

SENATE BILL 943

P2

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By: Senator Charles

Introduced and read first time: February 6, 2026

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement – Competitive Sealed Bids and Proposals – In-State**
3 **Evaluation Preference**
4 **(Buy Maryland, Buy Local Act)**

5 FOR the purpose of requiring competitive sealed bids and proposals to be awarded based
6 on certain standardized evaluation criteria; requiring the criteria to be included in
7 an invitation for bids or a request for proposals; requiring a responsive bid or
8 proposal to include a certain State and local economic impact statement; and
9 generally relating to State procurement.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 13–103 and 13–104
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2025 Supplement)

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

17 **Article – State Finance and Procurement**

18 13–103.

19 (a) (1) Whenever procurement is based on competitive sealed bids, a
20 procurement officer shall seek bids by issuing an invitation for bids.

21 (2) Subject to subsection (b) of this section, an invitation for bids shall
22 include:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) the specifications of the procurement contract, including the expected degree of minority business enterprise participation, as provided in § 14–303(b) of this article;

4 (ii) a summary of the factors used to determine the expected degree
5 of minority business enterprise participation for the procurement contract, including
6 subcontracting opportunities identified for the project, any applicable North American
7 Industry Classification System codes linked to the subcontracting opportunities, and the
8 number of certified minority business enterprises in those industries;

9 (iii) [whether the procurement contract will be awarded based on the
10 lowest bid price, the lowest evaluated bid price or, if the procurement is subject to §
11 11–202(3) of this article,] **THE STANDARDIZED EVALUATION CRITERIA UNDER**
12 **SUBSECTION (G) OF THIS SECTION FOR DETERMINING** the bid most favorable to the
13 State: AND

14 (iv) [if the procurement contract will be based on evaluated bid price,
15 the objective measurable criteria by which the lowest evaluated bid price will be
16 determined; and

17 (v)] if the head of the unit or the head of the unit's designee has so
18 designated, the small business preference.

21 (i) include a request for unpriced technical offers or samples; and

22 (ii) direct bidders to submit price bids:

23 1. with the unpriced technical offers or samples; or or

26 (2) A unit shall consider the prices submitted by bidders whose technical
27 offers or samples have been found acceptable.

28 (3) Price bids may not be opened until after the unit has completed
29 evaluation of the technical offers or samples.

30 (4) (i) A price bid may not be opened at any time if the bid is submitted
31 by a bidder whose technical offer or sample has been evaluated as unacceptable to the unit.

32 (ii) A procurement officer shall return an unopened price bid
33 submitted by a bidder whose technical offer or sample has been evaluated as unacceptable.

1 (c) (1) A unit shall give public notice of an invitation for bids before bid
2 opening in accordance with this subsection.

11 (ii) at least part of the procurement contract is to be performed in
12 this State or the District of Columbia.

15 (i) on a bid board or eMaryland Marketplace; or

16 (ii) in a newspaper, periodical, or trade journal.

17 (d) (1) A procurement officer shall:

18 (i) open bids in public at the time and place designated in the
19 invitation for bids; and

20 (ii) announce, record, and post:

21 1. the name of each bidder; and

22 2. the amount of each bid.

23 (2) Except as provided in paragraph (3) of this subsection, a bid is
24 irrevocable, after bid opening, for the period specified in the invitation for bids.

25 (3) A procurement officer may allow a bidder to correct or withdraw a bid
26 if correction or withdrawal is:

27 (i) allowed under regulations adopted under this Division II; and

28 (ii) approved in writing by the Office of the Attorney General.

4 (i) is the lowest bid price;

5 (ii) if the invitation for bids so provides, is the lowest evaluated bid
6 price; or

16 1. all bids are rejected under § 13–206(b) of this title;

28 (iii) As promptly as possible, the procurement officer shall:

32 (iv) An invitation for revised bids is not subject to the notice
33 requirements in subsection (c) of this section.

4 (vi) After revised bids have been opened and any approval required
5 by law has been obtained, the procurement officer shall award the procurement contract to
6 the responsible bidder who submits a responsive bid [that:

1. is the lowest bid price;
2. if the invitation for revised bids so provides, is the lowest
3. for procurement subject to § 11–202(3) of this article,]

13 (4) A responsive bid or proposal shall include:

14 (I) the criteria specified in subsection (a) of this section; AND

27 (f) Not more than 30 days after the execution and approval of a procurement
28 contract in excess of the small procurement amount specified in § 13-109 of this subtitle
29 awarded under this section, or a lower amount set by the Board by regulation in accordance
30 with Title 10, Subtitle 1 of the State Government Article, a unit shall publish notice of the
31 award in eMaryland Marketplace.

1 (G) (1) FOR ANY PROCUREMENT CONTRACT AWARDED IN ACCORDANCE
2 WITH THIS SECTION, A UNIT SHALL EVALUATE PROPOSALS USING THE
3 STANDARDIZED CRITERIA UNDER PARAGRAPH (2) OF THIS SUBSECTION.

