

- (i) a percentage preference;
- (ii) an employee residency requirement; or
- (iii) any other provision that favors a resident over a nonresident.

(3) "Resident bidder" means a bidder whose principal office is located in the State.

(4) "RESIDENT OFFEROR" MEANS AN OFFEROR WHOSE PRINCIPAL OFFICE IS LOCATED IN THE STATE.

~~(5) "RESPONSIVE PROPOSAL" MEANS A PROPOSAL THAT CONFORMS IN ALL MATERIAL RESPECTS TO THE REQUEST FOR PROPOSALS.~~

~~[(4)]~~ ~~(6)~~ (5) "Services" means services, architectural services, construction related services, engineering services, or energy performance contract services, all as defined in § 11-101 of this article.

(b) When a unit uses competitive sealed bidding to award a procurement contract, the unit may give a preference to the resident bidder who submits the lowest responsive bid from a resident bidder if:

- (1) the resident bidder is a responsible bidder;
- (2) a responsible bidder whose principal office or operation is in another state submits the lowest responsive bid;
- (3) the state in which the nonresident bidder's principal office is located or the state in which the nonresident bidder has its principal operation through which it would provide supplies or services gives a preference to its residents; and

(4) a preference does not conflict with a federal law or grant affecting the procurement contract.

~~(c) WHEN A UNIT ISSUES A REQUEST FOR PROPOSALS TO AWARD A PROCUREMENT CONTRACT, THE UNIT MAY GIVE A PREFERENCE TO THE RESIDENT OFFEROR WHO SUBMITS THE LOWEST RESPONSIVE PROPOSAL FROM A RESIDENT OFFEROR IF:~~

- ~~(1) THE RESIDENT OFFEROR IS A RESPONSIBLE OFFEROR;~~
- ~~(2) A RESPONSIBLE OFFEROR WHOSE PRINCIPAL OFFICE OR OPERATION IS IN ANOTHER STATE SUBMITS THE LOWEST RESPONSIVE PROPOSAL;~~
- ~~(3) THE STATE IN WHICH THE NONRESIDENT OFFEROR'S PRINCIPAL OFFICE IS LOCATED OR THE STATE IN WHICH THE NONRESIDENT OFFEROR HAS ITS PRINCIPAL OPERATION THROUGH WHICH IT WOULD PROVIDE SUPPLIES OR SERVICES GIVES A PREFERENCE TO ITS RESIDENTS, AND~~

~~(4) A PREFERENCE DOES NOT CONFLICT WITH A FEDERAL LAW OR GRANT AFFECTING THE PROCUREMENT CONTRACT WHEN A UNIT USES COMPETITIVE SEALED PROPOSALS TO AWARD A PROCUREMENT CONTRACT, THE UNIT MAY GIVE A PREFERENCE TO RESIDENT OFFERORS IF:~~