



## House Bill 1214

### *Procurement - Transparency and Application to County Contracts*

MACo Position: **OPPOSE**

To: Education, Health, and Environmental  
Affairs Committee

Date: March 31, 2021

From: Alex Butler

The Maryland Association of Counties **OPPOSES** HB 1214. The bill would needlessly require that all procurement contracts using state funds in any form be subject to all state procurement regulations.

HB 1214 redefines the term “unit” in state procurement law to include county government entities. This would subject county procurement contracts that leverage any amount of state money to state regulations causing counties to adopt two separate procurement procedures. Counties often work with the state entity from which they received funds and are already subject to state requirements such as Minority Business Enterprise (MBE) participation goals. However, requiring two separate policies for county procurement would be costly and inefficient.

The bill would also impose several new notice requirements for county procurement contracts that involve the use of state funds. Procurement units must publish notice of specified awards on eMaryland Marketplace within 15 (instead of 30) days from the execution and approval of a contract in excess of \$50,000. Also, within 15 days, a procurement unit must deliver by email and first-class mail to each unsuccessful bidder or offeror a notice stating that the bidder was unsuccessful. Unsuccessful offerors may already request a debriefing, which under current law must be provided at the earliest feasible time. For many counties, new requirements would demand significant additional staff time and effort. Many procurement offices have limited staff, and burdensome requirements such as these would only further strain operations.

Counties have their own procurement laws that are based on the structure and size of each government. Subjecting all procurement operations that involve any amount of state funds to state regulations would force counties to re-write their procurement laws or operate under two separate policies. This would be burdensome and confusing for procurement entities. Accordingly, MACo urges the Committee to provide HB 1214 with an **UNFAVORABLE** report.