

SENATE BILL 811

S2, P1, S1

2lr1355
CF 2lr1777

By: **Senator Hester**

Introduced and read first time: February 7, 2022

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Information Technology and Cybersecurity–Related**
3 **Infrastructure**
4 **(Modernize Maryland Act of 2022)**

5 FOR the purpose of authorizing the Maryland Stadium Authority to issue bonds and, in
6 consultation with the Department of Information Technology, finance projects
7 related to information technology and cybersecurity–related State government
8 infrastructure; establishing an Information Technology and Cybersecurity
9 Infrastructure Fund as a special, nonlapsing fund; requiring interest earnings of the
10 Fund to be credited to the Fund; altering the duties of the Secretary of Information
11 Technology; establishing a Statewide Reporting Framework and Oversight
12 Commission in the Department; requiring the Department to hire an independent
13 contractor to develop a framework for investments in technology and annually assess
14 the cybersecurity and information technology systems in each unit of State
15 government; specifying the use of proceeds from certain bonds; establishing that the
16 Department is a primary procurement unit and authorizing the Department to
17 engage in or control certain procurements; authorizing a certain independent
18 contractor to issue a certain change order; and generally relating to the development,
19 financing, and procurement of information technology and cybersecurity–related
20 State government infrastructure projects.

21 BY repealing and reenacting, with amendments,
22 Article – Economic Development
23 Section 10–628(a)
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2021 Supplement)

26 BY adding to
27 Article – Economic Development
28 Section 10–628(d), 10–650.1, and 10–657.5
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2018 Replacement Volume and 2021 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – State Finance and Procurement
 4 Section 3A–303(a)(7) and (8), 6–226(a)(2)(ii)144. and 145., 11–101(m),
 5 12–107(b)(2)(i)9. and 11., (3)(vi), and (4)(v), and 15–112(a)(1)(i)
 6 Annotated Code of Maryland
 7 (2021 Replacement Volume)

8 BY adding to
 9 Article – State Finance and Procurement
 10 Section 3A–303(a)(9), 3A–315 through 3A–317, 6–226(a)(2)(ii)146., 12–107(b)(5), and
 11 15–112(b)(4)
 12 Annotated Code of Maryland
 13 (2021 Replacement Volume)

14 BY repealing and reenacting, without amendments,
 15 Article – State Finance and Procurement
 16 Section 6–226(a)(2)(i), 11–101(a), and 15–112(b)(3)
 17 Annotated Code of Maryland
 18 (2021 Replacement Volume)

19 BY repealing
 20 Article – State Finance and Procurement
 21 Section 12–107(b)(2)(i)10.
 22 Annotated Code of Maryland
 23 (2021 Replacement Volume)

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

26 **Article – Economic Development**

27 10–628.

28 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section and
 29 subject to the prior approval of the Board of Public Works, the Authority may issue bonds
 30 at any time for any corporate purpose of the Authority, including the establishment of
 31 reserves and the payment of interest.

32 (D) UNLESS AUTHORIZED BY THE GENERAL ASSEMBLY, THE BOARD OF
 33 PUBLIC WORKS MAY NOT APPROVE AN ISSUANCE BY THE AUTHORITY OF BONDS,
 34 WHETHER TAXABLE OR TAX EXEMPT, THAT CONSTITUTE TAX SUPPORTED DEBT OR
 35 NONTAX SUPPORTED DEBT IF, AFTER ISSUANCE, THERE WOULD BE OUTSTANDING
 36 AND UNPAID \$1,500,000,000 FACE AMOUNTS OF THE BONDS FOR THE PURPOSE OF
 37 FINANCING RESEARCH INTO, ACQUISITION OF, INSTALLATION OF, MAINTENANCE

1 OF, AND RELATED EXPENSES FOR UPGRADES TO INFORMATION TECHNOLOGY AND
2 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.

3 10-650.1.

4 (A) THE AUTHORITY AND THE DEPARTMENT OF INFORMATION
5 TECHNOLOGY SHALL COMPLY WITH THIS SECTION TO FINANCE PROJECTS TO
6 RESEARCH, ACQUIRE, INSTALL, MAINTAIN, AND UPGRADE INFORMATION
7 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
8 INFRASTRUCTURE.

9 (B) THE AUTHORITY SHALL TRANSFER TO THE DEPARTMENT OF
10 INFORMATION TECHNOLOGY THE PROCEEDS OF BONDS ISSUED UNDER THIS
11 SUBTITLE FOR FINANCING INFORMATION TECHNOLOGY AND
12 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS.

