



Maryland Procurement ALERT

Scott A. Livingston, Barry L. Gogel, and Michael A. Miller

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Maryland Procurement ALERT General Assembly Special Edition

Monday is “Crossover Day” for the General Assembly. Here are the Procurement Bills we are watching.

[SB 424](#) / [HB 261](#)

Public Projects – Global Warming Potential of Materials (Buy Clean Maryland Act)

Requiring the Department of General Services to establish a maximum acceptable global warming potential for certain categories of eligible materials, any cement or concrete mixture, used in certain eligible projects; requiring a unit of State government to specify the eligible materials that will be used in an eligible project in the solicitation for an eligible project; requiring a successful bidder or offeror of an eligible project to submit certain information about each eligible material proposed to be used in an eligible project; etc.

Sponsors: Elfreth; Feldman

Committees: B&T

Senate Status: Hearing 2/22 at 1:00 p.m. (2/2)

House Status: No Actions

SB 217 / HB 472

Transit – Commuter Bus Service – Procurement

Requiring the Maryland Transit Administration, in selecting a commuter bus service provider, to use the competitive sealed proposal method of procurement and to conduct the procurement in accordance with the provisions of Division II of the State Finance and Procurement Article and regulations adopted under Division II.

Sponsors: McCray; Benson; et al.

Committees: HGO; B&T

Senate Status: Third Reading Passed (45-0) (2/16)

House Status: Hearing 3/22 at 1:00 p.m. (3/14)

HB 543

State Procurement – Small Procurement – Definition

Increasing certain dollar thresholds of spending for the purposes of defining "small procurement" for State procurement contracts.

Sponsors: Tomlinson; Buckel; et al.

Committees: HGO

House Status: Hearing 3/01 at 1:00 p.m. (2/6)

Senate Status: No Actions

HB 646 / SB 578

State Procurement - Minority Business Enterprises and Small Business Enterprises - Procurement Forecast, Employee Performance, and Outreach (Small Business Protection Act of Maryland)

Requiring each unit to publish on the unit's website annually a certain procurement forecast listing certain known and anticipated procurements to be made by the unit in the upcoming fiscal year; requiring a unit determining eligibility for a merit increase or promotion for a procurement officer or other employee to consider certain efforts by the procurement officer or other employee responsible

for procuring goods and services for the unit in meeting the unit's minority enterprise participation goals; etc.

Charles; Amprey; et al. Committees: HGO; APP

House Status: Hearing 3/01 at 1:00 p.m. (Health and Government Operations) (2/10)

Senate Status: No Actions

HB 743 / SB 438

Minority Business Enterprises – Calculation of Participation Rates – Procurements From Maryland Correctional Enterprises

Requiring a State procurement unit to include the dollar value of its contracts with Maryland Correctional Enterprises in the total dollar value of its procurements for the purpose of calculating the unit's Minority Business Enterprise Program participation rate.

Sponsor: Phillips; Charles; et al.

Committees: HGO

House Status: Hearing 3/06 at 1:00 p.m. (2/14)

Senate Status: No Actions

SB 510 / HB 816

Procurement – Minority Business Enterprises and Veteran-Owned Small Business Enterprises – Participation Goal Scorecard

Requiring the Governor's Office of Small, Minority, and Women Business Affairs to develop a scorecard to evaluate units of State government on the units' performance toward meeting certain participation goals under the Minority Business Enterprise Program and the Veteran-Owned Small Business Enterprise Program; establishing a certain grading scale ...

Sponsor: Ellis

Committees: B&T

Senate Status: Favorable with Amendments Report by Budget and Taxation (3/15)

House Status: No Actions

HB 949

State Finance and Procurement – Retention Proceeds

Requiring that undisputed retention proceeds retained by a unit or a certain contractor under a State procurement contract be paid within 90 days after the date of substantial completion.

