

SB 116 - Board of Public Works - Contract Review - Climate and Sustainability Information

Position: Letter of Information

Committee: Senate Budget and Taxation Committee

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From: John R. Woolums, Esq.

The Maryland Department of General Services (DGS) is providing this Letter of Information for the Committee’s consideration regarding Senate Bill 116, “Board of Public Works - Contract Review - Climate and Sustainability Information.”

DGS appreciates the intent of Senate Bill 116 to require state agencies to provide climate and sustainability information when submitting contracts to the Board of Public Works (BPW). As Maryland’s lead agency for green purchasing, green building standards, and greenhouse gas reduction efforts in State facilities, DGS recognizes the need for attention to environmental factors when making decisions on state contracts. DGS is also the State’s lead procurement agency through the Office of State Procurement (OSP). Regarding SB 116, OSP has identified challenges for state agency procurement officers and OSP to implement the bill’s requirements without investments in additional staff with subject matter expertise, staff training, and other resources. DGS respectfully requests that the Committee consider these factors when deliberating on this legislation.

The DGS Office of Energy and Sustainability (OES) provides leadership and support for the State’s greenhouse gas reduction efforts. The OES purchases renewable energy, installs electric vehicle (EV) infrastructure, operates the Energy Performance Contracting (EPC) program, reports on progress towards the energy savings goal of Governor Moore’s Executive Order 01.01.2023.07 Leading by Example in State Government, performs energy retrofit projects at State facilities, manages a statewide utility tracking database, and chairs the Green Purchasing Committee. The OES also supports the Maryland Green Building Council, engages in pilot programs, such as retro-commissioning existing State facilities, develops procurements and plans to decarbonize the state’s facilities, and fields calls from agencies on various energy conservation-related topics. Since the 2023 issuance of Governor Moore’s Executive Order 01.01.2023.07, the OES has taken on a leadership role in meeting the energy savings goal of the Executive Order.

DGS also leads Maryland’s environmentally preferable purchasing activities as the home of the Green Purchasing Committee. This important statewide program plays a crucial role in meeting the Moore/Miller Administration’s goals to combat climate change, protect the environment, and be the greenest state in the country by leveraging the purchasing power of Maryland’s state government to minimize our impact on the environment, public health, and the climate. In 2025, the program continued to demonstrate the benefits of green procurement for all Marylanders. I am happy to report that as a result of our efforts, the Committee documented: \$80,448,731 in environmentally preferable purchases by state agencies; 146,660 tons of greenhouse gas reductions (CO₂e); and \$3,337,907 in cost savings.

DGS recognizes the value of facilitating informed decision-making by the Board of Public Works regarding the climate and sustainability impacts of proposed contracts. However, DGS believes the breadth and scope of the types of complex policy analysis called for by SB 116 present several operational issues.

As the bill is written, it would require analysis of state contracts proposed for BPW approval regarding: 1) greenhouse gas reduction or net-zero goals, 2) adaptation to climate change, 3) climate resiliency through innovation, 4) alignment with state green purchasing standards, 5) alignment with green building standards, and 6) alignment with high-performance building standards.

To implement SB 116 accurately and effectively, DGS submits that it would be most practicable to require program offices within purchasing departments and agencies to provide the required climate and sustainability information and attest to the best of their knowledge to the accuracy of that information. However, to fully implement this approach, state agencies would likely need to invest in: 1) Additional staff training on climate and sustainability analysis; 2) development of internal policies and procedures; and 3) hiring climate or sustainability subject-matter experts.

Without such investments, DGS anticipates potentially significant procurement delays as a result of the bill's requirements. These analysis and reporting requirements would apply to the following types of contracts: Architectural/ Engineering Services, Construction, Energy Performance, General Miscellaneous, Landlord Lease, and Tenant Lease. For each covered contract, agencies would be required to provide detailed information and analysis addressing six parameters that evaluate how the project: contributes to Maryland's greenhouse gas emission reduction goals; adapts to climate change; and aligns with the State's broader sustainability objectives. These criteria require substantive technical analysis and policy interpretation.

Lastly, the policy goals and objectives of this bill could potentially be accomplished through a BPW Advisory or regulations, which could provide a more flexible means of governing policy and procedures for the environmental assessment of contracts before final review and approval by BPW.

Again, DGS is providing this testimony for informational purposes, and the Department looks forward to being of further assistance as the Committee considers this bill.

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