

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 195

(Delegate Krebs, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Procurement - Prohibitions on Participation

This bill establishes that existing provisions that preclude specified individuals from participating in State procurements under specified circumstances apply from the date of issuance of the first relevant invitation for bids (IFB) or request for proposals (RFP) until the later of either (1) two years from the date of issuance or (2) the awarding of a contract or reissuance of the IFB or RFP. The prohibitions do not apply to a subsequent IFB or RFP for which the specifications are reused after the initial prohibition is no longer applicable.

Fiscal Summary

State Effect: None. The bill is technical and procedural in nature and has no material effect on governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An individual or a person employed by an individual who assists an Executive Branch procurement unit to draft specifications, an IFB, or an RFP for a procurement, or who assists in the selection or award made in response to an IFB or RFP, may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal. There is no time limit placed on this prohibition, but the bill's time limit applies to this prohibition.

The prohibition against submitting a bid or proposal does not apply to:

- providing descriptive literature or samples, whether solicited or unsolicited;
- submitting written or oral comments on a specification when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;
- providing specifications for a sole source procurement under State procurement law;
- providing architectural and engineering services for **either** programming, master planning, or other project planning services **or** the design of a construction contract if design services do not involve lead or prime design responsibilities on behalf of the State (and that construction contract has an anticipated value of between \$2.5 million and \$100.0 million or the payment to the design contractor does not exceed \$500,000); or
- comments solicited from two or more persons as part of a request for information for a procurement for health, human, social, or educational services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of General Services, Board of Public Works, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2016
md/ljm Revised - House Third Reader - March 19, 2016

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510