

HOUSE BILL 429

P2

3lr2645
CF SB 451

By: ~~Delegate Charles~~ Delegates Charles, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: January 30, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Procurement Improvement Council – Membership and Duties**

3 FOR the purpose of altering the membership of the Procurement Improvement Council;
4 authorizing ~~a certain member~~ certain members to send a designee to attend certain
5 meetings under certain circumstances; clarifying the duties of the Council; and
6 generally relating to ~~the membership of~~ the Procurement Improvement Council.

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 12–105
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2022 Supplement)

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

14 **Article – State Finance and Procurement**

15 12–105.

16 (a) In this section, “Council” means the Procurement Improvement Council.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) There is a Procurement Improvement Council.

2 (c) (1) The Council consists of the following [20] members:

3 (i) the State Treasurer;

4 (ii) the Chancellor of the University System of Maryland;

5 (iii) the Chief Procurement Officer;

6 (iv) the Secretary of Information Technology;

7 (v) the Secretary of Transportation;

8 (vi) the Procurement Advisor of the Board;

9 (vii) the Special Secretary for the Office of Small, Minority, and
10 Women Business Affairs;

11 (viii) the Secretary of Juvenile Services;

12 (ix) the Secretary of Human Services;

13 (x) the Secretary of Health;

14 (xi) the State Superintendent of Schools;

15 **(XII) THE COMPTROLLER;**

16 **(XIII) THE ATTORNEY GENERAL;**

17 [(xii)] ~~(XIII)~~ **(XIV)** the following individuals, appointed by the
18 Governor with the advice and consent of the Senate:

19 1. a representative of local government who has expertise in
20 local procurement matters;

21 2. two representatives of social service providers in the State;
22 and

23 3. a representative of a minority-, women-, or
24 veteran-owned business;

25 [(xiii)] ~~(XIV)~~ **(XV)** three members of the general public appointed by
26 the presiding officers of the General Assembly, of whom:

1 1. at least one shall have expertise in State procurement
2 matters; and

3 2. at least two shall represent a minority–, women–, or
4 veteran–owned business;

5 [(xiv)] ~~(xv)~~ (xvi) a member of the Senate, appointed by the President
6 of the Senate; and

7 [(xv)] ~~(xvi)~~ (xvii) a member of the House of Delegates, appointed by
8 the Speaker of the House.

9 (2) (i) If the State Treasurer is unable to attend a meeting of the
10 Council, the Treasurer may designate the Deputy Treasurer to attend the meeting.

11 (ii) If a member of the Council listed in paragraph (1)(ii) through (xi)
12 of this subsection is unable to attend a meeting of the Council, the member may designate
13 a senior management staff member with experience in procurement to attend the meeting.

14 **(III) IF THE COMPTROLLER IS UNABLE TO ATTEND A MEETING**
15 **OF THE COUNCIL, THE COMPTROLLER MAY SEND A DESIGNEE TO ATTEND THE**
16 **MEETING.**

17 **(IV) IF THE ATTORNEY GENERAL IS UNABLE TO ATTEND A**
18 **MEETING OF THE COUNCIL, THE ATTORNEY GENERAL MAY SEND A DESIGNEE TO**
19 **ATTEND THE MEETING.**

20 (d) The Chief Procurement Officer is Chairman of the Council.

21 (e) The Council shall meet at least quarterly each year.

22 (f) The Chief Procurement Officer is the principal staff of the Council and the
23 Council shall have any additional staff authorized in accordance with the State budget.

24 (g) The Council shall:

25 (1) ensure that the State's procurement system is utilizing the most
26 advanced procurement methods and management techniques, including policies,
27 procedures, and forms for all procurement activity and contract management;

28 (2) effect and enhance communication between State units on procurement
29 matters, with an emphasis on disseminating information on current developments and
30 advances in procurement methods and management;

31 (3) provide a forum for the discussion of specific procurement issues and
32 problems that arise, including:

- 1 (i) procurement officer training;
- 2 (ii) risk analysis and insurance requirements;
- 3 (iii) management of eMaryland Marketplace and other Internet
4 procurement resources;
- 5 (iv) use of eMaryland Marketplace and compliance with § 17–502 of
6 this article;
- 7 (v) use of intergovernmental cooperative purchasing agreements;
8 ~~and~~

9 **(VI) STRATEGIES TO INCREASE THE PARTICIPATION OF SMALL,**
10 **MINORITY-OWNED, AND WOMEN-OWNED BUSINESSES IN PROCUREMENT**
11 **CONTRACTS; AND**

- 12 ~~(vi)~~ **(VII)** any other issues or problems identified by the Council;
- 13 (4) advise the Board on problems in the procurement process and make
14 recommendations for improvement of the process;
- 15 (5) review existing procurement regulations to:
- 16 (i) determine whether they fulfill the intent and purpose of the law,
17 especially as it relates to fostering broad-based competition; and
- 18 (ii) make recommendations on the regulations, if revising and
19 restructuring them will result in easier understanding and use; and
- 20 (6) advise the General Assembly on proposed legislation in order to
21 enhance the efficiency and transparency of State procurement.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.