

# HOUSE BILL 649

P2

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – General Services)**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Finance and Procurement – Procedures and Pricing and Selection**  
3 **Committee for Preferred Providers**

4 FOR the purpose of renaming the Pricing and Selection Committee for Blind Industries  
5 and Services of Maryland and the Employment Works Program to be the Pricing and  
6 Selection Committee for Preferred Providers; requiring ~~Maryland Correctional~~  
7 ~~Enterprises~~ the Pricing and Selection Committee to determine the prevailing  
8 average market price of certain supplies and services that are available from  
9 Maryland Correctional Enterprises; requiring the Pricing and Selection Committee  
10 ~~for Blind Industries and Services of Maryland, the Employment Works Program, and~~  
11 ~~Maryland Correctional Enterprises~~ to review and verify the prevailing average  
12 market prices of certain supplies and services; altering the duties of the Department  
13 of Information Technology relating to procurement; altering the persons who may be  
14 designated by certain members of the Procurement Improvement Council to attend  
15 a certain meeting; altering the list of units that are defined as “designated  
16 procurement units”; renaming eMaryland Marketplace to be eMaryland  
17 Marketplace Advantage; altering the procedures used by certain units when  
18 procuring certain supplies and services; altering the ~~name and duties of a certain~~  
19 duties of the Pricing and Selection Committee; establishing that the Employment  
20 Works Program and an Employment Works Program vendor are not subject to  
21 certain cost savings requirements; altering the membership of the Pricing and  
22 Selection Committee; requiring the Pricing and Selection Committee to maintain a  
23 certain list of supplies and services; requiring the Pricing and Selection Committee  
24 to send certain lists to the Chief Procurement Officer, rather than the Secretary of

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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 General Services; providing that certain provisions relating to the use of eMaryland  
 2 Marketplace Advantage do not apply to certain emergency procurements; altering  
 3 certain definitions; making certain stylistic changes; requiring the publisher of the  
 4 Annotated Code of Maryland, in consultation with and subject to the approval of the  
 5 Department of Legislative Services, to correct any cross-references or terminology  
 6 rendered incorrect by this Act and to describe any corrections made in an editor's  
 7 note following the section affected; and generally relating to State procurement.

8 BY repealing and reenacting, with amendments,  
 9 Article – Correctional Services  
 10 Section 3–515  
 11 Annotated Code of Maryland  
 12 (2017 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,  
 14 Article – State Finance and Procurement  
 15 Section 3A–301, 3A–401, 12–105, 13–101, 13–111, 14–102, 14–106, 14–107, and  
 16 17–502  
 17 Annotated Code of Maryland  
 18 (2015 Replacement Volume and 2019 Supplement)

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

21 **Article – Correctional Services**

22 3–515.

23 (a) A unit of State government shall purchase from Maryland Correctional  
 24 Enterprises any [goods] **SUPPLIES** or services that are available from Maryland  
 25 Correctional Enterprises and that Maryland Correctional Enterprises can provide at a price  
 26 not exceeding the prevailing average market price as determined by the [Department of  
 27 General Services] ~~MARYLAND CORRECTIONAL ENTERPRISES~~ PRICING AND  
 28 SELECTION COMMITTEE FOR PREFERRED PROVIDERS.

29 (b) ~~THE PRICING AND SELECTION COMMITTEE FOR BLIND INDUSTRIES~~  
 30 ~~AND SERVICES OF MARYLAND, THE EMPLOYMENT WORKS PROGRAM, AND~~  
 31 ~~MARYLAND CORRECTIONAL ENTERPRISES~~ PREFERRED PROVIDERS SHALL  
 32 REVIEW AND VERIFY THE PREVAILING AVERAGE MARKET PRICES, AS DETERMINED  
 33 PROPOSED BY MARYLAND CORRECTIONAL ENTERPRISES, OF NEW AND:

34 (1) WHEN CHANGES ARE MADE TO THE PRICING OF EXISTING  
 35 SUPPLIES AND SERVICES THAT ARE AVAILABLE FROM MARYLAND CORRECTIONAL  
 36 ENTERPRISES; AND

1                   **(2) FOR NEW SUPPLIES OR SERVICES THAT MARYLAND**  
2 **CORRECTIONAL ENTERPRISES INTENDS TO MAKE AVAILABLE.**

3           **(C)** (1) The contracting unit shall inform each unit of State government for  
4 which it procures [goods] **SUPPLIES** or services within 60 days after the award of a  
5 contract.

