



## **Senate Bill 737**

### *State Finance and Procurement - State-Funded Entities - Diversity in Advertising*

MACo Position: **OPPOSE**

To: Education, Health, and Environmental Affairs  
Committee

Date: February 20, 2018

From: Barbara Zektick

The Maryland Association of Counties (MACo) **OPPOSES** SB 737. This bill broadly requires “an entity ... that receives State aid,” presumably including counties, to “advertise using a range of media sources with target audiences that reflect the racial diversity of the State.”

While no doubt noble in its intent, this bill is too broad to implement effectively without exposing innumerable county procurements to countless bid protests. It is unclear what media sources, if any, accurately reflect the “racial diversity of the State.” It also fails to account for the differing racial diversity in various regions of the state; a county in Western Maryland may advertise in different media outlets than a county in central Maryland, for example. Under this bill, all counties would be obligated to advertise in the same way, regardless of targeted need, geographical region or type of procurement. Finally, it is unclear whether a specific target audience, or ratio thereof, is necessary for compliance with this bill.

Fortunately, new technology has made specified advertising requirements in procurement less essential than they once were. Many counties advertise procurement opportunities using the State’s E-Maryland Marketplace, reaching an extensively broad audience of potential business entities from a range of backgrounds. Others advertise online using different methods. As the State continues to gain momentum in implementing the recommendations of the Commission to Modernize State Procurement and resulting legislation from last year, opportunities for counties to further benefit from new technologies and farther-reaching advertising opportunities will surely make themselves available.

MACo supports the implicit goal of this legislation to ensure that State-funded business opportunities reach a diverse audience, but fears that SB 737 falls short of accomplishing that objective, and instead, puts county procurements in jeopardy of constant challenges. For these reasons, MACo urges an **UNFAVORABLE** report on SB 737.