

SB0659/234635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 659
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Procurement –” insert “Preference and”; in lines 2 and 3, strike “of the Relocation of Jobs to a Foreign Country” and substitute “Location of the Performance of Services”; strike beginning with “requiring” in line 4 down through “period;” in line 11 and substitute “requiring, under certain circumstances, a bidder to disclose certain information regarding whether services required under a procurement contract will be performed outside the State or the United States; prohibiting a public employer from knowingly contracting for certain services unless the services are to be provided in the United States, except under certain circumstances; requiring the Board of Public Works to adopt certain regulations;”; in line 12, after “right;” insert “defining a certain term;”; strike beginning with “the” in line 13 down through “countries” in line 14 and substitute “preferences and disclosures regarding the location of the performance of services required under procurement contracts”; and strike beginning with “11-401” in line 17 down through “Country” in line 18 and substitute “14-413”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“14-413.

(A) IN THIS SECTION, “PUBLIC EMPLOYER” MEANS:

(1) A UNIT;

(2) A COUNTY;

(Over)

- (3) A MUNICIPALITY;
- (4) A COUNTY BOARD OF EDUCATION; OR
- (5) A SPECIAL TAXING DISTRICT.

(B) THIS SECTION APPLIES TO A PROCUREMENT CONTRACT WITH AN ESTIMATED VALUE OF \$2,000,000 OR MORE.

(C) IN RESPONSE TO A SOLICITATION FOR A PROCUREMENT CONTRACT ISSUED BY A PUBLIC EMPLOYER, A BIDDER SHALL DISCLOSE TO THE PUBLIC EMPLOYER THE FOLLOWING:

(1) WHETHER THE BIDDER ANTICIPATES THAT THE BIDDER OR ANY CONTRACTOR THE BIDDER WILL SUBCONTRACT WITH TO PERFORM THE CONTRACT WILL PERFORM ANY SERVICES REQUIRED UNDER THE CONTRACT OUTSIDE THE STATE OR THE UNITED STATES; AND

(2) IF SERVICES REQUIRED UNDER THE CONTRACT ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE STATE OR THE UNITED STATES:

(I) WHERE THE SERVICES WILL BE PERFORMED; AND

(II) THE REASONS WHY IT IS NECESSARY OR ADVANTAGEOUS TO PERFORM THE SERVICES OUTSIDE THE STATE OR THE UNITED STATES.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC EMPLOYER MAY NOT KNOWINGLY CONTRACT FOR THE

FOLLOWING SERVICES UNLESS THE SERVICES ARE TO BE PROVIDED IN THE UNITED STATES:

(I) ARCHITECTURAL SERVICES;

(II) CONSTRUCTION SERVICES;

(III) ENGINEERING SERVICES; OR

(IV) ENERGY PERFORMANCE CONTRACT SERVICES.

(2) A PUBLIC EMPLOYER MAY CONTRACT FOR SERVICES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT ARE PROVIDED OUTSIDE THE UNITED STATES, IF:

(I) THE SERVICES ARE NOT AVAILABLE IN THE UNITED STATES;

(II) THE PRICE OF THE SERVICES IN THE UNITED STATES EXCEEDS BY AN UNREASONABLE AMOUNT THE PRICE OF SERVICES PROVIDED OUTSIDE THE UNITED STATES; OR

(III) THE QUALITY OF THE SERVICES IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF COMPARABLY PRICED SERVICES PROVIDED OUTSIDE THE UNITED STATES.

(3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SUBSECTION:

(Over)

(I) “UNREASONABLE AMOUNT”; AND

(II) “SUBSTANTIALLY LESS”.

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 21 on page 3, inclusive.