

authorizing the Board of Public Works to waive certain provisions of the State Procurement Law; and generally relating to energy performance contracting for State agencies.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 11-101
 Annotated Code of Maryland
 (1988 Replacement Volume and 1992 Supplement)

BY adding to
 Article – State Finance and Procurement
 Section 12-301, 12-302, and 12-303
 Annotated Code of Maryland
 (1988 Replacement Volume and 1992 Supplement)

Preamble

WHEREAS, The General Assembly finds that energy expenditures account for a large portion of the operating costs of public buildings and facilities; and

WHEREAS, The ability of the owners or operators of such buildings or facilities to obtain adequate funds to carry out energy conservation and other related measures is constrained; and

WHEREAS, The General Assembly further finds that application of innovative practices used in the private sector to assemble management resources, technical expertise, and funds to install equipment and carry out measures to conserve or produce energy in exchange for a portion of the savings or revenues produced will reduce the energy costs for public buildings and facilities and will thus benefit the people of Maryland; and

WHEREAS, It is the intention of the General Assembly to create a mechanism that allows units of the State government to take advantage of these innovative measures by providing the Board of Public Works with the necessary flexibility to use the State's existing procurement system to take advantage of available opportunities; now, therefore,

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

Article – State Finance and Procurement

11-101.

- (a) In this Division II the following words have the meanings indicated unless:
- (1) the context clearly requires a different meaning; or
 - (2) a different definition is provided for a particular title or provision.
- (b) (1) "Architectural services" means professional or creative work that: