

STATE OF MARYLAND
BOARD OF CONTRACT APPEALS
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SUMMARY ABSTRACT
DECISION OF THE MARYLAND STATE BOARD OF CONTRACT APPEALS

Docket No. 2272	Date of Decision: 5/16/02
Appeal Type: <input checked="" type="checkbox"/> Bid Protest	<input type="checkbox"/> Contract Claim
Procurement Identification: Under MAA Contract No. MAA-CO-02-007	
Appellant/Respondent: Vastec, Company Maryland Aviation Administration	

Decision Summary:

Bid Protest - Mootness of Appeal - Because the State may not award a contract to a business that has been debarred during the period of debarment, an appeal from a final decision in a bid protest in which a debarred Appellant seeks award of a contract is moot and will be dismissed.

lant's bid protest. The instant appeal followed on April 1, 2002.

3. On April 24, 2002, the Maryland Board of Public Works (BPW) debarred Appellant from contracting, directly or indirectly, with the State of Maryland for an indefinite period of time for an offense listed in Md. Code Ann., State Fin. & Proc. §16-203(SF§16-203).
4. On April 30, 2002, MAA filed a Motion to Dismiss the appeal based on the debarment. Appellant has not responded to the Motion.

Decision

Under Maryland law, the effect of being debarred by the DPW for an offense listed in SF§16-203 is that the "...business may not be considered for the award of, be awarded, or perform, directly or indirectly, a contract with the State during the period of debarment[.]" Md. Code Ann., State Fin. & Proc. §16-309(b). Since the BPW debarred Appellant from contracting with the State for an indefinite time period, the MAA is prohibited from contracting with Appellant, thus rendering this appeal moot.

Wherefore, it is Ordered this _____ day of May, 2002 that the appeal is dismissed as moot.

Dated:

Robert B. Harrison III
Board Member

I concur:

Randolph B. Rosencrantz
Chairman

Certification

COMAR 21.10.01.02 **Judicial Review.**

A decision of the Appeals Board is subject to judicial review in accordance with the provisions of the Administrative Procedure Act governing cases.

Annotated Code of MD Rule 7-203 **Time for Filing Action.**

(a) Generally. - Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

(b) Petition by Other Party. - If one party files a timely petition, any other person may file a petition within 10 days after the date the agency mailed notice of the filing of the first petition, or within the period set forth in section (a), whichever is later.

* * *

I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSBCA 2272, appeal of Vastec, Co. under MAA Contract No. MAA-CO-02-007.

Dated:

Loni Howe
Recorder