Sponsors: Adams; Anderton

Committees: HGO

House Status: Hearing 3/06 at 1:00 p.m. (2/14)

Senate Status: No Actions

SB 453 / HB 1097

State and Private Construction Contracts – Prompt Payment Requirements

Requiring a private construction contract to include a provision requiring the owner to pay the contractor within a certain period of time or, if the owner withholds all or part of an amount invoiced, to send a certain notification to the contractor; requiring a contract between a contractor and a subcontractor on a private or State construction contract to include a provision requiring the contractor to pay the subcontractor within a certain period of time; etc.

Sponsors: Kramer; Gile; et al.

Committees: FIN

Senate Status: Hearing 2/23 at 1:00 p.m. (2/3)

House Status: No Actions

HB 1201

Public-Private Partnerships

Establishing the Public-Private Partnership Oversight Review Board to review public-private partnership presolicitation reports and make certain recommendations; requiring a certain reporting agency to include in presolicitation reports for public-private partnerships with a total value that exceeds \$500,000,000 presolicitation reports of certain c...

Sponsor: Solomon

Committees: APP; E&T

House Status: Hearing 3/07 at 1:00 p.m. (Environment and Transportation) (2/13)

Senate Status: No Actions

HB 1295

Procurement – State Department of Education – Exemption

Exempting the State Department of Education from certain provisions of State procurement law, beginning July 1, 2023, through July 1, 2029, to implement certain requirements of the Blueprint for Maryland's Future.

Sponsor: Cullison

Committees: HRU

House Status: First Reading House Rules and Executive Nominations (2/28)

Senate Status: No Actions

SB 479

Department of Small, Minority, and Women Business Enterprises – Establishment and Duties

Renaming the Governor's Office of Small, Minority, and Women Business Affairs to be the Maryland Department of Small, Minority, and Women Business Enterprises; establishing the Department as a principal department of the Executive Branch of State government; transferring certain authority relating to procurement preference programs to the Department

Sponsor: Sydnor

Committees: FIN

Senate Status:

Hearing 3/07 at 1:00 p.m. (2/13)

House Status: No Actions

SB 514

County Procurements – Minority Business Enterprise Utilization Programs – Certification

Requiring that a county that operates a minority business enterprise utilization program and has a process for the certification of minority business enterprises shall accept as certified a person that holds a certification as a minority business enterprise by the State certification agency.

Sponsors: Lam; Ellis; et al.

Committees: B&T

Senate Status: Favorable with Amendments Report by Budget and Taxation (3/15)

House Status: No Actions

SB 773

State Procurement – Liquidated Damages – Policies and Requirements

Requiring the Board of Public Works to publish a model policy on or before January 1, 2024 concerning the inclusion and use of liquidated damages provisions in procurement contracts; requiring a unit of State government to adopt a written policy that is substantially similar to the Board's policy; requiring, for certain procurements, the unit to obtain certain approvals from the Board; etc.

Sponsor: Lam

Committees: B&T

Senate Status: Hearing 3/08 at 1:00 p.m. (2/7)

House Status: No Actions

SB 908

State Procurement – Preferences – Historically Underutilized Business Zone Businesses

Requiring a unit to structure procurement procedures to try to achieve or exceed a certain overall percentage goal of the unit's total dollar value of procurement contracts to be made with historically underutilized business zone businesses; providing for the determination of expected historically

underutilized business zone business participation for individual solicitations; including certain historically underutilized business zone businesses in the Small Business Reserve Program; etc.

Sponsor: Salling

Committees: SRU

Senate Status: First Reading Senate Rules (2/15)

House Status: No Actions

SB 920

State Finance and Procurement – Retention Proceeds

Requiring that undisputed retention proceeds retained by a unit or a certain contractor under a State procurement contract be paid within 90 days after the date of substantial completion.

Sponsor: McCray

Committees: B&T

Senate Status: Rereferred to Budget and Taxation (3/14)

House Status: No Actions

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