
BOARD OF PUBLIC WORKS

*GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND*

October 22, 2025
10:06 a.m.

PRESENT

HONORABLE WES MOORE

Governor

HONORABLE BROOKE E. LIERMAN

Comptroller

HONORABLE DERECK E. DAVIS

Treasurer

JOHN GONTRUM

Secretary, Board of Public Works

ATIF CHAUDHRY

Secretary, Department of General Services

YAAKOV "JAKE" WEISSMANN

Secretary, Department of Budget and Management

JOSH KURTZ

Secretary, Department of Natural Resources

THOMAS HICKEY

Director of Procurement and Real Property Initiatives,
University System of Maryland

VALERIE RADOMSKY

Chief Procurement Officer, Department of Transportation

LISA GRIGSBY

Recording Secretary, Board of Public Works

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PROCEEDINGS

GOVERNOR MOORE: Good morning, everybody.

(Chorus of Good Morning.)

GOVERNOR MOORE: Please take a seat.

Good morning and welcome to today's meeting of the Board of Public Works. Before we get started, I would like to give the floor to the Treasurer, who would like to express some remarks on the passing of Delegate Charles Otto.

Mr. Treasurer?

TREASURER DAVIS: Thank you.

Good morning, everyone. I'm sure most of you have heard that -- you know, if you follow the General Assembly closely, that former --well, Currently --

COMPTROLLER LIERMAN: Current.

TREASURER DAVIS: -- Current Delegate Charles Otto's untimely passing last week. Delegate Otto came in -- I guess it was the last couple of terms of my time in the General Assembly and it overlapped -- I think the Comptroller, you were there --

COMPTROLLER LIERMAN: (Indiscernible).

TREASURER DAVIS: -- as well, and obviously working with the Governor. I can't say that I knew Delegate Otto real well. I didn't know him real well, but what I did know -- but he embodied what was best about the General Assembly. It's not too many people seemingly anymore that views working across the aisle as not a dirty word of working together, who aren't in love with the sound of their own voice is probably the best way I can say it. He spoke when

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he had something to say and he didn't need to hear his voice at every opportunity. He wasn't looking to be on the news, or soundbites, or anything like that.

And also, while he took his job very seriously -- and anybody will tell you that, you know, when we weren't, you know, doing our job -- when we had a moment, he always brought a moment of levity I guess is what I was trying to say. Delegate Otto was very funny. You could always, you know, have a good laugh with him. He could lighten the atmosphere, lighten the mood just a bit, and I think we need more of that -- of people just bringing down the temperature in some of these discussions.

You know, we're all passionate about what we do, but we need to watch what we say and be cognizant that it's okay for people to have different opinions and we can still work together. So I'll end it there, but for those of you who've had the good fortune of meeting Delegate Otto like me, you know he'll be sorely missed. For those who didn't, you've just got to take my word for it. He was a great guy and certainly a loss to Maryland. And our prayers -- thoughts and prayers are with his family.

So thank you, Governor.

GOVERNOR MOORE: Awesome, well said. Thank you. He was a -- he really was a -- just a very good and decent man. You know, we were actually -- we were actually with him a few weeks back over in Smith Island, where, when we went to Smith Island in order to bring broadband for the first time. And you know, he was commenting where -- as he pointed out he's like, "You know, the last governor was that one that came out to Smith Island."

But to see the way that he -- not just the pride in the work that he had, but the way he fought for his people, it was really beautiful. You know, the people -- the people in the districts were all represented by Delegate Otto. They had a champion and he is going to be -- he's going to be sorely missed. And

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again, not just by the District, but by everybody. Everybody in Annapolis who had the joy of working with him.

COMPTROLLER LIERMAN: Agreed. I had the opportunity to serve with him for several years on the Environment and Transportation Committee and appreciated his wit, his way of speaking, and his camaraderie. I understand the Environment and Transportation Committee went by his farm this week to meet his family and to express their condolences as well when they were on a committee trip. So he was a great member of that committee and it's really unfortunate.

Yeah, thank you.

GOVERNOR MOORE: Thank you.

Before we proceed, I also want to say that this is also the first Board of Public Works meeting that we have had in three years where Secretary Helene Grady was not sitting in the seat as the Secretary of Budget and Management, and she really had been a phenomenal leader -- and had been a phenomenal leader for the Agency for the State. And she has been absolutely instrumental in so much of the work that has taken place within the Administration.

You know, we're talking about a Secretary who first came on board and turned and inherited structural deficit into a surplus, helped to spearhead making sure that the middle class could get a tax cut during this time. And really focusing on making historic investments in everything from healthcare and transportation and public safety and other priorities because, you know, one thing we continue to remember and learn is that everything about governance is budgeting.

Where are you investing? How are you thinking about that?

Where are you putting your capital and how do you make sure that that capital is

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the best use of taxpayer dollars to make sure you're advancing the hopes and aspirations for so many people? So she is a true public servant who is now getting a well-deserved time off. But I can tell you, I could not be more excited to have Jake Weissmann coming on board as our new DBM Secretary who is here for the first time. And by the way, this is his first day on the job. Fresh out of the frying pan and into the fire.

COMPTROLLER LIERMAN: Yeah.

TREASURER DAVIS: Jake knows better.

(Laughter.)

GOVERNOR MOORE: We are thrilled, Jake. We're thrilled that you just continue to raise your hand to serve the people of this state. We are so excited to have you in this role, in this seat, to be able to partner and work closely with you. And just know that your continued contributions that you've always made to the people of this state, they are just going to, you know, they're just going to be lifted up and will continue to see the great, great results continue to show. So welcome aboard, happy first day.

COMPTROLLER LIERMAN: Yep.

GOVERNOR MOORE: Excited to continue to work with you.

With that, we'll begin with the business of the day. Secretary Gontrum, good morning.

MR. GONTRUM: Good morning, Governor. And good morning to you, Mr. Treasurer and Madam Comptroller. There are 22 items on the Secretary's Agenda this morning and four reports of emergency procurements. I'm happy to assist with answering any questions.

GOVERNOR MOORE: Great, thank you so much.

I would actually like to start by highlighting Item 15, which is a request the Department of Environment to award \$18.2 million to Howard County

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in support for the Extended North Tunnel Project, which is going to be a key component to the County's overall Safe and Sound Flood Mitigation Plan and something that I know they've been working on for a long period of time. We're so excited about just the continued work in progress that's continuing to be made there.

This award is being funded through the Maryland Water Quality State Revolving Loan, which is one of the Department's financial assistance programs that helps to both protect and improve the quality of Maryland's rivers, and Maryland's streams, Maryland's lakes -- all the multiple water resources that we have here in the State of Maryland. And it builds upon a \$10 million investment that we just announced this past June, which supports two flood mitigation projects for Ellicott City through the Department of Energy Management's Resilience Maryland Revolving Loan Fund.

And so the reason that we're really, really excited about this is this is actually showing that in Maryland we can actually go a better way and we can go in a different direction. Because it is not lost at all that this is happening at the same time that we're watching on the federal side -- that we are seeing grants that are being canceled, capital that has already been allocated now being pulled back. And this is capital that's used to make communities safer and make them more resilient. But in Maryland, we are going to invest and we're going to invest in our people and we're going to invest in our communities. And it's about making smart investments that really are about fortifying our infrastructure and making sure that we are not just protecting lives, but we are saving them.

And now, voila. While our friend, the County Executive Calvin Ball, wasn't able to make it, we are thrilled to have Maureen Evans here, who is the Director of Government Affairs and Strategic Partnerships for Howard County. It is wonderful to have you here and thank you for the outstanding work

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that you, the team, and everyone in Howard County continues to do.

