

# HOUSE BILL 217

P2, J1, O1

2lr1533  
CF SB 315

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By: **Delegates Pena–Melnyk, Gutierrez, and Reznik**

Introduced and read first time: January 25, 2012

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Council for the Procurement of Health, Educational, and Social Services**

3 FOR the purpose of establishing the Council for the Procurement of Health,  
4 Educational, and Social Services; providing for the composition, chair, and  
5 staffing of the Council; requiring the Council to advise the Board of Public  
6 Works on a certain task force report and make certain recommendations for the  
7 procurement process for health, educational, and social services; requiring the  
8 Council to report its activities and recommendations to the General Assembly  
9 on or before a certain date each year; and generally relating to the Council for  
10 the Procurement of Health, Educational, and Social Services.

11 BY repealing and reenacting, without amendments,  
12 Article – State Finance and Procurement  
13 Section 11–101(a) and (d)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2011 Supplement)

16 BY adding to  
17 Article – State Finance and Procurement  
18 Section 12–110  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2011 Supplement)

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

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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 **Article – State Finance and Procurement**

2 11–101.

3 (a) In this Division II the following words have the meanings indicated  
4 unless:

5 (1) the context clearly requires a different meaning; or

6 (2) a different definition is provided for a particular title or provision.

7 (d) “Board” means the Board of Public Works.

8 12–110.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
10 MEANINGS INDICATED.

11 (2) “COUNCIL” MEANS THE COUNCIL FOR THE PROCUREMENT  
12 OF HEALTH, EDUCATIONAL, AND SOCIAL SERVICES.

13 (3) “HEALTH, EDUCATIONAL, AND SOCIAL SERVICES” MEANS  
14 SERVICES PROCURED TO PROVIDE OR ASSIST IN PROVIDING:

15 (I) SUPPORT, CARE, OR SHELTER TO THIRD-PARTY  
16 CLIENTS UNDER A CONTRACT; OR

17 (II) TRAINING TO THIRD-PARTY CLIENTS UNDER A  
18 CONTRACT.

19 (4) “TASK FORCE REPORT” MEANS THE REPORT ENTITLED  
20 “TASK FORCE REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON  
21 PROCUREMENT OF HEALTH, EDUCATION AND SOCIAL SERVICES BY STATE  
22 AGENCIES” THAT WAS ISSUED ON NOVEMBER 30, 2011, BY THE TASK FORCE TO  
23 STUDY THE PROCUREMENT OF HEALTH, EDUCATION, AND SOCIAL SERVICES  
24 BY STATE AGENCIES.

25 (B) THERE IS A COUNCIL FOR THE PROCUREMENT OF HEALTH,  
26 EDUCATIONAL, AND SOCIAL SERVICES.

27 (C) (1) THE COUNCIL CONSISTS OF THE FOLLOWING 21 MEMBERS:

28 (I) THE STATE TREASURER;

- 1                   (II) THE ATTORNEY GENERAL;
- 2                   (III) THE PROCUREMENT ADVISOR;
- 3                   (IV) THE STATE SUPERINTENDENT OF SCHOOLS;
- 4                   (V) THE SECRETARY OF BUDGET AND MANAGEMENT;
- 5                   (VI) THE SECRETARY OF JUVENILE SERVICES;
- 6                   (VII) THE SECRETARY OF HUMAN RESOURCES;
- 7                   (VIII) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 8                   ~~(IX) THE SECRETARY OF AGING;~~
- 9                   ~~(X) THE SECRETARY OF VETERANS AFFAIRS;~~
- 10                  ~~(XI)~~ (IX) THE DIRECTOR OF THE GOVERNOR'S GRANTS  
11 OFFICE;
- 12                  ~~(XII)~~ (X) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S  
13 OFFICE OF CRIME CONTROL AND PREVENTION;
- 14                  ~~(XIII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S~~  
15 ~~OFFICE OF COMMUNITY INITIATIVES;~~
- 16                  ~~(XIV)~~ (XI) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S  
17 OFFICE FOR CHILDREN;
- 18                  ~~(XV)~~ (XII) THE SPECIAL SECRETARY FOR THE OFFICE OF  
19 MINORITY AFFAIRS;
- 20                  ~~(XVI)~~ (XIII) FOUR REPRESENTATIVES OF PRIVATE  
21 ORGANIZATIONS WITH EXPERIENCE PROVIDING HUMAN SERVICES FUNDED BY  
22 CONTRACTS ~~OR GRANTS~~ THROUGH STATE UNITS, APPOINTED BY THE  
23 GOVERNOR;
- 24                  ~~(XVII)~~ (XIV) A MEMBER OF THE SENATE, APPOINTED BY THE  
25 PRESIDENT OF THE SENATE; AND
- 26                  ~~(XVIII)~~ (XV) A MEMBER OF THE HOUSE OF DELEGATES,  
27 APPOINTED BY THE SPEAKER OF THE HOUSE.