6                   (2) Quarterly, each unit that requires [goods] **SUPPLIES** or services for its  
7 operations shall inform Maryland Correctional Enterprises of its anticipated orders during  
8 the next 3-month period.

9                   (3) If Maryland Correctional Enterprises is unable to provide any of the  
10 [goods] **SUPPLIES** or services under the contract, Maryland Correctional Enterprises shall  
11 notify the contracting unit so that appropriate alternative action may be taken to meet the  
12 needs of units of State government for which the contracting unit procures [goods]  
13 **SUPPLIES** or services.

14           **[(c)] (D)** The Board of Public Works:

15                   (1) shall suspend the application of subsection (a) of this section if the  
16 Board of Public Works finds that the purposes of Division II of the State Finance and  
17 Procurement Article are being unduly eroded due to the volume and scope of activities and  
18 sales by Maryland Correctional Enterprises; and

19                   (2) may suspend the application of subsection (a) of this section for data  
20 entry services that involve information that is protected from disclosure under Title 4 of  
21 the General Provisions Article.

22                                   **Article – State Finance and Procurement**

23 3A-301.

24           (a) In this subtitle the following words have the meanings indicated.

25           (b) (1) “Development” means all expenditures for a new information  
26 technology system or an enhancement to an existing system including system:

27                           (i) planning;

28                           (ii) [procurement;

29                           (iii)] creation;

30                           [(iv)] **(III)** installation;

31                           [(v)] **(IV)** testing; and

1                    [(vi)] (v)    initial training.

2                    (2)    “Development” does not include:

3                    (i)    ongoing operating costs, software or hardware maintenance,  
4 routine upgrades, or modifications that merely allow for a continuation of the existing level  
5 of functionality; or

6                    (ii)   expenditures made after a new or enhanced system has been  
7 legally accepted by the user and is being used for the business process for which it was  
8 intended.

9                    (c)    “Fund” means the Major Information Technology Development Project Fund.

10                   (d)    “Information technology” means all electronic information processing  
11 [hardware and software], including:

12                    (1)    maintenance;

13                    (2)    telecommunications; [and]

14                    (3)    **HARDWARE;**

15                    (4)    **SOFTWARE; AND**

16                    [(3)] (5)    associated [consulting] services.

17                    (e)    “Information technology services” means information provided by electronic  
18 means by or on behalf of a unit of State government.

19                    (f)    “Major information technology development project” means any information  
20 technology development project that meets one or more of the following criteria:

21                    (1)    the estimated total cost of development equals or exceeds \$1,000,000;

22                    (2)    the project is undertaken to support a critical business function  
23 associated with the public health, education, safety, or financial well-being of the citizens  
24 of Maryland; or

25                    (3)    the Secretary determines that the project requires the special attention  
26 and consideration given to a major information technology development project due to:

27                    (i)    the significance of the project’s potential benefits or risks;

28                    (ii)   the impact of the project on the public or local governments;

1 (iii) the public visibility of the project; or

2 (iv) other reasons as determined by the Secretary.

3 (g) “Master plan” means the statewide information technology master plan.

4 (h) “Nonvisual access” means the ability, through keyboard control, synthesized  
5 speech, Braille, or other methods not requiring sight to receive, use, and manipulate  
6 information and operate controls necessary to access information technology in accordance  
7 with standards adopted under § 3A–303(b) of this subtitle.

