

# HOUSE BILL 1224

P2

5lr0019

---

By: **Chair, Health and Government Operations Committee (By Request –  
Departmental – Transportation)**

Introduced and read first time: March 2, 2015

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Contracts for Pretreatment and Removal of Snow and Ice**

3 FOR the purpose of authorizing the State Highway Administration to enter into  
4 procurement contracts for snow and ice removal operations as required or permitted  
5 by certain provisions of law; requiring the State Highway Administration to report  
6 to the Board of Public Works on the operation and effectiveness of the procurement  
7 contracts; authorizing the Board of Public Works, in consultation with the State  
8 Highway Administration, to adopt regulations to carry out the requirements of this  
9 Act; and generally relating to procurement contracts for snow and ice removal.

10 BY repealing and reenacting, with amendments,  
11 Article – State Finance and Procurement  
12 Section 13–108  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2014 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 13–108.

19 (a) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval for  
20 designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), § 13–221  
21 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of Contractors”),  
22 or Title 17 (“Special Provisions – State and Local Subdivisions”) of this article, with the  
23 approval of the head of a unit, its procurement officer may make an emergency procurement  
24 by any method that the procurement officer considers most appropriate to avoid or mitigate  
25 serious damage to public health, safety, or welfare.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    The procurement officer shall:

2                   (i)     obtain as much competition as possible under the circumstances;

3                   (ii)    limit the emergency procurement to the procurement of only  
4 those items, both in type and quantity, necessary to avoid or to mitigate serious damage to  
5 public health, safety, or welfare; and

6                   (iii)   after awarding the procurement contract, submit to the Board a  
7 written report that gives the justification for use of the emergency procurement procedure.

8           **(B)   (1)   CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A)(1) OF**  
9 **THIS SECTION, THE STATE HIGHWAY ADMINISTRATION MAY ENTER INTO**  
10 **PROCUREMENT CONTRACTS RELATED TO THE PRETREATMENT AND REMOVAL OF**  
11 **SNOW AND ICE AS REQUIRED OR AUTHORIZED UNDER TITLE 18 OF THE**  
12 **TRANSPORTATION ARTICLE.**

13           **(2)   (1)   BEGINNING ON JUNE 30, 2016, AND NO LATER THAN JUNE**  
14 **30 OF EACH SUCCEEDING YEAR, THE STATE HIGHWAY ADMINISTRATION SHALL**  
15 **SUBMIT TO THE BOARD A WRITTEN REPORT ON THE OPERATION AND**  
16 **EFFECTIVENESS OF THE PROCUREMENT CONTRACTS ENTERED INTO UNDER THIS**  
17 **SUBSECTION DURING THE PREVIOUS YEAR.**

18                   **(II)   THE REPORT SHALL INCLUDE:**

19                           1.     **THE NUMBER OF CONTRACTS AWARDED;**

20                           2.     **THE TOTAL DOLLAR VALUE OF THE CONTRACTS**  
21 **AWARDED; AND**

22                           3.     **THE AMOUNT OF CONTRACTING DOLLARS EXPENDED**  
23 **WITH MINORITY BUSINESS ENTERPRISES, CERTIFIED SMALL BUSINESSES, AND**  
24 **CERTIFIED VETERAN-OWNED BUSINESSES, AS DEFINED UNDER TITLE 14 OF THIS**  
25 **ARTICLE.**

26           **(3)   THE BOARD, IN CONSULTATION WITH THE STATE HIGHWAY**  
27 **ADMINISTRATION, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS**  
28 **OF THIS SUBSECTION.**

29           **[(b)] (C)   (1)   Except as provided in § 11-205 (“Collusion”), § 10-204 (“Approval**  
30 **for designated contracts”), § 13-219 (“Required clauses – Nondiscrimination clause”), §**  
31 **13-221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of**  
32 **Contractors”), or Title 17 (“Special Provisions – State and Local Subdivisions”) of this**  
33 **article, with the approval of the head of the unit and the Board, the Maryland Port**

1 Commission or the Maryland Aviation Administration may make a procurement on an  
2 expedited basis if the head of the unit and the Board find that:

3 (i) urgent circumstances require prompt action;

4 (ii) an expedited procurement best serves the public interest; and

5 (iii) the need for the expedited procurement outweighs the benefits of  
6 making the procurement on the basis of competitive sealed bids or competitive sealed  
7 proposals.

8 (2) The procurement officer shall attempt to obtain as much competition as  
9 reasonably possible.

10 **[(c)] (D)** Not more than 30 days after the execution and approval of a  
11 procurement contract awarded under this section, a unit shall publish in eMaryland  
12 Marketplace notice of the award.

13 **[(d)] (E)** For real property leases procured under this section, the term of the  
14 lease shall be for the minimum period of time practicable.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this shall take effect October  
16 1, 2015.