

SENATE BILL 342

P2

6lr2259

By: **Senators Feldman, Benson, Guzzone, Kelley, Klausmeier, Madaleno, and Pugh**
Introduced and read first time: January 28, 2016
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Public Senior Higher Education Institutions**
3 **– Policies Concerning Procurement Contracts**

4 FOR the purpose of requiring that certain policies of public senior higher education
5 institutions promote certain purposes and be similar to certain provisions concerning
6 required clauses for procurement contracts; and generally relating to public senior
7 higher education institutions and the application of certain policies concerning
8 procurement contracts.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 11–203(e)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

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

16 **Article – State Finance and Procurement**

17 11–203.

18 (e) (1) In this subsection, “University” means the University System of
19 Maryland, Morgan State University, or St. Mary’s College of Maryland.

20 (2) Except as otherwise provided in this subsection, this Division II does
21 not apply to the University System of Maryland, Morgan State University, or St. Mary’s
22 College of Maryland.

23 (3) (i) A procurement by a University shall comply with the policies and
24 procedures developed by the University and approved by the Board of Public Works and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Administrative, Executive, and Legislative Review Committee of the General Assembly
 2 in accordance with § 12–112 of the Education Article for the University System of
 3 Maryland, § 14–109 of the Education Article for Morgan State University, or § 14–405(f) of
 4 the Education Article for St. Mary’s College of Maryland.

5 (ii) 1. The review and approval of the Board of Public Works
 6 shall be required for the following types of contracts with a value that exceeds \$1,000,000:

7 A. capital improvements;

8 B. services; and

9 C. dispositions of personal property subject to § 10–305 of
 10 this article, except for dispositions of personal property that was purchased with the
 11 proceeds of a general obligation loan.

12 2. In its review of a contract for services or capital
 13 improvements with a value that exceeds \$1,000,000, the Board of Public Works may request
 14 the comments of the appropriate agencies, including the Department of Budget and
 15 Management and the Department of General Services.

16 (4) A University’s policies shall:

17 (i) to the maximum extent practicable, require the purchasing of
 18 supplies and services in accordance with Title 14, Subtitle 1 of this article; [and]

19 (ii) promote the purposes of the regulations adopted by the
 20 Department of General Services governing the procurement of architectural and
 21 engineering services;

22 **(III) PROMOTE THE PURPOSES OF § 13–402 OF THE STATE**
 23 **PERSONNEL AND PENSIONS ARTICLE; AND**

24 **(IV) TO THE MAXIMUM EXTENT PRACTICABLE, BE SIMILAR TO**
 25 **§ 13–218.1 OF THIS ARTICLE.**

26 (5) (i) Except as provided in paragraph (7) of this subsection, the
 27 following provisions of Division II of this article apply to a University:

28 1. § 11–205 of this subtitle (“Collusion”);

29 2. § 11–205.1 of this subtitle (“Falsification, concealment,
 30 etc., of material facts”);

31 3. § 13–219 of this article (“Required clauses
 32 — Nondiscrimination clause”);

1 2. a political subdivision of the State;

2 3. an agency of a political subdivision of the State;

3 4. a government, including the government of another state,
4 of the United States, or of another country;

5 5. an agency or political subdivision of a government; or

6 6. a bistate, multistate, bicounty, or multicounty
7 governmental agency;

8 (ii) procurement by a University in support of enterprise activities
9 for the purpose of:

10 1. direct resale;

11 2. remanufacture and subsequent resale; or

12 3. procurement by the University for overseas programs; or

13 (iii) procurement by the University System of Maryland for:

14 1. services of managers to invest, in accordance with the
15 management and investment policies adopted by the Board of Regents of the University
16 System of Maryland, gift and endowment assets received by the University System of
17 Maryland in accordance with § 12–104(e) of the Education Article; or

18 2. expenditures to manage, maintain, and enhance, in
19 accordance with the management and investment policies adopted by the Board of Regents
20 of the University System of Maryland, the value of gift and endowment assets received by
21 the University System of Maryland in accordance with § 12–104(e) of the Education Article.

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