

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/19/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/4/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

21 02 05 Department of General Services

3. Name of Promulgating Authority

Department of General Services

4. Name of Regulations Coordinator **Telephone Number**

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5. Name of Person to Call About this Document **Telephone No.**

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6. Check applicable items:

New Regulations

STATE PROCUREMENT REGULATIONS

Subtitle 02 STATE PROCUREMENT ORGANIZATION

21.02.05 Department of General Services

Authority: State Finance and Procurement Article, 4-204,12-101, 12-107(b)(3), 12-108, and 13-108(a)(1), Annotated Code of Maryland

Notice of Proposed Action

□

The Department of General Services proposes to amend Regulation .04 under COMAR 21.02.05 Department of General Services

Statement of Purpose

The purpose of this action is to expand agency opportunities to purchase commodities from local cooperative purchasing agreements and to increase the annual maximum cost for each agency for all items purchased from an alternative vendor from \$ 5,000.00 to \$ 10,000.00.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Nancy Hevey, Director of Procurement, Department of General Services, 301 West Preston Street, or call 410-767-4429, or email to nancy.hevey@maryland.gov, or fax to 410-333-5986. Comments will be accepted through March 31, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
general

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
favorable impact

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
favorable impact

G. Small Business Worksheet:

Attached Document:

**TITLE 21
STATE PROCUREMENT REGULATIONS**

SUBTITLE 02 STATE PROCUREMENT ORGANIZATION

CHAPTER 05 Department of General Services

Authority: State Finance and Procurement Article, §§4-204, 12-101, 12-107(b)(3), 12-108, and 13-108(a)(1), Annotated Code of Maryland

Notice of Proposed Action

The Department of General Services proposes to amend Regulation .04 under COMAR 21.02.05 Department of General Services.

Statement of Purpose.

The purpose of this action is to expand agency opportunities to purchase commodities from local cooperative purchasing agreements and to increase the annual maximum cost for each agency for all items purchased from an alternate vendor from \$ 5,000.00 to \$10,000.00.

Comparison to Federal Standards

- X regulation. There is no corresponding federal standard to this proposed regulation.
- There is a corresponding federal standard to this proposed regulation, but the proposed regulation is not more restrictive or stringent.
- In compliance with Executive Order 01.01.1996.03, this proposed federal regulation is more restrictive or stringent than corresponding standards as follows:
 - (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
 - (2) Benefit to the public health, safety or welfare, or the environment:
 - (3) Analysis of additional burden or cost on the regulated person:
 - (4) Justification for the need for more restrictive standards:

Impact Statements
 Part A
 (check one option)

Estimate of Economic Impact

- The proposed action has no economic impact.
- The proposed action has an economic impact. Complete the following form in its entirety.

- I. Summary of Economic Impact.
- II. Types of Economic Impact.

Revenue (R+/R-)
Expenditure (E+/E-)

Magnitude

- A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B

(check one option)

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this impact follows.

A. Fiscal Year in which regulations will become effective:

B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

G Yes

G No

C. If Ayes, state whether general, special (exact name), or federal funds will be used:

D. If Ano, identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small business under Part B, indicate the reason and attach small business worksheet.

Opportunity for Public Comment

Written comments may be sent to Nancy Hevey, Director of Procurement, Department of General Services, 301 West Preston Street, M 6, Baltimore, MD 21201, fax (410) 333-5986 or call (410) 767-4429. These comments must be received by the close of business on March 31, 2014.

CHAPTER 05 DEPARTMENT OF GENERAL SERVICES

.04 Commodity Procurement

A. Delegation of Purchasing Authority to Using Agencies

(1)- (3) (text unchanged)

(4) Scheduled Purchase Items and Contract Items Supersede any Exempt or Delegated Procurement. The Department operates a regularly scheduled purchase program through which a using agency may plan and order needed commodities. The Department also develops term contracts for various commodities. *Except for purchases off a local jurisdiction intergovernmental cooperative purchasing agreement , [A]* a using agency may not purchase from an alternate source an item which is available through the regularly scheduled purchase program or an item which is available through a term requirements or indefinite quantity contract except where an item can be purchased from another vendor when the total cost is less than that of the item on a schedule resulting from an intergovernmental agreement and the price of the purchase does not exceed \$1,000.00. A written determination shall be made that compares all elements of cost demonstrating the lower cost. Additionally, the total cost per year for all items purchased from an alternate vendor(s) shall not exceed ~~[\$5,000.00]~~ \$10,000.00 for each agency.