

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2025 Legislative Session**

Bill No. CB-037-2025

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

Proposed and Presented by \_\_\_\_\_

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

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

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

**BILL**

1 AN ACT concerning

2 Procurement Practice Revisions

3 For the purpose of amending provisions of Subtitle 10A regarding administrative procedures,  
 4 award of contracts, prohibited types of contracts, economic development and generally relating  
 5 to procurements subject to Subtitle 10A.

6 BY repealing and reenacting with amendments:

7 **SUBTITLE 10A. PURCHASING.**

8 Section 10A-101, 10A-103, 10A-104, 10A-105, 10A-  
 9 106, 10A-110.01, 10A-113, 10A-114, 10A-131, 10A-  
 10 139, 10A-161, 10A-162, 10A-163, and 10A-163.01,  
 11 10A-164.

12 The Prince George's County Code

13 (2023 Edition; 2024 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 15 Maryland, that Section 10A-101, 10A-103, 10A-104, 10A,105, 10A-106, 10A-110.01, 10A-113,  
 16 10A-114, 10A-131, 10A-139, 10A-161, 10A-162, 10A-162, 10A-163, 10A -163.01 and 10A-164  
 17 of the Prince George's County Code be and the same is hereby repealed and reenacted with the  
 18 following amendments:

19 **SUBTITLE 10A. PURCHASING.**

20 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

21

**Sec. 10A-101. Definitions.**

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(13.4) County-located business means a business, subject to certification by the Prince George's County Office of [Central Services] Procurement in accordance with Section 10A-174, that;

\* \* \* \* \*

(17) Emergency shall mean a situation resulting from unexpected or unanticipated events which requires immediate action to maintain or restore existing levels of essential public services; to preserve or prevent further deterioration of public property; to provide temporary food, clothing, or shelter to disaster victims; or to prevent damage to property or preserve life or safety. This includes an occurrence or condition that creates an immediate and serious need for services that cannot be met through normal procurement methods and are required to avoid or mitigate serious damage to public health, safety, or welfare.

\* \* \* \* \*

(21) Executive Director means the Executive Director of the Supplier Development and Diversity Division of the Office of [Central Services] Procurement.

\* \* \* \* \*

[(30) Procure means to buy, rent, lease, lease-purchase, or otherwise obtain any supplies, services, or construction. It includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection and solicitation of sources, and preparation and award of contract. The term does not include the making of any grant or donation.]

(31) Procurement Officer means any person authorized by the Director of the Office of [Central Services] Procurement, as Purchasing Agent, in accordance with procedures prescribed by regulations, to enter into and administer contracts and make determinations and findings with respect thereto. The term shall also include individuals subordinate to the Purchasing Agent acting within the limits of their delegated procurement authority. This authority shall be designated in writing by the County's Director of [Central Services] the Office of Procurement, in his/her capacity as Purchasing Agent, for such period of time as shall be stated in the written designation.

\* \* \* \* \*

(32) Proposal Analysis Group (PAG) is an issue specific group which is responsible for the

defining and drafting of Requests For Proposals, soliciting responses, evaluating responses, and recommending the top three evaluated providers to the Director of [Central Services] the Office of Procurement, as Purchasing Agent, for contracts for which competitive bidding is inappropriate.

\* \* \* \* \*

(35) Purchasing Agent means the Director of [Central Services] the Office of Procurement.

\* \* \* \* \*

[(39) Services means the rendering, by a contractor, of time and effort rather than the furnishing of a specific end product, other than reports which are merely incidental to the required performance of services. It includes, but is not limited to, the services provided by architects, engineers, accountants, physicians, consultants, and other professional persons.]

\* \* \* \* \*

(41.1) Supplier Development and Diversity Division means the Supplier Development and Diversity Division of the Office of [Central Services] Procurement or its designee as determined by the Purchasing Agent.

