

# SENATE BILL 157

P2

(PRE-FILED)

6lr0297

CF HB 261

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By: Chair, Budget and Taxation Committee (By Request – Departmental – General Services)

Requested: September 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Competitive Proof of Concept Procurement**

3 FOR the purpose of establishing competitive proof of concept procurements as an  
4 authorized procurement method; providing that a competitive proof of concept  
5 procurement may have multiple phases of evaluation; requiring a unit of State  
6 government to obtain the approval of the Chief Procurement Officer or a designee  
7 before conducting a certain competitive proof of concept procurement; requiring a  
8 unit of State government to obtain the approval of the Secretary of Information  
9 Technology or a designee before conducting a certain competitive proof of concept  
10 procurement for information technology; repealing a provision that authorizes a  
11 competitive proof of concept procurement to be conducted through certain  
12 procurement methods; altering the required contents of a competitive proof of  
13 concept solicitation; requiring competitive proof of concept solicitations to be posted  
14 on eMaryland Marketplace Advantage; altering procedures for conducting a  
15 competitive proof of concept procurement; authorizing a unit to enter into certain  
16 contracts with certain offerors under certain circumstances; requiring a unit to  
17 publish notice of a certain award in eMaryland Marketplace Advantage; requiring  
18 the Department of General Services to adopt certain regulations; providing for the  
19 establishment of certain percentage goals for minority business enterprise  
20 participation and veteran-owned small business enterprise participation;  
21 authorizing the Governor's Office of Small, Minority, and Women Business Affairs  
22 to exempt competitive proof of concept procurements from the small business reserve  
23 designation under certain circumstances; and generally relating to competitive proof  
24 of concept procurements.

25 BY repealing and reenacting, with amendments,

26 Article – State Finance and Procurement

27 Section 13–102(a), 13–116, 14–302(a)(2), 14–502.1(b), and 14–602(b)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



# Annotated Code of Maryland (2021 Replacement Volume and 2025 Supplement)

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

## Article – State Finance and Procurement

6 13-102.

- (1) competitive sealed bids under § 13–103 of this subtitle;
- (2) competitive sealed proposals under § 13–104 or § 13–105 of this subtitle;
- (3) noncompetitive negotiation under § 13–106 of this subtitle;
- (4) sole source procurement under § 13–107 of this subtitle;
- (5) emergency or expedited procurement under § 13–108 of this subtitle;
- (6) small procurement under § 13–109 of this subtitle;
- (7) an intergovernmental cooperative purchasing agreement under § 13–110 of this subtitle;
- (8) auction bids under § 13–111 of this subtitle;
- (9) architectural, engineering, and land surveying services qualification on under § 13–112 of this subtitle;

**(12) COMPETITIVE PROOF OF CONCEPT PROCUREMENTS UNDER § THIS SUBTITLE.**

25 13-116.

1       (b) (1) A competitive proof of concept procurement is a formal competitive  
2 procurement method that may be used to solicit proposals for the conduct of a proof of  
3 concept [prior to] **AND PARTICIPATION IN SUBSEQUENT PHASES OF THE**  
4 **PROCUREMENT, INCLUDING** full implementation **OR DEPLOYMENT** when the head of a  
5 unit determines the process to be appropriate and in the best interests of the unit,  
6 including:

7 (i) testing software-as-a-service or off-the-shelf software;

8 (ii) testing new, innovative products or services; or

26 1. has sufficient internal resources to manage the proof of  
27 concept, including human capital, subject matter expertise, and technological  
28 infrastructure, or has the means to obtain these resources; and

4 (2)] A competitive proof of concept procurement solicitation shall include a  
5 statement of:

11                   **[(3)] (2)**     A solicitation may be distributed to vendors known to offer goods  
12 or services within the scope of the proof of concept and shall[, except for procurements  
13 under \$15,000 not otherwise required by law to be posted,] be posted on eMaryland  
14 Marketplace Advantage[, in accordance with the policies and procedures under subsection  
15 (g) of this section].

16 (d) After receipt of proposals but before award of a procurement contract, a unit  
17 may:

18 (1) conduct discussions with AND RECEIVE CLARIFICATIONS FROM an  
19 offeror [to ensure full understanding of:

20 (i) the requirements of the unit, as set forth in the request for  
21 proposals; and

22 (ii) the proposal submitted by the offeror; and];

23 (2) request product samples for testing by the unit or a demonstration of a  
24 product or service and use these samples or demonstrations in its evaluation process; AND

28 (e) (1) A [request for] UNIT MAY ISSUE A CONTRACT TO EACH OFFEROR  
29 REASONABLY SUSCEPTIBLE OF BEING SELECTED FOR AWARD TO DELIVER product  
30 samples for testing or PROVIDE A demonstration made under subsection (d)(2) of this  
31 section [shall be issued to all offerors deemed reasonable at the time of the request].

4 (f) [A unit may award one or more of the proposals a contract for the proof of  
5 concept.

6 (g) A vendor awarded a proof of concept procurement shall be eligible to bid on a  
7 procurement to implement a proposal related to the proof of concept procurement] **A UNIT**  
8 **MAY AWARD ONE OR MORE CONTRACTS FOR FULL IMPLEMENTATION OR**  
9 **DEPLOYMENT OF THE GOOD, SERVICE, OR TECHNOLOGY EVALUATED DURING THE**  
10 **PROOF OF CONCEPT IF IT IS IN THE BEST INTEREST OF THE STATE.**

11 (G) A UNIT SHALL PUBLISH NOTICE OF A CONTRACT AWARDED UNDER THIS  
12 SECTION IN EXCESS OF THE SMALL PROCUREMENT AMOUNT SPECIFIED IN § 13-109  
13 OF THIS SUBTITLE IN eMARYLAND MARKETPLACE ADVANTAGE.

14 (h) The Department of General Services, in consultation with the Department of  
15 Information Technology, shall adopt **REGULATIONS**, policies, and procedures for the  
16 development and implementation of competitive proof of concept procurements.

17 14-302.

18 (a) (2) (I) The Special Secretary for the Office of Small, Minority, and  
19 Women Business Affairs, in consultation with the Secretary of Transportation, the Chief  
20 Procurement Officer, and the Attorney General, shall establish guidelines for each unit to  
21 consider when determining the appropriate minority business enterprise participation  
22 percentage goal for a procurement contract in accordance with paragraph (3) of this  
23 subsection.

28 14-502.1.

29 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
30 SUBSECTION, A procurement with a total dollar value of \$1,000,000 or less shall be  
31 designated for the small business reserve.

32 (2) Each unit or agency shall implement this subsection in a manner  
33 consistent with all applicable statutes, including the requirements of Subtitle 3 of this title.

7 14-602.

8 (b) (1) [Solicitation] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
9 SUBSECTION, SOLICITATION documents shall state the expected percentage of  
10 veteran-owned small business enterprise participation based, in part, on:

11                           [(1)] (I) the potential contracting opportunities available in the  
12 procurement contract, including both prime contracting and subcontracting opportunities,  
13 as determined through analysis of the scope of the work presented in the solicitation  
14 documents; and

15                            [(2)] (II) the availability of veteran-owned small business enterprises to  
16 respond competitively to the potential contracting opportunities.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
22 1, 2026.