

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2015 Legislative Session**

Bill No. CB-30-2015

Chapter No. 39

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Lehman and Taveras

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

Date of Introduction September 29, 2015

**BILL**

1 AN ACT concerning

2 County-based Business Compliance

3 For the purpose of establishing an annual Local Business Participation Procurement Report,  
4 requiring the report to be annually provided to the County Council and County Executive, and  
5 generally relating to County-based business assistance.

6 BY adding:

7 SUBTITLE 10A. PURCHASING.

8 Section 10A-176,

9 The Prince George's County Code

10 (2011 Edition; 2014 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Section 10A-176 of the Prince George's County Code be and the same is hereby  
13 added:

14 **DIVISION 7. ECONOMIC DEVELOPMENT**

15 **SUBDIVISION 4. LOCAL BUSINESS PARTICIPATION PROCUREMENT REPORT.**

16 **Sec. 10A-176. Annual Local Business Participation Procurement Report Required.**

17 Within ninety (90) days after the end of each fiscal year, the Director of Central Services  
18 shall prepare and transmit a written report, the Local Business Participation Procurement Report,  
19 to the County Council and County Executive that includes the following information for that  
20 entire fiscal year:

1 (a) The percentages and total dollar value of certified county-based business participation for  
 2 procurement within (i) each agency, (ii) each NAICS industry classification and (iii) the entire  
 3 county government;

4 (b) The percentages and total dollar value of certified county-based minority business  
 5 enterprise participation for procurement within (i) each agency, (ii) each NAICS industry  
 6 classification and (iii) the entire county government;

7 (c) The percentages and total dollar value of certified county-located business participation  
 8 for procurement within (i) each agency, (ii) each NAICS industry classification and (iii) the  
 9 entire county government;

10 (d) The percentages and total dollar value of certified county-based small business  
 11 participation for procurement within (i) each agency, (ii) each NAICS industry classification and  
 12 (iii) the entire county government;

13 (e) The percentages and total dollar value of certified minority business enterprise  
 14 participation for procurement within (i) each agency, (ii) each NAICS industry classification and  
 15 (iii) the entire county government;

16 (f) Total contract dollars paid for county government procurement for procurement within (i)  
 17 each agency, (ii) each NAICS industry classification and (iii) the entire county government; and

18 (g) The name of the specific procurement award recipient (“procurement award recipient”  
 19 includes the recipient of any procurement award, renewal or extension), procurement description,  
 20 and procurement contract value for each procurement awarded, renewed or extended (including  
 21 automatically renewed or extended) during the fiscal year, including

22 (1) The address of the procurement award recipient’s principal place of operation and the  
 23 date that the procurement was awarded, renewed or extended; and

24 (2) Whether the procurement award recipient is a

25 (A) county-based business;

26 (B) county-based minority business enterprise;

27 (C) county-based small business;

28 (D) county-located business;

29 (E) minority business enterprise; or

30 (F) business not within the categories of subparagraphs (A)-(E), above;

31 (3) Whether the procurement award during the fiscal year was

1           (A) An initial or new award; or

2           (B) A renewal or extension.

3           (4) For initial or new awards, whether the procurement was awarded by

4           (A) a competitive bid or proposal pursuant to Sections 10A-112 or 10A-113;

5           (B) a contract negotiation or sole source contract pursuant to Section 10A-114,  
 6 including the reason(s) for not competitively bidding the procurement; or

7           (C) a small purchase pursuant to Section 10A-115.

8           (5) For renewals or extensions, whether the procurement was initially awarded in a  
 9 previous fiscal year by

10           (A) a competitive bid or proposal pursuant to Sections 10A-112 or 10A-113;

11           (B) a contract negotiation or sole source contract pursuant to Section 10A-114,  
 12 including the reason(s) for not competitively bidding the procurement; or

13           (C) a small purchase pursuant to Section 10A-115.

14           (6) Whether a First Source and Local Hiring Agreement

15           (A) was required by the provisions of this Division to be executed for the  
 16 procurement; and

17           (B) was executed for the procurement in accordance with this Division.

18           (7) Whether the procurement award recipient complied (or is in compliance) with the  
 19 reporting requirements of this Division, if applicable;

20           (8) Whether any waiver(s) authorized by this Division were issued for the procurement,  
 21 the date of issuance of such waiver(s), any alternative minimum percentages that were applied to  
 22 the procurement due to any such waiver(s), and a description of the nature and justification for  
 23 any such waiver(s);

24           (9) Whether any penalties or other compliance actions were taken by the Purchasing  
 25 Agent to enforce the requirements of this Division and, if so, a description of those actions; and

26           (10) Whether the procurement was awarded, renewed, or extended in full compliance  
 27 with this Division.

28           (h) The number of businesses, categorized by most current NAICS industry classification,  
 29 with valid certifications on file with the Supplier Diversity Development Division or the Office  
 30 of Central Services as a

31           (1) County-based business;

1           (2) County-based minority business enterprise;

2           (3) County-based small business;

3           (4) County-located business; or

4           (5) Minority business enterprise.

5           SECTION 2. BE IT FURTHER ENACTED that for any procurement initially bid, solicited  
6 or awarded prior to July 1, 2013, at the time of any contemplated exercise of an option,  
7 extension, or renewal, including automatic extension or renewal (e. g. an “evergreen” contract or  
8 agreement), the Purchasing Agent shall not renew or extend such procurement and shall re-bid or  
9 re-award the procurement in accordance with current law or such procurement award, extension  
10 or renewal shall be void. This Section shall not apply to procurements awarded to certified  
11 county-based businesses or certified county-located businesses.

12           SECTION 3. BE IT FURTHER ENACTED that the Office of Central Services and the  
13 Supplier Development and Diversity Division shall provide an annual public briefing to the  
14 County Council regarding the contents and subject matter of the Local Business Participation  
15 Procurement Report shortly after the report’s transmittal to the County Council.

16           SECTION 4. BE IT FURTHER ENACTED that the reporting requirements of this Act  
17 shall apply to procurement for Fiscal Year 2015 and every fiscal year thereafter.  
18 Notwithstanding the provisions of this Act, the Local Business Participation Procurement Report  
19 for Fiscal Year 2015 shall be transmitted to the County Council within sixty (60) days after the  
20 effective date of this Act.

21           SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
22 calendar days after it becomes law.

Adopted this 27th day of October, 2015.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
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.