

## **Comments on HB 0991 by Scott A. Livingston, Esq.<sup>1</sup>**

**March 3, 2020**

HB 0991 represents an excellent step forward to secure fair treatment for contractors doing business with Counties where state money supports the procurement of various products and services, including construction.

It is a good idea for the certain provisions of General Procurement Law, Division II (“General Law”), St. Finance & Procurement Article, apply to county contracts. The General Law provides safeguards for maintaining a system of quality and integrity. This encourages robust competition for county contracts, which, in turn yields maximum benefit of the purchasing power of county governments. It will support the Minority Business Enterprise Program, as appropriate, where state money is used.<sup>2</sup>

For example, in the rare cases, there are disputes over award of the state procurement contracts. Bid protests provide an efficient manner to resolve the protests, sometimes on appeal to the Maryland State Board of Contract Appeals (“MSBCA”). Since 1981, the MSBCA has served issued numerous bid protest decisions.

The system works well to resolve the disputes and provide a body of law to guide the disposition of future disputes. The promise of fair treatment will encourage more contractors to compete vigorously for county contracts using state money.

---

<sup>1</sup> These comments are offered by Scott A. Livingston, and represent Mr. Livingston’s personal opinion. The Comments are not offered on behalf of any client of Rifkin Weiner Livingston LLC.

<sup>1</sup> Mr. Livingston served as the assistant attorney general to Harry R. Hughes then Secretary of Transportation, later Governor. Mr. Livingston was a principal author of the MDOT Minority Business Enterprise Program in the late 1970’s, and served as its first Counsel to the Program.