

HB0193/823127/1

BY: Government, Labor, and Elections Committee

AMENDMENTS TO HOUSE BILL 193
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “in” insert “State”.

AMENDMENT NO. 2

On page 2, in line 20, after “GUIDELINES” insert “AND PROCEDURES”; in the same line, after “DEBRIEFINGS” insert “, INCLUDING A DEADLINE FOR AN UNSUCCESSFUL OFFEROR TO SUBMIT A REQUEST FOR A DEBRIEFING”.

On page 4, in line 6, strike “A REQUIREMENT FOR” and substitute “THE AUTHORIZATION OF A CONTRACTOR TO REQUEST”; in line 8, after the second “IN” insert “STATE”; in the same line, after “LAW” insert “APPLIED BY THE PROCUREMENT UNIT”; and in line 14, after “IN” insert “STATE”.

On page 5, in line 23, strike the set of brackets; and in line 24, strike “PROCUREMENT OFFICER”.

On page 6, in line 1, after “decision” insert “OR ISSUE A WRITTEN NOTICE OF THE ANTICIPATED DECISION DATE”; in line 2, strike “60” and substitute “90”; in lines 6 and 7, in each instance, strike the bracket; in line 7, strike “A”; in line 8, strike the second set of brackets; in the same line, strike “60”; in line 9, strike “THE LATER”; in the same line, strike “OF”; in line 10, after “(1)” insert “FOR REQUESTS FOR EQUITABLE ADJUSTMENTS, THE LATER OF:

(1)”;

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in line 11, strike “(2)” and substitute “(II) ONE OF”; in the same line, strike “REACHING” and substitute “NOTIFYING THE OTHER PARTY IN WRITING THAT THE NOTIFYING PARTY DETERMINED THE DISCUSSIONS REACHED”; in the same line, strike “DISCUSSIONS”; in line 12, strike the period and substitute “; AND”; and after line 12, insert:

“(2) FOR OTHER CLAIMS, THE BASIS FOR THE CLAIM IS KNOWN OR SHOULD HAVE BEEN KNOWN.”.

On page 7, in line 8, after “(E)” insert “(1) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, FOR A CONTRACT OTHER THAN A CONSTRUCTION CONTRACT, THE REVIEWING AUTHORITY SHALL APPROVE, DISAPPROVE, OR MODIFY THE DECISION OF THE PROCUREMENT OFFICER WITHIN 180 DAYS AFTER RECEIVING THE CONTRACT CLAIM OR A LONGER PERIOD TO WHICH THE PARTIES AGREE.”

(2) THE ACTION OF THE REVIEWING AUTHORITY UNDER THIS SUBSECTION SHALL BE THE FINAL ACTION OF THE UNIT.

(3) (I) THE REVIEWING AUTHORITY MAY REMAND THE PROCEEDING WITH INSTRUCTIONS TO THE PROCUREMENT OFFICER.

(II) ON REMAND, IN ACCORDANCE WITH THE REVIEWING AUTHORITY’S INSTRUCTIONS, THE PROCUREMENT OFFICER SHALL PROCEED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(F);

in the same line, after the comma insert “FOR A CONSTRUCTION CONTRACT,”; strike in their entirety lines 16 and 17; in line 18, strike “(d)” and substitute “(G)”; in lines 18

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and 28, in each instance, strike the brackets; in line 18, strike “(c)” and substitute “**(F)**”; in line 28, strike “(e)”; and in the same line, strike “**(F)**” and substitute “**(H)**”.

On page 8, in lines 4, 11, and 16, strike “**(G)**”, “**(H)**”, and “**(I)**”, respectively, and substitute “**(I)**”, “**(J)**”, and “**(K)**”, respectively; strike beginning with “**(1)**” in line 16 down through “**(2)**” in line 19; in lines 24, 25, and 26, strike “**(I)**”, “**(II)**”, and “**(III)**”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(3)**”, respectively; and in line 29, strike “**(J)**” and substitute “**(L)**”.

On page 9, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) this Act does not apply to claims or protests arising or commencing before the effective date of this Act; and

(2) unless mutually agreed on between a contractor and procurement unit, the provisions of § 13–218(a)(9) of the State Finance and Procurement Article do not apply to contracts awarded or entered into before the effective date of this Act.”;

and in line 5, strike “2.” and substitute “3.”.