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Committee

Chair

Government Operations and
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Joint Committee on Administrative,
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Testimony of Delegate Samuel I. Rosenberg
Before the House Appropriations Committee

In Support Of

House Bill 1092

State Procurement – Emergency and Expedited Procurements – Revisions and Reporting

Madam Chair and Members of the Committee:

The COVID-19 pandemic has caused all of us to adjust nearly every aspect of our personal and professional lives in some way. In an effort to respond swiftly to the pandemic, there were a numbers of procedures and orders enacted on an emergency basis. One area this occurred in was the procurement of State contracts.

However, this is an area in need of statutory clarity and consistency to prevent any future concerns during emergencies. The law regarding emergency state procurement procedures should be updated to reflect the current state of affairs, reflecting what we have learned from the early response to the pandemic.

Upon request of this committee and the Senate Education, Health, and Environmental Affairs Committee, the Office of Program Evaluation and Government Accountability ("OPEGA") released a report which examined emergency state procurement authority and procedures. The OPEGA report made four recommendations:

1. "The State's Chief Procurement Officer should submit a thorough report on all emergency contracts annually to the Maryland General Assembly;
2. The Maryland General Assembly should enact legislation that requires the State's Chief Procurement Officer to pre-approve every emergency procurement;
3. The statutory and regulatory definition of "emergency" (in the context of procurement) should be modified to improve clarity and consistency in its use; [and]

4. The State should work to reduce the use of emergency procurements for needs that occur regularly or are arguably not emergencies.”¹

House Bill 1092 would codify these recommendations. It would enact the following changes:

- Modify the definition of “emergency” in regards to procurement policy;
- Require the Chief Procurement Officer to pre-approve every emergency procurement;
- Require the Chief Procurement Officer to submit a detailed annual report on all emergency contract awards to the Legislative Policy Committee, the Senate Budget and Taxation Committee and the House Appropriations Committee; and
- Authorize the Board of Public Works to adopt regulations to enforce changes made to this Article.

With the amendment I am offering today, the bill would also encourage participation of Minority Business Enterprises for emergency procurement contracts.

I urge the Committee to act favorably on House Bill 1092.

March 3, 2021

¹ Office of Program Evaluation and Government Accountability, Department of Legislative Services, Maryland General Assembly. *Evaluation of Emergency Procurement*. January 2021. p. vii.
<http://dls.maryland.gov/pubs/prod/ProgEval/EvaluationofEmergencyProcurement.pdf>.