

(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 persons as part of a request for information or a prebid or preproposal process;

(3) providing specifications for a sole source procurement made in accordance with § 13-107 of the State Finance and Procurement Article;

(4) providing architectural and engineering services for:

(I) programming, master planning, or other project planning services, ~~INCLUDING PRELIMINARY DESIGN SERVICES THAT INVOLVE NO CONSTRUCTION PHASE RESPONSIBILITIES~~; or

(II) THE DESIGN OF A CONSTRUCTION PROJECT IF:

1. THE ANTICIPATED VALUE OF THE PROCUREMENT CONTRACT AT THE TIME OF ADVERTISEMENT IS AT LEAST \$2,500,000 AND NOT MORE THAN \$40,000,000; AND

2. THE DESIGN SERVICES DO NOT INVOLVE LEAD OR PRIME DESIGN RESPONSIBILITIES OR CONSTRUCTION PHASE RESPONSIBILITIES ON BEHALF OF THE STATE; OR

(5) providing specifications for an unsolicited proposal procurement made in accordance with § 13-107.1 of the State Finance and Procurement Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - State Government

15-508.

(a) An individual or a person that employs an individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals 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.