

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 860 (Senator Kagan)
Education, Energy, and the Environment

State Board of Elections – Procurement Oversight

This bill requires the State Board of Elections (SBE) to vote to approve or reject a planned procurement solicitation – if it relates to a contract that is reasonably expected to exceed \$200,000 – before the solicitation can be issued, subject to an exception. It also requires SBE to vote to approve or reject a procurement contract valued at more than \$200,000 before it is submitted to the Board of Public Works (BPW) for approval, subject to an exception.

Fiscal Summary

State Effect: The bill is not expected to affect State finances but may have operational effects to the extent it delays or prolongs the procurement of goods and services by SBE.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill’s provisions do not apply to any emergency procurement made less than 45 days before the date of a primary or general election.

Before issuing a request for proposals (RFP) or invitation for bids (IFB) of any value, the State Administrator of Elections or the procurement officer for SBE must disclose the RFP or IFB to the board. Similarly, before executing a procurement contract of any value, the State Administrator or the procurement officer for SBE must disclose the proposed contract to the board.

Current Law: Except for procurements for roads and bridges, BPW controls procurement by State agencies and may delegate that authority to other agencies. As such, authority over contracts for construction, commodities, services, and more for most Executive Branch agencies is delegated to the Department of General Services (DGS); the Office of State Procurement within DGS carries out the delegated authority. However, most contracts valued at more than \$200,000 (except for commodities) must still be approved by BPW.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 752 (Delegate Vogel) - Ways and Means.

Information Source(s): Department of General Services; Board of Public Works; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2023
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