

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 1431 (Delegates Rosenberg and Weldon)  
Environmental Matters

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**Procurement - Officials and Employees - Use of Prestige of Office Prohibited**

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This bill prohibits an official or employee from intentionally using the prestige of office or public position, during the solicitation and prior to the award of a procurement contract, for the private gain of: (1) the official or employee; or (2) a party competing for a procurement contract, including a person engaged or to be engaged as a regulated lobbyist on behalf of the party.

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**Fiscal Summary**

**State Effect:** None. The provisions of this bill could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** State ethics law prohibits officials and employees from the intentional use of the prestige of office or public position for that official's or employee's private gain or that of another. Current law specifically exempts the performance of "usual and customary" constituent services if those services are performed without additional compensation.

**Background:** This bill is in response to bid protests and ethics complaints related to the Maryland Department of Transportation procurement of paratransit services in Baltimore City. A case is currently pending before the Maryland State Board of Contract Appeals

that in part relates to allegations of a State employee contacting a potential State contractor during the solicitation and prior to award of the paratransit contract.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of General Services, Board of Public Works, State Ethics Commission, University System of Maryland, Maryland Department of Transportation, Department of Budget and Management, Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2004  
mam/hlb

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