

# HOUSE BILL 1244

P2

1lr2243

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By: **Delegate Sample-Hughes**

Introduced and read first time: February 8, 2021

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Procurement – Concrete – Preference**

3 FOR the purpose of requiring each unit of State government responsible for ~~the~~  
4 ~~procurement of concrete to give consideration and preference to the procurement~~  
5 awarding a contract for the procurement of concrete or a certain contract that  
6 includes the purchase or use of concrete in the performance of the contract to give a  
7 certain percentage price preference to the procurement, or required use under the  
8 contract, of certain concrete mix designs that consist of Type 1L or blended cement  
9 and that meet certain other standards and specifications; providing that a certain  
10 percentage price preference shall only apply to a certain portion of a contract;  
11 requiring the Board of Public Works to adopt certain regulations; requiring the  
12 Board to publish certain guidelines on the Board’s website; defining ~~certain terms~~ a  
13 certain term; providing for a delayed effective date; and generally relating to the  
14 procurement of concrete by the State.

15 BY adding to

16 Article – State Finance and Procurement

17 Section 14-417

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2020 Supplement)

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

22 **Article – State Finance and Procurement**

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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.



1 14-417.

2 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
3 ~~INDICATED.~~

4 ~~(2) "CONCRETE" MEANS STRUCTURAL AND NONSTRUCTURAL~~  
5 ~~MASONRY AND READY MIX CONCRETE BUILDING PRODUCTS.~~

6 ~~(3) "PREFERENCE" INCLUDES:~~

7 ~~(I) A PERCENTAGE PRICE PREFERENCE; AND~~

8 ~~(II) ANY OTHER PROVISION THAT FAVORS THE PURCHASE OR~~  
9 ~~USE OF CEMENT THAT MEETS THE REQUIREMENTS SET FORTH IN SUBSECTION (B)~~  
10 ~~OF THIS SECTION.~~

11 ~~(B) EACH UNIT RESPONSIBLE FOR THE PROCUREMENT OF CONCRETE~~  
12 ~~SHALL GIVE CONSIDERATION AND PREFERENCE TO THE PROCUREMENT OF A~~  
13 ~~CONCRETE MIX DESIGN THAT:~~

14 (A) IN THIS SECTION, "CONCRETE" MEANS STRUCTURAL AND  
15 NONSTRUCTURAL MASONRY AND READY MIX CONCRETE BUILDING PRODUCTS.

16 (B) EACH UNIT RESPONSIBLE FOR AWARDING A CONTRACT FOR THE  
17 PROCUREMENT OF CONCRETE OR A CONTRACT THAT INCLUDES THE PURCHASE OR  
18 USE OF CONCRETE IN THE PERFORMANCE OF THE CONTRACT SHALL GIVE A 5%  
19 PRICE PREFERENCE TO THE PROCUREMENT, OR REQUIRED USE UNDER THE  
20 CONTRACT, OF A CONCRETE MIX DESIGN THAT:

21 (1) CONSISTS OF TYPE 1L CEMENT OR AN ASTM C595 BLENDED  
22 CEMENT WITH SLAG CEMENT, FLY ASH, OR NATURAL POZZOLAN;

23 (2) MEETS SPECIFICATIONS SET BY THE AMERICAN ASSOCIATION OF  
24 STATE HIGHWAY AND TRANSPORTATION OFFICIALS; AND

25 (3) MEETS OR EXCEEDS ANY OTHER ENGINEERING PERFORMANCE  
26 STANDARDS SET BY THE STATE.

27 (C) THE PERCENTAGE PRICE PREFERENCE IN SUBSECTION (B) OF THIS  
28 SECTION SHALL ONLY APPLY TO THE PORTION OF A CONTRACT THAT IS DIRECTLY  
29 ATTRIBUTABLE TO THE COST OF THE CONCRETE.

30 (D) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS

1 SECTION, INCLUDING REGULATIONS THAT:

2 (1) ESTABLISH GUIDELINES TO ASSIST UNITS IN DETERMINING  
3 WHICH CONTRACTS ARE SUBJECT TO THE REQUIREMENTS OF THIS SECTION; AND

4 (2) PROVIDE FOR THE MONITORING OF THE IMPLEMENTATION OF  
5 THIS SECTION.

6 ~~(D)~~ (E) THE BOARD SHALL PUBLISH ON THE BOARD'S WEBSITE THE  
7 GUIDELINES ESTABLISHED IN ACCORDANCE WITH SUBSECTION ~~(C)~~ (D) OF THIS  
8 SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.