

Article - State Finance and Procurement

15-213.

(A) A PERSON MAY BE REPRESENTED BY COUNSEL IN AN APPEAL BEFORE THE APPEALS BOARD.

(B) A SOLE PROPRIETOR, CORPORATE OFFICER OR DIRECTOR, GENERAL PARTNER, LIMITED LIABILITY COMPANY MEMBER, PERSON WITH AT LEAST 10% OWNERSHIP, OR OTHER PRINCIPAL OF A CONTRACTOR, WHO HAS NOT BEEN ADMITTED TO PRACTICE LAW IN THE STATE, MAY REPRESENT THAT CONTRACTOR IN AN EXPEDITED PROCEDURE BEFORE THE APPEALS BOARD.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004. It shall remain effective for a period of 2 years and, at the end of September 30, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly finds that the current level of decentralization of the procurement process in Maryland and the growing number of units of State government seeking and obtaining exemptions from the procurement law may thwart the purposes and protections originally envisioned in the enactment of the State procurement law. Accordingly, the General Assembly requests that:

(a) The Board of Public Works:

(1) examine the level and extent of the delegation of its procurement responsibilities to units of State government and whether there are appropriate safeguards and accountability measures in place to promote the purposes set forth in § 11-201 of the State Finance and Procurement Article, including providing increased economy in the State procurement system, providing safeguards for maintaining a State procurement system of quality and integrity, and promoting the development of uniform procurement procedures to the extent possible; and

(2) on or before December 1, 2004, submit a report, including any recommendations for revisions to the State procurement law or regulations, to the Governor and the General Assembly, in accordance with § 2-1246 of the State Government Article; and

(b) The Department of Legislative Services, with the assistance and cooperation of the Board of Public Works and State units:

(1) conduct a study that reviews for each State entity that is exempt from any portion of the State procurement law:

(i) the extent of the exemption;

(ii) the original justification for the exemption and whether the circumstances continue to exist that justified the original exemption;