
By: Chairman, Commerce and Government Matters Committee (Departmental - Public Works, Board of)

Introduced and read first time: February 14, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

2 **Board of Public Works - General Counsel - Approval of Regulations for Legality**

3 FOR the purpose of authorizing the General Counsel to the Board of Public Works to
4 approve proposed Board regulations for legality; and generally relating to the
5 General Counsel to the Board of Public Works.

6 BY repealing and reenacting, with amendments,
7 Article - State Finance and Procurement
8 Section 12-102(b)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1995 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - State Finance and Procurement**

14 12-102.

15 (b) (1) (i) The Board shall appoint a General Counsel, who serves at the
16 pleasure of the Board.

17 (ii) The General Counsel shall be an attorney in this State.

18 (2) The General Counsel shall:

19 (i) provide independent legal advice to the Board;

20 (ii) examine all procurements that are subject to review by the Board
21 and make recommendations to the Board as to the legal sufficiency of the procurements,

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1 with an emphasis on whether the proposed procurement has been competitively
2 conducted;

3 (iii) assist the Procurement Advisor in investigations undertaken by the
4 Procurement Advisor;

5 (iv) assist the Procurement Advisor in responding to complaints made
6 by State employees, contractors, and other interested parties concerning fraud, waste,
7 and abuse in the procurement process or any alleged violation of the procurement law
8 and regulations; [and]

9 (v) compile information for distribution to State procurement officials
10 relating to recent decisions of the Maryland State Board of Contract Appeals and State
11 and federal courts concerning procurement, including any policy or legal guidance to the
12 procurement officials based on these decisions[.]; AND

13 (VI) REVIEW REGULATIONS PROPOSED BY THE BOARD FOR
14 LEGALITY AND APPROVE THEM FOR PROPOSAL AND ADOPTION.

15 (3) The General Counsel shall:

16 (i) have access to all books, accounts, records, any material related to
17 contracts and procurement, and all other papers and equipment necessary to carry out its
18 responsibilities; and

19 (ii) have direct and prompt access to all heads of agencies involved in
20 the expenditure of public funds.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1996.