

HOUSE BILL 650

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By: **Delegates Murphy, Kipke, Bohanan, Costa, Fisher, Frick, Frush, George, Gilchrist, Healey, Howard, Hubbard, Ivey, Jameson, Luedtke, Mizeur, Myers, O'Donnell, Ross, Schuh, Walker, Wilson, and Wood**

Introduced and read first time: February 9, 2011

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 adopt 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 2010 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:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Emergency repairs; and

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

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

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

11 (ii) The Maryland Contract Weekly or comparable State
12 publication; or

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

15 (2) If the amount specified in paragraph (1) of this subsection differs
16 from the amount in § 13–109(a) of the State Finance and Procurement Article, the
17 amount in § 13–109(a) of the State Finance and Procurement Article shall apply under
18 paragraph (1) of this subsection.

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

22 (ii) The specifications may:

23 1. Include a statement of any of the county board's
24 requirements; and

25 2. Provide for the submission of samples, inspection, or
26 testing of the item before procurement.

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

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

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

1 2. A particular manufacturer’s product is required to
2 meet the health needs of students;

3 3. Replacement parts or maintenance are a paramount
4 consideration; or

5 4. A product is purchased for resale.

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

9 (i) The quantities involved;

10 (ii) The time required for delivery;

11 (iii) The purpose for which required;

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

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

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

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

17 (d) (1) In this subsection, the term “minority business enterprise” has the
18 meaning stated in § 14–301 of the State Finance and Procurement Article.

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

24 (e) (1) **(I)** In this subsection, “green product cleaning supplies” means
25 [cleaning and sanitizing supplies] **ENVIRONMENTALLY PREFERABLE CLEANING**
26 **AND CLEANING MAINTENANCE PRODUCTS INTENDED FOR ROUTINE CLEANING**
27 **AND CLEANING MAINTENANCE** that perform well and that have positive
28 environmental attributes, including:

29 [(i)] **1.** Biodegradability;

30 [(ii)] **2.** Low toxicity;

31 [(iii)] **3.** Low volatile organic compound content;

1 [(iv)] 4. Reduced packaging; and

2 [(v)] 5. Low life cycle energy use.

3 (II) "GREEN PRODUCT CLEANING SUPPLIES" INCLUDES:

4 1. GENERAL PURPOSE CLEANERS;

5 2. BATHROOM CLEANERS;

6 3. CARPET CLEANERS;

7 4. GLASS CLEANERS;

8 5. FLOOR CLEANERS, FLOOR FINISHES, AND FLOOR
9 STRIPPERS;

10 6. HAND CLEANERS; AND

11 7. SOAP.

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

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

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

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

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

27 A. [The United States Environmental Protection
28 Agency's Design for the Environment Program (DfE);

1 B.] Green Seal, Green Label, Environmental Choice, [or
2 U.S. Green Building Council] **TERRA CHOICE, OR ECOLOGO**; and

3 [C.] **B.** Any other [accreditation] **INDEPENDENT**
4 **THIRD-PARTY CERTIFIER** the county board determines to be appropriate.

5 **(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) OF THIS**
6 **SUBSECTION, A COUNTY BOARD SHALL ADOPT A WRITTEN POLICY FOR THE**
7 **PROCUREMENT OF GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS**
8 **SCHOOLS.**

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

10 **1. REQUIRE THE USE OF GREEN PRODUCT**
11 **CLEANING SUPPLIES;**

12 **2. ESTABLISH GUIDELINES FOR PURCHASING**
13 **GREEN PRODUCT CLEANING SUPPLIES THAT MEET THE CERTIFICATION**
14 **REQUIREMENTS OF GREEN SEAL, GREEN LABEL, ENVIRONMENTAL CHOICE,**
15 **OR ANY ESTABLISHED AND NATIONALLY RECOGNIZED INDEPENDENT**
16 **THIRD-PARTY CERTIFIER;**

17 **3. ESTABLISH GREEN CLEANING PRACTICES,**
18 **INCLUDING STORAGE, APPLICATION, FREQUENCY OF USE, AND DISPOSAL OF**
19 **THE SUPPLIES; AND**

20 **4. REQUIRE STAFF TRAINING ON IMPLEMENTING**
21 **THE POLICY.**

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2011.