

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 195 (Delegate Krebs, *et al.*)
Health and Government Operations

Procurement - Prohibition on Participation

This bill establishes a period of nonparticipation that applies to a person who has assisted (1) an Executive Branch procurement unit to draft specifications for an invitation for bids (IFB) or request for proposals (RFP) or (2) in the selection or award made in response to an IFB or RFP. Such a person may not *for one year following the issuance of an IFB or RFP* submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

Fiscal Summary

State Effect: None. The bill is technical and procedural in nature and has no material effect on governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An individual or a person employed by an individual who assists an Executive Branch procurement unit to draft specifications, an IFB, or an RFP for a procurement, or who assists in the selection or award made in response to an IFB or RFP, may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal. There is no time limit placed on this prohibition.

The prohibition against submitting a bid or proposal does not apply to:

- providing descriptive literature or samples, whether solicited or unsolicited;
- submitting written or oral comments on a specification when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;
- providing specifications for a sole source procurement under State procurement law;
- providing architectural and engineering services for **either** programming, master planning, or other project planning services **or** the design of a construction contract if design services do not involve lead or prime design responsibilities on behalf of the State (and that construction contract has an anticipated value of between \$2.5 million and \$100.0 million or the payment to the design contractor does not exceed \$500,000); or
- comments solicited from two or more persons as part of a request for information for a procurement for health, human, social, or educational services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of General Services, Board of Public Works, Maryland Department of Transportation, Department of Legislative Services

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