

# SENATE BILL 708

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CF 2lr2148

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By: **Senator Montgomery**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Green Product Cleaning Supplies – Written**  
3 **Policies**

4 FOR the purpose of requiring a county board of education to adopt certain written  
5 policies relating to the procurement of green product cleaning supplies subject  
6 to certain exceptions; requiring certain county boards to provide certain notice  
7 to the State Department of Education under certain circumstances; and  
8 generally relating to the establishment of written policies relating to the  
9 procurement of green product cleaning supplies by county boards of education.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 5–112  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Education**

18 5–112.

19 (a) This section does not apply to:

20 (1) Contracts for the purchase of books and other materials of  
21 instruction as defined in the State Department of Education Financial Reporting  
22 Manual;

23 (2) Emergency repairs; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3)     Except as provided in subsection (e) of this section, a county  
2 board's participation in contracts for goods or commodities that are awarded by other  
3 public agencies or by intergovernmental purchasing organizations if the lead agency  
4 for the contract follows public bidding procedures.

5           (b)     (1)     Except as provided in paragraph (2) of this subsection, if the cost of  
6 any school building, improvement, supplies, or equipment is more than \$25,000, the  
7 county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a  
8 medium accessible to the general public, which includes:

9                           (i)     A newspaper of general circulation in the region;

10                          (ii)    The Maryland Contract Weekly or comparable State  
11 publication; or

12                          (iii)   An electronic posting on a bid board and physical posting on  
13 the local school system bid board.

14           (2)     If the amount specified in paragraph (1) of this subsection differs  
15 from the amount in § 13–109(a) of the State Finance and Procurement Article, the  
16 amount in § 13–109(a) of the State Finance and Procurement Article shall apply under  
17 paragraph (1) of this subsection.

18           (3)     (i)     The county board shall draft specifications that provide a  
19 clear and accurate description of the functional characteristics or the nature of an item  
20 to be procured, without modifying the county board's requirements.

21                           (ii)    The specifications may:

22                                   1.     Include a statement of any of the county board's  
23 requirements; and

24                                   2.     Provide for the submission of samples, inspection, or  
25 testing of the item before procurement.

26           (4)     (i)     Except as provided in subparagraph (ii) of this paragraph,  
27 specifications that use one or more manufacturer's product to describe the standard of  
28 quality, performance, or other characteristics needed to meet the county board's  
29 requirements, must allow for the submission of equivalent products.

30                           (ii)    Subparagraph (i) of this paragraph does not apply if the  
31 county board determines in the written specification that:

32                                   1.     A particular manufacturer's product is required to  
33 maintain compatibility of service or equipment;

2. A particular manufacturer's product is required to meet the health needs of students;

3. Replacement parts or maintenance are a paramount consideration; or

4. A product is purchased for resale.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:

(i) The quantities involved;

(ii) The time required for delivery;

(iii) The purpose for which required;

(iv) The competency and responsibility of the bidder;

(v) The ability of the bidder to perform satisfactory service; and

(vi) The plan for utilization of minority contractors.

(2) The county board may reject any and all bids and readvertise for other bids.

(d) (1) In this subsection, the term "minority business enterprise" has the meaning stated in § 14-301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

(e) (1) **(I)** In this subsection, "green product cleaning supplies" means [cleaning and sanitizing supplies] **ENVIRONMENTALLY PREFERABLE CLEANING AND CLEANING MAINTENANCE PRODUCTS INTENDED FOR ROUTINE CLEANING AND CLEANING MAINTENANCE** that perform well and that have positive environmental attributes, including:

**[(i)] 1.** Biodegradability;

**[(ii)] 2.** Low toxicity;

1 [(iii)] 3. Low volatile organic compound content;

2 [(iv)] 4. Reduced packaging; and

3 [(v)] 5. Low life cycle energy use.

4 (II) “GREEN PRODUCT CLEANING SUPPLIES” INCLUDES:

5 1. GENERAL PURPOSE CLEANERS;

6 2. BATHROOM CLEANERS;

7 3. CARPET CLEANERS;

8 4. GLASS CLEANERS;

9 5. FLOOR CLEANERS, FLOOR FINISHES, AND FLOOR  
10 STRIPPERS;

11 6. HAND CLEANERS; AND

12 7. SOAP.

13 (2) (i) [To] SUBJECT TO SUBSECTION (F) OF THIS SECTION, TO  
14 the extent practicable, and economically feasible, a county board shall procure green  
15 product cleaning supplies for use in its schools.

16 (ii) In accordance with subsection (b)(3) of this section, a county  
17 board shall draft specifications that provide a clear and accurate description of the  
18 functional characteristics or nature of the green product cleaning supplies that are to  
19 be procured.

20 (iii) The specifications drafted by a county board under  
21 subparagraph (ii) of this paragraph:

22 1. May not preclude the use when necessary of a  
23 disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated  
24 by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et  
25 seq.; and

26 2. Shall allow for multiple avenues to obtain green  
27 product cleaning supplies certification, including:

28 A. [The United States Environmental Protection  
29 Agency’s Design for the Environment Program (DfE);

1                               B.]   Green Seal, Green Label, Environmental Choice, [or  
2   U.S. Green Building Council] **TERRACHOICE, OR ECOLOGO**; and

3                               [C.] **B.**     Any other [accreditation] **INDEPENDENT**  
4   **THIRD–PARTY CERTIFIER** the county board determines to be appropriate.

5                               **(3) (I)   EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) OF THIS**  
6   **SUBSECTION, A COUNTY BOARD SHALL ADOPT WRITTEN POLICIES FOR THE**  
7   **PROCUREMENT OF GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS**  
8   **SCHOOLS.**

9                               **(II)   THE WRITTEN POLICIES SHALL:**

10                              **1.    REQUIRE THE USE OF GREEN PRODUCT**  
11   **CLEANING SUPPLIES;**

12                              **2.    ESTABLISH GUIDELINES FOR PURCHASING**  
13   **GREEN PRODUCT CLEANING SUPPLIES THAT MEET THE CERTIFICATION**  
14   **REQUIREMENTS OF GREEN SEAL, GREEN LABEL, ENVIRONMENTAL CHOICE,**  
15   **OR ANY ESTABLISHED AND NATIONALLY RECOGNIZED INDEPENDENT**  
16   **THIRD–PARTY CERTIFIER;**

17                              **3.    ESTABLISH GREEN CLEANING PRACTICES,**  
18   **INCLUDING STORAGE, APPLICATION, FREQUENCY OF USE, AND DISPOSAL OF**  
19   **THE SUPPLIES; AND**

20                              **4.    REQUIRE STAFF TRAINING ON IMPLEMENTING**  
21   **THE POLICY.**

22                              **(F)   A COUNTY BOARD THAT DOES NOT PROCURE GREEN PRODUCT**  
23   **CLEANING SUPPLIES FOR USE IN ITS SCHOOLS BECAUSE DOING SO IS NOT**  
24   **PRACTICABLE OR ECONOMICALLY FEASIBLE SHALL PROVIDE ANNUAL WRITTEN**  
25   **NOTICE OF THIS FACT TO THE DEPARTMENT.**

26                              **[(f)] (G)**   Nonpublic schools may participate under any contracts for goods or  
27   commodities that are awarded by county boards, other public agencies, or  
28   intergovernmental purchasing organizations, if the lead agency for the contract award  
29   follows public bidding procedures.

30                              **[(g)] (H)**   A contract entered into or purchase made in violation of this  
31   section is void.

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