

HOUSE BILL 860

P2, F2

6lr0760

By: **Delegates Tarlau, Morales, B. Barnes, Cullison, Fennell, Frick, Glenn, Gutierrez, Jackson, Kelly, Lam, Moon, Pena–Melnik, Platt, S. Robinson, Sanchez, Smith, Valderrama, Vallario, Vaughn, Waldstreicher, M. Washington, and P. Young**

Introduced and read first time: February 8, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prevailing Wage Law – Applicability to the University System of Maryland,**
3 **Morgan State University, and St. Mary’s College of Maryland**

4 FOR the purpose of providing that the State prevailing wage law applies to a procurement
5 for a public work contract by the University System of Maryland, Morgan State
6 University, and St. Mary’s College of Maryland; and generally relating to the
7 application of the prevailing wage law to the University System of Maryland, Morgan
8 State University, and St. Mary’s College of Maryland.

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 11–203(e)(1), (2), and (7)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 11–203(e)(5)
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

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

21 **Article – State Finance and Procurement**

22 11–203.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) In this subsection, “University” means the University System of
2 Maryland, Morgan State University, or St. Mary’s College of Maryland.

3 (2) Except as otherwise provided in this subsection, this Division II does
4 not apply to the University System of Maryland, Morgan State University, or St. Mary’s
5 College of Maryland.

6 (5) (i) Except as provided in paragraph (7) of this subsection, the
7 following provisions of Division II of this article apply to a University:

8 1. § 11–205 of this subtitle (“Collusion”);

9 2. § 11–205.1 of this subtitle (“Falsification, concealment,
10 etc., of material facts”);

11 3. § 13–219 of this article (“Required clauses –
12 Nondiscrimination clause”);

13 4. § 13–225 of this article (“Retainage”);

14 5. Title 14, Subtitle 3 of this article (“Minority Business
15 Participation”);

16 6. Title 15, Subtitle 1 of this article (“Procurement Contract
17 Administration”);

18 7. § 15–226 of this article (“Policy established; timing of
19 payments; notice upon nonpayment; disputes; appeals”); [and]

20 8. Title 16 of this article (“Suspension and Debarment of
21 Contractors”); AND

22 **9. TITLE 17, SUBTITLE 2 OF THIS ARTICLE**
23 **(“PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS”).**

24 (ii) If a procurement violates the provisions of this subsection or
25 policies adopted in accordance with this subsection, the procurement contract is void or
26 voidable in accordance with the provisions of § 11–204 of this subtitle.

27 (7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

28 (i) procurement by a University from:

29 1. another unit;

30 2. a political subdivision of the State;

1 3. an agency of a political subdivision of the State;

2 4. a government, including the government of another state,
3 of the United States, or of another country;

4 5. an agency or political subdivision of a government; or

5 6. a bistate, multistate, bicounty, or multicounty
6 governmental agency;

7 (ii) procurement by a University in support of enterprise activities
8 for the purpose of:

9 1. direct resale;

10 2. remanufacture and subsequent resale; or

11 3. procurement by the University for overseas programs; or

12 (iii) procurement by the University System of Maryland for:

13 1. services of managers to invest, in accordance with the
14 management and investment policies adopted by the Board of Regents of the University
15 System of Maryland, gift and endowment assets received by the University System of
16 Maryland in accordance with § 12–104(e) of the Education Article; or

17 2. expenditures to manage, maintain, and enhance, in
18 accordance with the management and investment policies adopted by the Board of Regents
19 of the University System of Maryland, the value of gift and endowment assets received by
20 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2016.