

HOUSE BILL 116

P2

2lr1666

By: **Delegates Kipke and George**

Introduced and read first time: January 20, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Blind Industries and Services – Procurement Preference – Exception**

3 FOR the purpose of creating an exception to the requirement that the State or a State
4 aided or controlled entity buy supplies and services from the Blind Industries
5 and Services of Maryland under certain circumstances for supplies or services
6 available at a certain price preference; requiring the State or a State aided or
7 controlled entity that obtains supplies or services under the exception to report
8 the procurement to the Secretary of General Services in a certain manner; and
9 generally relating to procurement preferences for the Blind Industries and
10 Services of Maryland.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 14–103
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

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 14–103.

20 (a) The State or a State aided or controlled entity shall buy supplies and
21 services from:

22 (1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle
23 5 of the Correctional Services Article, if State Use Industries provides the supplies or
24 services;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Blind Industries and Services of Maryland, if:

2 (i) Blind Industries and Services of Maryland provides the
3 supplies or services; [and]

4 (ii) Maryland Correctional Enterprises does not provide the
5 supplies or services; AND

6 **(III) THE STATE OR A STATE AIDED OR CONTROLLED ENTITY**
7 **IS UNABLE TO OBTAIN THE SUPPLIES OR SERVICES FROM ANOTHER SOURCE AT**
8 **A PRICE THAT IS 10% OR MORE LOWER THAN THE PRICE OFFERED BY THE**
9 **BLIND INDUSTRIES AND SERVICES OF MARYLAND;**

10 (3) the Employment Works Program established under § 14–108 of
11 this subtitle, if:

12 (i) a community service provider provides the supplies or
13 services;

14 (ii) neither Maryland Correctional Enterprises nor Blind
15 Industries and Services of Maryland provides the supplies or services; and

16 (iii) the State or a State aided or controlled entity is not required
17 by law to buy the supplies or services from any other unit of the State government; or

18 (4) individual with disability owned businesses if:

19 (i) an individual with disability owned business provides the
20 supplies or services;

21 (ii) neither Maryland Correctional Enterprises, Blind Industries
22 and Services of Maryland, nor a community service provider provides the supplies or
23 services; and

24 (iii) the State or a State aided or controlled entity is not required
25 by law to buy the supplies or services from any other unit of the State government.

26 (b) The State or a State aided or controlled entity shall give preference to the
27 entities listed under subsection (a) of this section in the order that the entities are
28 listed.

29 **(C) IF THE STATE OR A STATE AIDED OR CONTROLLED ENTITY OBTAINS**
30 **SUPPLIES OR SERVICES FROM A SOURCE OTHER THAN THE BLIND INDUSTRIES**
31 **AND SERVICES OF MARYLAND AS AUTHORIZED UNDER SUBSECTION (A)(2)(III)**
32 **OF THIS SECTION, THE STATE OR STATE AIDED OR CONTROLLED ENTITY SHALL**

1 **REPORT THE PROCUREMENT TO THE SECRETARY OF GENERAL SERVICES IN A**
2 **MANNER PRESCRIBED BY THE SECRETARY.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.