

Larry Hogan
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Secretary

MARYLAND DEPARTMENT OF GENERAL SERVICES
OFFICE OF THE SECRETARY

BILL: Senate Bill 858 – Procurement and Correctional Facilities –
Employment Opportunities for Formerly Incarcerated Individuals
COMMITTEE: Senate Judicial Procedures
DATE: February 26, 2020
POSITION: Letter of Information

Upon review of Senate Bill 858 – Procurement and Correctional Facilities – Employment Opportunities for Formerly Incarcerated Individuals, the Department of General Services (DGS) provides these comments for your consideration.

- House Bill 1021 of 2017 (Chapter 590) provided for the reform of State procurement and the creation of the Procurement Improvement Council (PIC). The purpose of the PIC is to **ensure that the State is addressing various procurement policies and procedures related to State procurement and to advise the General Assembly on proposed legislation in order to enhance the efficiency and transparency of State procurement.** Senate Bill 858 appears to circumvent this process. It should also be noted that as of October 1, 2019, DGS became responsible for the procurement of goods and services for Department of Public Safety and Correctional Services (DPSCS), including master and statewide contracts used by DPSCS. Given this, it is unclear why this is being added to the Correctional Services Article rather than the State Finance and Procurement Article. The bill appears to be intended for any contract used by the Department of Corrections or a local Correctional Facility and as such should be in the State Finance and Procurement Article.
- Senate Bill 858 requires a preference be given to a contractor based on the number of formerly incarcerated employees the contractor employs. There is no mention of how the preference would be determined, only that the preference is at least equivalent to preferences of other State programs. There is no indication of how an agency would verify that formerly incarcerated employees performed the work described.



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- Senate Bill 858 may unintentionally harm programs available to the minority, small and veteran-owned business communities. Vendors participating in programs such as the Minority Business Enterprise Program, the Veteran-Owned Small Business Enterprise Program and the Small Business Reserve Program may be unable to meet the accommodation, hiring and reporting requirements under this bill.
- The bill provides a provision for a unit to void a contract that does not contain an ex-offender employment clause thus requiring a unit to secure another contract.

For additional information, contact Ellen Robertson at 410-260-2908.