I would also like to call up Item 10, which is a request from the Department of Budget and Management to abolish 503 vacant positions. And that is pursuant to the 2026 Fiscal Year Budget. Just to put it mildly, Maryland has never been tested like this before where we now are seeing that the relationship between the federal government and our states, it's not that it's just been altered. In many cases, it's been severed. And we have an Administration that just continues to attack our economy and our people, and we have policies that are coming from the White House that are doing everything from raising prices to pulling away basic supports and basic services.

And all of this is happening at a time when we continue to manage a historic budget crisis that the State of Maryland is navigating through. And so the thing that we know is this, all the easy decisions are gone. All the easy decisions are off the table. And so everything that we are doing now -- every choice that's left, they're difficult, they're not simple, and they're not easy. And I mentioned at the start of the meeting that while we are proud that we were able to turn an inherited deficit into a surplus, it also means that we have to focus on balancing the budget, rein in spending, increase our top line, and do it without sacrificing essential services that our people rely on.

That we launched the Government Modernization Initiative, that we initiated a hiring freeze, that we rolled out a voluntary separation plan, which you'll hear more about in just a moment. And each of these steps have been guided by a commitments to make sure that in this Administration, we move with data. Not emotive splurges or partisan talking points, we move with data. Preserving State services, honoring the work and the contributions of our public servants, and making sure that as a state we are going to move with discipline.

That fiscal stewardship has been and will always be the hallmark

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of this Administration. And we are proving what it means to be responsible without being reckless. And so while none of these choices are simple or easy, I do want to assure the public, including all of our public servants, that we will continue to protect our people, we will continue to fight for our people, and we'll continue to make sure that our state is going to be fiscally responsible.

And with that, I would like to invite Deputy Secretary Marc Nicole to share a little bit more about this item, specifically. Mr. Deputy Secretary, good morning.

MR. NICOLE: Good morning, Governor Moore, Comptroller Lierman, and Treasurer Davis. My name is Marc Nicole. I'm the Deputy Secretary of the Maryland Department of Budget and Management. I'm here to answer any questions the Board members may have on the item that abolishes 502 positions across State government pursuant to Sections 38 and 41 of the Fiscal Year 2026 Budget.

332 of these position abolitions are tied to the voluntary separation program, 170 of these vacant positions are being abolished across various executive Department agencies. Across all funding sources, these positions result in the reduction of \$27.4 million in Fiscal Year 2026 on a net basis, and \$47.2 million in Fiscal Year '27 going forward. For the General Fund specifically, these actions are estimated to save \$10.5 million in Fiscal Year '26 and \$22 million in Fiscal Year '27 going forward.

I'm happy to answer any questions the Board members may have.

GOVERNOR MOORE: Thank you so much, Mr. Deputy Secretary. And thanks for your leadership on this.

MR. NICOLE: Thank you.

GOVERNOR MOORE: Any questions or comments?

COMPTROLLER LIERMAN: Nope.

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GOVERNOR MOORE: Okay.

Thank you so much, Mr. Secretary.

MR. NICOLE: Thank you, Governor.

GOVERNOR MOORE: Is there any further -- is there any other discussion on any other items on the Secretary's Agenda?

COMPTROLLER LIERMAN: I'd like to just mention Items 11 and 12. These are requests from Department of Housing and Community Development to lend \$6.1 million for rental housing works -- the two projects in Anne Arundel and Wicomico Counties. I just wanted to make sure folks were aware, and you, Mr. Governor, were aware, about how glad I was to be joined by Secretary Day this past week as we announced the release of our report on housing and the economy.

Of course, you and your team have really been at the forefront of talking about the need to build more housing. And this latest installment in our State of the Economy series provides a comprehensive analysis of Maryland's housing market including trends in housing costs, supply and demand dynamics, patterns of domestic migration, which I know is something we're all very focused on, and the relationship between affordability and availability, as well as their connection to broader economic performance.

Stable and affordable housing is essential for Marylanders to build a secure financial future, so I'm happy and pleased that our team could offer this new analysis that will hopefully be helpful to our General Assembly, to you, and to all policymakers and business leaders. And also happy to offer my support for these two items before us as they address key challenges that are identified in our report.

Thanks.

GOVERNOR MOORE: Thanks, Madam Comptroller. And I can

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tell you that it's more than helpful. It's incredibly important because it continues to underscore why, as a State, we have got to build more housing.

COMPTROLLER LIERMAN: Yep.

GOVERNOR MOORE: We've got to increase inventory. We've got to do it and make sure that we're creating more options for people to be able to become homeowners, to create those pathways. And so your report, your analysis, and your leadership on this has been invaluable, so thank you.

COMPTROLLER LIERMAN: Thank you.

GOVERNOR MOORE: May I have a motion to approve the Secretary's Agenda?

COMPTROLLER LIERMAN: Motion to approve.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much, Mr. Secretary.

We'll proceed with the Department of Natural Resources Agenda. Secretary Kurtz, good morning, man.

MR. KURTZ: Good morning, Mr. Governor, Madam Comptroller, and Mr. Treasurer.

TREASURER DAVIS: How long have you had on the sling again?

MR. KURTZ: I'll be out of it next week.

GOVERNOR MOORE: There we go.

MR. KURTZ: I'm very, very --

GOVERNOR MOORE: Last BPW with a sling.

MR. KURTZ: Yes, yes.

GOVERNOR MOORE: Yeah.

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MR. KURTZ: Yes, I will.

COMPTROLLER LIERMAN: That's how time is measured.

(Laughter.)

MR. KURTZ: That is one way. Funnily enough in this job, I know.

GOVERNOR MOORE: You're welcome.

TREASURER DAVIS: (Indiscernible).

COMPTROLLER LIERMAN: Yeah.

MR. KURTZ: Blessed to be in a state with great health care.

GOVERNOR MOORE: There you go. There we go.

MR. KURTZ: The Department has 16 items for your consideration today. I just wanted to highlight, very briefly, Item 10, which is a Green Space Equity Grant to Dorchester County. We're really excited about that, the continuation of the program. We did about 20 of those projects before BPW earlier this year. And I'm happy to answer any questions that you all might have.

GOVERNOR MOORE: Is there any discussion on the DNR Agenda?

COMPTROLLER LIERMAN: Nope.

GOVERNOR MOORE: Okay. May I have a motion to approve the DNR Agenda?

COMPTROLLER LIERMAN: Motion to approve the DNR Agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thanks, Mr. Secretary.

We'll move on to the University System of Maryland. Mr. Hickey, good morning.

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MR. HICKEY: Good morning, Governor, Mr. Treasurer, and Madam Comptroller. Tom Hickey representing University System of Maryland. There are four items for your consideration and I'm happy to answer any questions.

COMPTROLLER LIERMAN: I messed up and was thinking that the settlement for College Park was actually in USM, but of course it was in the Secretary's. Do you have any -- are you aware of that item? Do you have --

MR. HICKEY: Comptroller -

COMPTROLLER LIERMAM: - are you available for questions --

MR. HICKEY: -- I've been in this position for ten years and the first time I saw a settlement on the Board of Public Works Agenda, I reached out to the AG's office for more information and they said, "Not allowed to see that. You're not allowed to know."

COMPTROLLER LIERMAN: Okay.

MR. HICKEY: So I see them when you see them and I don't have any information.

COMPTROLLER LIERMAN: That's fine. I'll ask. We'll do a follow-up conversation with them about it then.

Thank you.

