

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, ~~1994~~ 1995, and shall be applicable to all fiscal years beginning on or after July-1, ~~1994~~ 1995.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 897.

House Bill 897 would require a unit of State government to publish notice in the Maryland Register Contract Weekly at least 20 days prior to an award of certain sole source contracts in excess of \$25,000, and would provide that "any person" could request that the unit provide a written justification for the sole source determination.

The provisions of House Bill 897 would create additional delays in the procurement process, and could undermine the procurement authority of State agencies and the Board of Public Works (BPW), without any assurance of increased competition. The creation of additional procurement-related review and approval requirements beyond those already in existence, have not been proven necessary. Controls are now in place that require the head of the agency approve a sole source procurement, with further review provided by the BPW. These existing controls and related documentation and justification are more than adequate.

Existing law grants the procurement unit the authority to make a sole source determination based on its needs and the ability of the marketplace to meet those needs. House Bill 897 would interfere with that authority by requiring an additional step in the procurement process through its advertisement provisions, and by allowing "any person" to question this decision regardless of the person's competence to provide the needed materials or services.

The Joint Task Force on Maryland's Procurement Law, after an extensive examination of Maryland's procurement system, concluded that there was no credible evidence of abuse of the sole source procurement method by State agencies. However, the Task Force did make other recommendations to improve the State procurement system. Those recommendations were introduced before the General Assembly as Senate Bill 625 and House Bill 1466. I have today signed into law Senate Bill 625 and vetoed House Bill 1466 as duplicative.

I believe that Senate Bill 625 adequately addresses the current shortcomings of the State's procurement law.

For these reasons, I have vetoed House Bill 897.