

We are in agreement with Mr. Richard Ackroyd, Public Roads Division Engineer in Maryland, that the requirements in subparagraph 270(r) that a certificate of registration must be issued to a prospective architect or engineer bidder before his bid is considered, are contrary to the Federal Aid Regulations of this Administration. Specifically, the second sentence of section 1.16 of the Federal Aid Regulations reads as follows:

No contractor shall be required by law, regulation or practice to obtain a license before he may submit a bid or before his bid may be considered for award of a contract.

We would have no legal objection to the bill, however, if a proviso were added to subparagraph 270(r) to make it inapplicable to Federal-aid projects or if provision were made for an exemption of Federal-aid projects under subparagraph 270(t).

Please let us know if we can be of further assistance.

Sincerely yours,

/s/ Howard A. Heffron,
Chief Counsel.

U. S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Bureau of Public Roads

Region Two

Baltimore, Md., March 29, 1968.

Mr. Jerome B. Wolff
Chairman-Director
Maryland State Roads Commission
300 W. Preston Street
Baltimore, Maryland 21201

Dear Mr. Wolff:

We have just had occasion to review House Bill No. 714 that we understand has been recently passed by the Maryland Legislature. Your attention is called to the fact that the new matter added to the act under subparagraph 270(r) on page 4, appears to be contrary to the provisions of Section 1.16 of Volume 4 of Federal regulations related to highways.

The regulations state that "No contractor shall be required by law, regulation or practice to obtain a license before he may submit a bid or before his bid can be considered for an award of contract." This appears to us to be directly contrary to the provisions of the house bill and in our opinion would preclude our approval of any Federal-aid highway projects in Maryland.

Sincerely yours,

/s/ Richard Ackroyd,
Division Engineer.