

SENATE BILL 196

P2

(PRE-FILED)

5lr0203
CF HB 284

By: **Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 2025

CHAPTER _____

1 AN ACT concerning

2 **Procurement – Electronic Transactions – Clarification of Fees Due**

3 FOR the purpose of specifying that fees collected for electronic transactions for
4 procurements are those due to the State and not fees due to a third party; and
5 generally relating to electronic procurement transactions.

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 13–226
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2024 Supplement)

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

13 **Article – State Finance and Procurement**

14 13–226.

15 (a) Unless otherwise prohibited by law, a primary procurement unit may conduct
16 procurement, including the solicitation of bids or proposals, evaluation, award, execution,
17 and administration of a contract, by electronic means as provided in the Uniform Electronic
18 Transactions Act in Title 21 of the Commercial Law Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(b) Bidding or submitting a proposal on a procurement contract by electronic means shall constitute consent by the bidder or proposer to conduct by electronic means all elements of the procurement of that contract which the unit agrees to conduct by electronic means.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a unit utilizing electronic means to conduct procurement or a private contractor furnishing to the State electronic means for conducting procurement may charge a reasonable fee, on approval by the Chief Procurement Officer, to the bidder, proposer, or each contract awardee for the use of the electronic means.

(ii) Any fees collected under subparagraph (i) of this paragraph **THAT ARE DUE TO THE STATE** shall be deposited in the Operations Revenue Fund established under § 13–102.1(c) of this subtitle.

(2) Unless approved by the Board of Public Works, a fee may not be charged under this subsection.

(d) The terms and conditions of a procurement conducted under this section shall comply with the Uniform Electronic Transactions Act in Title 21 of the Commercial Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.