

there is no distinction made between willful violations and minor violations (such as accidents) that may occur without the knowledge or intent of the contractor. The threat of debarment may cause companies to shy away from State contracts, which, in turn, would have an adverse effect on competition and negatively impact the price of competitively bid procurements. Additionally, the inclusion of contiguous jurisdictions in the civil violations section raises possible equal protection issues. A contractor may violate the law in 46 other states and the District of Columbia and be immune from debarment, but would be denied immunity from debarment if the violation occurred in a state contiguous to Maryland. While a court may find that this provision is rationally related to protecting an interest of the State, it undoubtedly will invite litigation and complicate the procurement process.

Senate Bill 122 does not enhance the Board of Public Works' ability to protect the integrity of the State procurement process, and it complicates the ability of the State to secure efficiently and fairly necessary State contracts. I have pledged to the citizens of Maryland to deliver a streamlined, more efficient government, and I intend to keep that promise.

For the above stated reasons, I have vetoed Senate Bill 122.

Sincerely,
Robert L. Ehrlich, Jr.
Governor

Senate Bill No. 122

AN ACT concerning

Procurement - Debarment - Violations of Law

FOR the purpose of ~~allowing a person to be debarred~~ authorizing the debarment of a person from entering into a contract with the State if the person has ~~engaged in a pattern of violations of federal or State labor laws, civil rights laws, or environmental protection laws~~ been criminally convicted of, or found civilly liable for, a certain number of violations of certain laws or has committed certain violations of certain laws and been subject to certain findings of civil liability; and generally relating to certain grounds for debarment from entering into contracts with the State.

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 16-203

Annotated Code of Maryland

(2001 Replacement Volume and 2002 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Finance and Procurement