

Article - State Finance and Procurement

13-211.

(a) In this section, "procurement official" means a procurement officer or an individual who participates in the drafting of specifications for procurement.

(b) During the conduct of a procurement, a competing contractor, or any officer, employee, representative, agent, or consultant of any competing contractor, may not knowingly:

(1) make any offer or promise of future employment or business opportunity to, or engage in any discussion of future employment or business opportunity with, any procurement official of the agency conducting the procurement;

(2) offer, give, or promise to offer or give any money, gratuity, or other thing of value to any procurement official of the agency conducting the procurement; or

(3) solicit or obtain from any officer or employee of an agency conducting the procurement, before the award of a contract, any proprietary or source selection information regarding the procurement.

16-203.

(c) A person may be debarred from entering into a contract with the State:

(1) if the Board finds that the person was established or operates in a manner designed to evade the application of this title or to defeat the purpose of this title;

(2) if the person is a successor, assignee, subsidiary, or affiliate of a person who is debarred or suspended;

(3) for one of the following violations of a contract provision if the Board believes it to be serious enough to justify debarment:

(i) the deliberate failure, without good cause, to perform in accordance with the specifications, or within the time limit, provided in a contract; or

(ii) within the preceding 5 years, the failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, unless the failure to perform or unsatisfactory performance was caused by acts beyond the control of the person; [or]

(4) IF THE PERSON IS A COMPETING CONTRACTOR, OR ANY OFFICER, EMPLOYEE, REPRESENTATIVE, AGENT, OR CONSULTANT OF ANY COMPETING CONTRACTOR WHO VIOLATES § 13-211 OF THIS ARTICLE; OR

[(4)] (5) for any other cause that the Board determines to be so serious as to affect the integrity of the procurement process.