

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2025 Legislative Session

Bill No. CB-032-2025

Chapter No. _____

Proposed and Presented by Council Member Burroughs

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

AN ACT concerning

Contractor Requirements and Enforcement – Water Infrastructure Protection Act
For the purpose of amending provisions of the Prince George's County Code related to the solicitation and award of public construction contracts pertaining to water and wastewater assets; providing for enforcement of the Procurement Regulations set forth by the Purchasing Agent; providing for penalties of violations, hiring and termination; and generally relating to water and wastewater assets.

BY repealing and reenacting with amendments:

SUBTITLE 10A. PURCHASING.

Sections 10A-101, 10A-105 and 10A-151, 10A-158.06.01,

The Prince George's County Code
(2023 Edition, 2024 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections, 10A-101, 10A-105, 10A151 and 10A-158.06.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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-101. Definitions.

* * * * *

1 (4.1) Capable private or public entity means any private or public water system
 2 owner who, at the time of submitting a proposal to long-term lease of purchase public water or
 3 wastewater assets, currently owns a system serving no less than the number of residential and
 4 commercial accounts as the system which the entity is proposing to lease or purchase.

5 [(4.1)] (4.2) **Certified County-based business participation** means the percentage of
 6 the total contract dollars paid to businesses certified as County-based businesses.

7 [(4.2)] (4.3) **Certified County-based minority business enterprise participation**
 8 means the percentage of total contract dollars paid to County-based businesses certified as
 9 minority business enterprises by the Supplier Development and Diversity Division.

10 [(4.3)] (4.4) **Certified County-based small business participation** means the
 11 percentage of total contract dollars paid to businesses certified as County-based small businesses.

12 [(4.4)] (4.5) **Certified County-located business participation** means the percentage
 13 of total contract dollars paid to businesses certified as County-located businesses.

14 [(4.5)] (4.6) **Certified minority business enterprise participation** means the
 15 percentage of total contract dollars paid to businesses certified as minority business enterprises
 16 by the Supplier Development and Diversity Division.

17 [(4.6)] (4.7) **Certified sheltered workshop** means an agency that is:

18 (A) Organized under the laws of the United States or the State of Maryland;

19 (B) Certified as a sheltered workshop by the Wage and Hour Division of the
 20 United States Department of Labor;

21 (C) Accredited by the Division of Vocational Rehabilitation of the Maryland
 22 Department of Education;

23 (D) Operated in the interest of individuals who have a mental or physical
 24 disability, including blindness, that constitutes a substantial handicap to employment and
 25 prevents the individual from engaging in normal competitive employment; and

26 (E) The net income of which does not incur [incure] wholly or partially to the
 27 benefit of any shareholder or other non-disabled individual.

28 (28.2) **Owner** means any municipality, city or county that owns water or wastewater assets.
 29 Municipalities constituting a joint meeting, and the joint meeting itself shall not be considered an
 30 owner for the purposes of this definition.

31 (35.1) **Registered apprenticeship program** means an apprenticeship program registered

with and approved by the Maryland Apprenticeship Training Council and which provides to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized an apprenticeable trade, and which meets the program performance standards of enrollment and graduation under 29 C.F.R. s29.6 or as defined by the Maryland Apprenticeship and Training Council (MATC).

(42.1) **System** means the plants, structures, and other real and personal property of an owner that is, or is to be, acquired, constructed, or operated for the purpose of processing water or wastewater, including sewage, for distribution or treatment.

(45.1) **Water or wastewater assets** means any system along with any other related buildings, equipment, or other infrastructure.

* * * * *

Sec. 10A-105. Regulations and procedures.

(a) The Purchasing Agent is hereby empowered to issue such procurement regulations and procedures as the Purchasing Agent may deem necessary or appropriate to implement any provision of this Subtitle. Except as otherwise expressly provided in this Subtitle or otherwise required by law, any procurement regulation or procedure issued by the Purchasing Agent shall take effect at such time as designated by the Purchasing Agent and shall be binding upon all persons.

(b) Except as otherwise provided under Division 6, Subdivision 1 of this Subtitle, regulations shall be recommended by the Purchasing Agent for approval by County Council resolution governing the following to carry out the purposes of this Subtitle:

(1) Sole source procurements;

(2) Emergency procurements; and

(3) Special circumstance procurements; and Minority Business Opportunities program.

(c) Amendments to any approved rule or regulation on any matter governed by Subsection (b) may only be recommended by the Purchasing Agent to the County Council for its approval by resolution.

(d) Notwithstanding this Section, not less than once every five (5) years, the Purchasing Agent shall evaluate the need for amendments to any approved rule or regulation. Such determinations shall be reviewed and approved by the County Executive or designee and submitted to the County Council.

(e) Any modification to the procurement process involving any type of procurement through means such as a memorandum or interim regulation shall require written notice to the County Council.

(f) The Purchasing Agent, or their designee, shall conduct investigations for the purposes of ensuring compliance with the procurement regulations and procedures set forth in Subsection (a) by all Contractors, and take action pursuant to Section 10A-151.

* * * * *

SUBTITLE 10A. PURCHASING.

DIVISION 6. SPECIAL PROVISIONS.

SUBDIVISION 16A. WATER AND WATER TREATMENT.

Sec. 10A-151. Penalties.

(a) Disqualification of any person under this Subdivision shall not be exclusive of any other remedy that may be available to the County under any other applicable County, State, or Federal law.

(b) If a Contractor is found to be in violation of the Procurement Regulations, then the Procurement Agent shall be empowered to:

[a] (1) Terminate an existing contract;

[b] (2) Bar Contractor from future contracts;

[c] (3) Refer investigation to the Office of Human Rights for resolution;

[d] (4) Refer to the Wage and Determination Board for resolution;

[e] (5) Seek a criminal complaint, of any combination thereof; and

(6) Any contractor or subcontractor hired by the designated entities in performance of a contract shall:

(A) Be paid, or pay any worker employed by the contractor or subcontractor, not less than the wage rate for their craft or trade as determined by the Prince George's County Council and shall comply with the requirements;

(B) Only employ a worker from an apprenticeable trade who is either an apprentice participating in a registered apprenticeship program or who has completed a registered apprenticeship program, unless the contractor or subcontractor certifies that each worker shall be paid no less than the journeyman rate established for the apprenticeable trade performed; and

(C) All contractors and subcontractors shall comply with the provisions in this Section.

Sec. 10A-158.06.01. Maintenance, operation and transfer.

* * * * *

(d) The maintenance and operation of water and wastewater treatment and conveyance systems is vital to ensuring the protection of water quality and clean drinking water in Prince George's County; and

(e) Under the appropriate circumstances, the transfer of these threatened water and wastewater assets to a capable private or public entity with the financial resources and expertise to improve management, operation, and continued maintenance of the assets could help ensure the protection of drinking water.

* * * * *

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

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

Adopted this ____ day of _____, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Tara H. Jackson
Acting 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.