8 (i) “Resource sharing” means the utilization of a State resource by private  
9 industry in exchange for the provision to the State of a communication service or other  
10 consideration.

11 (j) “Systems development life cycle plan” means a plan that defines all actions,  
12 functions, or activities to be performed by a unit of State government in the definition,  
13 planning, acquisition, development, testing, implementation, operation, enhancement, and  
14 modification of information technology systems.

15 3A–401.

16 (a) The Department shall:

17 (1) coordinate the development, [procurement,] management, and  
18 operation of telecommunication equipment, systems, and services by State government;

19 (2) acquire and manage common user telecommunication equipment,  
20 systems, or services and charge units of State government for their proportionate share of  
21 the costs of installation, maintenance, and operation of the common user  
22 telecommunication equipment, systems, or services;

23 (3) promote compatibility of telecommunication systems by developing  
24 policies, procedures, and standards for the acquisition and use of telecommunication  
25 equipment, systems, and services by units of State government;

26 (4) coordinate State government telecommunication systems and services  
27 by reviewing requests by units of State government for telecommunication equipment,  
28 systems, or services;

29 (5) advise units of State government about planning, acquisition, and  
30 operation of telecommunication equipment, systems, or services; and

31 (6) provide radio frequency coordination for State and local governments  
32 in accordance with regulations of the Federal Communications Commission.

1 (b) The Department may make arrangement for a user other than a unit of State  
2 government to have access to and use of State telecommunication equipment, systems, and  
3 services and shall charge the user any appropriate amount to cover the cost of installation,  
4 maintenance, and operation of the telecommunication equipment, system, or service  
5 provided.

6 12-105.

7 (a) In this section, "Council" means the Procurement Improvement Council.

8 (b) There is a Procurement Improvement Council.

9 (c) (1) The Council consists of the following 12 members:

- 10 (i) the State Treasurer;
- 11 (ii) the Chancellor of the University System of Maryland;
- 12 (iii) the Secretary of Budget and Management;
- 13 (iv) the Chief Procurement Officer;
- 14 (v) the Secretary of Information Technology;
- 15 (vi) the Secretary of Transportation;
- 16 (vii) the Procurement Advisor of the Board;
- 17 (viii) the Special Secretary for the Office of Small, Minority, and  
18 Women Business Affairs;
- 19 (ix) the Director of the Governor's Office of Performance  
20 Improvement;
- 21 (x) a representative of local government who has expertise in local  
22 procurement matters, appointed by the Governor with the advice and consent of the Senate;  
23 and
- 24 (xi) two members of the general public, at least one of whom has  
25 expertise in State procurement matters, appointed by the Governor with the advice and  
26 consent of the Senate.

27 (2) [(i) If the State Treasurer is unable to attend a meeting of the  
28 Council, the Treasurer may designate the Deputy Treasurer to attend the meeting.

29 (ii) If a member of the Council listed in paragraph [(1)(ii)] **(1)(I)**  
30 through [(ix)] **(X)** of this subsection is unable to attend a meeting of the Council, the

1 member may designate a senior management staff member with experience in procurement  
2 to attend the meeting.

3 (d) The Chief Procurement Officer is Chairman of the Council.

4 (e) The Council shall meet at least quarterly each year.

5 (f) The Chief Procurement Officer is the principal staff of the Council and the  
6 Council shall have any additional staff authorized in accordance with the State budget.

7 (g) The Council shall:

8 (1) ensure that the State's procurement system is utilizing the most  
9 advanced procurement methods and management techniques, including policies,  
10 procedures, and forms for all procurement activity and contract management;

11 (2) effect and enhance communication between State units on procurement  
12 matters, with an emphasis on disseminating information on current developments and  
13 advances in procurement methods and management;

14 (3) provide a forum for the discussion of specific procurement issues and  
15 problems that arise, including:

16 (i) procurement officer training;

17 (ii) risk analysis and insurance requirements;

18 (iii) management of eMaryland Marketplace **ADVANTAGE** and other  
19 Internet procurement resources;