\* \* \* \* \*

#### **Sec. 10A-103. Centralization of contractual authority.**

- (a) All rights, powers, duties, and authority relating to the acquisition of supplies, construction, services, printing, and insurance [and the management, control, warehousing, sale, and disposal of supplies] now vested in or exercised by any County agency under the several statutes relating thereto, are the responsibility of the Purchasing Agent as provided herein.
- (b) General Powers of the Purchasing Agent. The Purchasing Agent shall have power and authority over, and shall adopt regulations consistent with this Subtitle, governing the procurement [, management, control, and disposal of any and all supplies,] services, construction, insurance, and other items required to be procured by the County.
- (c) No agency shall, during any fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment shall be made

nor any obligation or liability incurred, except for purchases in an amount not to exceed One Thousand Dollars (\$1,000), unless the Director of Finance or his designee shall first certify that the funds for the designated purpose are available.

- (d) Except as provided herein or pursuant to authorization by executive order of the County Executive, it shall be unlawful for any County official, elected or appointed, or any employee or person to make[, alter], amend, modify, suspend, or terminate any contract or letter contract governed by this Subtitle on behalf of the County other than through the Purchasing Agent; and any such purchase, contract, or letter contract made or changed contrary to the provisions hereof may be declared void by the County.

\* \* \* \* \*

#### **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)] (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)] (2) 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)] (3) To establish and maintain a system of requisitions and receipts concerning the furnishing of supplies, services, and construction to County agencies;

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

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

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

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

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

1 [(10)] (9) To appoint a contract review committee as defined by the regulations; and

2 [(11)] (10) The review of and decision on contract claims arising under Section 10A-107.

3 (11) The review of and decision on Emergency Procurements.

4 \* \* \* \* \*

#### 5 **Sec. 10A-105. Regulations and procedures.**

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

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

15 (1) Sole source procurements;

16 (2) Emergency procurements;

17 (3) Special circumstance procurements, [; and

18 (4) Minority Business Opportunities program.]

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

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

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

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

\* \* \* \* \*

**Sec. 10A-106. Determinations, Award Notice and Debriefings.**

(a) Each determination or decision on any matter required by the provisions of this Subtitle to be in writing shall be based upon written findings of the officer making the determination or decision, and shall be retained in the official contract file.

(b) Every bidder or offeror shall be given written notice of the procurement award, once authorized by the Purchasing Agent, from the responsible Procurement Officer or the Purchasing Agent for every procurement awarded pursuant to Sections 10A-112, and 10A-113 of this Subtitle within seven (7) calendar days after the procurement award is made.

\* \* \* \* \*

**[Sec. 10A-110.01. Grandfather Clause.**

(a) Contracts effective prior to November 15, 2016, are not subject to the participation requirements of this Subtitle. The contracts subject to the grandfather clause shall not exceed two (2) one-year term extensions.]

\* \* \* \* \*

**SUBTITLE 10A. PURCHASING  
DIVISION 2. AWARD OF CONTRACTS.**

**Sec. 10A-113. Competitive Sealed proposal.**

\* \* \* \* \*

(e) Before proposals are received, the Purchasing [a]Agent or designee [or the proposal analysis group] may conduct a preproposal conference with all potential offerors for the purpose of assuring full understanding of the using agency's requirements, as described in the Request [For] for Proposals. All such offerors shall be accorded fair and equal treatment with respect to this conference.

\* \* \* \* \*

**Sec. 10A-114. Contract negotiation.**

\* \* \* \* \*

(c) Any contract authorized under this Section shall be awarded (including at renewal or extension) with at least [fifty percent (50%)] thirty-five percent (35%) certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation or the procurement shall be rendered void and

illegal, unless the Purchasing Agent exercises the waiver determination and procedure set forth in Section 10A-161 and 10A-159.01. Contracts authorized under this Section are subject to the same provisions of Section 10A-164 applicable to contracts subject to County-based small business, County-based minority business enterprise, and Locally-owned and Operated Business participation requirements under Section 10A-161.

