

Chapter 451

(Senate Bill 641)

AN ACT concerning

State Procurement – Exceptions – Historic Preservation Services
(The Honorable Barrie S. Ciliberti Historic Preservation Act of 2026)

FOR the purpose of establishing certain exceptions to State procurement requirements for certain contracts with nonprofit entities related to historic preservation service opportunities; requiring certain historic preservation, archaeology, and conservation service contracts to include certain clauses; and generally relating to State procurement and historic preservation services.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 11–203(a)(1)(xviii) and (xix)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2025 Supplement)

BY adding to
 Article – State Finance and Procurement
 Section 11–203(a)(1)(xx) and (b)(5) and 13–218(f)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2025 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

11–203.

(a) Except as provided in subsection (b) of this section, this Division II does not apply to:

(1) procurement by:

(xviii) the Department of Natural Resources, for:

1. negotiating or entering into grants, agreements, or partnerships with nonprofit entities related to conservation service opportunities; and

2. negotiating or entering into pay–for–success contracts in accordance with § 13–112.1 of this Division II; [and]

(xix) the State Archives for preservation, conservation, proper care, restoration, and transportation of fine art or decorative art that is:

1. in the custody of the Commission on Artistic Property; and
2. owned by or loaned to the State; AND

(XX) EXCEPT FOR A PROJECT THAT IS SUBJECT TO TITLE 17, SUBTITLE 2 OF THIS ARTICLE, THE DEPARTMENT OF GENERAL SERVICES, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PLANNING, AND THE DEPARTMENT OF TRANSPORTATION FOR NEGOTIATING OR ENTERING INTO AGREEMENTS OR PARTNERSHIPS WITH NONPROFIT ENTITIES FOR PROJECTS RELATED TO HISTORIC PRESERVATION, ARCHAEOLOGY, OR CONSERVATION SERVICE OPPORTUNITIES;

(b) **(5) SECTION 13-218(F) OF THIS ARTICLE APPLIES TO A CONTRACT DESCRIBED UNDER SUBSECTION (A)(1)(XVIII)1 OR (XX) OF THIS SECTION.**

13-218.

(F) A CONTRACT DESCRIBED UNDER § 11-203(A)(1)(XVIII)1 OR (XX) OF THIS ARTICLE SHALL INCLUDE CLAUSES REQUIRING THE NONPROFIT ENTITY TO:

(1) SUBCONTRACT THE PERFORMANCE OF HISTORIC PRESERVATION, ARCHAEOLOGY, AND CONSERVATION SERVICES TO THIRD-PARTY FIRMS;

(2) COMPETITIVELY PROCURE ANY SUBCONTRACTED SERVICES IN A TRANSPARENT MANNER IN ACCORDANCE WITH APPLICABLE STATE LAW, INCLUDING THE MINORITY BUSINESS ENTERPRISE REQUIREMENTS UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE;

~~(2)~~ (3) PROVIDE ANNUAL REPORTS TO THE UNIT ON PARTNERSHIP OUTCOMES AND EXPENDITURES, INCLUDING MINORITY BUSINESS ENTERPRISE SUBCONTRACTING UTILIZATION; AND

~~(3)~~ (4) MAXIMIZE OPPORTUNITIES FOR COMMUNITY ENGAGEMENT RELATED TO THE HISTORIC PRESERVATION, ARCHAEOLOGY, OR CONSERVATION SERVICE OPPORTUNITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.