

SENATE BILL 1169

P2

6lr3879
CF HB 1405

By: **Senators Conway, Pugh, McFadden, Ferguson, and Nathan-Pulliam**
Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 18, 2016
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Procurement by Public Institutions of Higher Education**
3 **– Preference for Local Bidders or Offerors**

4 FOR the purpose of requiring public institutions of higher education in the City of
5 Baltimore to give a resident bidder or offeror from the City of Baltimore a certain
6 preference over bidders or offerors in the State that are not from the City of
7 Baltimore on the procurement of certain goods and services under certain
8 circumstances; defining certain terms; providing for the application of this Act; and
9 generally relating to a preference for resident bidders or offerors from the City of
10 Baltimore on certain procurement contracts.

11 BY adding to
12 Article – State Finance and Procurement
13 Section 14–101.1
14 Annotated Code of Maryland
15 (2015 Replacement Volume)

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

18 **Article – State Finance and Procurement**

19 **14–101.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “PERCENTAGE PREFERENCE” MEANS THE PERCENT OF THE**
23 **LOWEST RESPONSIVE BID OR OFFER SUBMITTED BY A RESPONSIBLE BIDDER OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 OFFEROR FROM THE STATE BUT THAT IS NOT A RESIDENT BIDDER OR OFFEROR
2 FROM THE CITY OF BALTIMORE BY WHICH A RESPONSIVE BID OR OFFER BY A
3 RESIDENT BIDDER OR OFFEROR FROM THE CITY OF BALTIMORE MAY:

4 (I) EXCEED THE LOWEST BID OR OFFER; AND

5 (II) BE AWARDED A PROCUREMENT CONTRACT FOR GOODS OR
6 SERVICES.

7 (3) "RESIDENT BIDDER OR OFFEROR FROM THE CITY OF
8 BALTIMORE" MEANS A BIDDER OR AN OFFEROR WHOSE PRINCIPAL OFFICE OR
9 OPERATION IS LOCATED IN THE CITY OF BALTIMORE.

10 (4) "RESPONSIBLE BIDDER OR OFFEROR FROM THE STATE BUT THAT
11 IS NOT A RESIDENT BIDDER OR OFFEROR FROM THE CITY OF BALTIMORE" MEANS A
12 BIDDER OR AN OFFEROR WHOSE PRINCIPAL OFFICE OR OPERATION IS IN THE STATE
13 IN A JURISDICTION OTHER THAN THE CITY OF BALTIMORE.

14 (5) "SERVICES" MEANS SERVICES, ARCHITECTURAL SERVICES,
15 CONSTRUCTION-RELATED SERVICES, ENGINEERING SERVICES, OR ENERGY
16 PERFORMANCE CONTRACT SERVICES, ALL AS DEFINED IN § 11-101 OF THIS
17 ARTICLE.

18 (B) THIS SECTION APPLIES TO THE PROCUREMENT OF GOODS AND
19 SERVICES BY ANY PUBLIC INSTITUTION OF HIGHER EDUCATION LOCATED IN THE
20 CITY OF BALTIMORE IN WHICH RESPONSIVE BIDS OR OFFERS ARE SUBMITTED ONLY
21 BY BIDDERS OR OFFERORS WHOSE PRINCIPAL OFFICE OR OPERATION IS LOCATED
22 IN THE STATE.

23 (C) WHEN A PUBLIC INSTITUTION OF HIGHER EDUCATION LOCATED IN THE
24 CITY OF BALTIMORE PROCURES GOODS OR SERVICES, THE INSTITUTION SHALL
25 GIVE A PERCENTAGE PREFERENCE OF 5% TO THE RESIDENT BIDDER OR OFFEROR
26 FROM THE CITY OF BALTIMORE THAT SUBMITS THE LOWEST RESPONSIVE BID OR
27 OFFER FROM AMONG THE RESPONSIBLE BIDDERS OR OFFERORS FROM THE STATE
28 IF:

29 (1) THE RESIDENT BIDDER OR OFFEROR FROM THE CITY OF
30 BALTIMORE IS A RESPONSIBLE BIDDER OR OFFEROR;

31 (2) A RESPONSIBLE BIDDER OR OFFEROR FROM THE STATE BUT THAT
32 IS NOT A RESIDENT BIDDER OR OFFEROR FROM THE CITY OF BALTIMORE SUBMITS
33 THE LOWEST RESPONSIVE BID OR OFFER; AND

1 **(3) A PREFERENCE DOES NOT CONFLICT WITH A FEDERAL LAW OR**
2 **GRANT AFFECTING THE PROCUREMENT CONTRACT.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.