

**BEFORE THE MARYLAND STATE BOARD OF CONTRACT APPEALS**

**In the Appeal of  
SanDow Construction, Inc.**

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**Docket Nos. MSBCA 3174, 3189, 3195**

**Under  
University of Maryland,  
College Park RFP No. 96352**

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**Appearance for Appellant**

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**Scott A. Livingston, Esq.  
Barry L. Gogel, Esq.  
Rifkin, Weiner, Livingston, LLC  
Bethesda, Maryland**

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**Appearance for Respondent**

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**Melodie M. Mabanta, Esq.  
Mark D. Beaumont, Esq.  
Assistant Attorneys General  
Office of the Attorney General  
Contract Litigation Unit  
Baltimore, Maryland**

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**ORDER BY MEMBER CARNAHAN**

Having considered Respondent’s Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend the Board’s August 21, 2023 Opinion and Order (“Motion”), and Appellant’s Consented Response thereto, and neither party having requested a hearing, the Board finds that Respondent has failed to meet its burden under COMAR 21.10.05.06F, which provides that “A motion for reconsideration may only be filed on the grounds that the decision of the Appeals Board was in error as a result of fraud, surprise, mistake, or inadvertence.”

**ORDER**

Based on the foregoing, it is this 25th day of October 2023 hereby:

ORDERED that Respondent's Motion is DENIED;

ORDERED that the Majority and Dissenting Opinions in the Board's August 21, 2023 Opinion and Order remain unchanged; and it is further

ORDERED that a copy of any papers filed by any party in any subsequent action for judicial review shall be provided to the Board, together with a copy of any court orders issued by the reviewing court.

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/s/  
Michael L. Carnahan, Jr., Member

I concur:

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/s/  
Bethamy B. Brinkley, Esq., Chairman

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/s/  
Lawrence F. Kreis, Jr., Esq., Member

**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 contested cases.

**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 ten 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.

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I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals Opinion and Order in Docket Nos. MSBCA No. 3174, 3189, and 3195, Appeals of SanDow Construction, Inc., under University of Maryland, College Park RFP No. 96352.

Date: October 25, 2023

\_\_\_\_\_/s/  
Ruth Foy  
Clerk