

HOUSE BILL 1594

P2

6lr3756

By: **Delegate Lisanti**

Introduced and read first time: February 24, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public-Private Partnerships – Unsolicited Proposals – Procedures**

3 FOR the purpose of altering a certain provision of law relating to public-private
4 partnerships to require a reporting agency to protect proprietary information
5 included in an unsolicited proposal to a certain extent and comply with certain
6 procedural requirements whether or not the reporting agency conducts a competitive
7 solicitation process under a certain provision of law; and generally relating to
8 unsolicited proposals for public-private partnerships.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 10A-301
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 10A-301.

18 (a) A reporting agency may accept, reject, or evaluate an unsolicited proposal for
19 a public-private partnership that will assist the reporting agency in implementing its
20 functions in a manner consistent with State policy.

21 (b) A reporting agency shall establish the process for determining whether an
22 unsolicited proposal meets a need of the reporting agency or is otherwise advantageous to
23 the reporting agency.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) A reporting agency may establish by regulation an application fee for
2 submitting an unsolicited proposal.

3 (2) For an unsolicited proposal that does not address a project already in
4 the State's Capital Improvement Program or Consolidated Transportation Program
5 planning documents, a reporting agency may require a higher application fee.

6 (d) (1) If a reporting agency determines that an unsolicited proposal meets a
7 need of the reporting agency or is otherwise advantageous to the reporting agency, the
8 reporting agency shall[:

9 (1)] conduct a competitive solicitation process as described under Subtitle 2
10 of this title[;].

11 (2) **WHETHER OR NOT THE REPORTING AGENCY CONDUCTS A**
12 **COMPETITIVE SOLICITATION PROCESS UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION, THE REPORTING AGENCY SHALL:**

14 [(2) (I) protect proprietary information included in the unsolicited
15 proposal to the same extent proprietary information is protected under § 10A-203(b) of this
16 title; and

17 [(3) (II) comply with all of the other procedural requirements set forth in
18 this title.

19 (e) An individual or firm that has submitted an unsolicited proposal under this
20 title may participate in any subsequent competitive solicitation process.

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