13 (C) AT LEAST 90 DAYS BEFORE PROVIDING THE WRITTEN NOTICE TO THE
14 FISCAL COMMITTEES OF THE GENERAL ASSEMBLY REQUIRED UNDER SUBSECTION
15 (D) OF THIS SECTION, THE AUTHORITY SHALL CONSULT WITH THE DEPARTMENT OF
16 INFORMATION TECHNOLOGY TO DETERMINE THE AMOUNT OF FUNDS NEEDED FOR
17 INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
18 INFRASTRUCTURE PROJECTS TO BE FINANCED WITH THE PROPOSED BONDS.

19 (D) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF
20 PUBLIC WORKS FOR EACH BOND ISSUE RELATED TO INFORMATION TECHNOLOGY
21 AND CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE, THE
22 AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL
23 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
24 WRITTEN NOTICE OF:

25 (1) THE AGGREGATE AMOUNT OF FUNDS NEEDED FOR INFORMATION
26 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
27 INFRASTRUCTURE PROJECTS TO BE FINANCED WITH THE PROPOSED BONDS;

28 (2) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED
29 BOND ISSUE; AND

30 (3) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED WITH
31 THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR INFORMATION
32 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
33 INFRASTRUCTURE PROJECTS.

1 (E) BEFORE EACH ISSUANCE OF BONDS TO FINANCE INFORMATION
2 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
3 INFRASTRUCTURE PROJECTS, THE AUTHORITY SHALL OBTAIN THE APPROVAL OF
4 THE BOARD OF PUBLIC WORKS OF THE AGGREGATE AMOUNT OF THE PROPOSED
5 BOND ISSUE.

6 (F) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, UNTIL
7 THE BONDS THAT HAVE BEEN ISSUED TO FINANCE INFORMATION TECHNOLOGY AND
8 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS ARE
9 NO LONGER OUTSTANDING AND UNPAID, THE GOVERNOR SHALL INCLUDE IN THE
10 ANNUAL BUDGET BILL AN APPROPRIATION TO THE INFORMATION TECHNOLOGY
11 AND CYBERSECURITY INFRASTRUCTURE FUND IN AN AMOUNT SUFFICIENT TO
12 COVER THE PROJECTED DEBT SERVICE REQUIREMENTS FOR THE UPCOMING FISCAL
13 YEAR.

14 10-657.5.

15 (A) IN THIS SECTION, "FUND" MEANS THE INFORMATION TECHNOLOGY
16 AND CYBERSECURITY INFRASTRUCTURE FUND.

17 (B) THERE IS AN INFORMATION TECHNOLOGY AND CYBERSECURITY
18 INFRASTRUCTURE FUND.

19 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
20 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND
21 THAT SHALL BE AVAILABLE IN PERPETUITY TO IMPLEMENT THIS SUBTITLE
22 RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND
23 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.

24 (2) THE AUTHORITY SHALL:

25 (I) USE THE FUND AS A REVOLVING FUND FOR CARRYING OUT
26 THE PROVISIONS OF THIS SUBTITLE RELATED TO UPGRADES TO INFORMATION
27 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
28 INFRASTRUCTURE; AND

29 (II) PAY ANY AND ALL EXPENSES FROM THE FUND THAT ARE
30 INCURRED BY THE AUTHORITY OR THE DEPARTMENT OF INFORMATION
31 TECHNOLOGY RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND
32 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.

33 (D) THE FUND CONSISTS OF:

1 **(1) FUNDS APPROPRIATED FOR DEPOSIT TO THE FUND;**

2 **(2) PROCEEDS FROM THE SALE OF BONDS RELATED TO UPGRADES TO**
3 **INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT**
4 **INFRASTRUCTURE PROJECTS;**

5 **(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER**
6 **THIS SUBTITLE RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND**
7 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS;**

8 **(4) INTEREST EARNINGS; AND**

9 **(5) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC OR**
10 **PRIVATE SOURCE FOR THE PURPOSES ESTABLISHED FOR THE FUND.**

11 **(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
12 **IN THE SAME MANNER AS OTHER STATE FUNDS.**

13 **(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE FUND.**

14 **(3) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO THE**
15 **GENERAL FUND OF THE STATE OR ANY SPECIAL FUND OF THE STATE.**

16 **Article – State Finance and Procurement**

17 **3A-303.**

18 **(a) The Secretary is responsible for carrying out the following duties:**

19 **(7) advising and consulting with the Legislative and Judicial branches of**
20 **State government regarding a cybersecurity strategy; [and]**

