

HOUSE BILL 1075

P2

8lr3194

By: **Delegates Wilson, Angel, McDonough, Metzgar, West, and K. Young**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Preferences – Nonprofits**

3 FOR the purpose of establishing a certain procurement preference for a nonprofit entity in
4 which at least a certain percent of the employees are disabled; renaming the Pricing
5 and Selection Committee for Blind Industries and Services of Maryland and the
6 Employment Works Program to be the Pricing and Selection Committee for
7 Preferred Providers; requiring the Committee to ensure that supplies and services
8 provided by certain nonprofit entities create certain work opportunities; requiring
9 the Committee to set the prices of supplies and services provided by certain entities
10 in a certain manner; extending certain responsibilities of the Committee related to
11 community service providers and individual with disability owned businesses to
12 certain nonprofit entities; requiring the Procurement Advisor appointed by the
13 Board of Public Works to report to the General Assembly on or before a certain date;
14 defining a certain term; making conforming changes; and generally relating to
15 procurement preferences.

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 14–103(a) and 14–106(a), (b), (f), and (g)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 14–103(b)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 14–103.

3 (a) A State or State aided or controlled entity shall buy supplies and services
4 from:

5 (1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of
6 the Correctional Services Article, if Maryland Correctional Enterprises provides the
7 supplies or services;

8 **(2) A NONPROFIT ENTITY IN WHICH AT LEAST 60% OF THE**
9 **EMPLOYEES ARE DISABLED;**

10 **[(2)] (3)** Blind Industries and Services of Maryland, if:

11 (i) Blind Industries and Services of Maryland provides the supplies
12 or services; and

13 (ii) Maryland Correctional Enterprises does not provide the supplies
14 or services; or

15 **[(3)] (4)** the Employment Works Program established under § 14–108 of
16 this subtitle, if:

17 (i) a community service provider or an individual with disability
18 owned business provides the supplies or services;

19 (ii) **[neither]** Maryland Correctional Enterprises **[nor], A**
20 **NONPROFIT ENTITY IN WHICH AT LEAST 60% OF THE EMPLOYEES ARE DISABLED,**
21 **AND** Blind Industries and Services of Maryland **[provides] DO NOT PROVIDE** the supplies
22 or services; and

23 (iii) a State or State aided or controlled entity is not required by law
24 to buy the supplies or services from any other unit of the State government.

25 (b) A State or State aided or controlled entity shall give preference to the
26 providers listed under subsection (a) of this section in the order that the providers are listed.

27 14–106.

28 (a) **(1)** In this section~~[.]~~ **THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 **(2)** “Committee” means the Pricing and Selection Committee for **[Blind**
31 **Industries and Services of Maryland and the Employment Works Program] PREFERRED**

1 **PROVIDERS.**

2 **(3) “NONPROFIT” MEANS A NONPROFIT ENTITY IN WHICH AT LEAST**
3 **60% OF THE EMPLOYEES ARE DISABLED.**

4 (b) There is a Pricing and Selection Committee for [Blind Industries and Services
5 of Maryland and the Employment Works Program] **PREFERRED PROVIDERS.**

6 (f) The Committee shall:

7 (1) ensure that supplies and services provided by **NONPROFITS**, Blind
8 Industries and Services of Maryland, or a community service provider create work
9 opportunities for individuals who have a mental or physical disability, including blindness,
10 for which Blind Industries and Services of Maryland or the community service provider was
11 established to assist;

12 (2) set the prices of supplies and services that [Blind Industries and
13 Services of Maryland] **AN ENTITY IDENTIFIED FOR A PROCUREMENT PREFERENCE**
14 **UNDER § 14-103(A) OF THIS SUBTITLE** provides to reflect the fair market prices for the
15 supplies and services;

16 (3) establish procedures to govern procurement of supplies and services
17 from **NONPROFITS**, community service providers, and individual with disability owned
18 businesses;

19 (4) from the State procurement list, choose appropriate supplies and
20 services for **NONPROFITS**, community service providers, and individual with disability
21 owned businesses to offer for procurement;

22 (5) provide that the State procure those supplies and services from a
23 **NONPROFIT**, A community service provider, or an individual with disability owned
24 business;

25 (6) if supplies or services are not available for procurement from a unit of
26 the State government, determine whether supplies or services are available from a
27 **NONPROFIT**, A community service provider, or an individual with disability owned
28 business;

29 (7) determine the fair market price of supplies and services that
30 **NONPROFITS**, community service providers, and individual with disability owned
31 businesses provide;

32 (8) in accordance with market conditions, adjust prices for the supplies and
33 services that **NONPROFITS**, community service providers, and individual with disability
34 owned businesses provide; and

1 (9) at the request of **A NONPROFIT**, a community service provider, or an
2 individual with disability owned business, review and, if appropriate, change the price of a
3 supply or service.

4 (g) In addition to the duties specified under subsection (f) of this section, the
5 Committee shall:

6 (1) establish and periodically review eligibility policies or guidelines for
7 participating **NONPROFITS**, community service providers, and individual with disability
8 owned businesses;

9 (2) maintain a current list of **NONPROFITS**, community service providers,
10 and individual with disability owned businesses;

11 (3) periodically review and revise its list of **NONPROFITS**, community
12 service providers, and individual with disability owned businesses; and

13 (4) send any revised list to the Secretary of General Services who shall
14 make the list available to each person responsible for buying supplies or services for the
15 State or a State aided or controlled entity.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019,
17 the Procurement Advisor appointed by the Board of Public Works shall report to the
18 General Assembly, in accordance with § 2–1246 of the State Government Article, on the
19 percent of procurement contracts awarded to each category of preferred providers identified
20 for a procurement preference under § 14–103 of the State Finance and Procurement Article,
21 as enacted by Section 1 of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.