

HOUSE BILL 1294

P2

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By: **Delegate Rudolph**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurements by Maryland Department of Transportation – Accidental**
3 **Death and Dismemberment Benefits Required**

4 FOR the purpose of prohibiting the Maryland Department of Transportation from
5 deeming a bidder or offeror as prequalified if the Department determines that
6 the bidder or offeror fails to provide accidental death and dismemberment
7 benefits for its employees; providing that a prospective bidder or offeror that is
8 not prequalified that makes a bid or offer on a procurement by the Department
9 may not be deemed a responsible bidder or offeror unless the bidder or offeror
10 submits evidence satisfactory to the Department that the bidder or offeror
11 provides accidental death and dismemberment benefits for its employees; and
12 generally relating to a requirement that bidders and offerors in procurements
13 by the Maryland Department of Transportation provide accidental death and
14 dismemberment benefits for their employees.

15 BY repealing and reenacting, with amendments,
16 Article – State Finance and Procurement
17 Section 13–204
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

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

22 **Article – State Finance and Procurement**

23 13–204.

24 (a) (1) By regulation, each of the primary procurement units may provide
25 for the prequalification of persons as prospective responsible bidders or offerors for
26 procurements other than leases of real property.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Each of the primary procurement units shall keep a register of all
2 prequalified persons.

3 (3) Persons prequalified as prospective responsible bidders or offerors
4 by a primary procurement unit for procurements of direct or indirect work-related
5 services shall be deemed to be prequalified for the purposes of procurements by the
6 Department of Human Resources of direct or indirect work-related services to benefit
7 current recipients, former recipients or non-custodial parents of children who are
8 current or former recipients of family investment program benefits.

9 **(B) (1) THE DEPARTMENT OF TRANSPORTATION MAY NOT DEEM A**
10 **PROSPECTIVE BIDDER OR OFFEROR AS PREQUALIFIED IF THE DEPARTMENT**
11 **DETERMINES THAT THE BIDDER OR OFFEROR FAILS TO PROVIDE ACCIDENTAL**
12 **DEATH AND DISMEMBERMENT BENEFITS FOR ITS EMPLOYEES.**

13 **(2) A PROSPECTIVE BIDDER OR OFFEROR THAT IS NOT**
14 **PREQUALIFIED THAT MAKES A BID OR OFFER ON A PROCUREMENT BY THE**
15 **DEPARTMENT OF TRANSPORTATION MAY NOT BE DEEMED A RESPONSIBLE**
16 **BIDDER OR OFFEROR UNLESS THE BIDDER OR OFFEROR SUBMITS EVIDENCE**
17 **SATISFACTORY TO THE DEPARTMENT THAT THE BIDDER OR OFFEROR**
18 **PROVIDES ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS FOR ITS**
19 **EMPLOYEES.**

20 **[(b)] (C)** If a primary procurement unit or the Department of Human
21 Resources uses a prequalification procedure for awarding a procurement contract:

22 (1) a person who is not prequalified may submit a bid or proposal; and

23 (2) after bid opening or receipt of proposals and before awarding the
24 procurement contract, a procurement officer may determine that:

25 (i) a person who was not prequalified at the time of bid opening
26 or receipt of proposals is a responsible bidder or offeror; or

27 (ii) a prequalified person is not a responsible bidder or offeror.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2013.