



Department of Public Safety and Correctional Services

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BILL: HOUSE BILL 1092

POSITION: OPPOSITION

EXPLANATION: House Bill 1092 requires the Chief Procurement Officer (CPO) to approve an agency's recommended emergency contract award within 48 hours of it being submitted to the CPO. This bill will have an operational impact by drastically affecting the Department's ability to handle an emergency. The effect of this bill will be devastating and will put the facilities, the correctional staff, and inmates at risk. A response to an emergency may be needed within hours; waiting 2 days may cause more serious damage and increase the cost to mitigate.

COMMENTS:

- The Department's Division of Correction (DOC) operates approximately 17 State correctional facilities that house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Pretrial Complex which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
House Bill 1092 would require the Chief Procurement Officer (CPO) to approve an agency's recommended emergency contract award within 48 hours of submission. This requirement would limit the State's ability to avoid or mitigate serious damage to the facilities, public health and the safety or welfare of inmates, staff, and visitors to facilities by delaying award of emergency contracts.
Currently, and in accordance with COMAR, a State agency may conduct an emergency procurement when sudden and unexpected circumstances that could not reasonably be foreseen require action to prevent serious damage to the public health, safety, or welfare. When that stringent standard is met, the procurement officer needs the approval of only the agency head to award the contract.
The loss of any critical infrastructure component within a correctional facility requires immediate action. Restricting the Department's ability to take immediate action will have disastrous consequences to the safety and security of the facilities, staff, and inmates. Examples of recent emergencies include:

- Loss of an electrical transformer – the transformer supplies power for lighting. Waiting 48 hours for a determination means 400 inmates and staff will be in the dark for two nights.
 - Raw sewage flooding an inmate housing unit – this requires an immediate shut off of all water. An inmate housing unit cannot be without water or toilets for up to 48 hours, nor can the facility allow a raw sewage flood to continue for 48 hours.
 - Loss of cell door function, CCTV, intercom systems - Failure of any security electronic system would put the facilities, staff, and inmates at severe risk.
- All of the State’s correctional facilities employ a staff of Correctional Maintenance Officers and Facility Management professionals, including engineers and architects, who mobilize and arrive on site within hours of any emergency. An emergency situation is never taken lightly, as the fiscal and operational loss to the facilities, staff, and inmates can be tremendous.
 - **The minimal oversight this requirement adds may be outweighed by the need for timely responses to emergencies. A response to an emergency, such as those described above, is needed within hours; waiting 2 days may cause more serious damage and increase the cost to mitigate potentially resulting in serious damage to public health and the safety or welfare of inmates, staff, and visitors to the facilities.**

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee give House Bill 1092 an **UNFAVORABLE** vote.