GOVERNOR MOORE: Continue the impressive work on the MBE layouts that you have.

MR. HICKEY: Thank you, we're following your lead.

GOVERNOR MOORE: Is there any other discussion on the USM Agenda?

COMPTROLLER LIERMAN: Nope.

GOVERNOR MOORE: And may I have a motion to approve the USM Agenda?

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COMPTROLLER LIERMAN: Motion to approve the USM Agenda.

GOVERNOR MOORE: Is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: Thank you so much.

MR. HICKEY: Thank you.

GOVERNOR MOORE: Thank you.

We'll go on to the birthday girl, Ms. Radomsky. I know we got a -- I love my Libras. And I know how much you've been grinding during this time. So on behalf of everybody, happy birthday.

MS. RADOMSKY: Thank you, happy birthday to you as well.

Good morning, Governor, Madam Comptroller, Mr. Treasurer. For the record, my name is Valerie Radomsky, Chief Procurement Officer at the Maryland Department of Transportation. Today we are presenting 11 agenda items for your consideration. We are seeking approval of two awards to State-certified small businesses valued at \$727,000, one award to a duly-certified small minority business valued at \$7.27 million. We have representatives available to answer any questions you may have.

GOVERNOR MOORE: Fantastic. Thank you.

I think there's one item that I would like to call up this morning, and that's actually the first, Item 1. And that's a request from the Maryland Aviation Administration. And that's to conduct an expedited procurement for a full-depth reconstruction of asphalt at BWI Airport that's been identified as being in poor or fair condition. And with that, I'd like to invite our Executive Director from MAA Shannetta Griffin to share more about this request. Madam Executive Director, good morning. It's good to see you.

MS. GRIFFIN: Good morning, Governor. Good to see you as

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well. Madam Comptroller, Mr. Treasurer, glad to see you back here with us as well. So for the record, my name is Shannetta Griffin, Executive Director and CEO of the Maryland Aviation Administration. I want to start by giving just a little bit of a background as to how we're here today asking for this expedited procurement.

So we opened bids with this contract back in May. We brought it to BPW May 21st of 2025. We then asked for to move forward with that on the face of appeal. We received that. We gave notice to proceed with the current contractor that was on board with us. We did receive FA approval, which that is a process that we have to go through. In June of 2025, that contractor began work. And then we received an appeal from another contractor that is also being discussed here today.

And then that appeal was filed with the MSBCA. We received a decision on that on August 11th of 2025. The contract that the Board of Public Works approved in May in the face of appeal filed by Pete Flanigan & Sons has been deemed void by operation of law in accordance with the State Finance and Procurement Article 11-204(b)-1. Any procurement that violates Division II is rendered void. Consequently, MAA issued a stop-work order to Allan Myers PD, Incorporated prior to the commencement of site work in Contract MAA CO2-25-001 is no longer in effect.

So I am here to request your approval to utilize the expedited procurement method to procure the DX/DY Apron Reconstruction at Baltimore-Washington International Thurgood Marshall Airport. Following the Maryland State Board of Contract Appeals decision issued on May -- August 11th, 2025, the contract awarded to Allan Myers has been deemed void by operation of law. Consequently, MAA issued a stop-work order to Myers prior to the commencement of site work and the contract is no longer in effect.

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In 2023, the DX/DY Apron and Taxiway-T were identified as being in poor to fair condition with Pavement Condition Index, PCI, scores ranging from 36 to 67. The 2023 Pavement Management Program Report and Supporting Field Evaluation Substantive support the statements that related to pavement condition, operational impacts, safety, and sustainability considerations.

The existing asphalt apron pavement between Concourses DX and DY is exhibiting numerous pavement distresses including raveling, joint-seal failures, cracking, and spalling. The 2023 Pavement Management Program report documented Pavement Condition Index, PCI, ratings ranging from 36 to 67 for this area, which is classified as poor to fair condition. Similarly, the adjacent portion of Taxiway-T, located between Taxiway B and C, has a PCI rating of 52, also classified as poor condition.

These deteriorating conditions reduce the structural integrity of the pavement system and increase the potential for foreign object debris generation, which poses risk to aircraft engines, landing gear, and ramp operations. These areas are essential to airfield operations as they are used by multiple airlines including United, Spirit, Air Canada, Alaska, and Delta. Taxiway-T is a critical connector used by all airlines. Any failure or closure would disrupt airport-wide operations, affecting both domestic and international flights.

The project's timely execution is essential to maintaining uninterrupted service. This project provides for a full reconstruction of the DX/DY Apron pavement and the adjacent segment of Taxiway-T, replacing the existing asphalt with durable Portland cement concrete pavement. This upgrade will extend the useful life of the pavement, mitigate the risk of pavement failures, and reduce the likelihood of unplanned operational disruptions. The improvement aligns with pavement management program recommendations to prioritize rehabilitation in areas where pavement condition directly affects aircraft

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movement and public safety.

In addition to the structural rehabilitation, the project includes two environmental and sustainability enhancements. Installation of an oil-water separator to capture and remove hydrocarbons and other contaminants before stormwater enters the drainage system, thereby supporting MAA's environmental compliance and pollution prevention objectives. Replacement of existing taxiway light fixtures with LED units to improve airfield lighting reliability, enhance energy efficiency, and reduce long-term maintenance requirements. Collectively, these improvements support airfield safety, operational efficiency, and environmental stewardship consistent with MAA's long-term infrastructure and sustainability goals.

Delaying reconstruction increases the risk of aircraft damage or operational incidents, emergency closures of taxiways or aprons due to pavement failures, disruption of airline schedules, and passenger services. The expedited procurement method directly supports public safety and operational continuity satisfying the public interest required under COMAR. BWI Thurgood Marshall Airport could potentially lose \$19.4 million in federal funds from the Fiscal Year 2023 AIP Supplemental Discretionary Grant, which I must add is a competitive grant, if this procurement is not expedited to meet the multi-year construction schedule which must commence by March 2026.

This requirement is based on several facts. The grant's four-year performance period, executed August 6th, 2025. The multi-year construction schedule, which necessitates a start no later than March 2026. Mobilization under the previously awarded contract was stopped prior to any successful installation of AIP-eligible work, and there have been no draws from the grant funds. FAA grant performance would flag 6 to 12 months of inactivity and could potentially put grant funding at risk.

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We are now approaching three months of inactivity. This timeline is derived from FAA grant performance requirements. Use of the expedited procurement method will allow MAA to solicit and procure the contract expeditiously in order to proceed with construction at the start of the next pavement season to maintain safe and efficient airfield operations, preserve critical federal funding, and avoid costly airport operational delays and disruptions.

Due to the void contract, work was not able to commence by September of 2025 therefore potentially extending the construction completion to late '28 or '29, which is a risk to the federal grant period of performance, which is 8/26/25 to 8/9/2029. Completion of the construction will depend upon notice to proceed and mobilization with a total contract duration of 690 calendar days. With the new solicitation, MMA is planning to rephase the project to optimize the construction timeline along for completion in late 2027 or early 2028.

Most of the scope is concrete pavement construction, which is temperature sensitive and can only be performed during the spring and fall seasons. Pursuing the expedite procurement during the winter months enables the MAA to have the awarded contractor ready to mobilize near the start or at the start the paving season. The project will be procured through a fair open competition. MAA will advertise the IFB, or the invitation for bid, on eMMA and directly solicit. The expedited procurement request is to ensure we have a continuation of the process with the FAA for the current grant and to minimize the lack of construction activity on the grant.

GOVERNOR MOORE: Thank you. Thank you very much.

