

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****2001 Legislative Session**Bill No. CB-6-2001

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Maloney

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

AN ACT concerning

Contract Reform Act of 2001

For the purpose of prohibiting certain former employees and elected officials from participating in County Contracts for a certain period of time and requiring that certain contracts be filed with the County Auditor for public inspection.

BY repealing and reenacting with amendments:

**SUBTITLE 10A. PURCHASING.**

Sections 10A-104 and 10A-110,

The Prince George's County Code

(1999 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 10A-104 and 10A-110 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 10A. PURCHASING.****DIVISION 1. ADMINISTRATIVE PROCEDURES.****Sec. 10A-104. Authority and duties of the Purchasing Agent.**

(a) The Purchasing Agent shall have the following specific authorities and responsibilities:

(1) To procure contracts for all supplies, services, and construction for which payment, in whole or in part, is to be made out of County funds;

(2) To develop and operate a system of property inventory control and exercise supervision and control over all central warehouses and inventories of property belonging to the County in accordance with procedures established by the Director of Finance;

(3) To establish and maintain, after consultation with the appropriate County officials, a program for the development and use of procurement specifications and standards for all supplies, materials, and equipment and the inspection and testing of all supplies, services, and construction to insure compliance with such specifications and standards;

(4) To establish and maintain a system of requisitions and receipts concerning the furnishing of supplies, services, and construction to County agencies;

(5) To sell or dispose of surplus, forfeited, old, and waste supplies;

(6) To participate in joint or cooperative procurement with other public jurisdictions;

(7) To maintain records and reports of all procurement activities of the County;

(8) To delegate limited procurement authority to County employees pursuant to procedures issued by the Purchasing Agent as may be deemed necessary for the efficient operation of the County's purchasing program;

(9) To appoint procurement officers who shall be employees selected in accordance with Subtitle 16 of this Code;

(10) To appoint a contract review committee as defined by the regulations; and

(11) The review of and decision on contract claims arising under Section 10A-107.

(b) The Purchasing Agent shall file with the County Auditor a copy of each contract negotiated pursuant to Section 10A-114 which provides for the payment of more than \$25,000 in any fiscal year within five working days after the contract has been executed by the County. The County Auditor shall maintain such files for inspection by the public for the current fiscal year and the immediately preceding fiscal year.

**Sec. 10A-110. Conflict of interest; ethics.**

(a) No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in, or receive any benefit from, the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally from any person, firm, or corporation having dealings with the County; nor shall he receive, directly or indirectly, any part of any fee, commission, or other compensation

1 paid or payable by the County unless exempted by the provisions of the Charter of Prince  
2 George's County. Any contract made in violation of this provision may be declared void by the  
3 County Executive or by Resolution of the Council. The Purchasing Agent may issue policies in  
4 furtherance of the intent of this Section.

5 (b) In furtherance of this provision, all invitations to bid and written quotation requests,  
6 formal or otherwise, shall include the following provisions:

7 "Upon the request of the Purchasing Agent, as a prerequisite for the payment pursuant  
8 to the terms of this contract, there shall be furnished to the County a statement, under oath, that  
9 no member of the elected governing body of Prince George's County, or members of his or her  
10 immediate family, including spouse, parents or children, or any person representing or  
11 purporting to represent any member or members of the elected governing body has received or  
12 has been promised, directly or indirectly, any financial benefit, by way of fee, commission,  
13 finder's fee, political contribution, or any other similar form of remuneration and/or on account  
14 of the acts of awarding and/or executing the contract and that upon request by the County, as a  
15 prerequisite to payment pursuant to the terms of this contract, there will be furnished to the  
16 requester, under oath, answers to any interrogatories related to a possible conflict of interest as  
17 herein embodied. Any contract made or entered into where it is discovered that violation of the  
18 intent of this provision exists shall be declared null and void and all monies received by the  
19 contractor shall be returned to the County."

20 "Whenever any person shall be convicted of falsely executing a statement under oath,  
21 as required above, such person shall be deemed guilty of a misdemeanor and upon conviction,  
22 shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment not  
23 exceeding six (6) months, or both such fine and imprisonment."

24 (c) No former elected official of the County, nor former employee of the County above  
25 Grade 29 or the equivalent, shall in any manner whatsoever be interested in, or receive any  
26 benefit from, the profits or emoluments of any contract, job, work, or service for the County, nor  
27 shall receive, directly or indirectly, any part of any fee, commission, or other compensation paid  
28 or payable by the County, for a period of at least six months after leaving office for any reason or  
29 the termination of employment for any reason.

30 Any contract made in violation of this provision is null and void. The Purchasing Agent  
31 may issue policies in furtherance of the intent of this Section.

1           SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five  
2 (45) calendar days after it becomes law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

KEY:  
Underscoring indicates language added to existing law.