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MARYLAND STATE BOARD OF CONTRACT APPEALS

NOTICE

Temporary Procedures

This notice is given by Bethamy N. Beam, Esq., Chairman of the Maryland State Board of Contract Appeals, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the "Governor") dated March 5, 2020 proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated June 19, 2020 entitled "Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements," as it may be amended from time to time, after finding that the actions described herein will not endanger the public health, welfare, or safety.

The Board's offices will be closed to the public until further notice in response to the State Government's movement to Elevated Level II - Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy. The Board is implementing the following temporary changes to its filing and hearing procedures, which may be updated from time to time.

Filing Procedures

Effective immediately, the Board will begin accepting filings by email ("e-file") to the Board's e-file email address (efile.msbca@maryland.gov). A party may file by mail or electronically. However, parties are strongly encouraged to use this e-filing procedure in order to expedite receipt of submissions. The party using the e-file procedure shall copy opposing counsel. The Board's hours remain 8:30 a.m. to 4:30 p.m. for such filings. The

filing party shall be notified by email that the e-filing has been received. If the filing party does not receive a response from the Board by 4:00 p.m. on the day of the e-filing, it is possible that the e-filing landed in the spam or junk mail folder, and it shall be the responsibility of the parties to contact the Clerk or Deputy Clerk to verify receipt. The Board's phone number is 410-767-8228. The Clerk and Deputy Clerk shall not be responsible for searching spam or junk mail for possible e-filings. All timeframes still apply, so it is in any given party's best interest to submit filings in advance of the deadline to ensure time for receipt and response.

To ensure that protesters/claimants are aware of these filing procedures, effective immediately, all responses by procurement officers to protests and claims should include information instructing the parties that they are strongly encouraged to e-file any Notice of Appeal and subsequent filings as described above.

COMAR 21.10.07.01B(2) provides that "'File' and 'submit' mean receipt in the offices of the Appeals Board." The Board shall consider a Notice of Appeal and all subsequent filings received by e-file to be "receipt in the offices of the Appeals Board." Additionally, for appeals in which a party may not have been advised of these Temporary Filing Procedures by a procurement officer, and where the Board may be unable to retrieve a Notice of Appeal that has been mailed until the Board's offices are reopened, such Notice of Appeal or other filing shall be considered "filed" when the Board's offices are reopened and the Board is able to retrieve them.

Hearing Procedures

The MSBCA is able to begin scheduling in-person hearings as of June 1, 2021. Upon entering the building, individuals will be screened by building police/guards. Face masks will be required at all times, and everyone will be required to adhere to all other requirements relative to COVID-19. The Board is no longer able to provide water during hearings, but individuals may bring their own.

Generally

During this time, the Board's telephones have been programmed to forward calls to the Clerk and to the Deputy Clerk. If for some reason there are connection issues, or if the phones do not forward properly, please contact the Clerk at 443-392-2072.

Ultimately, this effort is intended to contain the spread of the Novel Coronavirus

(COVID-19) and, with the cooperation of all parties, these procedural adjustments will permit the Board to continue to function with minimal disruption.

This Notice is effective immediately, and it shall remain in effect until 30 days after the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded. **These Temporary Procedures may be updated from time to time, and litigants are strongly encouraged to review them regularly.**

Thank you for your cooperation.

/s/

Bethamy N. Beam, Esq.
Chairman, MSBCA