21 **(8) in consultation with the Attorney General, developing guidance on**
22 **consistent cybersecurity strategies for counties, municipal corporations, school systems,**
23 **and all other political subdivisions of the State; AND**

24 **(9) UPGRADING INFORMATION TECHNOLOGY AND**
25 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.**

26 **3A-315.**

27 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
28 **INDICATED.**

1 **(2) “CITIZEN ADVOCACY GROUP” MEANS AN ORGANIZATION WHOSE**
2 **MISSION IS TO PROVIDE SUPPORT FOR INFORMATION TECHNOLOGY AND**
3 **CYBERSECURITY POLICIES.**

4 **(3) “COMMISSION” MEANS THE STATEWIDE REPORTING**
5 **FRAMEWORK AND OVERSIGHT COMMISSION.**

6 **(4) “CRITICAL SYSTEM” MEANS AN INFORMATION TECHNOLOGY OR**
7 **CYBERSECURITY SYSTEM THAT IS SEVERELY OUTDATED.**

8 **(B) THERE IS A STATEWIDE REPORTING FRAMEWORK AND OVERSIGHT**
9 **COMMISSION IN THE DEPARTMENT.**

10 **(C) THE PURPOSE OF THE COMMISSION IS TO:**

11 **(1) ENSURE THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY**
12 **OF INFORMATION HELD BY THE STATE CONCERNING STATE RESIDENTS; AND**

13 **(2) DETERMINE THE APPROPRIATE INFORMATION TECHNOLOGY AND**
14 **CYBERSECURITY INVESTMENTS AND UPGRADES.**

15 **(D) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

16 **(1) THE SECRETARY;**

17 **(2) THE STATE CHIEF INFORMATION SECURITY OFFICER;**

18 **(3) THE STATE TREASURER;**

19 **(4) THE COCHAIRS OF THE JOINT COMMITTEE ON CYBERSECURITY,**
20 **INFORMATION TECHNOLOGY, AND BIOTECHNOLOGY;**

21 **(5) THREE CHIEF INFORMATION SECURITY OFFICERS REPRESENTING**
22 **DIFFERENT UNITS OF STATE GOVERNMENT, APPOINTED BY THE GOVERNOR;**

23 **(6) FOUR INFORMATION TECHNOLOGY EXPERTS IN THE PRIVATE**
24 **SECTOR, APPOINTED BY THE GOVERNOR;**

25 **(7) ONE REPRESENTATIVE FROM THE MARYLAND CHAMBER OF**
26 **COMMERCE;**

27 **(8) TWO REPRESENTATIVES FROM CITIZEN ADVOCACY GROUPS IN**
28 **THE STATE;**

1 **(9) ONE CHIEF INFORMATION SECURITY OFFICER FROM THE PRIVATE**
2 **SECTOR WHO HAS COMPLETED INFORMATION TECHNOLOGY AND CYBERSECURITY**
3 **UPGRADES FOR A BUSINESS WITH OVER 100 INFORMATION TECHNOLOGY SYSTEMS;**
4 **AND**

5 **(10) ONE CHIEF INFORMATION SECURITY OFFICER FROM THE**
6 **EDUCATION SECTOR WHO HAS COMPLETED INFORMATION TECHNOLOGY AND**
7 **CYBERSECURITY UPGRADES FOR AN EDUCATIONAL INSTITUTION WITH OVER 100**
8 **INFORMATION TECHNOLOGY SYSTEMS.**

9 **(E) THE COMMISSION SHALL:**

10 **(1) DEVELOP A STRATEGIC ROADMAP WITH A TIMELINE AND BUDGET**
11 **THAT WILL:**

12 **(I) REQUIRE THE UPDATES AND INVESTMENTS OF CRITICAL**
13 **INFORMATION TECHNOLOGY AND CYBERSECURITY SYSTEMS TO BE COMPLETED ON**
14 **OR BEFORE DECEMBER 31, 2025; AND**

15 **(II) REQUIRE ALL UPDATES AND INVESTMENTS OF**
16 **INFORMATION TECHNOLOGY AND CYBERSECURITY TO BE MADE ON OR BEFORE**
17 **DECEMBER 31, 2030;**

18 **(2) MAKE PERIODIC RECOMMENDATIONS ON INVESTMENTS IN STATE**
19 **INFORMATION TECHNOLOGY STRUCTURES BASED ON THE ASSESSMENTS**
20 **COMPLETED IN ACCORDANCE WITH THE FRAMEWORK DEVELOPED IN § 3A-316 OF**
21 **THIS SUBTITLE; AND**

