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SB 59 - Favorable with Amendment

House Environment and Transportation Committee

Mr. Chairman, Vice Chair and Members:

I am reaching out to you on behalf of my client TransCore who beginning in July 2021 has been operating for MDTA a 6 year contract concerning the operation of Maryland's Ez-Pass program. You will be hearing today SB 59 - Maryland Transportation Authority - Public-Private Partnerships and Options for the Payment of Tolls and Civil Penalties and my client's position is Favorable with Amendment. Their amendment is to delete and remove from the bill a last minute Senate amendment that was put on the bill by a competitor company. This amendment is on page 4 of the bill, line 7-24 and it was never thoroughly discussed or considered in the Senate, nor was it adopted in committee before coming over to the House. The amendment is defective for several years.

1. Respectfully the legislature should not be in the practice of demanding and requiring the executive branch of government to procure or favor a certain procurement process. This is a real separation of powers issue.
2. This amendment would interfere with my client's current 6 year contract and it is not lawful for a legislature to infringe on or impair existing contracts.
3. The actual language of this amendment is substantively inconsistent because as the enclosed document explains more fully you cannot have a P3 procurement at the same time you are having or requiring a competitive sealed bid process. They are factually inconsistent and it is like apples and oranges.

Please, I ask your understanding and support for all of these reasons and others that will be articulated as to why this amendment should be removed from the bill. Thank you very much in advance.

Sincerely,

Bruce Bereano on behalf of TransCore