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**MARYLAND ASPHALT ASSOCIATION**



SECRETARY:  
Curtis Hall  
TREASURER:  
David Slaughter  
PRESIDENT:  
G. Marshall Klinefelter

March 3<sup>rd</sup>, 2021

Delegate Shane Pendergrass, Chair  
Health and Government Operations Committee  
241 House Office Building  
Annapolis, MD 21401

**RE: HB 1212 – UNFAVORABLE – Procurement – Socially and Economically Disadvantaged Workers’ Protection Preference**

Dear Chairman Pendergrass and Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 48 production facilities, 20 contractor members, 24 consulting engineer firms and 40 other associate members. Combined our members employ more than 4,000 Marylanders in our operations. We assist with the education of our workforce, sponsor safety activities and promote best practices while working diligently to produce the highest performing pavement materials with the lowest carbon footprint. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

While we recognize the Sponsor’s intent of this legislation, we must oppose HB 1212. As a principle, we appreciate and recognize the value that a diverse workforce brings to our trade, and are strong supporters of anti-discriminatory employment practices to ensure socially and economically disadvantaged individuals have a seat at our table. However, this bill raises concerns for us as it seeks to establish a percentage preference for specific bids, essentially awarding contracts based on merit rather than need or quality, amongst other important factors. The procurement process is essential to our State and industry, but we fall into troublesome territory when we subject the awarding of contracts to ambiguous factors rather than assessing based on a level approach. We believe preference for contracts should be a decision made by the authority of the awarding entity in order to maintain a fair marketplace for all, and it is for these reasons we ask for an UNFAVORABLE report on House Bill 1212.

We thank you for your time and consideration.

Thank you,

Marshall Klinefelter  
President  
Maryland Asphalt Association