

## SUPPLEMENTAL GUIDANCE

In accordance with the APA, §§10-122(b) and 10-206(e), the Board hereby issues the following Supplemental Guidance to assist litigants with procedural matters when coming before the Board:

1. All motions for summary decision, wherein a hearing has been requested, will be heard on the day of, and immediately prior to, the merits hearing (unless the Board deems it necessary and in the interest of judicial economy to have a separate hearing on the motion). This will apply in all protest appeals.
2. Motions will not be reviewed or considered by the Board until they are ripe for ruling (*i.e.*, the time for filing a response has passed). If a motion is filed with insufficient time to allow for the filing of a response before a hearing on the merits, the motion will not be reviewed or considered by the Board until the hearing.
3. All Motions, Responses, or Replies must be accompanied by a Proposed Order that specifies the relief requested. Motions will not be ruled upon until a proposed Order has been submitted.
4. If any action or relief is requested of the Board, it should be submitted in the form of a written Motion. Letters to the Board requesting relief will not be considered.
5. For Bid Protests, the Board will attempt to coordinate the scheduling of hearings with all parties by offering proposed hearing dates/times. If the parties have not responded to the proposed date/time within two working days of the State government after the proposed date/time has been sent, or if the parties cannot agree on a proposed date after two (2) dates/times have been offered by the Board, the Board will issue an Order setting the hearing date/time. In such event, a postponement of the hearing date/time should be requested in the form of a motion setting forth the basis for the requested postponement.
6. Only one (1) postponement by consent of a hearing may be granted (at the Board's discretion) and should be requested in the form of a consent motion signed by both parties. Any further postponements should be requested by motion (or consent motion) that provides the basis for the requested postponement.
7. In situations where COMAR is silent on a particular procedural matter, the Board may look to the Maryland Rules of Civil Procedure for guidance.
8. The Agency Report and "Rule 4 File" shall be submitted in both PDF format and hard copy.

9. Any exhibits a party wishes the Board to consider should be attached to the motion/response/reply. References to documents contained in the Agency Report or Rule 4 file may not be considered.
  
10. At any hearing, a courtesy copy of each exhibit offered in evidence should be provided to each Board Member. **Parties should endeavor to agree on, and stipulate to, admissible exhibits in advance of any hearing. Where the parties have stipulated to the admissibility of exhibits, a joint exhibit binder should be provided for each Board Member.** In the absence of a joint exhibit binder, the admissibility of each exhibit will be addressed when the exhibit is presented or when a request for admission is made.
  
11. If a Petition for Judicial Review is filed with the Circuit Court, litigants should provide the Board with copies of briefs or memoranda of law filed with the Circuit Court, as well as any Orders and opinions issued by the Circuit Court. If a party appeals any Order issued by a Circuit Court, then litigants should provide the Board with copies of all documents, including briefs but excluding any Record Extract, filed with the appropriate appellate court, as well as any Orders and opinions issued by the appellate court.
  
12. In most cases, the Board will not issue a ruling on a motion at the conclusion of a hearing but will issue a written opinion and/or order and as soon as possible thereafter.
  
13. When citing appeals decided by the Board, it is no longer necessary to use the MICPEL citation. The following citation format is preferred:

*Party Name, MSBCA No. 12345 (Year).*

*This Supplemental Guidance will be amended from time to time. For the most current version, please contact the Clerk's office.*

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