

HOUSE BILL 1063

L5

5lr0976

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 5, 2025
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Design and Construction**
3 **– Alternative Project Delivery and Solicitation Methods**

4 **MC/PG 102–25**

5 FOR the purpose of repealing a limitation on the design/build contracts into which the
6 Washington Suburban Sanitary Commission may enter; authorizing the
7 Commission to adopt regulations establishing certain alternative project delivery
8 and solicitation methods; and generally relating to design and construction projects
9 of the Washington Suburban Sanitary Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Public Utilities
12 Section 20–104
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2024 Supplement)

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

17 **Article – Public Utilities**

18 20–104.

19 (a) The Commission shall provide an opportunity for a hearing before proceeding
20 with the design or construction of a water supply or sanitary sewer system.

21 (b) Subject to subsection (c) of this section, the Commission:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) shall advertise in newspapers and technical media that the Commission
2 considers appropriate for bids or proposals for design or construction services for any part
3 of a water supply or sanitary sewer system; and

4 (2) may readvertise any part of the services needed if the Commission
5 considers the prices quoted in response to a prior advertisement to be unreasonable.

6 (c) (1) Subject to paragraph (2) of this subsection, the Commission may use
7 day labor to complete any part of the design or construction of a water supply or sanitary
8 sewer system.

9 (2) Notwithstanding § 20-105(a) of this subtitle, the Commission may
10 spend up to \$15,000 for day labor for any part of construction services without advertising
11 for or receiving bids or proposals.

12 (d) (1) Except as provided in paragraph (2) of this subsection, the Commission
13 may enter into any type of contract under this subtitle that promotes the best interest of
14 the Commission.

15 (2) The Commission:

16 (i) may not enter a cost-plus-percentage-of-cost contract; and

17 (ii) shall prohibit a cost-plus-percentage-of-cost subcontract under
18 a contract with the Commission.

19 (e) [The Commission may only enter into a design/build contract for a facilities
20 construction contract with costs exceeding \$2,000,000.

21 (f) The Commission may reject any bid or proposal.

22 [(g)] (F) (1) The Commission may require a contract to be secured by bonds,
23 penalties, and conditions.

24 (2) Security authorized under this subsection is enforceable in any court of
25 competent jurisdiction.

26 [(h)] (G) The Commission:

27 (1) may adopt regulations to establish:

28 (I) a prequalification process for bidders or offerors; and

29 (II) ALTERNATIVE PROJECT DELIVERY AND SOLICITATION
30 METHODS THAT PROMOTE THE BEST INTERESTS OF THE COMMISSION; AND

1 (2) shall adopt regulations to govern discussions held with offerors under §
2 20–105(c)(3) of this subtitle.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.