

- (1) submit a bid or proposal for that procurement; or
- (2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(B) FOR ~~THE PURPOSE~~ PURPOSES OF SUBSECTION (A) OF THIS SECTION, ASSISTING IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS FOR A PROCUREMENT DOES NOT INCLUDE:

(1) PROVIDING DESCRIPTIVE LITERATURE SUCH AS CATALOG CATALOGUE SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION "SAMPLES", WHETHER REQUESTED BY AN EXECUTIVE AGENCY OR PROVIDED ON AN UNSOLICITED BASIS;

(2) SUBMITTING WRITTEN COMMENTS ON A SPECIFICATION PREPARED BY AN AGENCY OR ON A SOLICITATION FOR A BID OR PROPOSAL WHEN COMMENTS ARE SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION OR A PREBID OR PREPROPOSAL PROCESS; OR

(3) PROVIDING SPECIFICATIONS FOR A SOLE SOURCE PROCUREMENT MADE IN ACCORDANCE WITH § 13-107 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

(4) PROVIDING ARCHITECTURAL AND ENGINEERING SERVICES FOR PROGRAMMING, MASTER PLANNING, OR OTHER PROJECT PLANNING SERVICES.

~~(C) A PERSON WHO HAS ASSISTED AN EXECUTIVE AGENCY IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A REQUEST FOR PROPOSALS MAY SUBMIT A BID OR PROPOSAL OR ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS SUBMITTING A BID OR PROPOSAL FOR THAT PROCUREMENT IF THE BOARD OF PUBLIC WORKS PROVIDES BY REGULATION THAT, AS TO THAT TYPE OF OUTSIDE ASSISTANCE OR THAT KIND OF PROCUREMENT:~~

~~(1) IT IS IN THE BEST INTEREST OF THE STATE FOR AN EXECUTIVE AGENCY TO OBTAIN OUTSIDE ASSISTANCE IN DRAFTING THE SPECIFICATIONS, THE INVITATION FOR BIDS, OR THE REQUEST FOR PROPOSALS, AND~~

~~(2) ALLOWING A PERSON WHO HAS ASSISTED IN DRAFTING THE SPECIFICATIONS, THE INVITATION FOR BIDS, OR THE REQUEST FOR PROPOSALS TO PARTICIPATE IN THE SUBMISSION OF A BID OR PROPOSAL FOR THE SAME PROCUREMENT WILL NOT UNDERMINE THE POTENTIAL FOR EFFECTIVE BROAD-BASED COMPETITION FOR THAT KIND OF PROCUREMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1996.

Approved May 14, 1996.