

controversial items.<sup>68</sup> With some modifications the board adopted these recommendations. As a result its three agendas are now divided into two parts—those major items requiring direct board approval (action agendas) and those items handled by the four agencies, which are merely reported for the board's information (procurement agency action reports).

It is not necessary to describe all of the details of the new procurement regulations, which have been published in the *Maryland Register* and subsequently in the *Code of Maryland Regulations*.<sup>69</sup> In general they follow the basic recommendations made by most of the study commissions and task forces over the years. Direct procurement authority over data processing and service contracts (other than architectural and engineering contracts) involving less than \$100,000 has been delegated to the Department of Budget and Fiscal Planning, along with responsibility for minor modifications in those contracts and the procurement of state automobiles. Authority to approve construction contracts up to \$50,000, architectural, engineering, maintenance, and capital equipment contracts up to \$25,000, minor change orders, and state leases complying with guidelines approved by the board has been delegated to the Department of General Services, unless they involve transportation or University of Maryland projects. Similar authority with respect to those types of contracts has been delegated, respectively, to the Department of Transportation and the president of the University of Maryland.

In the estimate of the task force that recommended these regulations, the changes in procurement policies will remove from the board's action agendas approximately 60 percent of the construction contracts, 75 percent of the maintenance contracts, 60 percent of the service contracts, 65 percent of the capital equipment contracts, 33 percent of the change order items, nearly all invoices previously requiring board approval (approximately 280 invoices resulting from noncompetitive procurement), and nearly all items concerning the disposal of personal property.<sup>70</sup>

The first two years' experience under the new law and regulations has been mixed. By reason of the delegation to the procurement agencies, many of the routine items that formerly clogged the board's agenda now appear in summary form on the procurement agency action (activity) reports and no longer come before the board for approval. On the other hand, because of the expanded jurisdiction of the board, the Budget and Fiscal Planning supplement to the board secretary's agenda has grown considerably. Board Secretary Sandra R. Koester estimates that the Budget and Fiscal Planning supplement has increased from an average of about twenty items per meeting to between thirty and forty items, and an examination of some of the recent meetings supports that estimate.<sup>71</sup>

Most of this expansion, according to Koester, arises from the required submission to the board of (1) a broad range of proposed agreements desired by the University of Maryland, (2) data processing contracts, and (3) renewals and modifications of multiyear service contracts, all or most of which formerly were handled without board intervention. The treasurer, in particular, has expressed some concern over the matter, and it may be that further fine-tuning of the procurement regulations will be forthcoming.

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68. Governor's Task Force on Procurement Report, pp. 13-19.

69. See *Maryland Register* 8, 1 May 1981, pp. S-1-S171; COMAR, Title 21.

70. Governor's Task Force on Procurement Report, pp. 13-19.

71. See, for example, BPW Minutes, tape recs., 30 June 1982, MdHR 40369-848/852. Included in the Budget and Fiscal Planning and General Services activity reports were 209 items—one as small as \$7.75—that formerly may have required board action. The Budget and Fiscal Planning action agenda contained sixty items.