

## Senate Bill No. 438

AN ACT concerning

**Elementary and Secondary Education - Procurement - Competition**

FOR the purpose of requiring county boards of education to draft certain specifications ~~to obtain maximum competition~~ in certain public school procurement contracts; ~~and prohibiting specifications favoring a single prospective bidder or offeror, with the exception of specification of brand name products for heating and cooling products or electrical systems~~ requiring that brand name specifications allow substitution of equivalent products except in certain circumstances; and generally relating to competition for certain public school procurement contracts.

BY repealing and reenacting, with amendments,

Article - Education

Section 5-112

Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)

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

**Article - Education**

5-112.

(a) This section does not apply to:

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

(b) (1) If the cost of any school building, improvement, supplies, or equipment is more than \$15,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in at least one newspaper of general circulation in the county.

(2) ~~THE COUNTY BOARD:~~

~~(I) SHALL DRAFT SPECIFICATIONS TO OBTAIN MAXIMUM PRACTICABLE COMPETITION FOR CONTRACTS FOR SCHOOL BUILDING, IMPROVEMENT, SUPPLIES, OR EQUIPMENT WITHOUT MODIFYING THE REQUIREMENTS OF THE COUNTY BOARD;~~

~~(II) MAY NOT DRAFT THE SPECIFICATIONS IN A MANNER TO FAVOR A SINGLE PROSPECTIVE BIDDER OR OFFEROR, BUT~~