1           **(2) (I) IF THE STATE TREASURER IS UNABLE TO ATTEND A**  
2 **MEETING OF THE COUNCIL, THE TREASURER MAY DESIGNATE A DEPUTY**  
3 **TREASURER TO ATTEND THE MEETING.**

4           **(II) IF A MEMBER OF THE COUNCIL LISTED IN PARAGRAPH**  
5 **(1)(II) THROUGH (XV) OF THIS SUBSECTION IS UNABLE TO ATTEND A MEETING**  
6 **OF THE COUNCIL, THE MEMBER MAY DESIGNATE THE CHIEF PROCUREMENT**  
7 **OFFICER OR ANOTHER SENIOR MANAGEMENT STAFF MEMBER OF THE AGENCY**  
8 **OR ORGANIZATION TO ATTEND THE MEETING.**

9           **(D) THE PROCUREMENT ADVISOR IS THE CHAIR OF THE COUNCIL.**

10          **(E) THE COUNCIL SHALL MEET AT LEAST TWICE EACH YEAR.**

11          **(F) THE STAFFING RESPONSIBILITIES OF THE COUNCIL SHALL BE**  
12 **SHARED BY:**

13           **(1) THE AGENCIES REPRESENTED ON THE COUNCIL; AND**

14           **(2) ADDITIONAL STAFF THAT THE BOARD AUTHORIZES IN**  
15 **ACCORDANCE WITH THE STATE BUDGET.**

16          **(G) THE COUNCIL SHALL:**

17           **(1) ADVISE THE BOARD ON SPECIFIC STEPS NECESSARY TO**  
18 **IMPLEMENT THE RECOMMENDATIONS OF THE TASK FORCE REPORT;**

19           **(2) MONITOR AND REPORT TO THE BOARD THE PROGRESS OF**  
20 **IMPLEMENTATION OF THE RECOMMENDATIONS IN THE TASK FORCE REPORT;**

21           **(3) ESTABLISH SUBCOMMITTEES OR WORKING COMMITTEES**  
22 **CONSISTING OF MEMBERS OF THE COUNCIL AND INTERESTED PARTIES TO**  
23 **ADDRESS OR STUDY SPECIFIC ISSUES;**

24           **(4) WITH REGARD TO THE PROCUREMENT OF HEALTH,**  
25 **EDUCATIONAL, AND SOCIAL SERVICES:**

26           **(I) EFFECT AND ENHANCE COMMUNICATION BETWEEN**  
27 **STATE UNITS ON PROCUREMENT MATTERS, WITH AN EMPHASIS ON**  
28 **DISSEMINATING INFORMATION ON CURRENT DEVELOPMENTS AND ADVANCES IN**  
29 **PROCUREMENT METHODS AND MANAGEMENT;**

30           **(II) PROVIDE A FORUM FOR THE DISCUSSION OF SPECIFIC**  
31 **PROCUREMENT ISSUES AND PROBLEMS THAT ARISE;**

1 (III) ADVISE THE BOARD ON PROBLEMS IN THE  
2 PROCUREMENT PROCESS AND MAKE RECOMMENDATIONS FOR IMPROVEMENT  
3 TO THE PROCUREMENT PROCESS; AND

4 (IV) REVIEW EXISTING PROCUREMENT REGULATIONS TO  
5 DETERMINE WHETHER THEY FULFILL THE INTENT AND PURPOSE OF THE LAW,  
6 ESPECIALLY AS THE LAW RELATES TO FOSTERING BROAD-BASED COMPETITION  
7 AND MAKING EFFECTIVE USE OF STATE FUNDS FOR THE DELIVERY OF HEALTH,  
8 EDUCATIONAL, AND SOCIAL SERVICES; AND

9 (5) ON OR BEFORE DECEMBER 31 OF EACH YEAR, REPORT TO  
10 THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
11 GOVERNMENT ARTICLE, ON THE COUNCIL'S ACTIVITIES AND  
12 RECOMMENDATIONS REGARDING THE PROCUREMENT OF HEALTH,  
13 EDUCATIONAL, AND SOCIAL SERVICES BY STATE AGENCIES.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.