

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1999 Legislative Session**

Bill No. CB-52-1999

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

Proposed and Presented by Council Members Maloney and Hendershot

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

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

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

**BILL**

1 AN ACT concerning

2 Procurement

3 For the purpose of amending the procurement ordinance to require that prior to contracting for  
4 services provided by County employees, the Purchasing Agent shall certify savings to the  
5 County under certain circumstances.

6 BY adding:

7 SUBTITLE 10A. PURCHASING.

8 Section 10A-144,

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Section 10A-144 of the Prince George's County Code be and the same is hereby  
13 added:

14 SUBTITLE 10A. PURCHASING.

15 DIVISION 6. SPECIAL PROVISIONS.

16 Subdivision 5. [Reserved] Contracts for Services.

17 **Sec. 10A-144. [Reserved] Approval of contracts for services.**

18 (a) The policy of the County is to use County employees to perform all County functions  
19 in County-operated facilities in preference to contracting with a contractor to provide services.

20 (b) Prior to entering into a contract for services, the Purchasing Agent shall certify that the  
21 proposed contract for services is exempt from the provisions of this section or that the use of a

1 services contract will provide a savings to the County of at least 20% of the cost of performing  
 2 the same work with County employees over the duration of the services contract.

3 (c) The Purchasing Agent may certify a service contract as being exempt if the using  
 4 agency submits a written justification to the Purchasing Agent that:

5 (1) County employees are not available to perform the services;

6 (2) a conflict of interest would result if a County employee were to perform the  
 7 services;

8 (3) the services to be provided are similar to those which could be provided by an  
 9 expert or specialist employed under Section 902 of the Charter or under an employment contract;

10 (4) the services to be provided are incidental to the purchase or lease of personal  
 11 property or real property;

12 (5) the use of a service contract is a condition of a grant which provides more than  
 13 50% of the cost of the service contract;

14 (d) The Purchasing Agent may certify and enter into a service contract if the using agency  
 15 submits a written demonstration and cost comparison to the Purchasing Agent that:

16 (1) the using agency has taken formal and positive steps to consider alternatives to  
 17 the service contract, including reorganization, use of available technology, reevaluation of  
 18 service, and reevaluation of performance to reduce the cost of performing the service with  
 19 County employees;

20 (2) compares the cost of the service contract with the cost of using County  
 21 employees; and

22 (3) demonstrates a savings to the County of at least 20% over the duration of the  
 23 service contract.

24 (e) The Purchasing Agent shall not certify and enter into a service contract that:

25 (1) adversely affects the affirmative action efforts of the County or the using agency  
 26 requesting the service contract;

27 (2) demonstrates a cost savings of less than 20% of the cost of performing the same  
 28 services using County employees; and

29 (f) In calculating the cost comparison required by this section, the using agency shall  
 30 include:

31 (1) direct labor costs, including fringe benefits, for the use of County employees;

(2) indirect overhead costs of the using agency, including rents actually paid, utilities, equipment, and materials, only to the extent that these costs would be eliminated if the services were not performed by County employees;

(3) any continuing or transitional costs that would be directly associated with the termination of County employees performing the services, including unemployment compensation, liquidation of leave balances, and the costs of transitional services;

(4) costs of contract administration; and

(5) costs of services performed by County employees proposed to be eliminated if the service contract were approved which would continued to be performed by other County employees.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
M. H. Jim Estepp  
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.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.