

of the controversy.⁵⁹ Eventually, however, that type of controversy also got resolved at the departmental level.

Perhaps in response to some of these matters, the General Assembly began to display a greater interest in the overall procurement process. That interest ultimately produced two pieces of legislation, each, it would seem, enacted without regard to the other.

At the behest of the House Appropriations Committee a joint resolution was adopted in the 1977 session calling for a legislative task force to study the total purchasing and procurement policies of the state.⁶⁰ The task force met several times in 1977, collected a great deal of data, and recommended to the legislature a new consolidated procurement code modeled in part after a proposed code drafted by the American Bar Association. In its initial draft the task force suggested removing virtually all procurement responsibility from the Board of Public Works and vesting that function in a new seven-member board consisting of four members of the governor's cabinet (the secretaries of general services, budget and fiscal planning, and transportation, and the commissioner of higher education) and three members appointed by the governor from the general public. That suggestion was short lived; in the version actually submitted to the legislature in December 1977 the functions proposed for the new board were given to the Board of Public Works.⁶¹

Companion bills to enact the new code were introduced into the 1978 session, but neither was passed. The Senate version, heavily amended in the Senate, died in the House in part because of serious concerns expressed by the members of the board. Following that defeat the task force was reconstituted and went to work again, meeting several times during 1978 and collecting even more data. Once again proposals for a new procurement code were drafted and presented to the 1979 session; once again they passed the Senate unanimously, after being amended, but never emerged from the House Appropriations Committee. Finally, on the third try in 1980 the new code was adopted, with a one-year delayed effective date.⁶²

This new procurement code was expected to have a dramatic effect on the board's operations. The key provisions are in new section 2-101 of article 21. Subsection (a) vests in the board "power and authority over the procurement, management, and control of all supplies, services, construction, and other items procured by the state," including the authority "to set policy and to adopt regulations" consistent with the statute. In that regard subsection (b) directs the board to adopt regulations "governing procedures for the review and approval of procurement contracts" and "for delegating procurement authority."

Thus, while the code centralizes full authority in the board over all state procurement (including, for the first time, procurement by the University of Maryland), it expressly permits (again for the first time) broad delegation of that authority. It looks, in other words, for the board to set basic procurement policy, subject to the statute, but except in a relatively few instances not to become too deeply involved in the implementation of that policy.

While the legislature was in the process of fashioning a new procurement code, it also attempted to deal with the problem in a more general way. In 1979 it passed two bills authorizing the Board of Public Works to adopt regulations that would permit procuring agencies to enter into leases and capital project contracts without prior board

59. *Ibid.*, transcripts, 12 November 1976, pp. 18-78, MdHR 40328-59-1/3.

60. Acts of 1977, joint res. 28 (*H. joint res.* 19).

61. Department of Fiscal Services, Purchasing and Procurement Policies Task Force, *A Proposed Bill to Consolidate, Simplify and Enhance Maryland State Procurement Statutes*, preliminary working draft 1, October 1977, pp. 7-8, MdHR 806289; preliminary working draft 2, 13 December 1977, State Department of Legislative Reference.

62. *S. Jour.* (1979), pp. 635, 1125; (1980), pp. 233, 3663; *H. Jour.* (1979), pp. 3199, 3217; (1980), pp. 777, 3251; Department of Fiscal Services, Purchasing and Procurement Policies Task Force, minutes, 2 August 1978; Acts of 1980, ch. 775 (codified as art. 21 of *Md. Ann. Code*, effective 1 July 1981).