



Policies and Procedures

Cancellation of Solicitations

PURPOSE

To provide all Executive Branch Agency Procurement Officers (PO) with procedures for obtaining approval from the Chief Procurement Officer (CPO) or designee to cancel a solicitation or to reject all bids or proposals and for reporting the cancellation to the Board of Public Works (BPW).

AUTHORITY

State Finance and Procurement (SFP) Article **Section 13-206(b)** provides that a unit may cancel an invitation for bids, a request for proposals, or other solicitation, or reject all bids or proposals, when a unit determines that it is fiscally advantageous or otherwise in the best interests of the State.

The BPW has delegated approval of cancellations to the appropriate Department head or designee per **COMAR 21.06.02.02**. COMAR 21.01.02.01 (33) defines “Department” as the State Treasurer, the Departments of General Services and Transportation, and the Maryland Port Commission.

POLICY

For procurements under the delegated authority of the Department of General Services Office of State Procurement (DGS OSP), if the Agency PO determines that it is fiscally advantageous or in the State’s best interest to cancel the solicitation or reject all bids or proposals, **prior** to notifying the bidders or offerors, the Agency PO must document the decision in a signed written justification, a Procurement Officer’s Determination (POD), that the CPO or designee must approve. The POD will be submitted using the **Procurement Cancellation or Rejection POD** form and sent to the DGS OSP Procurement Operations Bureau for review and further approval by the CPO or designee prior to executing the cancellation or rejection.

Md. Code, SFP § 11-207, each determination required under this Division II shall be: (1) in writing; (2) based on written findings of the public official or employee who makes the determination; and (3) kept for at least 3 years in an official procurement contract file.

PROCEDURE

1. The DGS OSP Procurement Compliance Program has created a form entitled [Procurement Cancellation or Rejection POD](#) to serve as the written justification for the cancellation of the solicitation or reject all bids or proposals and notification to the DGS OSP for review. To access the form, click on the hyperlinked form name in this step.
2. The Agency PO must complete this form and print resulting document for signature. Instructions for printing the POD for signature are included on the form above the signature block. Make sure all information entered on the form is viewable on the printed document.

3. Press the **SUBMIT BUTTON** at the bottom of the form **AFTER** printing document.
4. Agency PO and their Agency Head or designee must sign the form.
5. Once the form has been printed and submitted through Google (via the SUBMIT button), then signed with appropriate agency signatures, the signed POD should be emailed to the DGS OSP Procurement Operations Bureau at dgs.osp-requisitions@maryland.gov with the subject line: “**[Agency Name] Procurement Cancellation or Rejection Request**”.
(If a DGS OSP Procurement Officer approved the solicitation, the Agency PO should cc: the DGS OSP PO on the email request.)
6. The DGS OSP Procurement Operations Bureau Director or designee will review the cancellation request and send the analysis to the CPO or designee to approve or deny the cancellation or rejection request and copy the Deputy CPO, the DGS OSP Chief Administrative Officer (CAO), and the assigned DGS OSP PO, if applicable.
7. The CPO or designee will respond to the Agency’s Procurement Cancellation Request email with an approval or denial per the assessment of the validation of the Agency’s justification for the cancellation or rejection. If approved, the CPO or designee will sign the **Procurement Cancellation or Rejection POD** and return signed copy via email.
8. If the request is denied, the Agency PO will be given guidance as to next steps for the procurement and should work with their assigned DGS OSP PO, if applicable.
9. If the request is approved, the Agency PO should notify the bidders/offerors and determine what should be done with any unopened bids/proposals to close out the procurement.

Refer to the Maryland Procurement Manual, Section 5.6, for the applicable steps for canceling the solicitation before opening the bids or proposals or rejection of all bids or proposals after opening that include: (1) Documentation; (2) Notice to Vendors; (3) Disposition of unopened bids/proposals; and (4) Posting on eMMA.
10. The approved cancellation should be posted on eMMA by the Agency PO.

Version Number	Published Date	Reason for Change
2	August 4, 2023	Updated procedures within DGS OSP for process improvement.