\* \* \* \* \*

## **SUBTITLE 10A. PURCHASING**

### **DIVISION 3. PROHIBITED TYPES OF CONTRACTS.**

#### **Sec. 10A-131. Multiyear contracts.**

(a) A contract for supplies or services which extends beyond the current fiscal year may be entered into for periods not in excess of the time set forth in the Invitation for Bids or Request for Proposals (inclusive of any options exercisable thereunder), if funds for the first fiscal year of the contemplated contract are available at the time of contracting. Payment and performance obligations for succeeding fiscal years shall be subject to the availability of funds therefor. [The exercise of each contract's option year requires that the Purchasing Agent and the using agency review the contract to determine whether the option should be exercised or if the contract should be re-bid. If an option on a multi-year contract has expired, the contract shall be re-bid. Factors in this determination can include, but are not limited to, the following:

(1) Past performance of the existing contractor; and

(2) Cost of continuing the existing contract in comparison with cost savings of discontinuing the existing contract and rebidding the contract.]

[(b)] If funds are not appropriated for the continued performance of a contract approved under this Section, the contract for that year is terminated either automatically or in accordance with the termination clause of the contract. Unless otherwise provided for in the contract, the effect of termination is to discharge both parties from future performance of the contract, but not from their existing obligations. A multi-year contract is appropriate when it is in the best interest of the County to obtain uninterrupted services extending over more than one fiscal period, when the performance of the services involves high start-up costs, or when a changeover of services contractors involves high phase-in/phase-out costs during a transition period. The multi-year method of contracting is also appropriate when special production of definite quantities of supplies for more than one fiscal period is necessary to best meet the County's needs but funds

are available only for the initial fiscal period.

(b) The objective of the multi-year contract is to promote economy and efficiency in procurement by obtaining the benefits of sustained volume production and consequent low prices, and by increasing competitive participation in procurements which involve special production or high phase-in/phase-out costs during changeover of service contractors.

(c) A multi-year contract may be used when it is determined by the procurement officer that:

(1) Special production of definite quantities or the furnishing of long-term services are required to meet County needs;

(2) Estimated requirements cover the period of the contract and are reasonably firm and continuing; and

(3) A multi-year contract shall serve the best interests of the County by encouraging effective competition or otherwise promoting economies in County procurement. The following factors are among those relevant to this determination:

(a) Firms which are not willing or able to compete because of high start-up costs or capital investment in facility expansion shall be encouraged to participate in the competition when they are assured of recouping these costs during the period of contract performance;

(b) Lower production costs because of larger quantity or service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

(c) Stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or

(d) The cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

[c] (d) All contracts entered into under this Section shall contain a notice that they are subject to termination, either automatically or in accordance with a termination clause, upon the failure of the County Council to appropriate funds for the future performance of the contract.

\* \* \* \* \*

## **SUBTITLE 10A. PURCHASING.**

### **DIVISION 6. – SPECIAL PROVISIONS**

#### **SUBDIVISION 1. [MINORITY BUSINESS OPPORTUNITY] SUPPLIER DIVERSITY PROGRAM.**

Sec. 10A-136. [Assistance to minority business enterprises] Supplier diversity; certification and

1 decertification.

2 \* \* \* \* \*

3 Sec. 10A-139. - Penalties.

4 It is unlawful for a person to knowingly misrepresent his or her status as a minority  
5 business enterprise, [or] County-based Minority Business Enterprise, County-based small  
6 business, County-located business, or Locally-owned and Operated Business for purposes of  
7 obtaining a County contract, and is subject to the penalty stated in Section 1-123 of this Code.

