SENATE BILL 342

6lr2259

By: Senators Feldman, Benson, Guzzone, Kelley, Klausmeier, Madaleno, and Pugh Introduced and read first time: January 28, 2016 Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

State Finance and Procurement – Public Senior Higher Education Institutions Policies Concerning Procurement Contracts

- FOR the purpose of requiring that certain policies of public senior higher education
 institutions promote certain purposes and be similar to certain provisions concerning
 required clauses for procurement contracts; and generally relating to public senior
 higher education institutions and the application of certain policies concerning
 procurement contracts.
- 9 BY repealing and reenacting, with amendments,
- 10 Article State Finance and Procurement
- 11 Section 11–203(e)
- 12 Annotated Code of Maryland
- 13 (2015 Replacement Volume)

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

16

Article – State Finance and Procurement

17 11–203.

18 (e) (1) In this subsection, "University" means the University System of 19 Maryland, Morgan State University, or St. Mary's College of Maryland.

20 (2) Except as otherwise provided in this subsection, this Division II does 21 not apply to the University System of Maryland, Morgan State University, or St. Mary's 22 College of Maryland.

(3) (i) A procurement by a University shall comply with the policies and
 procedures developed by the University and approved by the Board of Public Works and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



SENATE BILL 342

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$ \begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \end{array} $	the Administrative, Executive, and Legislative Review Committee of the General Assembly in accordance with § 12–112 of the Education Article for the University System of Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of the Education Article for St. Mary's College of Maryland.					
$5 \\ 6$	(ii) 1. The review and approval of the Board of Public Works shall be required for the following types of contracts with a value that exceeds \$1,000,000:					
7	A. capital improvements;					
8	B. services; and					
9 10 11	C. dispositions of personal property subject to § 10–305 of this article, except for dispositions of personal property that was purchased with the proceeds of a general obligation loan.					
$12 \\ 13 \\ 14 \\ 15$	improvements with a value that exceeds \$1,000,000, the Board of Public Works may request the comments of the appropriate agencies, including the Department of Budget and					
16	(4) A University's policies shall:					
17 18	(i) to the maximum extent practicable, require the purchasing of supplies and services in accordance with Title 14, Subtitle 1 of this article; [and]					
19 20 21	(ii) promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;					
22 23	(III) PROMOTE THE PURPOSES OF § 13-402 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND					
$\begin{array}{c} 24 \\ 25 \end{array}$	(IV) TO THE MAXIMUM EXTENT PRACTICABLE, BE SIMILAR TO § 13–218.1 OF THIS ARTICLE.					
$\begin{array}{c} 26\\ 27 \end{array}$	(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University:					
28	1. § 11–205 of this subtitle ("Collusion");					
29 30	2. § 11–205.1 of this subtitle ("Falsification, concealment, etc., of material facts");					
$\frac{31}{32}$	3. § 13–219 of this article ("Required clauses — Nondiscrimination clause");					

SENATE BILL 342

1		4.	§ 13–225 of this article ("Retainage");
$\frac{2}{3}$	Participation");	5.	Title 14, Subtitle 3 of this article ("Minority Business
4 5	Administration");	6.	Title 15, Subtitle 1 of this article ("Procurement Contract
$6 \\ 7$	payments; notice upon n	7. onpayr	§ 15–226 of this article ("Policy established; timing of nent; disputes; appeals"); and
8 9	Contractors").	8.	Title 16 of this article ("Suspension and Debarment of
$10 \\ 11 \\ 12$		rdance	procurement violates the provisions of this subsection or with this subsection, the procurement contract is void or e provisions of § 11–204 of this subtitle.
$\begin{array}{c} 13\\14 \end{array}$	(6) (i) contract claims related t		State Board of Contract Appeals shall have authority over arement contracts awarded by:
$\begin{array}{c} 15\\ 16 \end{array}$	and	1.	the University System of Maryland before July 1, 1999;
17		2.	Morgan State University before July 1, 2004.
	(ii) of Maryland and subject Contract Appeals shall	At th to the have	Morgan State University before July 1, 2004. e election of the Board of Regents of the University System approval of the Board of Public Works, the State Board of authority over contract claims related to procurement ersity after June 30, 1999.
17 18 19 20	(ii) of Maryland and subject Contract Appeals shall contracts awarded by th (iii) University and subject to Contract Appeals shall	At th to the have e Unive At th to the a have	e election of the Board of Regents of the University System approval of the Board of Public Works, the State Board of authority over contract claims related to procurement
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4

SENATE BILL 342

1		2.	a political subdivision of the State;		
2		3.	an agency of a political subdivision of the State;		
$\frac{3}{4}$	of the United States, or o	4. of anot	a government, including the government of another state, her country;		
5		5.	an agency or political subdivision of a government; or		
$6 \\ 7$	governmental agency;	6.	a bistate, multistate, bicounty, or multicounty		
8 9	(ii) for the purpose of:	procu	arement by a University in support of enterprise activities		
10		1.	direct resale;		
11		2.	remanufacture and subsequent resale; or		
12		3.	procurement by the University for overseas programs; or		
13	(iii)	procu	arement by the University System of Maryland for:		
$14 \\ 15 \\ 16 \\ 17$	management and investment policies adopted by the Board of Regents of the University				
18 19 20 21	of the University System	n of Ma	expenditures to manage, maintain, and enhance, in ent and investment policies adopted by the Board of Regents aryland, the value of gift and endowment assets received by and in accordance with § 12–104(e) of the Education Article.		

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 23 October 1, 2016.