22 **(3) EACH YEAR, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
23 **GOVERNMENT ARTICLE, REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE**
24 **SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS**
25 **COMMITTEE, AND THE JOINT COMMITTEE ON CYBERSECURITY, INFORMATION**
26 **TECHNOLOGY, AND BIOTECHNOLOGY.**

27 **3A-316.**

28 **(A) (1) THE DEPARTMENT SHALL HIRE AN INDEPENDENT CONTRACTOR**
29 **TO:**

30 **(I) DEVELOP A FRAMEWORK FOR INVESTMENTS IN**
31 **TECHNOLOGY; AND**

1 **(II) IN ACCORDANCE WITH THE FRAMEWORK, ANNUALLY**
2 **ASSESS THE CYBERSECURITY AND INFORMATION TECHNOLOGY SYSTEMS IN EACH**
3 **UNIT OF STATE GOVERNMENT.**

4 **(2) THE FRAMEWORK SHALL INCLUDE THE FOLLOWING CRITERIA:**

5 **(I) SECURITY RISKS TO THE SYSTEM;**

6 **(II) SYSTEM PERFORMANCE;**

7 **(III) THE SYSTEM'S DEPENDENCE ON OTHER INFORMATION**
8 **TECHNOLOGY OR CYBERSECURITY SYSTEMS AND DATA;**

9 **(IV) THE SYSTEM'S ABILITY TO CREATE AN EFFICIENT AND**
10 **SEAMLESS EXPERIENCE FOR USERS;**

11 **(V) THE SYSTEM'S EFFECTIVENESS IN ACHIEVING UNIT**
12 **OBJECTIVES;**

13 **(VI) THE SYSTEM'S EFFECTIVENESS IN MEETING THE NEEDS OF**
14 **CITIZENS AND CUSTOMERS;**

15 **(VII) THE COSTS TO MAINTAIN AND OPERATE THE SYSTEM;**

16 **(VIII) THE SPEED OF GOVERNMENT RESPONSE TIME;**

17 **(IX) THE EFFECTIVENESS OF THE SYSTEM IN REGARD TO THE**
18 **UNIT'S OBJECTIVES;**

19 **(X) IMPROVEMENTS TO THE UNIT'S RELATIVE AUDIT FINDINGS**
20 **ATTRIBUTABLE TO THE SYSTEM; AND**

21 **(XI) AN ASSESSMENT OF THE SYSTEM USING THE NATIONAL**
22 **INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK.**

23 **(B) EACH UNIT SHALL PROMPTLY PROVIDE THE CONTRACTOR WITH THE**
24 **INFORMATION NECESSARY TO PERFORM THE ASSESSMENTS.**

25 **(C) EACH YEAR, THE CONTRACTOR SHALL PROVIDE THE RESULTS OF THE**
26 **ASSESSMENTS TO THE STATEWIDE REPORTING FRAMEWORK AND OVERSIGHT**
27 **COMMISSION ESTABLISHED UNDER § 3A-315 OF THIS SUBTITLE.**

1 (D) THE DEPARTMENT MAY USE FUNDS AVAILABLE FROM THE ISSUANCE OF
2 BONDS IN ACCORDANCE WITH § 10-650.1 OF THE ECONOMIC DEVELOPMENT
3 ARTICLE TO PAY FOR THE INDEPENDENT CONTRACTOR REQUIRED UNDER THIS
4 SECTION.

5 3A-317.

6 (A) THE DEPARTMENT SHALL CONSULT WITH THE MARYLAND STADIUM
7 AUTHORITY REGARDING THE ISSUANCE OF BONDS FOR UPGRADES TO
8 INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
9 INFRASTRUCTURE IN ACCORDANCE WITH § 10-650.1 OF THE ECONOMIC
10 DEVELOPMENT ARTICLE.

11 (B) THE DEPARTMENT MAY USE THE PROCEEDS FROM BONDS ISSUED FOR
12 UPGRADES TO INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE
13 GOVERNMENT INFRASTRUCTURE UNDER § 10-650.1 OF THE ECONOMIC
14 DEVELOPMENT ARTICLE ONLY FOR PROJECTS THAT RELATE TO RESEARCH INTO,
15 ACQUISITION OF, INSTALLATION OF, MAINTENANCE OF, AND RELATED EXPENSES
16 FOR UPGRADES TO INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED
17 STATE GOVERNMENT INFRASTRUCTURE.

18 6-226.