MS. GRIFFIN: Thank you.

GOVERNOR MOORE: Why don't we, because I know we also have another speaker request at this time, why don't we also just bring up the

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speaker request and you know, we'll bring you back actually to have a measure -- a time for response.

Secretary Gontrum, the speaker request I'd like to call up and recognize is Paul Caiola, who is representing Pete Flanigan & Sons, who joins in person in opposition of the item. I would just ask that we keep the remarks to three minutes and I'll ask you to time keep on that.

And so Mr. Caiola, good to see you. Thank you.

MR. CAIOLA: Good to see you as well, Mr. Governor, Madam Comptroller, and Mr. Treasurer. I'm Paul Caiola from Gallagher LLP and I'm here on behalf of P. Flanigan & Sons today. Mr. Flanigan is here as well if you have any questions for him. Flanigan is the -- you're presented with a false choice today. The choice that was just described by the MAA is a choice between a regular procurement, new procurement, and an expedited new procurement. But in fact, there is already a pending procurement for this item.

Flanigan was the second lowest bidder originally but because of the lowest bidder, Allan Myers, submitted a nonresponsive bid after, the MSBCA decided with Flanigan, and that voided the Allan Myers bid. So now, we have Flanigan sitting in position as the second lowest -- the lowest responsive and responsible bidder on an existing procurement.

That procurement has not been canceled. That procurement remains pending. There is a regulatory process to cancel that procurement. And the Agency has broad discretion if they wish to cancel it, but they can't cancel it based on a pretext. And thus far, we have we have not seen any reasoning. The regulations require that the Agency put forth -- write a letter to all the participants, indicate that they intend to cancel, and give reasons for the cancellation. That process has not happened.

So right now, there's a pending procurement. Flanigan is the

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lowest bidder. And in our view, the Agency should be recommending award to Flanigan. We agree with everything the MAA reported about the need for this work to occur. What's missing, though, is the fact that it's more expeditious to move forward with the lowest responsive and responsible bidder for the current procurement. The current procurement -- everything that the Agency just described, the scope of work, everything is the same. They're not changing the scope of the work. The work is, needs to be done. It needs to be done on an expedited basis.

And clearly, the most expeditious way to proceed is for the Agency to recommend award to Flanigan. That will leave less down time because Flanigan, you know, at the next Board meeting, Flanigan could be awarded the contract and could begin work right away. Then you don't have the same risks associated with 6 to 12 months of down time. Just think about it like this. If this new procurement moves forward and Flanigan wins the bid, they still have to go through the FAA approval process.

You're not picking up time by starting a new procurement, only then to seek -- move through the approval process. An award to Flanigan now, which is -- Flanigan's bid was well lower than the engineer's estimate for the work. So the work can move forward expeditiously now by awarding it to Flanigan.

Instead, the Agency wants to start over again. They should be asked -- this matter should be deferred to the next meeting and the Agency should be asked -- if they intend to terminate the existing procurement, they should do so. They should lay out their reasoning. And then we can take a look at it.

MR. GONTRUM: That's three minutes, Mr. Caiola.

MR. CAIOLA: Thank you very much.

GOVERNOR MOORE: Thank you so much. Thank you.

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Director Griffin, I'd like to invite you back to the podium. Do you have any --

COMPTROLLER LIERMAN: Can I ask a quick question?

GOVERNOR MOORE: Oh, of course.

COMPTROLLER LIERMAN: Have you canceled the prior contract?

MS. GRIFFIN: It has not been canceled. We've been instructed to not cancel. I mean it was void. So from our understanding, when it is void, then that voided the entire process, the entire solicitation, the entire procurement.

COMPTROLLER LIERMAN: Have you sent a letter to Allan Myers and Pierce (sic) telling them that the contract is void and therefore canceled?

MS. GRIFFIN: We did not use the word "cancel". We did send a letter to both of those individuals saying based off law, from what we understood and what we've been instructed, is that when the contract was void, the solicitation -- everything was void. So the word "canceled" was not a part of the vocabulary we were using because we were given the word "void". And that's what we have given to both of the contractors.

COMPTROLLER LIERMAN: Isn't there a difference between a contract being void and a procurement being canceled?

MS. GRIFFIN: Again --

COMPTROLLER LIERMAN: The contract itself was deemed void by MSBCA, so wouldn't it have made sense to say to them, for clarity of all the parties, that the contract is void per what the MSBCA said, and then separately, you're canceling the procurement and going to start a new one. Those are two separate things.

MS. GRIFFIN: So I don't want to speak on behalf of anyone legal.

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But again, the direction we were receiving was that once that had been voided, the entire process, the procurement, everything was void. So we had no award to be able to give. We have no contract to be able to give because it wasn't Allan Myers who was being voided, it was the contract and the procurement process. That was the direction we were given.

COMPTROLLER LIERMAN: I don't think that's right. Yeah, I mean I agree with him. I think this is a -- how it's been handled is problematic. I mean, I'm happy to talk with your AAGs about it, but a contract is something different than a procurement. You had a contract with Allan Myers. And my understanding of the MSBCA decision was that that contract was deemed void, but the procurement itself, that process, was still in existence and that had never been canceled. The Court doesn't void the procurement. The Court voided the contract is what I understand Mr. Caiola is saying.

MS. GRIFFIN: Well, based off of, again, the direction, I don't want to speak on behalf of our legal team, but because of the fact that it was incorporated in this section out of the State procurement, that solicitation was also void. Not just the contract, but the entire solicitation. So again, we have no process of which to award to the next bidder or anything like that.

The other piece I do want to add to that though is in speaking with the FAA, we wouldn't have gone through this process with them. They've also never --

COMPTROLLER LIERMAN: No.

MS. GRIFFIN: -- dealt with giving a contract to another contractor once you started work.

COMPTROLLER LIERMAN: No.

MS. GRIFFIN: So that became problematic for them as well. But again, by the law from, again, what we were advised upon was that the contract

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and the solicitation was void.

COMPTROLLER LIERMAN: Do you have the same lawyers who wanted us to overrule the MSBCA? (Laughter). Suspect.

Sorry. Go ahead, Mr. Treasurer.

TREASURER DAVIS: How many bidders did you have on this project?

MS. GRIFFIN: Two bidders, the two that are in conversation today. And usually on most of our projects, our pavement projects, it's the same two bidders. Well, there's three but there's usually -- those two are the highest. I mean, they have the qualifications.

TREASURER DAVIS: Three?

MS. GRIFFIN: We have three, I apologize. We do have three. But usually, it's the two that are in conversation today that are the highest bidders.

TREASURER DAVIS: Okay. On this point, is the only criterion low bid?

MS. GRIFFIN: Yes, lowest and responsive bid.

TREASURER DAVIS: So it's not technical or anything like that? You just have one criterion, low bid?

MS. GRIFFIN: Anytime we're in the -- again, I don't want to start getting into the legal part of that. I don't know that my legal representation is here. But in most cases with the FAA in regards to their approval, it's the lowest and responsive bidder that moves forward with the FAA. That's correct.

COMPTROLLER LIERMAN: And so my understanding --

Sorry, are you --

TREASURER DAVIS: Go right ahead.

COMPTROLLER LIERMAN: Sorry.

So my understanding is that the FAA, in fact, wants you to start

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from the beginning and rebid the project? That's correct?

MS. GRIFFIN: Their opinion is that that would be the cleanest way of which to do this because, again, they've never dealt with once work has begun to give it to another bidder. They felt this was the cleanest way of which for us to do the work. And because work was already done, we needed to rephrase because now the project is not the same because one contractor went in and did some of the substantive work there. And so we would need to rephrase the work to be able to get a new bidder.

