

Procurement – Conflict of Interest

FOR the purpose of providing that certain kinds of activities do not disqualify an individual from participating in or assisting another in participating in certain procurements; and generally relating to the limitation on participating in a procurement after assisting in the drafting of certain documents relating to that procurement.

BY repealing and reenacting, with amendments,

Article – State Government

Section 15-508

Annotated Code of Maryland

(1995 Replacement Volume)

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

Article – State Government

15-508.

(A) An individual who assists an executive unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, or a person that employs the individual, may not:

- (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 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 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 ~~INDIVIDUALS~~ 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.