

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 334 (Delegate Ruth, *et al.*)
Government, Labor, and Elections

State Procurement - Constitutional Violations - Prohibited

This bill requires, as a condition of submitting a bid or proposal on a State procurement, each bidder or offeror to certify that neither the bidder nor offeror nor any of their affiliates is engaging in actions that violate the U.S. Constitution or Maryland Constitution, and that they will refrain from engaging in such actions for the duration of any applicable contractual obligations. The bill also requires each State procurement contract to include a clause affirming this certification.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted resources.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: "Affiliate" means an entity with a corporate or legal relationship with the bidder or offeror, including shared ownership or control or an economic relationship or partnership, including marketing or promotion. "Bidder or offeror" includes any division of the bidder or offeror, even if it is unrelated to the procurement activity.

Current Law: Every State procurement contract must have clauses covering:

- termination for default;

- termination wholly or partly by the State for its convenience if the head of the primary procurement unit determines that termination is appropriate;
- variations that occur between estimated and actual quantities of work in a procurement contract;
- liquidated damages, as appropriate;
- specified excuses for nonperformance;
- except for real property leases, the unilateral right of the State to order in writing: (1) changes in the work, if the changes are within the scope of the procurement contract and (2) a temporary stop or delay in performance;
- the obligation of the contractor to comply with the political contribution reporting requirements under State election law to which the contractor may be subject; and
- nonvisual access for information technology.

Additionally, procurement contracts for construction must include (1) a clause providing for contract modification if the condition of a site differs from the condition described in the specifications, and (2) a clause covering the requirements for notice of contract claims, submission of contract claims and resolution of contract claims.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Information Technology; Office of the Attorney General; University System of Maryland; Department of General Services; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

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