8 \* \* \* \* \*

## 9 **SUBTITLE 10A PURCHASING**

### 10 **DIVISION 7. ECONOMIC DEVELOPMENT**

11 Sec. 10A-161. - County-based business participation requirements.

12  
13 (a) For any procurement that is greater than One Million Dollars (\$1,000,000) in total value  
14 for which a County agency or the County government secures competitive bids or  
15 proposals the Purchasing Agent shall require the following:

16 (1) [At least fifty percent (50%)] At least thirty-five percent (35%) certified County-  
17 based small business, County-based minority business enterprise, and/or Locally-  
18 owned and Operated Business participation; provided, that the costs of materials,  
19 goods, and supplies shall not be counted towards the [fifty percent (50%)] thirty-five  
20 percent (35%) participation requirement, unless such materials, goods, and supplies  
21 are purchased from County-based small businesses, County-based minority business  
22 enterprises, and/or Locally-owned and Operated Businesses; and

23 (2) A bid or proposal responding to a solicitation shall be deemed nonresponsive and  
24 shall be rejected by the Purchasing Agent if it fails to meet the [fifty percent (50%)]  
25 thirty-five percent (35%) minimum certified County-based small business, County-  
26 based minority business enterprise, and Locally-owned and Operated Business  
27 participation requirement in Paragraph (1) of this Subsection, unless the participation  
28 requirement is waived pursuant to Section 10A-159.01.

29 (3) Any existing procurement contract or agreement [entered into after November 15,  
30 2016 and] for which a County agency or the County government secured competitive  
31 bids or proposals, including any existing multiyear contract or extended contract[,

entered into after November 15, 2016] that does not include at least [fifty percent (50%)] thirty-five percent (35%) minimum certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation as prescribed in this Subsection at the time of any contemplated exercise of an option, extension, or renewal, including automatic extensions or renewals (e.g. "evergreen" contracts or agreements), shall not be renewed or extended unless the participation requirement is waived pursuant to Section 10A-159.01.

\* \* \* \* \*

(f) On a case by case basis, for any procurement subject to the requirements of Subsection (a) of this Section, the Purchasing Agent may require more than [fifty percent (50%)] thirty-five percent (35%) certified County-based small business, County-based minority business enterprise, and Locally-owned and Operated Business participation if the Purchasing Agent determines that there is a sufficient number of County-based small businesses, County-based minority business enterprises, or Locally-owned and Operated Businesses to justify a higher than [50%] 35% certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation requirement.

\* \* \* \* \*

(j) For any procurement subject to Section 10A-112, 10A-113 or 10A-114 of this Subtitle with a total value equal to or less than One Million Dollars (\$1,000,000), each County agency or the Purchasing Agent shall set-aside the procurement only for award to County-based small businesses, subject to Paragraphs (1)-(3) of this Subsection.

(1) A County agency shall not be required to set aside a procurement for County-based small businesses under this Subsection if there are not at least two (2) County-based small businesses that can sufficiently provide the services or goods which are the subject of the procurement. For procurements subject to 10A-112, a County agency may also refuse to set aside a procurement for County-based small businesses under this Subsection if the agency determines that the lowest County-based small business bid is for a price that is twelve percent (12%) or more above the likely price on the open market.

(2) Only if a County agency satisfies the requirements of Paragraph (1) of this Subsection

and receives written approval from the Purchasing Agent may the County agency thereafter award the procurement in the open market, subject to all of the other applicable preferences prescribed in this Subdivision.

(3) Any existing contract or agreement, including any existing multiyear contract or extended contract, for a procurement funded by a County agency or the County government with a total value equal to or less than One Million Dollars (\$1,000,000) that was not set-aside for County-based small businesses or County-based businesses pursuant to the requirements of this Section, at the time of any contemplated exercise of an option, extension, or renewal, including automatic extensions or renewals (e.g. "evergreen" contracts or agreements), shall not be renewed or extended. This Paragraph shall not apply to a contract or agreement for a procurement with greater than thirty-five 35% certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation.

(k) The Purchasing Agent may waive the requirements of Subsection (c) of this Section for a procurement if the Purchasing Agent certifies in writing that such a requirement would result in the loss of federal or state funds, subject to the requirements of Section 10A-159.01.

