

are, therefore, at a disadvantage and must place bids which are considerably lower than resident firms in those states in order to obtain contracts. On the other hand, residents of those six states and Puerto Rico are on an equal footing with Marylanders in obtaining contracts with the State of Maryland. This situation is unfair to Maryland residents. It is, therefore, the intent of this Act to provide Maryland residents with advantages within Maryland over persons with residences in other states that have state contract preference statutes for residents; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 41 - Governor - Executive and Administrative Departments

231-I.

(A) In purchasing materials, supplies and equipment for the using authorities, the Secretary of General Services shall give a preference to products manufactured or produced in Maryland, except when in the judgment of the Secretary such purchases would operate to the disadvantage of the State.

(B) (1) IN THIS SUBSECTION, "MARYLAND FIRM" MEANS A BUSINESS ENTITY WHICH HAS ITS PRINCIPAL OFFICE IN THIS STATE.

~~(B)-(1)~~ (2) WHEN AWARDING A CONSTRUCTION CONTRACT BASED ON COMPETITIVE BIDDING, THE DEPARTMENT OF GENERAL SERVICES SHALL ACCEPT THE LOWEST RESPONSIVE AND RESPONSIBLE BID FROM A MARYLAND FIRM OVER THAT OF A BID FROM A RESIDENT OF ANOTHER STATE IF:

(I) THAT STATE GIVES ANY PREFERENCE TO RESIDENT FIRMS OVER MARYLAND FIRMS; AND

(II) THE BID FROM THE MARYLAND FIRM DOES NOT EXCEED THE BID FROM THE NONRESIDENT FIRM BY MORE THAN 2 PERCENT.

~~(2)~~ (3) A MARYLAND FIRM DESIRING THE PREFERENCE PROVIDED BY THIS SUBSECTION SHALL CLAIM THE PREFERENCE WHEN THE MARYLAND FIRM SUBMITS ITS BID.

~~(3)~~ (4) IF IN CONFLICT WITH ANY FEDERAL GRANT OR REGULATION AFFECTING THE CONTRACT, THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY.

Article - Transportation

2-108.