

HOUSE BILL 1315

P2

4lr2668

By: **Delegates Kach, Beitzel, and Kipke**
Introduced and read first time: February 7, 2014
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Minority Business Participation – Liquidated Damages Provisions –**
3 **Exclusion for Architectural and Engineering Services Contracts**

4 FOR the purpose of excluding certain architectural and engineering services contracts
5 from a certain requirement related to the inclusion of a liquidated damages
6 provision in contracts that contain minority business enterprise participation
7 goals; and generally relating to liquidated damages provisions in minority
8 business participation contracts.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 14–303(a)(1)(i)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 14–303(b)(5)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

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

21 **Article – State Finance and Procurement**

22 14–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) (i) In accordance with Title 10, Subtitle 1 of the State
2 Government Article, the Board shall adopt regulations consistent with the purposes of
3 this Division II to carry out the requirements of this subtitle.

4 (b) These regulations shall include:

5 (5) **EXCEPT FOR ARCHITECTURAL AND ENGINEERING SERVICES**
6 **CONTRACTS THAT ARE SUBJECT TO TITLE 13, SUBTITLE 2 OF THIS ARTICLE**, a
7 requirement that all contracts containing minority business enterprise participation
8 goals shall contain a liquidated damages provision that applies in the event that the
9 contractor fails to comply in good faith with the provisions of this subtitle or the
10 pertinent terms of the applicable contract;

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2014.