

# SENATE BILL 109

P2

5lr1125

---

By: **Senator Conway**

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2015

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Task Force to Study Small and Minority Design Firm Participation in State**  
3 **Procurement**

4 FOR the purpose of establishing the Task Force to Study Small and Minority Design Firm  
5 Participation in State Procurement; providing for the composition, chair, and  
6 staffing of the Task Force; prohibiting a member of the Task Force from receiving  
7 certain compensation, but authorizing the reimbursement of certain expenses;  
8 requiring the Task Force to determine certain measures; requiring the Task Force  
9 to report its findings and recommendations to the Governor and General Assembly  
10 on or before a certain date; providing for the termination of this Act; and generally  
11 relating to the Task Force to Study Small and Minority Design Firm Participation  
12 in State Procurement.

13 Preamble

14 WHEREAS, Professional design services differ significantly from construction  
15 trades, although the State procurement process is general in its application to both  
16 industries; and

17 WHEREAS, The State procurement process does not distinguish between the specific  
18 requirements of the professional design services and the construction trades; and

19 WHEREAS, A recognition of these differences could provide efficiencies to the State  
20 and opportunities for local and small minority businesses in the State; and

---

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 WHEREAS, Open-ended design contracts present challenges for vendors seeking to  
 2 comply with Minority Business Enterprise goals through the risk of incurring liquidated  
 3 damages; and

4 WHEREAS, Current procurement practices restrict and limit small and minority  
 5 design business enterprises from equitable participation in State-funded projects; now,  
 6 therefore,

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 8 That:

9 (a) There is a Task Force to Study Small and Minority Design Firm Participation  
 10 in State Procurement.

11 (b) The Task Force consists of the following members:

12 (1) One member of the Senate of Maryland, appointed by the President of  
 13 the Senate;

14 (2) One member of the House of Delegates, appointed by the Speaker of the  
 15 House;

16 (3) The Special Secretary of Minority Affairs, or the Special Secretary's  
 17 designee;

18 (4) The Comptroller of Maryland, or the Comptroller's designee;

19 (5) ~~The Chief Facilities Officer, University of Maryland, College Park, or~~  
 20 ~~the Chief Facilities Officer's designee~~

21 (i) The Chancellor of the University System of Maryland; or

22 (ii) Two designees of the Chancellor from Design and Construction  
 23 Services, as follows:

24 1. One from the University of Maryland, College Park; and

25 2. One from the University of Maryland, Baltimore;

26 (6) ~~The Secretary of Budget and Management, or the Secretary's designee;~~

27 ~~(7)~~ The Secretary of General Services, or the Secretary's designee;

28 ~~(8)~~ (7) The Secretary of Public Safety and Correctional Services, or the  
 29 Secretary's designee;

30 ~~(9)~~ (8) The Secretary of Transportation, or the Secretary's designee;

1           ~~(10)~~ (9) The Executive Director of the Maryland Port Administration, or the  
2 Executive Director's designee;

3           ~~(11)~~ (10) The Executive Director of the Maryland Stadium Authority, or the  
4 Executive Director's designee; and

5           ~~(12)~~ (11) The following six members, appointed by the Governor:

6           (i) Three licensed Maryland architects, one of whom is a certified  
7 Minority Business Enterprise, one who represents a small firm, and one who represents a  
8 large firm, as designated by the American Institute of Architects, Maryland Component;  
9 and

10           (ii) Three licensed Maryland engineers, one of whom is a certified  
11 Minority Business Enterprise, one who represents a small firm, and one who represents a  
12 large firm, as designated by the American Council of Engineering Companies/Maryland.

13           (c) The Governor shall designate the chair of the Task Force.

14           (d) The Department of General Services shall provide staff for the Task Force.

15           (e) A member of the Task Force:

16           (1) May not receive compensation as a member of the Task Force; but

17           (2) Is entitled to reimbursement for expenses under the Standard State  
18 Travel Regulations, as provided in the State budget.

19           (f) The Task Force shall determine specific measures to ensure equitable  
20 participation by small and minority design firms in State-funded projects and measures to  
21 avoid the application of liquidated damages on open-ended design contracts.

22           (g) On or before December 31, 2015, the Task Force shall report its findings and  
23 recommendations to the Governor and, in accordance with § 2-1246 of the State  
24 Government Article, the General Assembly.

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2015. It shall remain effective for a period of 1 year and, at the end of May 31, 2016, with  
27 no further action required by the General Assembly, this Act shall be abrogated and of no  
28 further force and effect.