

# MARYLAND PROCUREMENT CODE

**Fiscal Year End: June 30**

1. **Pre-qualifications:** Vendor list available but not required to bid on contracts.
  - a. **21.05.02.06.A** → Vendor lists may be compiled by the procurement agency to provide State agencies with the names of businesses that may be interested in competing for various types of State procurement contracts. Unless otherwise provided, inclusion or exclusion of the name of a business does not indicate whether the business is responsible in respect to a particular procurement or otherwise is capable of successfully performing a State contract. Any person desiring to do business with the State shall submit a bidder's application to the appropriate procurement agency indicating the types or kinds of State procurements for which the vendor wishes to be considered. Out-of-State vendors shall be registered with the Maryland Department of Assessments and Taxation before award of the contract
  
2. **Auto-drop:** May be removed from vendor list if fail to bid on three consecutive invitations.
  - a. **21.05.02.06.B** → Businesses that fail to respond to solicitations or notices of availability on three consecutive invitations of similar items may be removed by the procurement officer from the applicable vendors list after notice to the vendor. Prospective bidders who were sent solicitations or have obtained bidding documents who have been deleted but who currently meet the criteria for inclusion on the list may be reinstated on the list at their request.
  
3. **Life Cycle Costing (LCC):** Evaluations based on LCC may be used if LCC is a criteria for evaluation listed in the ITB.
  - a. **21.05.02.13.A** → The contract is to be awarded to the responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the invitation for bids, and is either the most favorable bid price or most favorable evaluated bid price. A bid may not be evaluated for any requirement or criterion that is not disclosed in the invitation for bids
  - b. **21.05.02.13.B** → Bids shall be evaluated to determine which bidder offers the most favorable price to the State in accordance with the evaluation criteria set forth in the invitation for bids. Only objectively measurable criteria which are set forth in the invitation for bids shall be applied in determining the most favorable evaluated bid price. The State reserves the right to make the award by item, or groups of items, or total bid if it is in the best interest of the State to do so unless the bidder specifies in its bid that a partial or progressive award is not acceptable
  
4. **Piggybacking:** Allowed.
  - a. **21.05.09.02.A** → Subject to COMAR 21.02.01, a primary procurement unit may participate in, conduct, sponsor, or administer an intergovernmental cooperative purchasing agreement when a determination under Regulation .04 of this chapter is made.
  
5. **Recycle Preferences:** Price preference shall not exceed 5% for materials on the Acceptable Recycled Products List
  - a. **21.11.07.05.A** → The Secretary of General Services shall establish an Acceptable Recycled Products List, as defined in Regulation .01B(1) of this chapter. Products placed

on the Acceptable Recycled Products List shall be distributed to all State agencies and published in eMaryland Marketplace at least twice a year but not later than January 1 and July 1 of each year

- b. **21.11.07.05.B** → Procurement specifications are to require the use of products on the Acceptable Recycled Products List. Each procurement agency shall review its procurement specifications and, to the extent practicable, require the use of supplies and materials containing recycled materials.
- c. **MD Recycled Product Laws** → Percentage Price Preference means the percent by which a responsive bid from a responsible bidder whose product contains recycled materials may exceed the lowest responsive bid submitted by a responsible bidder whose products do not contain recycled materials. The percentage is not to exceed 5% for the purchase of products made from recycled materials. This preference may not be used in conjunction with any other percentage price preference established under this chapter.

MD Recycled Products List <http://dgsweb.dgs.state.md.us/procure/Recycled-Contract.htm>

MD Recycled Products Laws <http://dgsweb.dgs.state.md.us/procure/Recycled-Laws.htm>

**6. Minority/Small/Disadvantaged Business Enterprise preferences:** Five percent (5%) price preference (or another predetermined percentage) for small business, Seven Percent (7%) price preference for veteran owned small business, Eight percent (8%) for disabled-veteran owned small business procurement may be applied to bids from the Department of Transportation and the Department of General Services. This preference will be stated in the ITB.

- a. **21.11.01.02.B** → The small business preference program specifically authorizes the Departments of General Services, Transportation, and, for procurements in connection with the construction of State correctional facilities, Public Safety and Correctional Services to apply certain percentage price preferences in favor of certified small businesses when evaluating and awarding bids on those procurements designated for a small business preference.
- b. **21.11.01.05.B.2.b** → The small business preference notice contained in the solicitation shall be substantially as follows: Small Business Preference (base percentage preference of 5 percent unless otherwise provided) This procurement has been designated for a small business preference under COMAR 21.11.01.05. The procurement agency will accept the most favorable responsive bid from a responsible small business (COMAR 21.01.02.01B(80)) if the bid of the small business does not exceed the most favorable responsive bid received from a responsible bidder who is not a small business by: (1) more than 5 percent; (2) more than 7% for a veteran-owned small business; (3) more than 8% for a disabled-veteran-owned small business; or (4) the percentage otherwise identified in the solicitation as the small business preference

**7. Cooperative Purchasing**

**National IPA**

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

**National Joint Powers Alliance (NJPA)**

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

**\*\*\*MD Procurement Code:**

[http://www.dsd.state.md.us/comar/subtitle\\_chapters/21\\_Chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/21_Chapters.aspx)