

HOUSE BILL 865

P2

2lr1373
CF SB 659

By: **Delegates Pena–Melnyk, Barnes, Braveboy, Bromwell, Cardin, Carr, Clagett, Guzzone, Healey, Hucker, Ivey, A. Kelly, Kipke, Lafferty, Mitchell, Mizeur, Nathan–Pulliam, Oaks, Olszewski, Reznik, Rosenberg, Stein, Summers, F. Turner, V. Turner, and Zucker**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Disclosure of the Relocation of Jobs to a Foreign**
3 **Country**

4 FOR the purpose of requiring a prospective bidder or offeror to disclose certain
5 information to the Department of General Services concerning plans to relocate
6 jobs to a foreign country when submitting a bid or an offer to a unit of State
7 government; requiring a contractor to notify the Department of certain job
8 relocations within a certain time period; prohibiting a certain contractor from
9 receiving certain benefits or incentives from the State under certain
10 circumstances; requiring a certain contractor to repay certain incentives and
11 benefits within a certain time period; providing for the application of this Act;
12 providing that this Act may not impair any existing obligation or contract right;
13 and generally relating to State procurement and the disclosure of certain
14 information concerning the relocation of jobs to foreign countries.

15 BY adding to

16 Article – State Finance and Procurement

17 Section 11–401 through 11–403 to be under the new subtitle “Subtitle 4.
18 Disclosure of the Relocation of Jobs to a Foreign Country”

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2011 Supplement)

21 Preamble

22 WHEREAS, The State of Maryland spends significant taxpayer dollars to
23 provide goods and services to maintain and operate the State; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Over 14,000,000 workers in the United States remain unemployed,
2 including over 200,000 Maryland residents; and

3 WHEREAS, When the State of Maryland spends taxpayer dollars, it should
4 collect relevant employment information from its contractors and vendors so as to aid
5 industries with the potential to employ more Maryland residents; and

6 WHEREAS, The State of Maryland must determine if its taxpayer dollars for
7 goods and services result in contractors and vendors exporting jobs outside the United
8 States; and

9 WHEREAS, Location disclosure legislation is necessary to ensure that taxpayer
10 dollars are invested in a way that helps struggling Maryland families and, in turn,
11 spurs economic recovery in the State of Maryland and the United States; now,
12 therefore,

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

15 **Article – State Finance and Procurement**

16 **SUBTITLE 4. DISCLOSURE OF THE RELOCATION OF JOBS TO A FOREIGN**
17 **COUNTRY.**

18 **11-401.**

19 **THIS SUBTITLE APPLIES TO A PROCUREMENT CONTRACT WITH AN**
20 **ESTIMATED VALUE OF \$2,000,000 OR MORE.**

21 **11-402.**

22 **WHEN A PROSPECTIVE BIDDER OR OFFEROR SUBMITS A BID OR AN OFFER**
23 **TO A UNIT, THE BIDDER OR OFFEROR SHALL NOTIFY THE DEPARTMENT OF**
24 **GENERAL SERVICES WHETHER THE BIDDER OR OFFEROR:**

25 **(1) HAS PLANS, AT THE TIME THE BID OR OFFER IS SUBMITTED,**
26 **TO RELOCATE JOBS FROM THE UNITED STATES TO A FOREIGN COUNTRY; OR**

27 **(2) WILL BE SUBCONTRACTING WITH A CONTRACTOR THAT HAS**
28 **PLANS, AT THE TIME THE BID OR OFFER IS SUBMITTED, TO RELOCATE JOBS**
29 **FROM THE UNITED STATES TO A FOREIGN COUNTRY.**

30 **11-403.**

1 **(A) THIS SECTION APPLIES TO A PROSPECTIVE BIDDER OR OFFEROR**
2 **THAT DISCLOSED UNDER § 11-402 OF THIS SUBTITLE THAT THE BIDDER OR**
3 **OFFEROR:**

4 **(1) HAD PLANS, AT THE TIME THE BID OR OFFER WAS SUBMITTED,**
5 **TO RELOCATE JOBS FROM THE UNITED STATES TO A FOREIGN COUNTRY; OR**

6 **(2) WOULD BE SUBCONTRACTING WITH A CONTRACTOR THAT HAD**
7 **PLANS, AT THE TIME THE BID OR OFFER WAS SUBMITTED, TO RELOCATE JOBS**
8 **FROM THE UNITED STATES TO A FOREIGN COUNTRY.**

9 **(B) A PROSPECTIVE BIDDER OR OFFEROR THAT IS AWARDED A**
10 **CONTRACT SHALL NOTIFY THE DEPARTMENT OF GENERAL SERVICES WITHIN**
11 **60 DAYS AFTER THE BIDDER OR OFFEROR RELOCATES JOBS:**

12 **(1) FROM THE UNITED STATES TO A FOREIGN COUNTRY; OR**

13 **(2) TO THE UNITED STATES FROM A FOREIGN COUNTRY.**

14 **(C) (1) A PROSPECTIVE BIDDER OR OFFEROR THAT IS AWARDED A**
15 **CONTRACT:**

16 **(I) MAY NOT RECEIVE A STATE GRANT, A**
17 **STATE-GUARANTEED LOAN, A TAX BENEFIT, OR ANY OTHER BENEFIT OR**
18 **INCENTIVE FROM THE STATE; AND**

19 **(II) SHALL REPAY ANY BENEFIT OR INCENTIVE RECEIVED**
20 **FROM THE STATE WITHIN 5 YEARS BEFORE THE DISCLOSURE UNDER § 11-402**
21 **OF THIS SUBTITLE WAS MADE.**

22 **(2) THE REPAYMENT OF A BENEFIT OR AN INCENTIVE REQUIRED**
23 **UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE WITHIN 3 YEARS**
24 **AFTER THE DISCLOSURE UNDER § 11-402 OF THIS SUBTITLE WAS MADE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing
26 obligation or contract right may not be impaired in any way by this Act.

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