20 (iv) use of intergovernmental cooperative purchasing agreements;

21 and

22 (v) any other issues or problems identified by the Council;

23 (4) advise the Board on problems in the procurement process and make  
24 recommendations for improvement of the process;

25 (5) review existing procurement regulations to:

26 (i) determine whether they fulfill the intent and purpose of the law,  
27 especially as it relates to fostering broad-based competition; and

28 (ii) make recommendations on the regulations, if revising and  
29 restructuring them will result in easier understanding and use; and

1 (6) advise the General Assembly on proposed legislation in order to  
2 enhance the efficiency and transparency of State procurement.

3 13–101.

4 (a) In this subtitle the following words have the meanings indicated.

5 (b) “Designated procurement unit” means:

6 (1) [the Department of Budget and Management;

7 (2)] the Department of General Services;

8 [(3) the Department of Information Technology;] or

9 [(4) (2) the Department of Transportation.

10 (c) “eMaryland Marketplace **ADVANTAGE**” means the Internet–based  
11 procurement system [jointly] managed by the Department of General Services [and the  
12 Department of Information Technology].

13 (d) “Evaluated bid price” means the price of a bid after adjustment in accordance  
14 with objective measurable criteria.

15 (e) “Master contracting” means a streamlined procurement method that provides  
16 for the qualification of bidders and offerors for the procurement of services, supplies, or  
17 commodities.

18 (f) (1) “Objective measurable criteria” means standards that enable the State  
19 to compare the economy, effectiveness, or value of the subject of the bids.

20 (2) “Objective measurable criteria” includes standards of reliability,  
21 operational costs, maintainability, useful life, and residual value.

22 (g) “Person” includes, unless the context requires otherwise:

23 (1) the State;

24 (2) a county, a municipal corporation, or any other political subdivision;

25 and

26 (3) any unit of the State government or a political subdivision.

27 (h) “Task order” means a procurement process in which only those vendors with  
28 master contracts may compete to provide the services, supplies, or commodities under the  
29 procurement.



1 13-111.

2 (a) This section applies to the procurement of supplies[, with an estimated  
3 contract value of \$1,000,000 or more,] **AND SERVICES** by a [primary] **DESIGNATED**  
4 procurement unit.

5 (b) (1) Whenever the head of a [primary] **DESIGNATED** procurement unit or  
6 designee determines that it is in the best interest of the State for a procurement contract  
7 to be based on auction bids, a procurement officer shall seek bids by issuing an invitation  
8 for auction bids.

9 (2) Subject to subsection (c) of this section, an invitation for auction bids  
10 shall include:

11 (i) the specifications of the procurement contract;

12 (ii) whether the procurement contract will be awarded based on the  
13 lowest bid price or the lowest evaluated bid price;

14 (iii) if the procurement contract will be based on evaluated bid price,  
15 the objective measurable criteria by which the lowest evaluated bid price will be  
16 determined;

17 (iv) the small business preference, if designated under § 13-103 of  
18 this subtitle; and

19 (v) the date and time when bidding will commence and the date and  
20 time when bidding will end or the event upon which bidding will end.

21 (c) (1) In the discretion of the procurement officer, the invitation for auction  
22 bids may:

23 (i) include a request for unpriced technical offers or samples;

24 (ii) direct bidders to submit price bids after the unit evaluates the  
25 technical offers or samples and finds they are acceptable under the criteria set forth in the  
26 invitation for auction bids; and

27 (iii) inform all bidders who submitted technical offers or samples of  
28 the identity of each bidder who submitted an acceptable technical offer or sample.

29 (2) Price bids may not be received until after the unit has completed  
30 evaluation of the technical offers or samples.

31 (3) A price bid may not be received at any time if the bid is submitted by a  
32 bidder whose technical offer or sample has been evaluated as unacceptable to the unit.

1 (d) A unit shall give public notice of an invitation for auction bids in the same  
2 manner as required for an invitation for bids.