19 (a) (2) (i) Notwithstanding any other provision of law, and unless
20 inconsistent with a federal law, grant agreement, or other federal requirement or with the
21 terms of a gift or settlement agreement, net interest on all State money allocated by the
22 State Treasurer under this section to special funds or accounts, and otherwise entitled to
23 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
24 Fund of the State.

25 (ii) The provisions of subparagraph (i) of this paragraph do not apply
26 to the following funds:

27 144. the Health Equity Resource Community Reserve Fund;

28 [and]

29 145. the Access to Counsel in Evictions Special Fund; AND

30 146. THE INFORMATION TECHNOLOGY AND
31 CYBERSECURITY INFRASTRUCTURE FUND.

32 11-101.

33 (a) In this Division II the following words have the meanings indicated unless:

- 1 (1) the context clearly requires a different meaning; or
2 (2) a different definition is provided for a particular title or provision.

3 (m) "Primary procurement units" means:

- 4 (1) the State Treasurer;
5 (2) the Department of General Services;
6 (3) the Department of Transportation;
7 (4) the University System of Maryland;
8 (5) the Maryland Port Commission;
9 (6) the Morgan State University; [and]
10 (7) the St. Mary's College of Maryland; **AND**
11 **(8) THE DEPARTMENT OF INFORMATION TECHNOLOGY.**

12 12-107.

13 (b) Subject to the authority of the Board, jurisdiction over procurement is as
14 follows:

- 15 (2) the Department of General Services may:
16 (i) engage in or control procurement of:

17 9. supplies, materials, and equipment in support of
18 construction and construction-related services for State correctional facilities in
19 accordance with this Division II and Title 2 and Title 10, Subtitle 1 of the Correctional
20 Services Article; **AND**

21 [10. information processing equipment and associated
22 services, as provided in Title 3A, Subtitle 3 of this article; and]

23 [11.] **10.** telecommunication equipment, systems, or
24 services, as provided in Title 3A, Subtitle 4 of this article;

25 (3) the Department of Transportation and the Maryland Transportation
26 Authority, without the approval of any of the other primary procurement units, may engage
27 in the procurement of:

1 (vi) services for aeronautics related activities, including information
2 processing services, but excluding banking and financial services under the authority of the
3 State Treasurer under item (1) of this subsection; [and]

4 (4) the Maryland Port Commission, without the approval of any of the
5 other primary procurement units, may engage in the procurement of:

6 (v) leases of real property for port related activities unless the lease
7 payments are from the General Fund of the State; AND

8 **(5) THE DEPARTMENT OF INFORMATION TECHNOLOGY, WITHOUT**
9 **THE APPROVAL OF ANY OTHER PRIMARY PROCUREMENT UNIT, MAY ENGAGE IN OR**
10 **CONTROL PROCUREMENT OF:**

11 **(I) INFORMATION PROCESSING EQUIPMENT AND ASSOCIATED**
12 **SERVICES, AS PROVIDED IN TITLE 3A, SUBTITLE 3 OF THIS ARTICLE; AND**

13 **(II) INFORMATION TECHNOLOGY SYSTEM AND CYBERSECURITY**
14 **UPGRADES AND MODERNIZATION, AS PROVIDED IN TITLE 3A, SUBTITLE 3 OF THIS**
15 **ARTICLE.**

16 15-112.

17 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this
18 section applies to State procurement contracts for:

19 1. construction;

20 2. INFORMATION PROCESSING EQUIPMENT AND
21 ASSOCIATED SERVICES; AND

22 3. IN ACCORDANCE WITH TITLE 3A, SUBTITLE 3 OF THIS
23 ARTICLE, INFORMATION TECHNOLOGY SYSTEM AND CYBERSECURITY UPGRADES
24 AND MODERNIZATION.

25 (b) (3) (i) If a unit is to pay for a contract or a part of a contract using a
26 unit price methodology, a change order may not be required for work to continue and be
27 completed beyond the estimated quantities in the contract.

28 (ii) After work is completed, a unit shall:

29 1. determine the actual quantity used to complete the
30 contract; and

1 2. if necessary, issue a final adjustment change order to the
2 contractor.

3 **(4) AN INDEPENDENT CONTRACTOR WHO PERFORMS AN**
4 **ASSESSMENT UNDER § 3A-316 OF THIS ARTICLE MAY ISSUE A CHANGE ORDER ON**
5 **THE ORIGINAL ASSESSMENT CONTRACT FOR ANY SUBSEQUENT CYBERSECURITY**
6 **UPGRADES.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022.