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Maryland Procurement Law Update

MSBCA Upholds Minimum Qualification for Security Guard Services at BWI Airport

In Master Security Company, LLC, MSBCA No. 3062 (Jan. 18, 2018), the Maryland Aviation Administration (“MAA”) solicited bids for security guard services at BWI Airport through a multi-step invitation for bids. The first step consisted of MAA’s evaluation of the minimum requirements of the bidders. The second step consisted of MAA’s determination of which qualified bidder submitted the lowest responsive bid based on the total contract cost.

One minimum qualification was that a bidder had managed a security guard workforce of at least 150 employees at a single “Category X” airport, defined as an airport with at least 5 million annual enplanements, and at least 1 million international enplanements. Master Security Company, LLC (“Master Security”), could only demonstrate that it had managed a security guard workforce of at least 150 employees across two such airports in the aggregate; that is, 42 employees at Reagan National and 125 at Dulles.

Master Security filed a bid protest arguing that it was capable of providing at least 150 security employees at BWI Airport, and that MAA's requirement was unreasonable and not necessary to meet MAA's minimum and legitimate needs. MAA denied the protest on the grounds that the requirement was necessary to ensure that a qualified bidder has a proven track record successfully performing the needed services in order to protect the lives and property of airline passengers.

The MSBCA upheld MAA's denial of the bid protest, reasoning that MAA had a reasonable, legitimate, and substantial public-safety interest in ensuring that there is adequate security staffing at an international airport. The historical security staffing levels at BWI Airport revealed that there were at least 156 security employees working at any given time. So, a proven track record of managing a security workforce of at least 150 security employees was important to MAA.

Given the scope of work (i.e., providing security services at an international airport), the MSBCA held that the inclusion of the minimum experience requirement was not unreasonably restrictive, and that it advanced the legitimate interests of the State. In its own words, "[j]ust because Master Security cannot meet the minimum experience requirement of the Solicitation does not mean that the requirement is unreasonable."

*Don't let your competitors outsmart you when it comes to Maryland bid protests. **Scott Livingston, Esq.***

Give us a call at [301.951.0150](tel:301.951.0150) or send an [email](#) to find out how we can help.

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