COMPTROLLER LIERMAN: Understood. Okay. So this is a little bit of uncharted territory?

MS. GRIFFIN: Yes, ma'am.

COMPTROLLER LIERMAN: Is my understanding?

MS. GRIFFIN: Yes, ma'am.

COMPTROLLER LIERMAN: Got it.

I do think -- you know, this is a very undesirable but incredibly preventable situation, and that I think you, the MAA has placed us in as a State and as a Board, which is very frustrating. We have two awards today in front of us. Where both times the agencies asked us to award in the face of protests and both of those are coming back to bite us. So I just, you know, want to be really clear about how wrongheaded it is to -- when there are legitimate protests, to ask the BPW to award in the face of protests.

And it's really not good practice for our agencies to do that. And it is, puts us in this incredibly complicated situation where we risk losing federal money and we're asked to violate State procurement law, which is not fair to us. So you know, because of where we are and with the FAA, I do think it is really important that the agencies have the right and the ability to cancel a contract prior to, you know, work being performed. I think we have to retain that ability.

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And you know, there's other litigation ongoing in other places that have to do with our right to cancel contracts. I am concerned that the cancellation wasn't actually administratively effectuated, so that concerns me. But I do think it's important that we retain the right to cancel contracts, when we need to as a State. And of course, you know, this work has to get done. The FAA is paying for it and wants us to do a new procurement, so I will vote to support your request for an expedited procurement. But I think when all of this started, Valerie, you said it had been 20 years since you'd asked for a vote in the face of protest before. So let's make it another 20 years after this, please. I'll be gone.

TREASURER DAVIS: I was thinking it, but since the Comptroller brought it up, I guess I want -- and maybe this is probably more of a question for you, Secretary Chaudhry. I can't -- this is happening more frequently, it seems. The Comptroller noted today that, you know, two things were overturned before the Board of Contract Appeals. But it seems recently that this is happening frequently. And we're told that, you know, this is straight -- that more or less that there's nothing to these appeals, sour grapes, but it's not turning out that way. They're being sustained.

I guess what I'm asking is there something going on with the procurement process? Is somebody not understanding something or -- I don't recall this being as problematic as it's become recently, and we just can't keep doing this. Because yeah, it does make it difficult and we are put in a bad position. We're following, you know, the departments, the agencies that need to do this or that everything's fine. And then it doesn't turn out to be that way.

And I mean, I think I'm speaking for all of us. You know, we want a fair and equitable process. And when we step out there and we're voting in the face of a protest, that sort of says something. At least, I would think to the -- you know, to the people who are filing their protest. And then when it's being

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sustained not only by the Board of Contract Appeals -- I mean, in the other case that, you know, we're going to hear in a little bit it's being upheld in circuit court as well. So we're doing something wrong here. And I guess -- I don't know, maybe I'm just having a soliloquy here, but we've got to figure out what is it that we're doing with these procurements that they're being thrown back in our face time and again. We can't keep doing this.

MR. GONTRUM: So Mr. Treasurer, if I may?

The Board has seen an increase in requests to award contracts in the face of protests. There's a standard, a legal standard, that the Board has to apply when making a decision whether to move forward with a contract award in the face of protest. So it's substantial State interests, if it's in the best interest of State to award with undue delay.

I'd ask, if you're interested in this new situation we have where the protesters continuing on after the Board approves the award of the contract to MSBCA and MSBCA has found in these two instances that the contract award is void because the procurement law was violated, the contract itself is void because of the flaw in the procurement. If you'd like, we have the Board's Procurement Advisor and General Counsel who have certainly been monitoring this situation closely. If you'd like to hear from them, I know they can provide insights into this current situation.

And certainly, when these situations do occur, when an agency needs to -- believes there is a compelling substantial State interest for awarding a contract in the face of a bid protest, the Board Procurement Advisor and General Counsel are resources to help evaluate both the substantial State interests. And in light of this new precedent with MSBCA continuing on its proceedings after the Board has made the contract to -- approve the contract award recommendation, what are the merits of the bid protest and what is the likelihood of success?

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Which is something that the Board has relied on historically, as the Comptroller noted, for the Agency to -- and you, Mr. Treasurer, noted -- the agency to give an opinion on to the Board of what is the likelihood that if it goes to MSBCA, (indiscernible) find in the Agency's favor. Given this new situation, it seems like that is becoming a more pressing point for the Board to consider at the time of voting to award in the face of protest.

COMPTROLLER LIERMAN: Yeah, I agree. Yeah.

TREASURER DAVIS: And I think it's -- now with the General Assembly's -- they passed the law, I think it was last year, that allows for attorney fees.

MR. GONTRUM: Yes.

TREASURER DAVIS: Now, there's even more incentive --

COMPTROLLER LIERMAN: Yeah.

TREASURER DAVIS: -- to go ahead and take it to the Board of Contract Appeals because if they're successful or beyond, you know, they can recoup their costs as well.

COMPTROLLER LIERMAN: Yeah.

TREASURER DAVIS: So you know, there's more of an incentive to do it now than there was --

COMPTROLLER LIERMAN: Yeah.

TREASURER DAVIS: -- previously.

COMPTROLLER LIERMAN: I think you're right. I think we need to start having our own AAG, like BPW's AAG, weigh in on these more and not rely on the agencies to get -- or rely on my outdated legal career. So yes, I think that's a good idea, John. We should have -- we should work with the AAG s for the BPW more to hear their thoughts.

GOVERNOR MOORE: Is there any further discussion on this or

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any other item?

COMPTROLLER LIERMAN: Yes, I have a question on MDOT Agenda Item 6-S-MOD.

Governor, this is a request from the Maryland Transit Administration to retroactively buy \$42.2 million to increase the retroactively increase the contract authority and extend by two months a contract with MJ Management Services to manage MTA's Call-a-Ride program. The combined cost of the proposed request represents an increase of \$95 million in contract spending, and this is the second time in less than two years MTA exceeded the contract authority beyond exhaustion and is requesting additional time to complete a new procurement.

So we'd just love to know -- great to see you. Good morning, Administrator. What steps the Agency is taking to improve contract management and avoid future occurrences and what the status is of the procurement in this instance? Thanks.

MS. ARNOLD: Absolutely, thank you and good morning. I'm sorry. Mr. Governor, Madam Comptroller, Mr. Treasurer, for the record, my name is Holly Arnold. I'm the Administrator at the Maryland Transit Administration. And so we're reporting out on this particular contract, which is our mobility Call-a-Ride program to provide rides -- for premium service for people with mobilities. So this contract was initially awarded in 2018 and we have exercised the options on it. We did come back to the Board to extend it in 2022 because we had sustained two protests on the procurement that we were doing.

When it was awarded -- or when the contract was extended, we were basing it on the ridership at the time. And since then, we have really seen huge increases in our paratransit ridership, both on the core service and on our

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premium service. That is the one mode where we have exceeded our pre-pandemic ridership by significant amounts, compared to where we were previously. So unfortunately, what that meant was that we -- while we were still within the contract time, which goes through the end of this year, we, unfortunately, we spent the money prior to that.

We have sent the contract manager through the MDOT contract management training and reminded them on the processes there. And we've added some additional steps in our procurement office to better help manage those, so we're not relying quite as much on our end users. So they're putting those additional processes in place to catch it earlier, so that we can flag these things and make sure (indiscernible). This is a vital service. We are in the process of the re-procurement.

