

HOUSE BILL 1205

P2

2lr2670

By: **Delegates Hucker, Barkley, Burns, Carr, Gutierrez, Ivey, A. Kelly,
Luedtke, Simmons, and Valderrama**

Introduced and read first time: February 10, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Service Contracts – Delineation of Costs by Categories**

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

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 11–101(t)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 13–218.1
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Personnel and Pensions
20 Section 13–401
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

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

25 **Article – State Finance and Procurement**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11–101.

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

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

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

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

9 (3) “Services” does not include:

10 (i) construction related services;

11 (ii) architectural services;

12 (iii) engineering services; or

13 (iv) energy performance contract services.

14 13–218.1.

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

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

21 (i) work that is being proposed for contracting; and

22 (ii) contracting procedures, requirements, timetables, and
23 employee rights as provided in Title 13, Subtitle 4 of the State Personnel and Pensions
24 Article.

25 (2) (i) [1.] [Except as provided in subparagraph 2 of this
26 subparagraph, this] **THIS** paragraph applies to [a] **EACH** solicitation for a service
27 contract [for janitorial services.

28 2. This paragraph does not apply to a service contract
29 for janitorial services under Title 14, Subtitle 1 of this article].

1 (ii) In consultation with the Department of General Services,
2 the Board shall adopt regulations concerning a solicitation for a service contract [for
3 janitorial services] to require that a bidder or offeror delineate its costs by category,
4 including:

- 5 1. labor;
- 6 2. cleaning supplies; and
- 7 3. projected man-hours to satisfactorily complete the
8 service.

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

12 **Article – State Personnel and Pensions**

13 13–401.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Service contract” means a procurement contract for services that:

16 (1) will be provided to a unit in the Executive Branch of State
17 government;

18 (2) will be performed within a State-operated facility; and

19 (3) in the estimation of the procurement officer, will exceed an annual
20 cost of \$100,000.

21 (c) “Services” has the meaning stated in § 11–101 of the State Finance and
22 Procurement Article.

23 (d) “Unit” has the meaning stated in § 11–101 of the State Finance and
24 Procurement Article.

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