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MARYLAND ASPHALT ASSOCIATION



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January 23, 2024

Delegate Joseline Peña-Melnyk, Chair
House Health and Government Operations Committee
241 House Office Building
Annapolis, MD 21401

RE: HB 292 – FAVORABLE – State Procurement – Maryland State Board of Contract Appeals – Attorney’s Fees

Dear Chair Peña-Melnyk and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 19 producer members representing more than 48 production facilities, 25 contractor members, 25 consulting engineer firms and 41 other associate members. MAA works proactively with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

House Bill 292 would make it mandatory that the Maryland State Board of Contract Appeals award a prospective bidder or offeror costs for filing and pursuing a protest, including reasonable attorney’s fees, when the Board sustains the appeal and finds that there has been a violation. Currently, the law leaves it to the discretion of the Board to award these fees.

MAA supports this legislation because this is proper protocol. The legal system handles attorney’s fees similarly—awarding attorney’s fees to the successor, so this should not be any different. If a bidder is successful in winning an appeal, it seems reasonable and practical that the other party be responsible for covering those attorney’s fees. The cost of doing business in Maryland is very high, and any legislation that assist with easing the administrative burdens is favorable to our Association.

We appreciate you taking the time to consider our request for a **FAVORABLE** report on House Bill 292.

Sincerely,

Marshall Klinefelter
President
Maryland Asphalt Association