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DEPUTY CLERK

410-767-8228
FAX: 410-333-0890

MARYLAND STATE BOARD OF CONTRACT APPEALS

House Bill 1254

Date: March 8, 2022

Committee: House Appropriations Committee

Bill Title: Maryland State Board of Contract Appeals - Positions - Law Clerks

RE: **Letter of Information**

HB1254 seeks to add three law clerk positions to the staff of the Maryland State Board of Contract Appeals. Respectfully, the Board does not need three law clerks. Rather, due to the expected increase in workload based on the upcoming sports gaming license application protest appeals, as well as the proposed Stop Work Order appeals (SB01/HB145) and the proposed local government procurement appeals (HB1353), the Board would be better served with additional Board Members who can hear appeals and write decisions.

Under this proposal, three law clerks would be added to the Board's staff, creating a need for these positions to be funded along with benefits, parking, computers, supplies, etc. In addition, law clerks would require extensive training, as well as supervision. Any of their work product would require review and edits by a Board Member, essentially creating a teaching relationship that would be further strain on the Board Members' time, which is already taxed by the Board currently being at full capacity. Law clerks cannot hear appeals or issue opinions.

Last year the Legislature added sports gaming license application protest appeals to the Board's jurisdiction, and once those appeals start coming in, the Board will be beyond its capacity. In this year's proposals, HB145/SB01 would add to the Board's jurisdiction matters involving the Labor Commissioner's issuance of Stop Work Orders. Likewise, HB1353 would place all local government contracts involving State funds under the Board's jurisdiction. If these two pieces of legislation pass and become law, then the Board will be significantly beyond its capacity. The Board is not opposed to taking on these additional responsibilities and welcomes the additional work, but the Board already requires additional resources and additional Members to manage its current and expected workload.

Adding law clerks to the Board at this point would be more detrimental than helpful. If the Board had additional Board Members to hear appeals and write decisions, then it is possible that one or two law clerks could provide research assistance to the Members. Three additional board members to hear cases and oversee law clerks would be a minimum. This would be approximately \$800,000 per year additional expenditure.

In conclusion, the Maryland State Board of Contract Appeals, which is tasked with hearing and deciding procurement appeals and other protest appeals, does not believe that this legislation is necessary nor prudent to ensure the Board's ability to hear appeals and issue decisions as currently mandated by law.