

HOUSE BILL 129

P2

5l0705
CF SB 30

By: ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena-Melnyk, Reznik, Saab, Sample-Hughes, West, and K. Young

Introduced and read first time: January 26, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2015

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Veteran-Owned Small Business Enterprise Participation –**
3 **Award of Contracts**

4 FOR the purpose of requiring a unit awarding a ~~contract with a certain expected goal of~~
5 ~~veteran-owned small business enterprise participation to award the contract in~~
6 ~~accordance with certain provisions of law to a certain bidder or offeror that meets or~~
7 ~~makes a good faith effort to meet the expected goals~~ contract with a certain goal of
8 veteran-owned small business participation to comply with certain requirements
9 depending on the type of procurement being conducted; and generally relating to
10 veteran-owned small business enterprise participation in State procurements.

11 BY repealing and reenacting, without amendments,
12 Article – State Finance and Procurement
13 Section 14-602
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 14-603
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Finance and Procurement**

4 14–602.

5 (a) Beginning July 1, 2012, a unit shall structure procurement procedures,
6 consistent with the purposes of this subtitle, to try to achieve an overall minimum of 0.5%
7 of the unit’s total dollar value of procurement contracts to be made directly or indirectly
8 with veteran–owned small business enterprises.

9 (b) Solicitation documents shall establish the expected degree of veteran–owned
10 small business enterprise participation based, in part, on:

11 (1) the potential subcontract opportunities available in the procurement
12 contract; and

13 (2) the availability of veteran–owned small business enterprises to respond
14 competitively to the potential subcontract opportunities.

15 (c) The provisions of this subtitle do not apply to a unit’s procurement procedures
16 to the extent that any unit determines that those provisions are in conflict with an
17 applicable federal program.

18 ~~14–603.~~

19 ~~A unit AWARDING A CONTRACT WITH AN EXPECTED GOAL OF VETERAN OWNED~~
20 ~~SMALL BUSINESS ENTERPRISE PARTICIPATION AS ESTABLISHED UNDER THIS~~
21 ~~SUBTITLE shall award the contract IN ACCORDANCE WITH § 13–103(E) OF THIS~~
22 ~~ARTICLE to [the] A responsible bidder [that submits the lowest responsive bid, or~~
23 ~~responsible] OR offeror [proposing the most advantageous offer,] that meets or makes a~~
24 ~~good faith effort to meet [any applicable goal established under this subtitle] THE~~
25 ~~EXPECTED GOAL.~~

26 14–603.

27 (A) [A] FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED
28 BIDDING, A unit shall award the contract to the responsible bidder that submits the
29 [lowest] responsive bid[, or responsible offeror proposing the most advantageous offer,]
30 that:

31 (1) HAS THE LOWEST BID PRICE;

32 (2) HAS THE LOWEST EVALUATED BID PRICE; OR

1 **(3) FOR PROCUREMENTS SUBJECT TO § 11-202(3) OF THIS ARTICLE,**
2 **IS THE BID MOST FAVORABLE TO THE STATE; AND**

3 **(4) meets or makes a good faith effort to meet any applicable goal**
4 **established under this subtitle.**

5 **(B) FOR PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED**
6 **PROPOSALS, A UNIT SHALL AWARD THE CONTRACT TO THE RESPONSIBLE OFFEROR:**

7 **(1) PROPOSING THE MOST ADVANTAGEOUS OFFER; AND**

8 **(2) THAT MEETS OR MAKES A GOOD FAITH EFFORT TO MEET ANY**
9 **APPLICABLE GOAL ESTABLISHED UNDER THIS SUBTITLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.