

## Chapter 26

**(House Bill 429)**

AN ACT concerning

**Procurement Improvement Council – Membership and Duties**

FOR the purpose of altering the membership of the Procurement Improvement Council; authorizing ~~a certain member~~ certain members to send a designee to attend certain meetings under certain circumstances; clarifying the duties of the Council; and generally relating to ~~the membership of~~ the Procurement Improvement Council.

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 12–105  
 Annotated Code of Maryland  
 (2021 Replacement Volume and 2022 Supplement)

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

**Article – State Finance and Procurement**

12–105.

(a) In this section, “Council” means the Procurement Improvement Council.

(b) There is a Procurement Improvement Council.

(c) (1) The Council consists of the following [20] members:

(i) the State Treasurer;

(ii) the Chancellor of the University System of Maryland;

(iii) the Chief Procurement Officer;

(iv) the Secretary of Information Technology;

(v) the Secretary of Transportation;

(vi) the Procurement Advisor of the Board;

(vii) the Special Secretary for the Office of Small, Minority, and Women Business Affairs;

- (viii) the Secretary of Juvenile Services;
- (ix) the Secretary of Human Services;
- (x) the Secretary of Health;
- (xi) the State Superintendent of Schools;

**(XII) THE COMPTROLLER;**

**(XIII) THE ATTORNEY GENERAL;**

[(xii)] ~~(XIII)~~ **(XIV)** the following individuals, appointed by the Governor with the advice and consent of the Senate:

- 1. a representative of local government who has expertise in local procurement matters;
  - 2. two representatives of social service providers in the State;
- and
- 3. a representative of a minority-, women-, or veteran-owned business;

[(xiii)] ~~(XIV)~~ **(XV)** three members of the general public appointed by the presiding officers of the General Assembly, of whom:

- 1. at least one shall have expertise in State procurement matters; and
- 2. at least two shall represent a minority-, women-, or veteran-owned business;

[(xiv)] ~~(XV)~~ **(XVI)** a member of the Senate, appointed by the President of the Senate; and

[(xv)] ~~(XVI)~~ **(XVII)** a member of the House of Delegates, appointed by the Speaker of the House.

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

(ii) If a member of the Council listed in paragraph (1)(ii) through (xi) of this subsection is unable to attend a meeting of the Council, the member may designate a senior management staff member with experience in procurement to attend the meeting.

**(III) IF THE COMPTROLLER IS UNABLE TO ATTEND A MEETING OF THE COUNCIL, THE COMPTROLLER MAY SEND A DESIGNEE TO ATTEND THE MEETING.**

**(IV) IF THE ATTORNEY GENERAL IS UNABLE TO ATTEND A MEETING OF THE COUNCIL, THE ATTORNEY GENERAL MAY SEND A DESIGNEE TO ATTEND THE MEETING.**

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

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

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

(g) The Council shall:

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

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

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

(i) procurement officer training;

(ii) risk analysis and insurance requirements;

(iii) management of eMaryland Marketplace and other Internet procurement resources;

(iv) use of eMaryland Marketplace and compliance with § 17-502 of this article;

(v) use of intergovernmental cooperative purchasing agreements;

~~and~~

**(VI) STRATEGIES TO INCREASE THE PARTICIPATION OF SMALL, MINORITY-OWNED, AND WOMEN-OWNED BUSINESSES IN PROCUREMENT CONTRACTS; AND**

~~(vi)~~ **(VII)** any other issues or problems identified by the Council;

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

(5) review existing procurement regulations to:

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

**Approved by the Governor, April 11, 2023.**