2. THE TECHNICAL CAPABILITY OF THE BIDDER:

3. THE STAFFING AND QUALIFICATIONS OF THE BIDDER;

12 AND

4. THE BIDDER'S COMPLIANCE WITH THE SCOPE AND CONDITIONS STATED IN THE INVITATION FOR BIDS.

15 (III) A MAXIMUM OF 30 POINTS MAY BE AWARDED FOR THE
16 STATE AND LOCAL ECONOMIC IMPACT OF THE BID, INCLUDING:

3 THE USE OF STATE-BASED SUBCONTRACTORS:

4. THE EXPECTED STATE AND LOCAL TAXES THAT

5 THE AMOUNT OF THE BIDDER'S CAPITAL INVESTMENT

(iv) A MAXIMUM OF 20 POINTS MAY BE AWARDED FOR THE

27 TOTAL COST TO THE UNIT UNDER THE BID.

1 1. PRIOR PERFORMANCE OF CONTRACTS WITH THE
2 STATE OR LOCAL GOVERNMENTS BY THE BIDDER; AND

3 2. THE TIMELINESS, QUALITY OF WORK PERFORMED,
4 AND COMPLIANCE HISTORY OF THE BIDDER ON ANY PRIOR CONTRACTS WITH THE
5 STATE OR LOCAL GOVERNMENTS.

6 13–104.

7 (a) Competitive sealed proposals is the preferred method for:

8 (1) human, social, cultural, or educational services; and

9 (2) security services with an expected value that is greater than
10 \$1,000,000.

11 (b) (1) Whenever procurement is based on competitive sealed proposals, a
12 procurement officer shall seek proposals by issuing a request for proposals.

13 (2) A request for proposals shall include a statement of:

14 (i) the scope of the procurement contract, including the expected
15 degree of minority business enterprise participation, as provided in § 14–303(b) of this
16 article;

17 (ii) a summary of the factors used to determine the expected degree
18 of minority business enterprise participation for the procurement contract, including
19 subcontracting opportunities identified for the project, any applicable North American
20 Industry Classification System codes linked to the subcontracting opportunities, and the
21 number of certified minority business enterprises in those industries; AND

22 (iii) the factors[, including price,] **UNDER SUBSECTION (H) OF THIS**
23 **SECTION** that will be used in evaluating proposals[; and

24 (iv) the relative importance of each factor].

25 (c) A unit shall publish a request for proposals in the same manner as required
26 for an invitation for bids.

27 (d) (1) After receipt of proposals but before the procurement officer awards the
28 procurement contract, a unit may conduct discussions with an offeror to:

29 (i) obtain the best price for the State; and

30 (ii) ensure full understanding of:

4 (2) If discussions are conducted, the unit:

5 (i) shall conduct the discussions in accordance with regulations
6 adopted under this Division II;

10 (iii) shall treat all of those responsible offerors fairly and equally;

11 (iv) may allow all of those responsible offerors to revise their initial
12 proposals by submitting best and final offers, if discussions indicate that it would be in the
13 best interests of the State to do so;

14 (v) may conduct more than 1 series of discussions and requests for
15 best and final offers; and

16 (vi) may not disclose to an offeror any information derived from a
17 proposal of or discussions with a competing offeror.

27 (ii) If the procurement officer makes a written determination that
28 oral presentations are unlikely to aid in the evaluation process, oral presentations are not
29 required.

30 (e) (1) Except as provided in paragraph (2) of this subsection:

31 (i) a proposal is irrevocable for the period specified in the request
32 for proposals; and

1 (ii) a best and final offer is irrevocable for the period specified in the
2 request for best and final offers.

(2) A procurement officer may allow an offeror to correct or withdraw a proposal or best and final offer if correction or withdrawal is:

5 (i) allowed under regulations adopted under this Division II; and

6 (ii) approved in writing by the Office of the Attorney General.

20 (IV) THE NUMBER OF JOBS THAT WILL BE CREATED OR
21 RETAINED IN THE STATE FROM THE PERFORMANCE OF THE CONTRACT; AND

22 (v) ANY LOCATION WHERE THE CONTRACT WILL BE
23 PERFORMED

24 (g) A unit shall publish notice of a contract in excess of the small procurement
25 amount specified in § 13–109 of this subtitle awarded under this section, or a lower amount
26 set by the Board by regulation in accordance with Title 10, Subtitle 1 of the State
27 Government Article in eMaryland Marketplace.

28 (H) (1) FOR ANY PROCUREMENT CONTRACT AWARDED IN ACCORDANCE
29 WITH THIS SECTION, A UNIT SHALL EVALUATE PROPOSALS USING THE
30 STANDARDIZED CRITERIA UNDER PARAGRAPH (2) OF THIS SUBSECTION.

1. THE QUALITY OF THE PROPOSED METHODS OF 2 PERFORMING THE CONTRACT;

2. THE TECHNICAL CAPABILITY OF THE OFFEROR;

3. THE USE OF STATE-BASED SUBCONTRACTORS:

23 (IV) A MAXIMUM OF 20 POINTS MAY BE AWARDED FOR THE
24 TOTAL COST TO THE UNIT UNDER THE PROPOSAL.

25 (v) A MAXIMUM OF 10 POINTS MAY BE AWARDED FOR:

1 **2. THE TIMELINESS, QUALITY OF WORK PERFORMED,**
2 **AND COMPLIANCE HISTORY OF THE OFFEROR ON ANY PRIOR CONTRACTS WITH THE**
3 **STATE OR LOCAL GOVERNMENTS.**

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