

AUTOFLEX FLEET, INC.,

Appellant,

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR26-20

ORDER

The Maryland State Board of Education (“State Board”) has reviewed Appellant AutoFlex Fleet, Inc.’s Request for Reconsideration of MSBE Order No. OR26-11. The Order, issued on May 28, 2026, dismissed Appellant’s appeal for failure to exhaust administrative remedies. The Montgomery County Board of Education (“local board”) opposes the request.¹

Appellant’s original State Board appeal was dismissed as premature because Appellant failed to appeal an April 24, 2026, adverse decision by the Montgomery County Public Schools (“MCPS”) Chief Financial Officer (“CFO”) to the local board. The CFO’s decision denied Appellant’s bid protest regarding Request for Proposal (“RFP”) #8111.1 for new diesel school buses. Because Appellant bypassed the local board, there was no final agency action for this Board to review. We note that in our decision we took administrative notice of the fact that the local board awarded the contract for RFP #8111.1 on April 30, 2026.

Under COMAR 13A.01.05.10D, reconsideration is within the discretion of the State Board and will not be granted unless the request sufficiently indicates that: (1) the decision resulted from a mistake or error of law; or (2) new facts material to the issues have been discovered or have occurred subsequent to the decision.

Appellant argues that the local board’s April 30 contract award rendered further local board review of the bid protest futile, contending that the local board could not provide an adequate remedy which thereby excused the requirement to exhaust local administrative remedies. While narrow exceptions to the exhaustion requirement exist, *see Priester v. Baltimore Cnty.*, 232 Md. App. 178 (2017); *Prince George’s Cnty. v. Blumberg*, 288 Md. 275 (1980), none apply here.

State statute specifically provides an administrative remedy via an appeal to the local board. The local board’s contract award does not render such review futile; the fact that an adjudicatory body has previously taken a position or voted on a matter does not disqualify it from subsequent administrative review or establish that it is incapable of fairly judging the matter in a quasi-judicial capacity. *See Maryland Reclamation Assocs., Inc. v. Harford Cnty.*, 342 Md. 476, 496-497 (1996); *Turf Valley v. Zoning Board*, 262 Md. 632, 644-645 (1971). A local board decision would be fully subject to review by this Board and subsequently by the

¹ The State Board received amicus submissions in support of Appellant’s reconsideration request from Sustainable Energy Strategies Inc. on July 24, 2026, and Veterans Education, Training & Workforce Solutions and Mid-Atlantic Soybean Association on July 27, 2026.

Circuit Court. *See Maryland Reclamation Assocs., Inc.*, 342 Md. at 496-497. Thus, if the local board were to issue a legally impermissible ruling, it would be subject to reversal on appeal. Additionally, Appellant's argument that public interest in green-energy mandates and environmental waivers overrides the mandatory exhaustion requirement lacks merit, as no such exception to exhaustion exists.

Pursuant to Md. Code Ann., Educ. § 4-205(c)(3), a final decision of the local board is an absolute prerequisite to a State Board appeal. The doctrine of administrative exhaustion requires parties to exhaust the prescribed process before seeking outside relief. *See Priester v. Baltimore Cnty.*, 232 Md. App. at 190. Bypassing this statutory remedy improperly deprives the local board of the opportunity to review and correct potential errors.

Appellant further argues that the State Board erred by treating RFP #8111.1 as an isolated transaction rather than an unseverable consequence of ongoing electric bus litigation currently pending in the Circuit Court for Montgomery County (Case No. C-15-CV-25-006742-consolidated). Appellant's bid protest of RFP #8111.1 concerns a separate RFP solicitation that is not part of that litigation. Active judicial review of separate, prior procurement disputes does not relieve Appellant of its statutory obligation to exhaust a new, independent dispute locally.

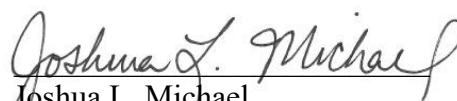
Appellant's remaining arguments concerning the protest or other decisions under review elsewhere are irrelevant to the State Board's procedural dismissal in MSBE Order No. OR26-11.

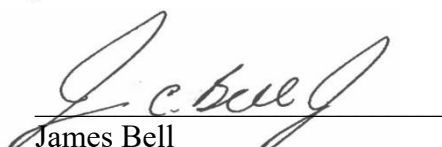
Appellant has failed to establish a mistake or error of law, nor has it introduced new material facts occurring subsequent to the decision that alter the legal framework of this case.

Accordingly, it is this 28th day of July 2026, by the Maryland State Board of Education,

ORDERED, that Appellant's Request for Reconsideration of MSBE Order No. OR26-11 is denied.

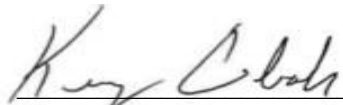
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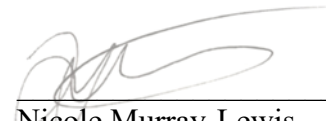

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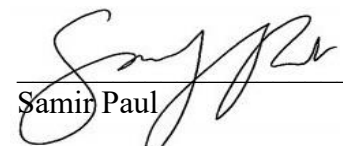

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Abstained:
Monica Goldson