3 (e) (1) (i) Multiple price bids are permitted in response to an invitation for  
4 auction bids.

5 (ii) When a bidder submits multiple bids, each bid shall be judged  
6 independently and shall not revoke previous bids of that bidder.

7 (2) A procurement officer shall:

8 (i) receive bids in public at the time and place designated in the  
9 invitation for auction bids; and

10 (ii) record ~~and post~~ the amount of each bid at the time it is received.

11 (3) (i) The amount of a price bid shall be available for public inspection  
12 from the time it is received.

13 (ii) The identity of the bidder submitting a price bid shall not be  
14 available for public inspection until bidding has ended.

15 (4) Except as provided in paragraph (5) of this subsection, a bid is  
16 irrevocable, after receipt, for the period specified in the invitation for auction bids.

17 (5) A procurement officer may allow a bidder to correct or withdraw a bid  
18 if correction or withdrawal is:

19 (i) allowed under regulations adopted under this Division II  
20 applicable to an invitation for bids; and

21 (ii) approved in writing by the Office of the Attorney General.

22 (f) (1) After obtaining any approval required by law, the procurement officer  
23 shall award the procurement contract to the responsible bidder who submits the responsive  
24 bid that:

25 (i) is the lowest bid price; or

26 (ii) if the invitation for auction bids so provides, is the lowest  
27 evaluated bid price.

28 (2) If, after bids have been received, a procurement officer determines that  
29 only one responsible bidder has submitted a responsive bid, the unit may negotiate the  
30 procurement contract with that one bidder under the procedure for sole source  
31 procurement.

1                   (3)   (i)    After bids have been received, a procurement officer may award  
2 a procurement contract on the basis of revised bids if:

3                               1.    all bids are rejected under § 13–206(b) of this title;

4                               2.    all bid prices exceed the funds available for the  
5 procurement; or

6                               3.    with the approval of the head of a [primary] **DESIGNATED**  
7 procurement unit or a designee, the procurement officer determines that all bids are  
8 unreasonable as to at least one requirement and the delay that would result from issuing  
9 a new invitation for auction bids with revised specifications or quantities would be fiscally  
10 disadvantageous or otherwise not in the best interests of the State.

11                   (ii)   If there is more than one bidder, discussions about revised  
12 specifications or quantities shall be conducted with all responsible bidders who submitted  
13 responsive bids. The bidders shall be treated fairly and equally with respect to any  
14 discussions.

15                   (iii)  If one of the conditions set forth under subparagraph (i) of this  
16 paragraph exists, as promptly as possible, the procurement officer shall:

17                               1.    issue an invitation for revised auction bids, which shall  
18 state whether the award will be made without competitive negotiations; and

19                               2.    require a prompt response to that invitation.

20                   (iv)   An invitation for revised auction bids is not subject to the notice  
21 requirements in subsection (d) of this section.

22                   (v)    After revised bids have been submitted, negotiations with  
23 bidders may not be conducted unless the procurement officer determines that there is a  
24 compelling reason to negotiate.

25                   (vi)  After revised bids have been received and any approval required  
26 by law has been obtained, the procurement officer shall award the procurement contract to  
27 the responsible bidder who submits a responsive bid that:

28                               1.    is the lowest bid price; or

29                               2.    if the invitation for revised bids so provides, is the lowest  
30 evaluated bid price.

31                   (g)   Not more than 30 days after the execution and approval of a procurement  
32 contract awarded under this section, a unit shall publish notice of the award in eMaryland  
33 Marketplace **ADVANTAGE**.

1 14-102.

2 (a) Notwithstanding any other provision of this Division II, a State or State aided  
 3 or controlled entity shall buy supplies and services in accordance with § 14-103 of this  
 4 subtitle.

5 (b) The procurement of services from [a sheltered workshop] **THE EMPLOYMENT**  
 6 **WORKS PROGRAM OR AN EMPLOYMENT WORKS PROGRAM VENDOR** is not subject to  
 7 the cost savings requirements of § 13-405 of the State Personnel and Pensions Article.

