SENATE BILL 872

P2, F2

By: Senator Washington
Introduced and read first time: February 7, 2022
Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning
Procurement – University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College

FOR the purpose of altering the requirements for procurement policies of the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College to authorize rather than require, to the maximum extent practicable, the purchasing of supplies and services in accordance with certain procurement preferences; and generally relating to procurement and universities.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–203(e)(1), (2), and (5)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(e)(4)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

11–203.

(e) (1) In this subsection, “University” means the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(2) Except as otherwise provided in this subsection, this Division II does not apply to the University System of Maryland, Morgan State University, St. Mary’s College of Maryland, or Baltimore City Community College.

(4) The policies of a University or Baltimore City Community College [shall]:

(i) [to the maximum extent practicable, require the purchasing of] MAY AUTHORIZE THE PURCHASE OF supplies and services in accordance with Title 14, Subtitle 1 of this article;

(ii) SHALL promote the purposes of the regulations adopted by the Department of General Services governing the procurement of architectural and engineering services;

(iii) SHALL promote the purposes of § 13–402 of the State Personnel and Pensions Article;

(iv) to the maximum extent practicable, SHALL be similar to § 13–218.1 of this article; and

(v) to the maximum extent practicable, SHALL require the procurement of food in accordance with Title 14, Subtitle 7 of this article.

(5) (i) Except as provided in paragraph (7) of this subsection, the following provisions of Division II of this article apply to a University and to Baltimore City Community College:

1. § 11–205 of this subtitle (“Collusion”);

2. § 11–205.1 of this subtitle (“Falsification, concealment, etc., of material facts”);

3. § 13–219 of this article (“Required clauses – Nondiscrimination clause”);

4. § 13–225 of this article (“Retainage”);

5. Title 14, Subtitle 3 of this article (“ Minority Business Participation”);

6. Title 14, Subtitle 7 of this article (“Certified Local Farm Enterprise Program”);
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7. Title 15, Subtitle 1 of this article (“Procurement Contract Administration”);

8. § 15–226 of this article (“Policy established; timing of payments; notice upon nonpayment; disputes; appeals”); and

9. Title 16 of this article (“Suspension and Debarment of Contractors”).

(ii) If a procurement violates the provisions of this subsection or policies adopted in accordance with this subsection, the procurement contract is void or voidable in accordance with the provisions of § 11–204 of this subtitle.

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