

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: King  
Typed by: David  
Stored – 11/17/16  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

By: **Delegate W. Miller**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Board of Education – Sole Source Procurement – Limitation**

3 **Ho. Co. 15–17**

4 FOR the purpose of prohibiting the Howard County Board of Education from entering into  
5 a sole source procurement that costs more than a certain amount; defining a term;  
6 and generally relating to sole source procurement by the Howard County Board of  
7 Education.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 5–112  
11 Annotated Code of Maryland  
12 (2014 Replacement Volume and 2016 Supplement)

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

15 **Article – Education**

16 5–112.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to:

2 (1) Contracts for the purchase of books and other materials of instruction  
3 as defined in the State Department of Education Financial Reporting Manual;

4 (2) Emergency repairs; and

5 (3) Except as provided in subsection [(e)] (F) of this section, a county  
6 board's participation in contracts for goods or commodities that are awarded by other public  
7 agencies or by intergovernmental purchasing organizations if the lead agency for the  
8 contract follows public bidding procedures.

9 (b) (1) Except as provided in paragraph (2) of this subsection, if the cost of any  
10 school building, improvement, supplies, or equipment is more than \$25,000, the county  
11 board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium  
12 accessible to the general public, which includes:

13 (i) A newspaper of general circulation in the region;

14 (ii) The Maryland Contract Weekly or comparable State publication;  
15 or

16 (iii) An electronic posting on a bid board and physical posting on the  
17 local school system bid board.

18 (2) If the amount specified in paragraph (1) of this subsection differs from  
19 the amount in § 13–109(a) of the State Finance and Procurement Article, the amount in §  
20 13–109(a) of the State Finance and Procurement Article shall apply under paragraph (1) of  
21 this subsection.

22 (3) (i) The county board shall draft specifications that provide a clear  
23 and accurate description of the functional characteristics or the nature of an item to be  
24 procured, without modifying the county board's requirements.

25 (ii) The specifications may:

26 1. Include a statement of any of the county board's  
27 requirements; and



1                   (2)     The county board may reject any and all bids and readvertise for other  
2 bids.

3           (d)   (1)     In this subsection, the term “minority business enterprise” has the  
4 meaning stated in § 14–301 of the State Finance and Procurement Article.

5                   (2)     In Montgomery County, by resolution and by implementing  
6 regulations, the Montgomery County Board of Education shall establish a minority  
7 business utilization program to facilitate the participation of responsible certified minority  
8 business enterprises in contracts awarded by the Montgomery County Board of Education  
9 in accordance with competitive bidding procedures.

10           **(E)   (1)     IN THIS SUBSECTION, “PROCUREMENT” HAS THE MEANING**  
11 **STATED IN § 11–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

12                   **(2)     IN HOWARD COUNTY, THE HOWARD COUNTY BOARD OF**  
13 **EDUCATION MAY NOT ENTER INTO A SOLE SOURCE PROCUREMENT THAT COSTS**  
14 **MORE THAN \$5,000.**

15           ~~(e)~~ **(F)   (1)   (i)**     In this subsection, “green product cleaning supplies”  
16 means environmentally preferable cleaning and cleaning maintenance products and  
17 supplies intended for routine cleaning and cleaning maintenance that perform well and  
18 that have positive health and environmental attributes, including:

- 19                                   1.     Biodegradability;
- 20                                   2.     Low toxicity;
- 21                                   3.     Low volatile organic compound content;
- 22                                   4.     Reduced packaging;
- 23                                   5.     Low life cycle energy use; and
- 24                                   6.     Lesser or reduced effects on human health and the  
25 environment when compared to competing products that serve the same purpose.

1 (ii) “Green product cleaning supplies” includes:

- 2 1. General purpose cleaners;
- 3 2. Bathroom cleaners;
- 4 3. Carpet cleaners;
- 5 4. Glass cleaners;
- 6 5. Floor cleaners, floor finishes, and floor strippers;
- 7 6. Wall cleaners;
- 8 7. Desk cleaners;
- 9 8. Surface cleaners;
- 10 9. Window cleaners;
- 11 10. Whiteboard cleaners; and
- 12 11. Soap.

13 (iii) “Green product cleaning supplies” does not include:

- 14 1. Room deodorizers;
- 15 2. Air fresheners;
- 16 3. Toilet deodorizers; or
- 17 4. Hand cleaners.

18 (2) (i) Subject to subsection [(f)] (G) of this section, to the extent  
19 practicable, and economically feasible, a county board shall procure green product cleaning  
20 supplies for use in its schools.

1 (ii) In accordance with subsection (b)(3) of this section, a county  
2 board shall draft specifications that provide a clear and accurate description of the  
3 functional characteristics or nature of the green product cleaning supplies that are to be  
4 procured.

5 (iii) The specifications drafted by a county board under subparagraph  
6 (ii) of this paragraph:

7 1. May not preclude the use when necessary of a disinfectant,  
8 disinfecting cleaner, sanitizer, or other antimicrobial product regulated by the Federal  
9 Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et seq.; and

10 2. Shall allow for multiple avenues to obtain green product  
11 cleaning supplies certification, including:

12 A. Green Seal, Green Label, Environmental Choice,  
13 TerraChoice, or Ecologo; and

14 B. Any other nationally recognized independent third-party  
15 entity that certifies environmentally preferable products that the county board determines  
16 to be appropriate.

17 (3) (i) Except as provided in paragraph (2)(i) of this subsection, on or  
18 before July 1, 2013, a county board shall adopt written policies for the procurement of green  
19 product cleaning supplies for use in its schools.

20 (ii) The written policies shall:

21 1. Require the use of green product cleaning supplies;

22 2. On or before July 1, 2014, establish guidelines for  
23 purchasing green product cleaning supplies that meet the certification requirements of any  
24 established and nationally recognized independent third-party entity that certifies  
25 environmentally preferable products and adheres to consensus standards for lesser or  
26 reduced effects on human health and the environment when compared to competing  
27 products that serve the same purpose;

1                                   3.     Establish green cleaning practices, including storage,  
2 application, frequency of use, and disposal of the supplies to ensure that the occupants of a  
3 school building do not suffer any adverse health effects as the result of these practices; and

4                                   4.     Require staff training on implementing the policy.

5           **[(f)] (G)**     On or before June 30 each year, a county board that does not procure  
6 green product cleaning supplies for use in its schools because doing so is not practicable or  
7 economically feasible shall provide annual written notice of this fact to the Department.

8           **[(g)] (H)**     Nonpublic schools may participate under any contracts for goods or  
9 commodities that are awarded by county boards, other public agencies, or  
10 intergovernmental purchasing organizations, if the lead agency for the contract award  
11 follows public bidding procedures.

12           **[(h)] (I)**     A contract entered into or purchase made in violation of this section is  
13 void.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2017.