

BILL: **Senate Bill 667 - State Procurement -
Maryland State Board of Contract Appeals - Attorney's Fees**

COMMITTEE: House Health and Government Operations

DATE: March 26, 2024

POSITION: Letter of Information

Upon review of Senate Bill 667 - State Procurement - Maryland State Board of Contract Appeals - Attorney's Fees, the Maryland Department of General Services (DGS) provides these comments for your consideration.

The bill extends the Maryland State Board of Contract Appeals (MSBCA) authority to award reasonable attorney's fees to an interested party who prevails in appealing a bid protest. This provision would also apply if the procurement unit personnel acted in bad faith, without justification, or in violation of law or regulation.

In most cases, procurement officers' decisions are upheld since they strive to adhere to laws and regulations while acting in good faith. In the unlikely event that reasonable costs and fees are awarded, the State would be responsible for the award payment, which would then be charged back to the agency.

For additional information, contact Ellen Robertson at Ellen.Robertson@maryland.gov or 410-260-2908 or Lisa Nissley at Lisa.Nissley1@maryland.gov or 410-260-2922.