



House Bill 62

Procurement Contracts – Gender Wage Gap Reporting

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: January 18, 2018

To: Health and Government Operations Committee

From: Barbara Zektick

The Maryland Association of Counties (MACo) **SUPPORTS** HB 62 **with AMENDMENTS**. This bill would require bidders and offerors for state and local contracts to provide specified information on the mean and median wages of its male and female employees when responding to a state or local procurement.

Counties appreciate the intent to expose any gender wage gaps that exist among vendors receiving public dollars. However, procurement officials have concerns with the lack of specific terms and conditions in this bill.

- Does this apply to all procurements, or just those over a certain dollar threshold?
- Does it apply to the purchasing of certain products or services or all procurements?
- What should procurement officers do with this information, once they receive it?
- Does failure to provide this information deem an entire bid or offer non-responsive?
- Does failure to provide this information in a certain format deem the bid or offer non-responsive?
- Does wage data exposing a certain wage gap provide the local government with the authority, or the obligation, to reject a bid?
- What happens if a bidder or offeror adds or changes staff after receiving a public contract – are they required to provide updated information?
- How exactly should the means and medians be calculated?
- In what format should vendors provide the requested information, and in turn, how should procurement officers format the results?

MACo could support this bill if amended to address these concerns. This Committee could accomplish this by requiring promulgation of regulations by an appropriate state authority, perhaps the Department of Labor, Licensing and Regulation. Alternatively, the State could collect this data through state procurements, only.

Gathering data to address wage equity issues is a laudable objective. However, MACo believes the lack of clarity in this bill could result in unintended consequences, such as discouraging potential vendors from bidding, or in findings that vendors are nonresponsive to solicitations when they otherwise would serve as able government partners.

For these reasons, MACo requests the Committee **SUPPORT** HB 62 **with amendments**.