

SENATE BILL 913

P2

2lr2941

By: **Senator Stone**

Introduced and read first time: February 10, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Rejection of Bids and Proposals – Businesses Located**
3 **Outside the State**

4 FOR the purpose of requiring a unit of State government, under certain
5 circumstances, to reject a bid or proposal if the bidder or offeror is located
6 outside the State or if the goods or services required to be provided under the
7 contract would be provided by a subcontractor located outside the State;
8 applying this Act to procurements that would otherwise be excluded from the
9 State procurement law; and generally relating to the rejection of bids and
10 proposals under State procurement.

11 BY adding to
12 Article – State Finance and Procurement
13 Section 11–203(h)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 13–206(a)
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:

23 **Article – State Finance and Procurement**

24 11–203.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(H) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, §**
2 **13-206(A)(2) OF THIS ARTICLE APPLIES TO A PROCUREMENT THAT WOULD**
3 **OTHERWISE BE EXCLUDED FROM THIS DIVISION II UNDER THIS SECTION.**

4 13-206.

5 (a) (1) A procurement officer shall reject a bid or proposal if the
6 procurement officer determines that:

7 (i) the bid is nonresponsive or the proposal is unacceptable; or

8 (ii) the bidder or offeror is not responsible.

9 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
10 **A PROCUREMENT OFFICER SHALL REJECT A BID OR PROPOSAL IF THE**
11 **PROCUREMENT OFFICER DETERMINES THAT:**

12 **1. THE BIDDER OR OFFEROR IS LOCATED OUTSIDE**
13 **THE STATE, UNLESS ALL RESPONSIVE AND RESPONSIBLE BIDDERS OR**
14 **OFFERORS ARE LOCATED OUTSIDE THE STATE; OR**

15 **2. ANY SERVICES OR GOODS REQUIRED UNDER THE**
16 **CONTRACT WILL BE PROVIDED BY A SUBCONTRACTOR LOCATED OUTSIDE THE**
17 **STATE, UNLESS NO SUBCONTRACTOR LOCATED IN THE STATE IS ABLE OR**
18 **QUALIFIED TO PROVIDE THE GOODS OR SERVICES.**

19 **(II) A PROCUREMENT UNIT IS NOT REQUIRED TO REJECT A**
20 **BID OR OFFER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE**
21 **REJECTION CONFLICTS WITH A FEDERAL LAW OR GRANT AFFECTING THE**
22 **PROCUREMENT CONTRACT.**

23 **[(2)] (3)** The procurement officer shall include a determination under
24 this subsection in the procurement file.

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