\* \* \* \* \*

#### **Sec. 10A-162. County agency local procurement goals.**

(a) Each County agency, including, but not limited to, each County agency that procures in whole or in part through the Office of [Central Services] Procurement, shall use its "best efforts" to exercise its procurement authority so as to meet, on an annual basis, the goal of procuring at least fifty percent (50%) of the dollar volume of its goods and services, including, but not limited to, construction goods and services, to County-based businesses and at least thirty percent (30%) to County-based small businesses; and

(b) The dollar volume referenced in Subsection (a) of this Section shall be based on the expendable budget of the County agency.

[(c) For any procurement subject to Section 10A-112, 10A-113 or 10A-114 of this Subtitle with a total value equal to or less than One Million Dollars (\$1,000,000), each County agency or the Purchasing Agent shall set-aside the procurement only for award to County-based small businesses, subject to Paragraphs (1)-(3) of this Subsection.

(1) A County agency shall not be required to set aside a procurement for County-based small businesses under this Subsection if there are not at least two (2) County-based small businesses that can sufficiently provide the services or goods which are the subject of the procurement. For procurements subject to 10A-112, a County agency may also refuse to set aside a procurement for County-based small businesses under this Subsection if the agency determines that the lowest County-based small business bid is for a price that is twelve percent (12%) or more above the likely price on the open market.

(2) Only if a County agency satisfies the requirements of Paragraph (1) of this Subsection and receives written approval from the Purchasing Agent may the County agency thereafter award the procurement in the open market, subject to all of the other applicable preferences prescribed in this Subdivision.

(3) Any existing contract or agreement, including any existing multiyear contract or extended contract, for a procurement funded by a County agency or the County government with a total value equal to or less than One Million Dollars (\$1,000,000) that was not set-aside for County-based small businesses or County-based businesses pursuant to the requirements of this Section, at the time of any contemplated exercise of an option, extension, or renewal, including automatic extensions or renewals (e.g. "evergreen" contracts or agreements), shall not be renewed or extended. This Paragraph shall not apply to a contract or agreement for a procurement with greater than fifty percent (50%) certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation.

(d) The Purchasing Agent may waive the requirements of Subsection (c) of this Section for a procurement if the Purchasing Agent certifies in writing that such a requirement would result in the loss of federal or state funds, subject to the requirements of Section 10A-159.01.]

(c) [(e)] If a County agency fails to meet any of the goals set forth in Subsection (a) of this Section or otherwise fails to comply with this Division, the County Executive, or the County Council by resolution, may require that a portion of the agency's procurements be made part of a set-aside program for County-based businesses and/or County-based small businesses. A County agency in violation of this Division may also be subject to a temporary or permanent reduction in its proposed budget allocation in the annual County budget process.

(d) [(f)] As a condition of receiving funding from the County government, a non-County agency or entity that receives more than fifty percent (50%) of its annual budget in the most recent fiscal

year from funds received from or administered by a County agency or the County government shall comply with the same goals and requirements as a County agency under Subsections (a), (b) and (e) of this Section, unless the non-County agency or entity certifies in writing to the County Council and the County Executive that such compliance would violate federal or state law.

(e) [(g)] Annual County Agency Procurement Forecast. By July 1 of each year, the Director of Central Services shall publish on a central designated website a forecast of procurement opportunities for each County agency for the next fiscal year. Each County agency shall expeditiously comply with any information requests from the Office of Central Services in the collection of information to comply with this Subsection. The Director of Central Services shall provide a courtesy electronic copy of the County Agency Procurement Forecast to a designated representative of the Prince George's Chamber of Commerce, Greater Prince George's Business Roundtable, and the Prince George's Community College.

\* \* \* \* \*

#### **Sec. 10A-163. County-based Business Certification Requirements.**

\* \* \* \* \*

(g) Reducing redundant certifications.

(1) A business that is certified as a minority business enterprise (MBE) pursuant to Section 10A-101(a)(26), whose certification indicates that the business's principal address, principal place of operation, or domicile is within Prince George's County, Maryland, shall be automatically deemed by the Supplier Development and Diversity Division and the Purchasing Agent to be a certified County-based minority business enterprise and County-based business under this Subtitle without further application or certification, provided that, the business provides the Supplier Development and Diversity Division a copy of a federal tax return filed with the Internal Revenue Service establishing that the business has continuously operated within the County within the preceding twelve (12) months.

