BOARD OF DIRECTORS

MARYLAND ENVIRONMENTAL SERVICE

RESOLUTION

(92-3-1R)

A RESOLUTION authorizing the establishment of a Procurement Review Board to review in advance any proposed contracts, agreements, amendments, or change orders, related to procurement, that the Service determines is necessary to the performance of its duties, such review being intended to assure a thorough evaluation of said procurement matters in order to provide advice and recommendations to the Service.

R E C I T A L S

The Maryland Environmental Service (the "Service") was created by, exists under, and exercises the powers contained in Sections 3-101 to 3-129, inclusive, of the Natural Resources Article of the Annotated Code of Maryland (the "Act"), including (among others) the powers:

(i) to enter into contracts with the federal or any state government, or any unit, instrumentality, or subdivision thereof, or with any municipality or person within or without the State, providing for or relating to the furnishing of services to or the facilities of any project of the Service, or in connection with the services or facilities provided by any water supply project, solid waste project, or wastewater purification project owned or controlled by the other contracting party, including contracts for the construction and operation of any project in the State or in any other

party, including contracts for the construction and operation of any project in the State or in any other state; and

(ii) to make any contract or agreement the Service determines to be necessary or incidental to the performance of its duties and to the execution of the purpose of and the powers granted by this subtitle, including contracts with the federal or any state government or any unit, instrumentality, or municipality thereof, or with any person on terms and conditions the Service approves.

The Service desires to establish a system of unified internal review of procurement contracts, and it considers the establishment of a Procurement Review Board to be in furtherance of the purposes of the Act and the Service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MARYLAND ENVIRONMENTAL SERVICE, THAT:

1. The Director of the Maryland Environmental Service is hereby authorized to establish a Procurement Review Board (PRB). Members of the PRB shall be employees of MES and will be named by the Director. PRB members will serve on the PRB at the Director's discretion. Members of the PRB shall not receive any additional compensation for serving on the PRB.

2. The Procurement Review Board shall review any proposed contract, agreement, amendment and change order, related to procurement of goods or services. The Board's review shall include, but is not limited to, the application and

adherence to procurement requirements and regulations, funding availability, contract content and format, status of documents within the Service's system of internal review and any pending or potential procurement, contract administration, or legal issues.

3. Failure of the PRB to review a contract, agreement, amendment or change order shall not affect the validity or enforceability of the contract, agreement, amendment or change order.

4. The Procurement Review Board shall meet regularly at a date and time as agreed upon by the members and shall provide a weekly report to the Director.

5. No member of the Procurement Review Board shall have the authority to execute any contract, agreement, amendment, or change order without the consent of the Director of the Service. The Director of the Service shall review the Board's approval of the contract or agreement prior to execution of any contract or agreement.

6. The Procurement Review Board shall not be responsible for reviewing personal services contracts. The Director of Administration and Finance is responsible for the review of these contracts, with final approval by the Director of the Service.

7. This Resolution is limited solely to the internal management of Maryland Environmental Service and is not intended to directly affect the rights of the public or the procedures available to the public. This Resolution shall not be construed as a delegation of any authority conferred upon the Board of Directors by law.

8. This Resolution shall take effect immediately upon its approval by the Board of Directors of the Maryland Environmental Service.

ADOPTED, this 26th day of March 1992.

MARYLAND ENVIRONMENTAL SERVICE

By: _____
George G. Perdikakis, Director

SEAL

By: _____
Edward A. Griffith, Treasurer

By: _____
R. Kenneth Barnes, Secretary