

A UNIT OF STATE GOVERNMENT SHALL PURCHASE FROM STATE USE INDUSTRIES ANY GOODS OR SERVICES THAT ARE AVAILABLE FROM STATE USE INDUSTRIES AND THAT STATE USE INDUSTRIES CAN PROVIDE AT A PRICE NOT EXCEEDING THE PREVAILING AVERAGE MARKET PRICE AS DETERMINED BY THE DEPARTMENT OF GENERAL SERVICES.

(B) PURCHASES THROUGH PRIMARY PROCUREMENT UNITS.

(1) THE CONTRACTING UNIT SHALL INFORM EACH UNIT OF STATE GOVERNMENT FOR WHICH IT PROCURES GOODS OR SERVICES WITHIN 60 DAYS AFTER THE AWARD OF A CONTRACT.

(2) QUARTERLY, EACH UNIT THAT REQUIRES GOODS OR SERVICES FOR ITS OPERATIONS SHALL INFORM STATE USE INDUSTRIES OF ITS ANTICIPATED ORDERS DURING THE NEXT 3-MONTH PERIOD.

(3) IF STATE USE INDUSTRIES IS UNABLE TO PROVIDE ANY OF THE GOODS OR SERVICES UNDER THE CONTRACT, STATE USE INDUSTRIES SHALL NOTIFY THE CONTRACTING UNIT SO THAT APPROPRIATE ALTERNATIVE ACTION MAY BE TAKEN TO MEET THE NEEDS OF UNITS OF STATE GOVERNMENT FOR WHICH THE CONTRACTING UNIT PROCURES GOODS OR SERVICES.

(C) SUSPENSION OF PROVISIONS.

THE BOARD OF PUBLIC WORKS:

(1) SHALL SUSPEND THE APPLICATION OF SUBSECTION (A) OF THIS SECTION IF THE BOARD OF PUBLIC WORKS FINDS THAT THE PURPOSES OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE BEING UNDULY ERODED DUE TO THE VOLUME AND SCOPE OF ACTIVITIES AND SALES BY STATE USE INDUSTRIES; AND

(2) MAY SUSPEND THE APPLICATION OF SUBSECTION (A) OF THIS SECTION FOR DATA ENTRY SERVICES THAT INVOLVE INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 681C(a)(2) and (3) and (c).

In subsections (a) and (b) of this section, references to goods "or" services are substituted for former references to goods "and" services to clarify that a contracting unit may purchase goods, services, or both from State Use Industries.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the language of subsection (b)(1) of this section does not reflect current practice. Currently, State Use Industries contracts with the Department of General Services to supply certain products at particular prices. There is no "award of a contract" by the Department of General Services in the sense that State agencies are obligated to buy any products. The Department of General Services