

Chapter 339

(House Bill 466)

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

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

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

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

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

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

Article – State Finance and Procurement

11–101.

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

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

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

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

(3) “Services” does not include:

- (i) construction related services;
- (ii) architectural services;
- (iii) engineering services; or
- (iv) energy performance contract services.

13–218.1.

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

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

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

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

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

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

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

1. LABOR;
- ~~2. LIABILITY INSURANCE;~~
- ~~3.~~ 2. CLEANING SUPPLIES; AND
- ~~4.~~ 3. PROJECTED MAN-HOURS TO SATISFACTORILY COMPLETE THE SERVICE.

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

Article – State Personnel and Pensions

13–401.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Service contract” means a procurement contract for services that:
 - (1) will be provided to a unit in the Executive Branch of State government;
 - (2) will be performed within a State–operated facility; and
 - (3) in the estimation of the procurement officer, will exceed an annual cost of \$100,000.
- (c) “Services” has the meaning stated in § 11–101 of the State Finance and Procurement Article.
- (d) “Unit” has the meaning stated in § 11–101 of the State Finance and Procurement Article.

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

Approved by the Governor, May 10, 2011.