

SENATE BILL 177

P2, F1

(PRE-FILED)

5lr1677
CF HB 56

By: **Senator Hester**

Requested: November 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – State Department of Education – Control Authority – Local Food**
3 **Purchasing**

4 FOR the purpose of authorizing the State Department of Education to engage in or control
5 procurements of certain local food; altering the list of units exempt from the
6 authority of the Board of Public Works to control procurement to include the
7 Department for the purpose of master contracting; altering the list of units that are
8 defined as designated procurement units to include the Department with respect to
9 master contracts related to local food; and generally relating to the State Department
10 of Education and State procurement.

11 BY adding to
12 Article – Education
13 Section 7–136
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 12–101(a), 12–107(b)(4) and (5), 13–101(b), and 13–113(a)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – State Finance and Procurement
23 Section 12–107(b)(6)
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement
2 Section 13–101(a) and (e) and 14–701(a) through (d)
3 Annotated Code of Maryland
4 (2021 Replacement Volume and 2024 Supplement)

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

7 **Article – Education**

8 **7–136.**

9 (A) IN ACCORDANCE WITH § 12–107(B) OF THE STATE FINANCE AND
10 PROCUREMENT ARTICLE, THE DEPARTMENT, WITHOUT THE APPROVAL OF ANY
11 OTHER PRIMARY PROCUREMENT UNIT, MAY ENGAGE IN OR CONTROL
12 PROCUREMENT OF:

13 (1) FOOD GROWN WITHIN A 200–MILE RADIUS FROM AN ELEMENTARY
14 OR SECONDARY SCHOOL FOR WHICH A LOCAL SCHOOL SYSTEM ENTERS INTO A
15 MASTER CONTRACT WITH THE DEPARTMENT;

16 (2) FOOD GROWN AT A CERTIFIED LOCAL FARM UNDER § 14–701 OF
17 THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

18 (3) CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDED BY A
19 CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDER AS DEFINED IN § 14–701 OF
20 THE STATE FINANCE AND PROCUREMENT ARTICLE.

21 (B) THE DEPARTMENT SHALL COORDINATE WITH THE DEPARTMENT OF
22 AGRICULTURE AND ANY OTHER RELEVANT UNIT OF STATE GOVERNMENT TO
23 ESTABLISH A CENTRALIZED PLATFORM TO ENCOURAGE THE PARTICIPATION OF
24 FARMERS AND DISTRIBUTORS IN PROCUREMENT OPPORTUNITIES IN ACCORDANCE
25 WITH SUBSECTION (A) OF THIS SECTION.

26 (C) SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE
27 DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE
28 DECEMBER 1 EACH YEAR ON THE TOTAL NUMBER AND DOLLAR VALUE OF MASTER
29 CONTRACTS IN ACCORDANCE WITH THIS SECTION WITH:

30 (1) LOCAL SCHOOL SYSTEMS;

31 (2) CERTIFIED LOCAL FARMS; AND

32 (3) CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDERS.

1 (5) the Department of General Services, without the approval of any other
2 primary procurement unit, may engage in or control procurement of:

3 (i) information processing equipment, cloud computing equipment,
4 and associated services, as provided in Title 3.5, Subtitle 3 of this article;

5 (ii) information technology system modernization, as provided in
6 Title 3.5, Subtitle 3 of this article;

7 (iii) telecommunication equipment, systems, or services, as provided
8 in Title 3.5, Subtitle 4 of this article; and

9 (iv) cybersecurity upgrades and modernization, as provided in Title
10 3.5, Subtitle 3 of this article; AND

11 **(6) THE STATE DEPARTMENT OF EDUCATION, WITHOUT THE**
12 **APPROVAL OF ANY OTHER PRIMARY PROCUREMENT UNIT, MAY ENGAGE IN OR**
13 **CONTROL PROCUREMENT OF:**

14 **(I) FOOD GROWN WITHIN A 200-MILE RADIUS FROM AN**
15 **ELEMENTARY OR SECONDARY SCHOOL FOR WHICH A LOCAL SCHOOL SYSTEM**
16 **ENTERS INTO A MASTER CONTRACT WITH THE STATE DEPARTMENT OF EDUCATION;**

17 **(II) FOOD GROWN AT A CERTIFIED LOCAL FARM UNDER § 14-701**
18 **OF THIS ARTICLE; AND**

19 **(III) CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDED BY**
20 **A CERTIFIED CHESAPEAKE INVASIVE SPECIES PROVIDER AS DEFINED IN § 14-701**
21 **OF THIS ARTICLE.**

22 13-101.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) “Designated procurement unit” means:

25 (1) the Department of General Services;

26 (2) the Department of Transportation; [or]

27 (3) the Department of Information Technology, only with respect to an
28 information technology master contract executed before July 1, 2022, until the earlier of:

29 (i) the expiration date of all information technology master
30 contracts; or

1 (ii) June 30, 2027; OR

2 (4) THE STATE DEPARTMENT OF EDUCATION, ONLY WITH RESPECT
3 TO A MASTER CONTRACT RELATED TO LOCAL FOOD.

4 (e) “Master contracting” means a streamlined procurement method that provides
5 for the qualification of bidders and offerors for the procurement of services, supplies, or
6 commodities.

7 13–113.

8 (a) (1) The designated procurement units may adopt master contracting, a
9 streamlined procurement method, to provide for the qualification of an offeror in one or
10 more categories of services, supplies, or commodities.

11 (2) NOTWITHSTANDING ANY REQUIREMENTS OF A LOCAL SCHOOL
12 SYSTEM, THE STATE DEPARTMENT OF EDUCATION MAY NOT REQUIRE
13 CERTIFICATION FOR GOOD AGRICULTURAL PRACTICES FOR MASTER CONTRACTING.

14 14–701.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Certified Chesapeake invasive species” means a finfish species that is:

17 (1) ranked as high priority in the Maryland Aquatic Nuisance Species
18 Management Plan; and

19 (2) harvested from the Chesapeake Bay or its tributaries.

20 (c) “Certified Chesapeake invasive species provider” means a person licensed and
21 authorized as a seafood dealer under § 4–701 of the Natural Resources Article that:

22 (1) is certified by the Department in accordance with regulations adopted
23 under this subtitle; and

24 (2) can demonstrate that the person’s product is a certified Chesapeake
25 invasive species.

26 (d) “Certified local farm” means a local farm enterprise that:

27 (1) meets the nutrient management requirements established under Title
28 8, Subtitle 8 of the Agriculture Article; and

29 (2) is certified by the Department in accordance with regulations adopted

1 under this subtitle.

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