We did add an additional time and funding to this to allow us to get to the end of that procurement. Partially with a cybersecurity incident, we did push more people to Call-a-Ride during that time when we didn't have core mobility service. So the funding, you know, exceeded even more. So that's kind of where we are. We are in the process of the procurement. We have, I believe, sent out a letter of intent and we're working through that with the intention of getting it to the Board prior to date of the expiration.

COMPTROLLER LIERMAN: This will take us through just this coming February?

MS. ARNOLD: Yes.

COMPTROLLER LIERMAN: Okay.

MS. ARNOLD: We're really close.

COMPTROLLER LIERMAN: Okay. Great. Okay. So you don't expect to ask for another extension?

MS. ARNOLD: I don't expect to at this point. If there is another

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protest or something else that comes up, I'm not going to ask you to award in the face of a protest given the advice that we just heard.

COMPTROLLER LIERMAN: Please have our AAGs look at it.

MS. ARNOLD: So if that is the case, we may end up with an extension but we're hoping not to be in that boat.

COMPTROLLER LIERMAN: Okay. Thank you. Great. That's it from me on MDOT.

GOVERNOR MOORE: Any other comments on MDOT? Okay.
Motion to approve the MDOT Agenda?

COMPTROLLER LIERMAN: Motion to approve the MDOT Agenda.

GOVERNOR MOORE: And is there a second?

TREASURER DAVIS: Second.

GOVERNOR MOORE: All right. Thank you so much.

MS. RADOMSKY: Thank you.

GOVERNOR MOORE: Thank you, Ms. Radomsky.

We'll conclude the DGS Agenda. Secretary Chaudhry, good morning.

MR. CHAUDHRY: Good morning, sir.

Mr. Governor, Madam Comptroller, Mr. Treasurer, for the record, I am the Atif Chaudhry, Secretary of the Maryland Department of General Services. Today, the Department is presenting 49 items in our agenda including one report of an expedited procurement. We are withdrawing two items before you today. That is Item 33-S as well as Item 34-S.

Our agenda does feature 29 capital grants and loans totaling more than \$18 million. I did want to highlight one in particular, and it's Item 7-CGL, which provides \$2.6 million to the Board of County Commissioners for

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Washington County for the acquisition, planning, design, construction, site improvement, and capital equipping of the renovation and expansion of the Maryland Theater and Barbara Ingram School for the Arts and the University of Maryland at Hagerstown for their multi-use plaza.

As we continue to keep an eye on minority business participation, our agenda does feature one contract award to a certified minority business totaling over \$200,000. And we have agency representatives here to answer any questions you may have.

GOVERNOR MOORE: Thank you.

I know we have a speaker request for Item 20, which is a request to award a \$100,000 capital grant to Tuckahoe Equestrian Center Foundation for renovations to support the activities of the Tuckahoe Equestrian Center in Queen Anne's County and through new ADA-compliant facilities for those camping with horses and also participating in competitions that are taking place in the county.

And I'd like to recognize Stacy Frank, who is joining us virtually in support of this item. Do we have Ms. Frank?

MS. FRANK: Yes. Good morning, Governor Moore and members of the Board of Public Works. This is Stacy Frank. I'm speaking about DGS Item No. 24-430. The Tuckahoe Equestrian Center is a 501(c)(3) organization founded in 1992. We lease just under 20 acres of land from the DNR in Tuckahoe State Park in Queen Anne's County. We currently have almost 400 members throughout Maryland, Delaware, Virginia, West Virginia, Pennsylvania, and New Jersey. Our mission statement is to enhance the equestrian activities in the State of Maryland and we actively participate in Maryland Horse Industry Board meetings.

Since the beginning, we have maintained and improved the property by building an arena, clubhouse, and jousting track, which is the State

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sport of Maryland, in case you didn't know that. We also make the grounds available to other groups for horse shows, clinics, our youth groups, monthly meetings, search and rescue events, and camping for members with their horses.

After trying for more than two years, we were finally awarded a \$100,000 grant in the legislative 2024 session to build an ADA-compliant bathhouse, as we now only have access to porta potties. And we have already engaged architects, surveyors, health department for the sewage reserve area, contractors, electricians, plumbers, and applied for building permits, et cetera. Without this grant money, we will be unable to move forward and this bathhouse will add greatly to the premises. And as it is on park land, it will become part of the park's property. We hope you will approve this funding and we thank you for your time.

GOVERNOR MOORE: Ms. Frank, thank you so much. And we're collectively excited about this work and thankful for -- thanks for your leadership on it.

We also have a speaker request for Item 26, which is a request to award \$100,000 capital grant to the Land Preservation Trust for the demolition of a 25-year-old Stewards Officials Tower at the Shawan Downs property over in Baltimore County. And we have here Mike. It's good to see you, Mike.

MR. WHARTON: We have Mike Wharton here.

GOVERNOR MOORE: Good to see you. Mike Wharton representing the Land Preservation Trust. Good morning, great to have you here.

MR. WHARTON: Good morning all, thank you for having me. This is my first time ever before you. I've been cautioned ten ways since Sunday to be brief and I will. My acronym in life is KISS, "Keep it simple, stupid." So I'll keep it simple and brief.

We are here primarily to thank you and the State of Maryland for

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considering this capital grant. It's the first time we've ever asked the State for any capital money. This ambitious and trailblazing effort in Baltimore County has been completely privately funded since we acquired the property in the 90's.

There was a legacy cattle farm, 250 acres, that was in danger of being sold and developed. So neighbors got together, pooled their funds, purchased the property privately, and donated it to us with the understanding that we would strip it of all development rights and place it in a conservation easement with the Manor Conservancy that would limit its uses to agricultural and rural.

We've developed it minimally as an equestrian facility. There are several equestrian events throughout the course of the year open to the public. And recently, we're expanding our use for other low impact uses. We're inviting colleges and high schools to have their cross-country race meets there. We have the MIAA championship there last week. And we invite the community to come walk on the property, walk their dogs, hang out.

We have an aging and iconic tower that is the communications center, the Stewards Center, the official's center, and it needs to come down. And we, as a lean 501(c)(3) don't have the capital resources to do that. And if you approve this, we will be able to do that and we thank you very much.

COMPTROLLER LIERMAN: Thank you.

GOVERNOR MOORE: Thank you so much. Great work.

TREASURER DAVIS: I love the county executive out there.

(Laughter.)

GOVERNOR MOORE: I would next like to call up Item 42, which is a request from DGS to approve the renaming of the new Baltimore City District Court as the Mabel H. Hubbard District Court.

For those who might not be aware, Mabel Hubbard was the first African American woman to be appointed to any bench at all in the State of

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Maryland. And in 1978, Judge Hubbard was appointed to the Supreme Bench for Baltimore City, which is now the Circuit Court of Baltimore City. And she did that less than five years after graduating from law school.

And during her career as a jurist, Judge Hubbard was not just well respected and someone who I know that for so many, including myself, when we first entered into this role heard many, many stories about not just about the verdicts, but also just about the calm demeanor and the type of impressions that the Court that she also led. And so the impact went well beyond the bench from mentoring young African American attorneys who went on to become influential members of the bar and also influential members of the community.

And so in view of Judge Hubbard's distinguished record of service and dedication to the State, we are incredibly excited to name the Mabel H. Hubbard District Court in honor of her service, of her leadership, and her commitment to the people that that Court will serve for generations to come.

And I would like to also just recognize a couple of guests who are here. Is Chief Judge Morrissey here? There he is.

CHIEF JUDGE MORRISSEY: Good morning, Governor.

