

HOUSE BILL 1380

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By: **Delegates Murphy, Kipke, Bartlett, Barve, Bohanan, Boteler, Braveboy, Cardin, Doory, Elliott, Elmore, Frick, Frush, George, Gilchrist, Hecht, Hixson, Howard, Hubbard, Jameson, Kaiser, King, Kullen, Levy, O'Donnell, Pena-Melnyk, Rice, Ross, Shank, Stukes, F. Turner, Walker, and Wood**

Introduced and read first time: February 18, 2010

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Green Product Cleaning Supplies – Written**
3 **Policies**

4 FOR the purpose of requiring a county board of education to establish certain written
5 policies relating to the procurement of green product cleaning supplies subject
6 to certain exceptions; requiring certain county boards to provide certain notice
7 to the State Department of Education under certain circumstances; and
8 generally relating to the establishment of written policies relating to the
9 procurement of green product cleaning supplies by county boards of education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–112
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Education**

18 5–112.

19 (a) This section does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Contracts for the purchase of books and other materials of
2 instruction as defined in the State Department of Education Financial Reporting
3 Manual;

4 (2) Emergency repairs; and

5 (3) Except as provided in subsection (e) of this section, a county
6 board's participation in contracts for goods or commodities that are awarded by other
7 public agencies or by intergovernmental purchasing organizations if the lead agency
8 for the contract follows public bidding procedures.

9 (b) (1) Except as provided in paragraph (2) of this subsection, if the cost of
10 any school building, improvement, supplies, or equipment is more than \$25,000, the
11 county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a
12 medium accessible to the general public, which includes:

13 (i) A newspaper of general circulation in the region;

14 (ii) The Maryland Contract Weekly or comparable State
15 publication; or

16 (iii) An electronic posting on a bid board and physical posting on
17 the local school system bid board.

18 (2) If the amount specified in paragraph (1) of this subsection differs
19 from the amount in § 13-109(a) of the State Finance and Procurement Article, the
20 amount in § 13-109(a) of the State Finance and Procurement Article shall apply under
21 paragraph (1) of this subsection.

22 (3) (i) The county board shall draft specifications that provide a
23 clear and accurate description of the functional characteristics or the nature of an item
24 to be procured, without modifying the county board's requirements.

25 (ii) The specifications may:

26 1. Include a statement of any of the county board's
27 requirements; and

28 2. Provide for the submission of samples, inspection, or
29 testing of the item before procurement.

30 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
31 specifications that use one or more manufacturer's product to describe the standard of
32 quality, performance, or other characteristics needed to meet the county board's
33 requirements, must allow for the submission of equivalent products.

34 (ii) Subparagraph (i) of this paragraph does not apply if the
35 county board determines in the written specification that:

1 1. A particular manufacturer's product is required to
2 maintain compatibility of service or equipment;

3 2. A particular manufacturer's product is required to
4 meet the health needs of students;

5 3. Replacement parts or maintenance are a paramount
6 consideration; or

7 4. A product is purchased for resale.

8 (c) (1) A contract for the school building, improvements, supplies, or other
9 equipment shall be awarded to the lowest responsible bidder who conforms to
10 specifications with consideration given to:

11 (i) The quantities involved;

12 (ii) The time required for delivery;

13 (iii) The purpose for which required;

14 (iv) The competency and responsibility of the bidder;

15 (v) The ability of the bidder to perform satisfactory service; and

16 (vi) The plan for utilization of minority contractors.

17 (2) The county board may reject any and all bids and readvertise for
18 other bids.

19 (d) (1) In this subsection, the term "minority business enterprise" has the
20 meaning stated in § 14-301 of the State Finance and Procurement Article.

21 (2) In Montgomery County, by resolution and by implementing
22 regulations, the Montgomery County Board of Education shall establish a minority
23 business utilization program to facilitate the participation of responsible certified
24 minority business enterprises in contracts awarded by the Montgomery County Board
25 of Education in accordance with competitive bidding procedures.

26 (e) (1) In this subsection, "green product cleaning supplies" means
27 cleaning and sanitizing supplies that perform well and that have positive
28 environmental attributes, including:

29 (i) Biodegradability;

30 (ii) Low toxicity;

1 (iii) Low volatile organic compound content;

2 (iv) Reduced packaging; and

3 (v) Low life cycle energy use.

4 (2) (i) **[To] SUBJECT TO SUBSECTION (F) OF THIS SECTION, TO**
5 the extent practicable, and economically feasible, a county board shall procure green
6 product cleaning supplies for use in its schools.

7 (ii) In accordance with subsection (b)(3) of this section, a county
8 board shall draft specifications that provide a clear and accurate description of the
9 functional characteristics or nature of the green product cleaning supplies that are to
10 be procured.

11 (iii) The specifications drafted by a county board under
12 subparagraph (ii) of this paragraph:

13 1. May not preclude the use when necessary of a
14 disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated
15 by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et
16 seq.; and

17 2. Shall allow for multiple avenues to obtain green
18 product cleaning supplies certification, including:

19 A. The United States Environmental Protection Agency's
20 Design for the Environment Program (DfE);

21 B. Green Seal, Green Label, Environmental Choice, or
22 U.S. Green Building Council; and

23 C. Any other accreditation the county board determines
24 to be appropriate.

25 **(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) OF THIS**
26 **SUBSECTION, A COUNTY BOARD SHALL ESTABLISH A WRITTEN POLICY FOR THE**
27 **PROCUREMENT OF GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS**
28 **SCHOOLS.**

29 **(II) THE WRITTEN POLICY SHALL:**

30 **1. REQUIRE THE USE OF GREEN PRODUCT**
31 **CLEANING SUPPLIES;**

1 **2. ESTABLISH GUIDELINES FOR PURCHASING**
2 **GREEN PRODUCT CLEANING SUPPLIES THAT MEET THE CERTIFICATION**
3 **REQUIREMENTS OF THE UNITED STATES ENVIRONMENTAL PROTECTION**
4 **AGENCY'S DESIGN FOR THE ENVIRONMENT PROGRAM (DFE), GREEN SEAL,**
5 **GREEN LABEL, ENVIRONMENTAL CHOICE, OR U.S. GREEN BUILDING**
6 **COUNCIL, OR ANY OTHER THIRD-PARTY ACCREDITATION THE COUNTY BOARD**
7 **DETERMINES TO BE APPROPRIATE;**

8 **3. ESTABLISH GREEN CLEANING PRACTICES,**
9 **INCLUDING STORAGE, APPLICATION, FREQUENCY OF USE, AND DISPOSAL OF**
10 **THE SUPPLIES; AND**

11 **4. REQUIRE STAFF TRAINING ON IMPLEMENTING**
12 **THE POLICY.**

13 **(F) A COUNTY BOARD THAT DOES NOT PROCURE GREEN PRODUCT**
14 **CLEANING SUPPLIES FOR USE IN ITS SCHOOLS BECAUSE DOING SO IS NOT**
15 **PRACTICABLE OR ECONOMICALLY FEASIBLE SHALL PROVIDE ANNUAL WRITTEN**
16 **NOTICE OF THIS FACT TO THE DEPARTMENT.**

17 **[(f)] (G)** Nonpublic schools may participate under any contracts for goods or
18 commodities that are awarded by county boards, other public agencies, or
19 intergovernmental purchasing organizations, if the lead agency for the contract award
20 follows public bidding procedures.

21 **[(g)] (H)** A contract entered into or purchase made in violation of this
22 section is void.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.