

Chapter 53

(House Bill 284)

AN ACT concerning

Procurement – Electronic Transactions – Clarification of Fees Due

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

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–226
Annotated Code of Maryland
(2021 Replacement Volume and 2024 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

13–226.

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

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

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

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

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

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

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

Approved by the Governor, April 8, 2025.