GOVERNOR MOORE: Good to see you, my friend. The Judge of the Maryland District Court is joining us this morning, Judge Morrissey. Chief Judge, it is wonderful, wonderful to see you.

And also in recognition that Dr. John Hubbard is the son of Judge Hubbard. Is he here as well?

COMPTROLLER LIERMAN: Hi.

MR. HUBBARD: I'm not a doctor, but thank you.

(Laughter.)

GOVERNOR MOORE: You are today.

COMPTROLLER LIERMAN: Yeah.

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GOVERNOR MOORE: We are incredibly thankful to both of you for the work, for the commitment, and also today is a good, good day. And not just the spirit of the law, but also the spirit of the history of the State. So bless you both and thank you for being here.

TREASURER DAVIS: Thank you.

GOVERNOR MOORE: Thank you.

And lastly, I'd like to call up Item 32, which is a request from the Department of Human Services to award a \$24.5 million contract to Fidelity Information Services for the enhancements and modifications to the state-wide EBT system, or electronic benefits transfer system.

And I would like to invite the DHS Chief of Staff, Webster Ye, to share a little bit more about these contracts. It is wonderful to see you here, Mr. Ye. Good morning.

MR. YE: Good morning, Governor, Comptroller Lierman, and Treasurer Davis. For the record, my name is Webster Ye. I serve as the Chief of Staff for the Maryland Department of Human Services. I'm also joined by my colleagues, Gloria Brown Burnett, our Deputy Secretary for Operations, and also Aretha Ector, our Assistant Attorney General.

First, before I start with some comments, thank you for the opportunity. And Comptroller, thank you again for highlighting that we're the second of the agencies. To be very clear, we made a mistake last year. We're back before you today to course correct that.

COMPTROLLER LIERMAN: I think in the words of my seven-year-old, "I told you so."

(Laughter.)

MR. YE: Thank you, Madam Comptroller. Received.

On July 3rd, 2024, we said we would not bring you the

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Constitutional Officers of Maryland an unlawful contract to sign. We just wouldn't do it. At the end of the day, we lead with integrity. That statement was always our intent and that remains true now.

On August 30th, 2024, the Maryland State Board of Contract Appeals ruled that we made a mistake in our procurement review. We came to you on July 3rd. The Circuit Court for Baltimore City subsequently reviewed and concurred with the Board of Contract Appeals' decision earlier this year. We acknowledge our mistake. And as a result, we have chosen not to file an appeal of the Circuit Court's decision.

The key consequence of the Board of Contract Appeals' decision is the opposite of what the Comptroller highlighted earlier, is that instead of there being two bids susceptible for awarding this contract, there is only one bid, the proposal from Fidelity Information Systems. As a result, we bring before the Board today the sole award susceptible for -- sole proposal susceptible for award for your approval. We also bring before you a parallel chip and tap card technology work order as part of the nine-month contract transition period, so that we can legally and smoothly transition from the end of the current vendor's contract on June 30th, 2026, to Fidelity System on July 1st, 2026.

This contract will make benefits access seamless and safer for the 943,000 Marylanders we serve through EBT including 680,000 Marylanders who receive SNAP benefits. These Marylanders receive an average of \$180 in monthly SNAP benefits to help put food on the kitchen table. SNAP directly boosts Maryland's farmers and supports small and local businesses who make up the over 3,800 SNAP retailers in Maryland.

Just as it was in 2024, we make this award recommendation to you based on the facts known to us today. We need an EBT system on July 1st that will help deliver the benefits Marylanders deserve. Since last July, we have

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carefully monitored the progress of the two chip and tab technology pilot states California and Oklahoma. Earlier this year in California, Fidelity's pilot state, successfully issued four million chip cards in eight weeks with a participation of 80 percent of the State's retailers by transaction volume and 90 percent of its financial institutions.

As a result of this rollout, California has substantially decreased its stolen EBT benefits, which last year were approximately \$20 million per month. In this incredibly tight budget landscape, we want to maximize every Maryland State taxpayer dollar and minimize our replacement of stolen federal benefits. We must make sure to do all we can to protect Marylanders from having their benefits stolen. As of yesterday, to our knowledge, Oklahoma, Conduent's pilot state, has not been approved by the federal government or broadly deployed its chip cards to Oklahomans.

We hope to leverage this opportunity to learn from other states and deliver the modern financial technology Marylanders deserve. These are the facts that have informed our data-driven decision today. Thank you for your consideration and for the many thoughtful and insightful questions that we have received from the members of the Board and your staff. Happy to take questions.

GOVERNOR MOORE: Thank you sir.

TREASURER DAVIS: First of all, nice tie Webster. I like that. That's very nice.

MR. YE: I got the purple memo, sir.

(Laughter).

COMPTROLLER LIERMAN: That's great.

TREASURER DAVIS: Very, very nice.

I got two questions -- at least from the background information that I had. While you all didn't file an appeal, it says -- my note says that Conduent

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filed an appeal with the Appellate Court of Maryland. And it said that no further hearing had been scheduled as of September 24th, 2025.

I guess I'm asking, A), you know, it's been almost a month now. Have we heard anything since then, and is there any concern that the Court could take it up, and are we sort of getting in the same position? We're moving forward. You know, if we were to move forward with this only for the Appellate Court of Maryland to take it up and then sort of render what we're doing moot here? That's sort of the first question. Where are we with that particular point?

MR. YE: Mr. Treasurer, we, I checked with our distinguished Attorney General this morning, and she advised me that as of yesterday afternoon, a court hearing date has not been set yet on this appeal. With respect to what might have been or what might be, it's, I think, virtually impossible for us to tell you with definitiveness what the court will do.

If the appellate court upholds a circuit court decision, one or both of the parties may appeal that decision as well. And so to be very clear right now, we are attempting to ensure that we have an EBT system on July 1st. It's about a nine-month transition. We want to focus on what can we do today. Should a higher level court rule in a different way, we'll take a look then and we will have many consultations with both our Attorney Generals and with this Board.

TREASURER DAVIS: And the second part, it said that the Board of Contract Appeals overturned it because it was deemed not reasonably susceptible for being selected for award due to language determined to be conditional. What was the conditional language?

MR. YE: The specific language at that time was a part of the RFP that referenced pandemic EBT, so it was COVID-era benefits from the federal government. As of December 2023, those benefits have ended. But that said, it was in our RFP and we did not execute the procurement review process correctly.

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TREASURER DAVIS: All right.

COMPTROLLER LIERMAN: So just to clarify, the MSBCA has ruled -- the circuit court affirmed the MSBCA now, against Conduent. And now, Conduent itself is appealing. So the appellate court would have to overturn the decision by the MSBCA, which is the finder of fact and really expert on this, and the circuit court, correct?

MR. YE: That is correct.

COMPTROLLER LIERMAN: All right. And how many -- sorry, were you done, Mr. Treasurer?

TREASURER DAVIS: Yes.

COMPTROLLER LIERMAN: Okay.

TREASURER DAVIS: No, I think I will go a little bit longer.

COMPTROLLER LIERMAN: And how many millions of dollars are we losing to fraud each month in the State?

MR. YE: Since March of 2023, the State has paid out \$42.6 million. And right now, in this fiscal year, the State taxpayers on the hook for all of it.

COMPTROLLER LIERMAN: All right. It used to be that the federal government was reimbursing us, but they're not any longer; is that right?

MR. YE: Correct.

COMPTROLLER LIERMAN: Okay. And the desire and the need is to get this into place? And to be clear, this was passed -- this is a bill passed by the General Assembly to move us to these new chip cards; is that correct?

