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MARYLAND ASPHALT ASSOCIATION



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March 6, 2023

Delegate Joseline Pena-Melnyk, Chair
House Health and Government Operations Committee
241 House Office Building
Annapolis, Maryland 21401

RE: HB 1166 – FAVORABLE – Omnibus Procurement Reform Act (“OPRA”) of 2022

Dear Chair Pena-Melnyk and Members of the Committee:

The Maryland Asphalt Association (MAA) is comprised of 19 producer members representing more than 48 production facilities, 25 contractor members, 25 consulting engineer firms and 41 other associate members. MAA works proactively 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.

House Bill 1166 seeks to reform procurement law in Maryland to increase transparency by requiring certain information be disclosed, among other changes. MAA appreciates the Sponsor’s reintroduction of this extremely important piece of legislation and strongly agrees that it is time for changes in procurement law. In counties and municipalities where there are often little to no procurement regulations, this bill would establish a transparent process for protests and claims. It would also provide more insight to bidders by requiring disclosure by an agency of why they decide a certain way in bids. The bill also makes it a requirement that the Appeals Board must reimburse costs to a prospective bidder when it finds there was a violation of law, instead of making it discretionary as the law currently states. Lastly, the bill allows for equitable adjustment on contracts when the costs to a contractor are affected by a change in law or regulation or in work required under the contract. Given the unstable times we are in, this is crucial to our members.

We appreciate you taking the time to address this important issue and for the reasons stated above, we respectfully urge a favorable report on House Bill 1166.

Sincerely,

Marshall Klinefelter
President
Maryland Asphalt Association