8 14-106.

9 (a) In this section, "Committee" means the Pricing and Selection Committee for  
 10 ~~Blind Industries and Services of Maryland [and], the Employment Works Program, AND~~  
 11 ~~MARYLAND CORRECTIONAL ENTERPRISES. **PREFERRED PROVIDERS.**~~

12 (b) There is a Pricing and Selection Committee for ~~Blind Industries and Services~~  
 13 ~~of Maryland [and], the Employment Works Program, AND MARYLAND CORRECTIONAL~~  
 14 ~~ENTERPRISES **PREFERRED PROVIDERS.**~~

15 (c) The Committee consists of the following ~~5~~ **6** members:

16 (1) the Secretary of Transportation or a designee;

17 (2) the Secretary of General Services or a designee;

18 (3) the Secretary of Public Safety and Correctional Services or a designee;

19 (4) the Assistant Secretary for Vocational Rehabilitation within the State  
 20 Department of Education or a designee; ~~and~~

21 (5) the Secretary of Labor or a designee; **AND**

22 **(6) THE CHIEF EXECUTIVE OFFICER OF MARYLAND CORRECTIONAL**  
 23 **ENTERPRISES OR A DESIGNEE.**

24 (d) A member of the Committee:

25 (1) may not receive compensation; but

26 (2) is entitled to reimbursement for expenses under the Standard State  
 27 Travel Regulations as provided in the State budget.

28 (e) (1) Blind Industries and Services of Maryland shall provide staff for the  
 29 Committee.

1 (2) The staff provided in accordance with paragraph (1) of this subsection  
2 shall:

3 (i) be a blind or a visually impaired associate of Blind Industries  
4 and Services of Maryland; and

5 (ii) complete work related to the duties of the Committee regarding  
6 Blind Industries and Services of Maryland under the supervision and direction of the  
7 Committee.

8 (f) The Committee shall:

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

14 (2) set the prices of supplies and services that Blind Industries and  
15 Services of Maryland provides to reflect the fair market prices for the supplies and services;

16 **(3) REVIEW AND VERIFY THE PREVAILING AVERAGE MARKET PRICES,  
17 AS ~~DETERMINED~~ PROPOSED BY MARYLAND CORRECTIONAL ENTERPRISES, OF NEW  
18 AND EXISTING SUPPLIES AND SERVICES THAT ARE AVAILABLE FROM MARYLAND  
19 CORRECTIONAL ENTERPRISES;**

20 **[(3)] (4)** establish procedures to govern procurement of supplies ~~and~~,  
21 services, **AND OTHER SALES** from **EMPLOYMENT WORKS PROGRAM** community service  
22 providers and individual with disability owned businesses;

23 **[(4)] (5)** from the State procurement list, choose appropriate supplies  
24 ~~and~~, services, **AND OTHER SALES** for **EMPLOYMENT WORKS PROGRAM** community  
25 service providers and individual with disability owned businesses to offer for procurement;

26 **[(5)] (6)** provide that the State procure those supplies ~~and services~~,  
27 **SERVICES, AND OTHER SALES** from ~~a~~ **AN EMPLOYMENT WORKS PROGRAM** community  
28 service provider or an individual with disability owned business;

29 **[(6)] (7)** if supplies ~~or services~~, **SERVICES, OR OTHER SALES** are not  
30 available for procurement from a unit of the State government, determine whether supplies  
31 ~~or services~~, **SERVICES, OR OTHER SALES** are available from ~~a~~ **AN EMPLOYMENT WORKS  
32 PROGRAM** community service provider or an individual with disability owned business;

1            [(7) (8)] determine the fair market price of supplies ~~and services,~~  
 2 SERVICES, AND OTHER SALES that EMPLOYMENT WORKS PROGRAM community  
 3 service providers and individual with disability owned businesses provide;

4            [(8) (9)] in accordance with market conditions, adjust prices for the  
 5 supplies ~~and services,~~ SERVICES, AND OTHER SALES that EMPLOYMENT WORKS  
 6 PROGRAM community service providers and individual with disability owned businesses  
 7 provide; and

8            [(9) (10)] at the request of a community service provider or an individual  
 9 with disability owned business, review and, if appropriate, change the price of a supply or  
 10 service.

