



The Voice of Merit Construction

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TO: HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
FROM: ASSOCIATED BUILDERS AND CONTRACTOR
RE: H.B. 1166 - OMNIBUS PROCUREMENT REFORM ACT ("OPRA") OF 2023
POSITION: SUPPORT

Associated Builders and Contractors (ABC) supports H.B. 1166 which is before you today for consideration.

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.

We support the revisions in both sections 15-221.1 and 15-221.2. These revisions will allow MSBCA to award attorney's fees, relating back to the time claimants paid legal fees to support their protest or claim.

Just as H.B. 1166 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. H.B. 1166 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. 1166.

Marcus Jackson, Director
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