HB 596/08 – W&M

9lr3077

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By: **Delegates Murphy and Kipke, Kipke, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2009

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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## CHAPTER \_\_\_\_\_

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; providing that the specifications may not preclude the use of  
7 certain products that are regulated by a certain federal law and shall allow  
8 multiple avenues for obtaining green product cleaning supplies certification;  
9 defining a certain term; authorizing a county board to use certain cleaning  
10 supplies until those supplies are exhausted; providing for the application of this  
11 Act; and generally relating to the procurement of green product cleaning  
12 supplies by county boards of education.

13 BY repealing and reenacting, with amendments,  
14 Article – Education  
15 Section 5–112  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume)

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

20 **Article – Education**

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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 5–112.

2 (a) This section does not apply to:

3 (1) Contracts for the purchase of books and other materials of  
4 instruction as defined in the State Department of Education Financial Reporting  
5 Manual;

6 (2) Emergency repairs; and

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

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

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

16 (ii) The Maryland Contract Weekly or comparable State  
17 publication; or

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

20 (2) If the amount specified in paragraph (1) of this subsection differs  
21 from the amount in § 13–109(a) of the State Finance and Procurement Article, the  
22 amount in § 13–109(a) of the State Finance and Procurement Article shall apply under  
23 paragraph (1) of this subsection.

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

27 (ii) The specifications may:

28 1. Include a statement of any of the county board's  
29 requirements; and

30 2. Provide for the submission of samples, inspection, or  
31 testing of the item before procurement.

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

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

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

9                   2. A particular manufacturer's product is required to  
10 meet the health needs of students;

11                   3. Replacement parts or maintenance are a paramount  
12 consideration; or

13                   4. A product is purchased for resale.

14           (c) (1) A contract for the school building, improvements, supplies, or other  
15 equipment shall be awarded to the lowest responsible bidder who conforms to  
16 specifications with consideration given to:

17                   (i) The quantities involved;

18                   (ii) The time required for delivery;

19                   (iii) The purpose for which required;

20                   (iv) The competency and responsibility of the bidder;

21                   (v) The ability of the bidder to perform satisfactory service; and

22                   (vi) The plan for utilization of minority contractors.

23           (2) The county board may reject any and all bids and readvertise for  
24 other bids.

25           (d) (1) In this subsection, the term "minority business enterprise" has the  
26 meaning stated in § 14-301 of the State Finance and Procurement Article.

27           (2) In Montgomery County, by resolution and by implementing  
28 regulations, the Montgomery County Board of Education shall establish a minority  
29 business utilization program to facilitate the participation of responsible certified  
30 minority business enterprises in contracts awarded by the Montgomery County Board  
31 of Education in accordance with competitive bidding procedures.

1 (E) (1) IN THIS SUBSECTION, "GREEN PRODUCT CLEANING  
2 SUPPLIES" ~~INCLUDES~~ MEANS CLEANING AND SANITIZING SUPPLIES THAT  
3 PERFORM WELL AND THAT HAVE POSITIVE ENVIRONMENTAL ATTRIBUTES,  
4 INCLUDING:

5 (I) BIODEGRADABILITY;

6 (II) LOW TOXICITY;

7 (III) LOW VOLATILE ORGANIC COMPOUND CONTENT;

8 (IV) REDUCED PACKAGING; AND

9 (V) LOW LIFE CYCLE ENERGY USE.

10 (2) (I) TO THE EXTENT PRACTICABLE, A COUNTY BOARD  
11 SHALL PROCURE GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS  
12 SCHOOLS.

13 (II) IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS  
14 SECTION, A COUNTY BOARD SHALL DRAFT SPECIFICATIONS THAT PROVIDE A  
15 CLEAR AND ACCURATE DESCRIPTION OF THE FUNCTIONAL CHARACTERISTICS  
16 OR NATURE OF THE GREEN PRODUCT CLEANING SUPPLIES THAT ARE TO BE  
17 PROCURED.

18 (III) THE SPECIFICATIONS DRAFTED BY A COUNTY BOARD  
19 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH:

20 1. MAY NOT PRECLUDE THE USE WHEN NECESSARY  
21 OF A DISINFECTANT, DISINFECTING CLEANER, SANITIZER, OR OTHER  
22 ANTIMICROBIAL PRODUCT REGULATED BY THE FEDERAL INSECTICIDE,  
23 FUNGICIDE, AND RODENTICIDE ACT UNDER 7 U.S.C. § 136 ET SEQ.; AND

24 2. SHALL ALLOW FOR MULTIPLE AVENUES TO  
25 OBTAIN GREEN PRODUCT CLEANING SUPPLIES CERTIFICATION, INCLUDING:

26 A. THE UNITED STATES ENVIRONMENTAL  
27 PROTECTION AGENCY'S DESIGN FOR THE ENVIRONMENT PROGRAM (DFE);

28 B. GREEN SEAL, GREEN LABEL, ENVIRONMENTAL  
29 CHOICE, OR U.S. GREEN BUILDING COUNCIL; AND

30 C. ANY OTHER ACCREDITATION THE COUNTY BOARD  
31 DETERMINES TO BE APPROPRIATE.

1            [(e) (F)      Nonpublic schools may participate under any contracts for goods or  
2 commodities that are awarded by county boards, other public agencies, or  
3 intergovernmental purchasing organizations, if the lead agency for the contract award  
4 follows public bidding procedures.

5            [(f) (G)      A contract entered into or purchase made in violation of this  
6 section is void.

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

10           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only prospectively and may not be applied or interpreted to have  
12 any effect on or application to any obligation or contract for cleaning supplies existing  
13 before the effective date of this Act.

14           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.