

Md. State Finance and Procurement Code Ann. § 12-107

Current through all legislation from the 2023 Regular Session of the General Assembly.

Michie's™ Annotated Code of Maryland > State Finance and Procurement (Divs. I — II) > Division II. General Procurement Law. (Titles 11 — 19) > Title 12. Organization and Supervision of State Procurement. (Subts. 1 — 5) > Subtitle 1. State Procurement Organization. (§§ 12-101 — 12-111)

§ 12-107. Authority of primary procurement units over procurement.

- (a) This section does not apply to capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title.
- (b) Subject to the authority of the Board, jurisdiction over procurement is as follows:
- (1) the State Treasurer may engage in or control procurement of banking and financial services, insurance, and insurance services, as provided in Division I of this article and Article VI, § 3 of the Maryland Constitution;
 - (2) the Department of General Services may:
 - (i) engage in or control procurement of:
 1. leases of real property, including leases under Title 4, Subtitle 3 of this article;
 2. supplies, including supplies under Title 4, Subtitle 3 of this article, but excluding insurance, information processing equipment, and motor vehicle leases;
 3. construction, including construction under Title 4, Subtitle 4 of this article;
 4. construction related services, including those under Title 4, Subtitle 4 of this article;
 5. architectural or engineering services under Title 13, Subtitle 3 of this article;
 6. services by a unit, subject to any limitation in this Division II;
 7. leases of motor vehicles, as provided in Title 3, Subtitle 5 of this article;
 8. construction and construction-related services for State correctional facilities;
 9. supplies, materials, and equipment in support of construction and construction-related services for State correctional facilities in accordance with this Division II and Title 2 and Title 10, Subtitle 1 of the Correctional Services Article;
 10. information processing equipment and associated services, as provided in Title 3.5, Subtitle 3 of this article; and
 11. telecommunication equipment, systems, or services, as provided in Title 3.5, Subtitle 4 of this article;

- (ii) while retaining oversight, delegate control of procurement activity to units with expertise in specified types of procurement;
 - (iii) develop performance metrics for procurement activity and implement strategic sourcing when appropriate;
 - (iv) compile comprehensive statistics on the procurement system by agency, amount, and type of procurement;
 - (v) effect and enhance communication on procurement matters, with an emphasis on disseminating information on current developments and advances in the management of the State procurement system;
 - (vi) assist units with questions regarding procurement policy;
 - (vii) oversee the implementation of procurement officer training;
 - (viii) oversee the implementation of appropriate risk analysis and insurance requirements for State procurement; and
 - (ix) coordinate with governmental entities and local entities to maximize use of intergovernmental purchasing agreements established in accordance with § 13-110 of this article;
- (3) the Department of Transportation and the Maryland Transportation Authority, without the approval of any of the other primary procurement units, may engage in the procurement of:
- (i) construction that is related to transportation, as provided in the Transportation Article;
 - (ii) construction related services that are related to transportation, as provided in the Transportation Article;
 - (iii) architectural or engineering services that are related to transportation, under Title 13, Subtitle 3 of this article;
 - (iv) rolling stock and other property peculiar to the operation of a transit system, as provided in § 7-403 of the Transportation Article;
 - (v) supplies for aeronautics related activities, including motor vehicles and information processing supplies, but excluding:
 1. supplies funded by the proceeds from State general obligation bonds; and
 2. insurance; and
 - (vi) services for aeronautics related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;
- (4) the Maryland Port Commission, without the approval of any of the other primary procurement units, may engage in the procurement of:
- (i) supplies for port related activities, including motor vehicles and information processing supplies, but excluding:
 1. supplies funded by the proceeds from State general obligation bonds; and
 2. insurance;

- (ii) services for port related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;
 - (iii) construction and construction related services for a port facility as defined in § 6-101(e) of the Transportation Article;
 - (iv) port related architectural and engineering services under Title 13, Subtitle 3 of this article; and
 - (v) leases of real property for port related activities unless the lease payments are from the General Fund of the State; and
- (5) the Department of General Services, without the approval of any other primary procurement unit, may engage in or control procurement of:
- (i) information processing equipment, cloud computing equipment, and associated services, as provided in Title 3.5, Subtitle 3 of this article;
 - (ii) information technology system modernization, as provided in Title 3.5, Subtitle 3 of this article;
 - (iii) telecommunication equipment, systems, or services, as provided in Title 3.5, Subtitle 4 of this article; and
 - (iv) cybersecurity upgrades and modernization, as provided in Title 3.5, Subtitle 3 of this article.

History

SF § 11-105; 1988, ch. 48, § 2; ch. 246, § 4; ch. 541, § 3; 1989, ch. 5, §§ 1, 9; 1990, ch. 415, § 1; 1994, ch. 485; 1996, ch. 10, § 1; ch. 55; ch. 349, § 13; 1997, ch. 114, § 1; 1999, ch. 64; ch. 515, § 1; ch. 608; 2000, ch. 61, § 1; 2002, ch. 203; 2007, ch. 5; 2008, ch. 9, § 2; 2017, ch. 62, § 6; ch. 590; 2022, ch. 243, § 1.

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