

(A) UPON NOTIFICATION THAT A PERSON SUBJECT TO DISQUALIFICATION PURSUANT TO § 12-102(B) OF THIS SUBTITLE HAS SUBMITTED A BID OR OTHERWISE APPLIED FOR A CONTRACT WITH THE STATE OR ANY OF ITS SUBDIVISIONS, THE BOARD OF PUBLIC WORKS OR ANY OTHER STATE OR SUBDIVISION CONTRACTING AGENCY INVOLVED IN THAT PROCUREMENT SHALL NOTIFY THE PERSON IN WRITING THAT:

(1) THE BID OR APPLICATION MAY BE DISQUALIFIED; AND

(2) THE PERSON MAKING THE BID OR APPLICATION HAS A RIGHT TO A HEARING BEFORE THE PERSON MAY BE DISQUALIFIED.

(B) UNLESS THE PERSON SUBMITS A REQUEST FOR A HEARING TO THE BOARD WITHIN 30 DAYS OF THE RECEIPT OF THE NOTICE OF POSSIBLE DISQUALIFICATION ISSUED UNDER SUBSECTION (A) OF THIS SECTION, THE PERSON IS DEEMED TO HAVE WAIVED THE RIGHT TO A HEARING AND IS DISQUALIFIED.

12-104. DEBARMENT HEARING.

(A) (1) WITHIN 90 DAYS AFTER RECEIPT OF A REQUEST FOR A HEARING FROM A PERSON NOTIFIED PURSUANT TO § 12-103 OF THIS SUBTITLE, OR FROM ANY PERSON WHO BELIEVES THE PERSON MAY BE SUBJECT TO DISQUALIFICATION, THE BOARD SHALL CONDUCT A HEARING AND, PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION, DETERMINE WHETHER THE PERSON SHOULD BE DISQUALIFIED.

(2) IN MAKING ITS DETERMINATION, THE BOARD SHALL:

(I) CONSIDER ALL OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE ACTS RENDERING THE PERSON SUBJECT TO DISQUALIFICATION INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ACTS INVOLVED, WHETHER AND TO WHAT EXTENT THE PERSON SUBSEQUENTLY COOPERATED WITH THE APPROPRIATE AUTHORITIES IN THEIR INVESTIGATION OF THE MATTER, THE CONDITIONS UNDER WHICH THE PERSON COOPERATED, AND THE TIME WHEN THE ACTS OCCURRED;

(II) CONSIDER THE CONDUCT OF THE PERSON SINCE THE ACTS WERE PERFORMED; AND

(III) CONCLUDE WHETHER OR NOT THE INTEGRITY OF THE CONTRACTING PROCESS AND THE BEST INTERESTS OF THE STATE WOULD BE SERVED BY DISQUALIFYING THE PERSON FROM ENTERING INTO CONTRACTS WITH GOVERNMENTAL ENTITIES WITHIN THE STATE.

(B) UPON MAKING ITS DETERMINATION, THE BOARD SHALL NOTIFY THE PERSON SUBJECT TO DISQUALIFICATION IN WRITING EITHER THAT:

(1) THE PERSON IS DISQUALIFIED; OR

(2) THE PERSON IS NO LONGER SUBJECT TO DISQUALIFICATION FOR THE ACTS WHICH WERE THE SUBJECT OF THE HEARING AND DETERMINATION.