

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 663
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Contract Claim Disputes - Alternative Dispute Resolution Pilot Program” and substitute “Board of Contract Appeals - Award of Costs”; strike beginning with “expanding” in line 6 down through “disputes” in line 19 and substitute “authorizing the Board of Contract Appeals to award attorney’s fees, under certain circumstances, to a prospective bidder or offeror, a bidder, or an offeror who files or pursues a protest; expanding the type of contracts for which a contractor may pursue a claim and be awarded certain costs; altering the standards under which the Board of Contract Appeals may award a contractor the reasonable costs of pursuing a claim; and generally relating to the award of certain costs to certain persons by the Board of Contract Appeals”; and in line 22, after “Section” insert “15-221.1 and”.

On page 2, strike in their entirety lines 2 through 6, inclusive.

AMENDMENT NO. 2

On page 2 after line 21, insert:

“15-221.1.

(a) The Board of Contract Appeals may award a prospective bidder or offeror, a bidder, or an offeror the reasonable costs of filing and pursuing a protest, [not] including attorney’s fees, if:

(1) the prospective bidder or offeror, bidder, or offeror appeals the final action of an agency on a protest;

(2) the Board of Contract Appeals sustains the appeal; and

(3) the Board of Contract Appeals finds that there has been a violation of law or

(Over)

regulation.

(b) The Board of Contract Appeals shall adopt regulations to implement this section and to determine what constitutes reasonable costs of filing and pursuing a protest.”;

in line 26, strike “if” and substitute “UNLESS”; and strike beginning with the second “in” in line 27 down through “justification” in line 28 and substitute “SUBSTANTIALLY JUSTIFIED OR THAT SPECIAL CIRCUMSTANCES MAKE AN AWARD UNJUST”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 37, inclusive.

On page 4, in line 1, strike “4.” and substitute “2.”; and strike beginning with “It” in line 2 down through “effect.” in line 4.