

HOUSE BILL 466

P2

1lr2117

By: **Delegates Tarrant and Kipke**

Introduced and read first time: February 7, 2011

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Service Contracts for Janitorial Services**

3 FOR the purpose of requiring the Board of Public Works, in consultation with the
4 Department of General Services, to adopt regulations to require that a bidder or
5 offeror responding to a solicitation for a service contract for janitorial services
6 delineate its costs by certain categories; providing for a certain exception; and
7 generally relating to service contracts for janitorial services.

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 11–101(t)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 13–218.1
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Personnel and Pensions
20 Section 13–401
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)

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

3 **Article – State Finance and Procurement**

4 11–101.

5 (t) (1) Except as provided in paragraph (3) of this subsection, “services”
6 means:

7 (i) the labor, time, or effort of a contractor; and

8 (ii) any product or report necessarily associated with the
9 rendering of a service.

10 (2) “Services” includes services provided by attorneys, accountants,
11 physicians, consultants, and other professionals who are independent contractors.

12 (3) “Services” does not include:

13 (i) construction related services;

14 (ii) architectural services;

15 (iii) engineering services; or

16 (iv) energy performance contract services.

17 13–218.1.

18 (a) In this section, “service contract” has the meaning stated in § 13–401 of
19 the State Personnel and Pensions Article.

20 (b) **(1)** At least 60 days before the issuance of a solicitation for a service
21 contract that is not exempt under § 13–403(c) or § 13–404(b) of the State Personnel
22 and Pensions Article, the unit shall provide the exclusive representative of the
23 employees who may be affected by the service contract with written notice of:

24 **[(1)] (I)** work that is being proposed for contracting; and

25 **[(2)] (II)** contracting procedures, requirements, timetables, and
26 employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions
27 Article.

1 **(2) (I) ~~THIS 1.~~ EXCEPT AS PROVIDED IN**
 2 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THIS PARAGRAPH APPLIES TO**
 3 **A SOLICITATION FOR A SERVICE CONTRACT FOR JANITORIAL SERVICES.**

4 **2. THIS PARAGRAPH DOES NOT APPLY TO A SERVICE**
 5 **CONTRACT FOR JANITORIAL SERVICES UNDER TITLE 14, SUBTITLE 1 OF THIS**
 6 **ARTICLE.**

7 **(II) IN CONSULTATION WITH THE DEPARTMENT OF**
 8 **GENERAL SERVICES, THE BOARD SHALL ADOPT REGULATIONS CONCERNING A**
 9 **SOLICITATION FOR A SERVICE CONTRACT FOR JANITORIAL SERVICES TO**
 10 **REQUIRE THAT A BIDDER OR OFFEROR DELINEATE ITS COSTS BY CATEGORY,**
 11 **INCLUDING:**

12 **1. LABOR;**

13 ~~**2. LIABILITY INSURANCE;**~~

14 ~~**3.**~~ **2. CLEANING SUPPLIES; AND**

15 ~~**4.**~~ **3. PROJECTED MAN-HOURS TO SATISFACTORILY**
 16 **COMPLETE THE SERVICE.**

17 **[(c)] (D)** A violation of this section does not constitute grounds to challenge
 18 or appeal an award of a procurement or the process through which the procurement
 19 was conducted.

20 **Article – State Personnel and Pensions**

21 13–401.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) “Service contract” means a procurement contract for services that:

24 (1) will be provided to a unit in the Executive Branch of State
 25 government;

26 (2) will be performed within a State–operated facility; and

27 (3) in the estimation of the procurement officer, will exceed an annual
 28 cost of \$100,000.

29 (c) “Services” has the meaning stated in § 11–101 of the State Finance and
 30 Procurement Article.

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1 (d) "Unit" has the meaning stated in § 11-101 of the State Finance and
2 Procurement Article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.