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MARYLAND STATE BOARD OF CONTRACT APPEALS

House Bill 1353

Date: March 8, 2022

Committee: House Health and Government Operations Committee

Bill Title: Omnibus Procurement Reform Act ("OPRA") of 2022

RE: **Letter of Information**

HB 1353 seeks to amend the Maryland Procurement Law in several ways. Although the Board highly supports the vast majority of these amendments and believes they are needed, the primary issue of concern to the Maryland State Board of Contract Appeals is the proposal to add to the Board's jurisdiction all procurement disputes within all local governments where State funds are involved.

This proposal has the potential to add an incredibly large number of new appeals to the Board's docket, which is already at, if not over, capacity. Last year the Legislature added to the Board's jurisdiction the obligation to hear and decide protest appeals involving the denial of sports gaming license applications. This required the Board to promulgate new regulations to address these license application protest appeals, in addition to its existing mandate to hear and decide all procurement appeals. When these new appeals reach the Board, it will put the Board significantly beyond its capacity, and, by law, these new appeals take priority over all procurement appeals.

This year an additional proposal under SB01/HB145, if passed, would add to the Board's jurisdiction the obligation to hear and decide appeals of the Labor Commissioner's issuance of Stop Work Orders. This would potentially add over 100 new appeals each year. If both of these proposals pass and become law, the total number of new appeals could be staggering. And, like the sports gaming license application appeals, these Stop Work Order appeals must be heard and decided expeditiously and thus take priority over all other appeals.

The Board is not opposed to taking on these additional responsibilities and welcomes the additional work, but the Board would require additional resources and additional Members to hear and decide all of these appeals. It would likely take an additional six (6) Board Members and at least two (2) new staff members to be able to handle the exponential increase in the number of appeals. The Board believes that these new areas of jurisdiction are certainly worth pursuing, as long as additional resources are committed to match the task.

In conclusion, the Maryland State Board of Contract Appeals believes the vast majority of this bill will have a positive effect on Maryland's procurement process, and the Board further believes that it could handle the expansion of its jurisdictions as proposed in this proposal, provided, however, that there are sufficient staff, resources, and particularly additional Board Members to handle the significant increase in workload.