

HOUSE BILL 284

P2

(PRE-FILED)

5lr0204
CF SB 196

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

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Electronic Transactions – Clarification of Fees Due**

3 FOR the purpose of specifying that fees collected for electronic transactions for
4 procurements are those due to the State and not fees due to a third party; and
5 generally relating to electronic procurement transactions.

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 13–226
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2024 Supplement)

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

13 **Article – State Finance and Procurement**

14 13–226.

15 (a) Unless otherwise prohibited by law, a primary procurement unit may conduct
16 procurement, including the solicitation of bids or proposals, evaluation, award, execution,
17 and administration of a contract, by electronic means as provided in the Uniform Electronic
18 Transactions Act in Title 21 of the Commercial Law Article.

19 (b) Bidding or submitting a proposal on a procurement contract by electronic
20 means shall constitute consent by the bidder or proposer to conduct by electronic means all
21 elements of the procurement of that contract which the unit agrees to conduct by electronic
22 means.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a unit
2 utilizing electronic means to conduct procurement or a private contractor furnishing to the
3 State electronic means for conducting procurement may charge a reasonable fee, on
4 approval by the Chief Procurement Officer, to the bidder, proposer, or each contract
5 awardee for the use of the electronic means.

6 (ii) Any fees collected under subparagraph (i) of this paragraph
7 **THAT ARE DUE TO THE STATE** shall be deposited in the Operations Revenue Fund
8 established under § 13–102.1(c) of this subtitle.

9 (2) Unless approved by the Board of Public Works, a fee may not be charged
10 under this subsection.

11 (d) The terms and conditions of a procurement conducted under this section shall
12 comply with the Uniform Electronic Transactions Act in Title 21 of the Commercial Law
13 Article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2025.