[(2) A County-based minority business enterprise whose approved MBE certification also meets the requirements of Section 10A-163(g) (1) shall be automatically deemed to be a certified County-based small business under this Subtitle by the Supplier Development and Diversity Division and the Purchasing Agent without further application or certification, provided that the business provides the Supplier Development and Diversity Division a

copy of a federal tax return filed with the Internal Revenue Service establishing that the business has continuously operated within the County within the preceding twelve (12) months. Approved MBE certifications that meet the requirements of this Paragraph shall include

(A) MDOT certification in accordance with COMAR 21.11.03, provided such certified business conforms to the requirements of Section 10A-101(a)(26) of this Subtitle;

(B) Disadvantaged Business Enterprise (DBE) certification in accordance with 49 CFR Part 26, provided such DBE certification is accepted by the Supplier Development and Diversity Division and such certified business conforms to the requirements of Section 10A-101(a)(26) of this Subtitle; and

(C) Other MBE or DBE certifications accepted by the Supplier Development and Diversity Division and determined to include comparable size of business standards by the Supplier Development and Diversity Division, provided such certified businesses conform to the requirements of Section 10A-101(a)(26) of this Subtitle.]

[(3)] (2) Valid MBE or DBE certification status in accordance with this Subsection and the submission to the Supplier Development and Diversity Division of a copy of a federal tax return filed with the Internal Revenue Service establishing that the business has continuously operated within the County within the preceding twelve (12) months shall satisfy the documentation requirements for any County-based business or County-based small business certification renewal for County-based minority business enterprises.

\* \* \* \* \*

**Sec. 10A-163.01. – [Temporary Certification] Validity of Certifications.**

(a) All business certifications shall be valid for a two-year period.

[(a)] (b) The Purchasing Agent may grant temporary certification to those who have submitted applications to become certified as a County-based business, County-based small business, County-located Business, and Minority Business Enterprise for a period not to exceed ninety (90) days from the date the certification application is submitted to the County.

[(b)] (c) The Purchasing Agent may promulgate rules and regulations for the implementation and administration of temporary certification as a County-based business, County-based small business, County-located Business, and Minority Business Enterprise.

\* \* \* \* \*

**Sec. 10A-164. Enforcement of County-based business assistance.**

\* \* \* \* \*

(f) Small Business Subcontracting Plan required. Where the prime contractor is not a County-based small business, County-based minority business enterprise, or Locally-owned and Operated Business, the [fifty percent (50%)] thirty-five 35% County-based small business, County-based minority business enterprise, and Locally-owned and Operated Business participation requirement of Sections 10A-161(a) and 10A-114(c) shall be governed by a Small Business Subcontracting Plan, submitted by the prime contractor.

(1) **Small Business Subcontracting Plan** is a written plan listing all subcontracts, including individual contract values, between the prime contractor (contract award recipient) and Diverse Suppliers (within a category for which there is a participation requirement or goal on the procurement); and between Diverse Suppliers and Non-Diverse Suppliers and all lower tier Diverse Supplier (within a category for which there is a participation requirement or goal on the procurement) subcontractors for the procurement.

(2) At the time of bid or proposal submission for procurements subject to Section 10A-161(a) or prior to the execution of a contract between the County and any vendor for a procurement subject to Section 10A-114(c), the prime contractor(s) shall submit a Small Business Subcontracting Plan executed by the prime contractor and all of the subcontractors being utilized to fulfill the [fifty percent (50%)] thirty-five (35%) County-based small business, County-based minority business enterprise, and Locally-owned and Operated Business participation requirement of Section 10A-161(a) or 10A-114(c).

**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 effect July 1, 2025.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Edward P. Burroughs, III

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.

\* \* \* \* \*

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