MR. YE: Yes.

COMPTROLLER LIERMAN: And the goal is to move us into this new system by the start of the next fiscal year, July 1st, right?

MR. YE: The command -- the directive was to get us -- get it done

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as soon as possible and so we are trying to get it done right now.

COMPTROLLER LIERMAN: Right. Okay. And is there any concern you know, if DHS were to delay today's Agenda item, you know, if we push it off a month or something, or if we had to start the solicitation process over, there wouldn't be enough time left on the current contract to transition; is that correct?

MR. YE: That's correct. My colleague, the Deputy Secretary's technical teams are on a daily basis telling her we need to really get going with the project transition in order to ensure that it's done right.

COMPTROLLER LIERMAN: Right. And also, to be clear, the incumbent has not successfully launched working chip cards in any other state right now?

MR. YE: They have not deployed the chip cards and been approved by the USDA, the U.S. Department of Agriculture.

COMPTROLLER LIERMAN: There's really only two companies that do this right FIS and Conduent?

MR. YE: Yes.

COMPTROLLER LIERMAN: Anybody watching, do you want to start a company?

(Laughter.)

COMPTROLLER LIERMAN: Let's make a little more competition in this space. That would be great.

MR. YE: Comptroller, we completely agree with you.

COMPTROLLER LIERMAN: Yeah.

MR. YE: We're pretty completely agnostic.

COMPTROLLER LIERMAN: No, it's very --

MR. YE: There's only two people in town.

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COMPTROLLER LIERMAN: I mean, yeah, we see this time and time again. You know, only a couple private companies are in this space and states are really left in a really challenging position.

Okay. Well, thank you. Sorry, I was a little bit glib earlier. But you know, I understand that DHS is seeking to protect these really crucial EBT program benefits. And I know things have not gone the way that you all wanted them to. But you know, I am cognizant that we are losing State resources and people are losing their funds every day.

And I want this to move as quickly as possible to get those chip cards deployed. And the bar is even higher now for items that Agencies may be bringing up to the Board under protest, and you understand that. And so I really appreciate your work on this and want to make sure that we don't delay transition over to chip-based technology for EBT cards any longer. Thanks.

MR. YE: Thank you.

GOVERNOR MOORE: Thank you so much.

And I believe we have another speaker request on the item,
Michael Miller representing --

MR. MILLER: There's no need for us to address. I think Mr. Ye covered everything (indiscernible) as well.

GOVERNOR MOORE: Thanks so much, Mr. Miller thank you.

Are there any other questions on this item?

COMPTROLLER LIERMAN: Nope.

GOVERNOR MOORE: Any other questions on the DGS
Agenda? Motion to approve the DGS Agenda?

COMPTROLLER LIERMAN: Motion to approve the DGS
Agenda.

GOVERNOR MOORE: And is there a second?

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TREASURER DAVIS: Second.

GOVERNOR MOORE: Outstanding. Thank you so much.

Thanks, Mr. Chair. And --

COMPTROLLER LIERMAN: Nobody go anywhere?

GOVERNOR MOORE: I'm sorry?

COMPTROLLER LIERMAN: Nobody go anywhere.

GOVERNOR MOORE: But no one go anywhere. No one go anywhere. Before we conclude, I want to give the Comptroller a chance to share an announcement about some exciting work that's been taking place that they've been doing, so Madam Comptroller.

COMPTROLLER LIERMAN: Thank you, Mr. Governor, Mr. Treasurer. And Mr. Gontrum, thank you for your work. And I'm just -- I'm really excited to end today's meeting to announce the launch of the new Board of Public Works dashboard, which enhances transparency and accountability in this Board's work.

Everyone in this room knows it can be quite challenging to search for specific agenda items and information from prior meetings, especially if you don't know the exact date of a meeting. In my Agency's 2023 transition report, we had a recommendation to build a dashboard to allow the public to track key metrics. And this new dashboard allows the public to search for contracts by agency, vendor, meeting date, and contract amounts.

This dashboard came to fruition thanks to help from a lot of people in this room and also in partnership with Delegate Scott Phillips, who championed HB-877 to improve visibility into the Board's decision making. I also want to give a shout out to Jasmine Clemons and Tom Brennan on our team, who worked, and our IT team. We built this in-house and we're really proud of what it looks like and where it will live on the Board of Public Works website. The dashboard

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data will be updated quarterly with the next iteration set to include the certification of status of vendors participating in our state and federal socio-economic programs. So more to come.

Thanks again to our partners, Executive Secretary Gontrum, and his team -- the Governor's and Treasurer's office, my IT team. And just, you know, finally I want to say transparency is the foundation of public trust. And in a moment when we need to prove over and over again, especially the importance of government and what government does right, building more transparency and accountability into our processes is essential.

This new dashboard gives Marylanders a much clearer window into how the State is spending their tax dollars through procurement. By placing this information online in an accessible format -- and I will give a shout out -- this is 508 compliant, so that anybody who uses a screen reader can access it as well. We are now empowering Marylanders to understand the decisions made by the BPW and track how public investments are improving their communities.

And I'd welcome, if it's okay with you, Delegate Phillips to say a word if he wants to.

DELEGATE PHILLIPS: Good morning.

COMPTROLLER LIERMAN: Good morning.

GOVERNOR MOORE: Good morning, Delegate, from the Mighty Ten.

COMPTROLLER LIERMAN: Yeah.

DELEGATE PHILLIPS: I did want to say a few words. And hopefully, I'll get to my notes. But in the meantime, first, I want to thank the Board of Public Works for taking this seriously, House Bill 877. 2024, I came to the Board of Public Works with this idea and I wasn't so sure everybody would be very accepting of saying we want to take your work and put it out in the public so

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everybody can see it. But I'm proud to mark today's launch of the BPW dashboard a bold and necessary step forward in opening up the State procurement and contract approval process for Marylanders.

When I introduced House Bill 877 in 2024, the vision was not just -- many people know me from minority business related matters, but the vision was not just to attract minority business participation. It was to bring transparency, accountability, and accessibility to every aspect of the State's procurement process.

Mr. Governor, you said we move with data. This initiative is in keeping with that statement. Far too long, the details of how public contracts are awarded, managed, and monitored have lived behind really hard to navigate systems. This new tool changes that. The BPW dashboard allows every Marylander from business owners, policy makers, journalists, taxpayers to see clearly how decisions are made and where State dollars are going.

Transparency, as the Comptroller said, builds trust, improves performance, and ensures that opportunity and accountability go hand-in-hand. So by opening the books on State procurement, Maryland is setting a new standard for modern governance. So I'm proud that the legislation, along with all of the work of everyone in this room, has been made possible. I look forward to seeing how this dashboard strengthens our confidence in government and expands opportunity for all.

Once again, thank you, Madam Comptroller, for you and your team. To all of the folks at the Board of Public Works who've been doing the work. And to the members, the three of you, thank you for buying into this concept.

GOVERNOR MOORE: Thank you, Delegate. Thank you. Thank you for the leadership too because, you know, being able to create, push, make

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sure that legislation got done was necessary and important. And the State, frankly, is not just more transparent but better because of it. So thank you so much for the leadership. And thanks to all my partners in the Board of Public Works.

DELEGATE PHILLIPS: Thank you, Governor.

GOVERNOR MOORE: Thank you. Thank you so much.

This concludes today's meeting of the -- today's Board of Public Works. The next meeting will be November 5th. Look forward to seeing everybody then. Meeting adjourned.

(Whereupon, at 11:20 a.m., the meeting was concluded.)