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

13            (1) establish and periodically review eligibility policies or guidelines for  
 14 participating community service providers and individual with disability owned  
 15 businesses;

16            (2) maintain a current list of community service providers and individual  
 17 with disability owned businesses;

18            (3) periodically review and revise its list of community service providers  
 19 and individual with disability owned businesses; and

20            (4) send any revised list to the ~~Secretary of General Services~~ CHIEF  
 21 PROCUREMENT OFFICER who shall make the list available to each person responsible  
 22 for buying supplies or services for the State or a State aided or controlled entity.

23 14-107.

24            The Pricing and Selection Committee for ~~Blind Industries and Services of Maryland~~  
 25 ~~[and], the Employment Works Program, AND MARYLAND CORRECTIONAL~~  
 26 ENTERPRISES PREFERRED PROVIDERS shall:

27            (1) (i) maintain a current list of supplies and services that Blind  
 28 Industries and Services of Maryland provides; ~~and~~

29            (ii) maintain a current list of supplies ~~and services,~~ SERVICES, AND  
 30 OTHER SALES that community service providers and individual with disability owned  
 31 businesses provide; AND

32            (III) MAINTAIN A CURRENT LIST OF SUPPLIES AND SERVICES  
 33 THAT MARYLAND CORRECTIONAL ENTERPRISES PROVIDES;

1 (2) periodically review and revise the lists of supplies ~~and services,~~  
2 **SERVICES, AND OTHER SALES** maintained in accordance with item (1) of this section; and

3 (3) send the lists, and any revised lists, to the ~~Secretary of General Services~~  
4 **CHIEF PROCUREMENT OFFICER** who shall make the lists available to each person  
5 responsible for buying supplies ~~or services,~~ **SERVICES, OR OTHER SALES** for the State or  
6 a State aided or controlled entity.

7 17-502.

8 (a) **THIS SECTION DOES NOT APPLY TO EMERGENCY PROCUREMENTS**  
9 **UNDER § 13-108 OF THIS ARTICLE.**

10 (b) In addition to any other provision of law, the following persons shall use  
11 eMaryland Marketplace **ADVANTAGE** to publish notice of a procurement [or] **AND** publish  
12 a notice of award of a procurement that is at the same amount or exceeds the amount  
13 required by the Board for a State contract to be published in eMaryland Marketplace  
14 **ADVANTAGE**:

15 (1) a unit of State government;

16 (2) a county;

17 (3) a municipality;

18 (4) a bicounty or multicounty governmental agency;

19 (5) a special tax district, sanitary district, drainage district, soil  
20 conservation district, and water supply district;

21 (6) a public institution of higher education;

22 (7) a public school; and

23 (8) except for the Maryland Health and Higher Educational Facilities  
24 Authority, an entity exempt from the provisions of this Division II in accordance with §  
25 11-203 of this article.

26 [(b)] (c) This section may not be construed to prohibit a person listed in  
27 subsection [(a)] (b) of this section from publishing notice of a procurement or publishing a  
28 notice of award in accordance with any other law or policy.

29 [(c)] (d) An unintentional violation of this section may not constitute grounds to  
30 challenge or appeal:

- 1           (1)    the award of a procurement; or
- 2           (2)    the process through which a procurement was conducted.

3           SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
4 Annotated Code of Maryland, in consultation with and subject to the approval of the  
5 Department of Legislative Services, shall correct, with no further action required by the  
6 General Assembly, cross-references and terminology rendered incorrect by this Act. The  
7 publisher shall adequately describe any correction that is made in an editor's note following  
8 the section affected.

9           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.