

# HOUSE BILL 430

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CF 0lr0942

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By: **Delegates Pena–Melnyk, Benson, Costa, Glenn, Holmes, Howard,  
Montgomery, Nathan–Pulliam, Oaks, Riley, Robinson, and V. Turner**  
Introduced and read first time: January 29, 2010  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Purposes and Policies**

3 FOR the purpose of expanding the purposes and policies of the State procurement law;  
4 and generally relating to the purposes and policies of the State procurement  
5 law.

6 BY repealing and reenacting, without amendments,  
7 Article – State Finance and Procurement  
8 Section 11–101(o)  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
12 Article – State Finance and Procurement  
13 Section 11–201  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume)

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

18 **Article – State Finance and Procurement**

19 11–101.

20 (o) “Procurement officer” means an individual authorized by a unit to:

21 (1) enter into a procurement contract;

22 (2) administer a procurement contract; or

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



1 (3) make determinations and findings with respect to a procurement  
2 contract.

3 11–201.

4 (a) The purposes and policies of this Division II include:

5 (1) providing for increased confidence in State procurement;

6 (2) ensuring fair and equitable treatment of all persons who deal with  
7 the State procurement system;

8 (3) providing safeguards for maintaining a State procurement system  
9 of quality [and], integrity, **AND TRANSPARENCY TO HELP INSTILL PUBLIC**  
10 **CONFIDENCE IN ALL ASPECTS OF THE PROCUREMENT PROCESS;**

11 (4) fostering effective broad-based competition in the State through  
12 support of the free enterprise system;

13 (5) promoting increased long-term economic efficiency and  
14 responsibility in the State by encouraging the use of recycled materials;

15 (6) providing increased economy in the State procurement system;

16 (7) getting the maximum benefit from the purchasing power of the  
17 State;

18 (8) simplifying, clarifying, and modernizing the law that governs State  
19 procurement;

20 (9) allowing the continued development of procurement regulations,  
21 policies, and practices in the State; [and]

22 **(10) ENSURING THAT ALL PERSONS INVOLVED WITH THE**  
23 **ADMINISTRATION OF THE STATE PROCUREMENT PROCESS ARE WELL-TRAINED,**  
24 **OF HIGH INTEGRITY, AND COMMITTED TO ADMINISTERING THE PROCUREMENT**  
25 **PROCESS IN A FAIR AND IMPARTIAL MANNER IN ACCORDANCE WITH THE**  
26 **REQUIREMENTS AND SPIRIT OF THE LAW; AND**

27 ~~[(10)]~~ **(11)** promoting development of uniform State procurement  
28 procedures to the extent possible.

29 (b) Unless otherwise indicated, this Division II shall be construed liberally  
30 and applied to promote the purposes and policies enumerated in subsection (a) of this  
31 section.

1 (c) If a provision of this Division II is inconsistent with a federal law,  
2 regulation, or grant agreement or other federal requirement that governs procurement  
3 or a procurement contract or with the terms of a gift, as defined in Article 1, § 22 of the  
4 Code, the federal requirement or the terms of the gift control the procurement or  
5 procurement contract.

6 (d) (1) In this subsection, “bundle” means the consolidation of two or more  
7 procurement requirements for supplies or services previously provided or performed  
8 under separate contracts into a single solicitation seeking offers for a single contract  
9 that is unlikely to be accessible for award to a small business or minority business  
10 enterprise.

11 (2) This subsection does not apply if a unit bundles a procurement for  
12 the purpose of participating in the Small Business Reserve Program in accordance  
13 with Title 14, Subtitle 5 of this article.

14 (3) For the purpose of precluding or limiting participation by a  
15 minority business enterprise as defined under Title 14, Subtitle 3 of this article or a  
16 small business as defined under Title 14, Subtitle 2 of this article, a unit subject to  
17 this Division II may not:

18 (i) bundle a procurement;

19 (ii) limit the number of competitive bidders or offerors; or

20 (iii) limit participation to a predetermined group of bidders or  
21 offerors.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2010.