



The Voice of Merit Construction

March 8, 2022

Mike Henderson
President

Greater Baltimore Chapter
mhenderson@abcbaltimore.org

Chris Garvey
President & CEO
Chesapeake Shores Chapter
cgarvey@abc-chesapeake.org

Dan Bond CAE
President & CEO
Metro Washington Chapter
dbond@abcmetrowashington.org

Amos McCoy
President & CEO
Cumberland Valley Chapter
amos@abccvc.com

Gregory Brown
Chairman
Joint Legislative Committee
greg@waynesboroconstruction.com

Marcus Jackson
Director of Government Affairs
Metro Washington Chapter
mjackson@abcmetrowashington.org

Additional representation by:
Harris Jones & Malone, LLC

6901 Muirkirk Meadows Drive
Suite F
Beltsville, MD 20705
(T) (301) 595-9711
(F) (301) 595-9718

TO: HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
FROM: ASSOCIATED BUILDERS AND CONTRACTOR
RE: H.B. 1353 OMNIBUS PROCUREMENT REFORM ACT ("OPRA") OF 2022
POSITION: SUPPORT

Associated Builders and Contractors (ABC) supports H.B. 1353 which is before you today for consideration.

ABC supports the increase the number of members of the State Board of Contract Appeals--from 3 to 6 members. It is important for the Board to be available to promptly handle sports wagering disputes as well as the customary appeals from construction contractors who file claims arising out of state construction contracts. The increase from 3 to 6 is necessary for the Board to satisfy the law that requires the Board to give top priority to resolving disputes over sports wagering licenses over the normal procurement disputes.

A protestor or contractor that appeals will win if, and only if, Board decides that an agency violated procurement law and to pursue appeals at the Board level, the protestor or claimant-- if it is a corporation -- is required by law to be represented by a Maryland attorney. We support the revisions to State Finance and Procurement Article which would allow the Appeals Board to award reasonable attorneys' fees incurred in pursuit of a successful bid protest or contract claim.

Members of ABC compete for, and perform, county contracts using State dollars for their procurements. HB 1353 provides those county contractors the same safeguards as if the contract was awarded directly with the State of Maryland. We supports HB 1353 because it will give contractors the right to the chose -- the State Board of Contract Appeals versus local circuit court--to resolve contract claims.

Just as HB 1353 will improve procurement transparency and accountability, it will also streamline the procedures for resolving disputes. For example, the State will be required to disclose certain information early on -- such as the reasons for selecting the most advantageous proposal, the amount of the upcoming contract, and amount of MBE participation. HB 1353 will promote procurement integrity and save money because contractors will more vigorously compete for contracts where there is strong enforcement of the laws.

On behalf of the over 1,500 ABC members in Maryland, we respectfully request a favorable report on H.B. 1353.

Marcus Jackson, Director
Government Affairs