

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Resolution No.

CR-101-2023

Proposed and Presented by

Council Member Burroughs, Blegay, Dernoga, Ivey, Olson, Oriadha

Introduced by

Council Members Burroughs, Blegay, Dernoga, Ivey, Olson, Oriadha, Hawkins

Co-Sponsors

Date of Introduction

October 17, 2023

RESOLUTION

1 A RESOLUTION concerning

2 Procurement Regulations Referencing Contractor Responsibility

3 For the purpose of amending the County Procurement Regulations related to the solicitation and
4 award of public construction contracts; providing for certification of contractors and
5 subcontractors bidding on public works construction contracts; providing for assurance on the
6 use of properly trained construction personnel; providing Responsible Contractor eligibility
7 criteria and requiring the use of Responsible Contractors in certain County construction projects
8 under certain circumstances.

9 WHEREAS, Section 602 of the Charter of Prince George’s County, Maryland, provides
10 that the County Purchasing Agent shall prepare, for action by the County Council, reasonable
11 rules and regulations governing emergency purchases, contracts, and services or material and
12 equipment of an unusual or noncompetitive nature not subject to competitive bidding; and

13 WHEREAS, Section 10A-105 of the Prince George's County Code provides that the
14 Purchasing Agent is empowered to issue such procurement regulations and procedures as the
15 Purchasing Agent may deem necessary or appropriate to implement any provision of Subtitle
16 10A of the County Code; and

17 WHEREAS, CR-3-1992 adopted the Procurement Regulations of the County; and

18 WHEREAS, the Purchasing Agent desires to revise the Procurement Regulations to provide
19 for certification of contractors and subcontractors bidding on public works construction
20 contracts; to provide assurance on the use of properly trained construction personnel; to provide
21 Responsible Contractor eligibility criteria and to require the use of Responsible Contractors in
22 certain County construction projects under certain circumstances.

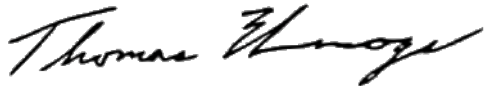
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NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Purchasing Agent is directed to take all steps necessary and appropriate to amend Chapter XIII (Contractor/Vendor Responsibility and Prequalification) of the Prince George's County Procurement Regulations as described in Attachment "A" hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the amendments to Chapter XIII (Contractor/Vendor Responsibility and Prequalification) set forth in Attachment "A" hereto shall take effect sixty (60) days after the adoption of this Resolution.

Adopted this 14th day of November, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND



BY: _____
Thomas E. Dernoga
Chair

ATTEST:



Donna J. Brown
Clerk of the Council

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ATTACHMENT A

**PRINCE GEORGE'S COUNTY
PROCUREMENT REGULATIONS**

And Law

* * * * *

CHAPTER XIII

XIII. Contractor/Vendor Responsibility and Prequalification

A. Responsibility

- 1. All Contracts shall be awarded to a responsible bidder or offeror.
- 2. In determining a bidder or offeror’s responsibility the Purchasing Agent shall consider:

* * * * *

h. The bidder’s compliance with [Minority Business Enterprise] County certified business requirements contained in the invitation to bid, or request for proposals.

* * * * *

B. Prequalification of Bidders or Offerors

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4. Procedure for Prequalification

a. The criteria for prequalification shall be set forth in the public notice for Letters of Interest.

1) The prequalification criteria shall include, when applicable, a [Minority Business Enterprise] County certified business participation factor whereby a total of 15% of the prequalification points shall be allocated for Minority Business Enterprise participation in the contract, at either the prime or subcontract level, as specified in the solicitation.

* * * * *

C. Responsibility of Bidders or Offerors on Public Works Contracts

- 1 1. All contractors and subcontractors bidding on Public Works, as that term is defined in
2 County Code Section 2-247(g), shall submit with their bids on a form provided by the
3 Purchasing Agent a certification (“Responsibility Certification”) by the construction
4 manager, general contractor or other lead or prime contractor whereby they shall confirm
5 and certify the following facts regarding their past performance, work history, current
6 qualifications and performance capabilities:
- 7
- 8 a. The firm and its employees have all valid, effective licenses, registrations or
9 certificates required by federal, state, county, or local law, including, but not limited
10 to, licenses, registrations or certificates required to:
- 11 1) do business in the State of Maryland;
12 2) perform the contract work it seeks to perform.
- 13 b. The licenses, registrations or certificates referenced in subsection a. above shall
14 include, but not be limited to, licenses, registrations or certificates for any type of
15 construction or maintenance trade work or specialty work that the firm proposes to
16 self-perform; and
- 17 2. The firm meets the bonding requirements for the contract, as required by applicable law
18 or contract specifications and any insurance requirements, as required by applicable law
19 or contract specifications, including general liability insurance, workers compensation
20 insurance and unemployment insurance; and
- 21 3. The firm is in compliance with all administrative filing and registration requirements as
22 follows:
- 23 a. currently registered with the Maryland Department of Assessment and Taxation; and
24 b. is currently in good standing with the Maryland Department of Assessment and
25 Taxation
- 26 c. has a valid federal tax I.D. number or a valid Social Security number if an individual.
- 27 4. The firm has not received an administrative merits determination, arbitral award or civil
28 judgment rendered against it, any of its contractors or subcontractors or its related entities,
29 including businesses substantially under its control, subsidiaries, predecessors, principals,
30 and people or businesses that substantially control the firm, in the preceding five (5) years
31 for intentional violations of the following:

- 1 a. Wage violations and misclassification;
2 b. Prevailing Wage laws of the State of Maryland and any of its counties, or of any other
3 State, including the District of Columbia;
4 c. Wage & Hour laws of the State of Maryland or any other State, including the District
5 of Columbia;
6 d. Maryland Workplace Fraud Act;
7 e. Maryland Minority Business Enterprise Program;
8 f. Federal Fair Labor Standards Act; or
9 g. Federal Davis Bacon Act; and
10 5. Where the contractor, subcontractor or related entity has agreed to settle a dispute
11 concerning any of the above-referenced laws, it has attached a separate statement to its
12 Responsibility Certification describing such; and
13 6. The firm and its related entities have not received a final determination assessing a
14 sanction for failure to meet any minority business enterprise, disadvantaged business
15 enterprise, or veteran- owned business participation requirements, due to a lack of good
16 faith effort, more than once during the five-year period before submitting the verification;
17 and
18 7. The firm and its related entities are not currently suspended or debarred by the federal
19 government or the State of Maryland or any of its departments, commissions, agencies, or
20 political subdivisions; and
21 8. The Responsibility Certification required by this section was executed by a person who
22 has sufficient knowledge to address all matters in the certification and the certification
23 includes an attestation stating, under the penalty of perjury, that the information submitted
24 is true, complete and accurate; and
25 9. If the firm receives a notice of intent to award a contract, it will provide a Responsibility
26 Certification from each of its subcontractors; and
27 10. If the firm has ever operated under another name or is controlled by another company
28 or business entity or in the past five years controlled or was controlled by another company
29 or business entity, whether as a parent company, subsidiary or any other business relation,
30 it has attached a separate statement to its Responsibility Certification that explains in detail

the nature of any such relationship. Additional information may be required from such an entity if the relationship in question could potentially impact contract performance.

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CHAPTER XXI

XXI. Construction Contracting Methods

A. Application of Regulations and General Policy

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4. Use of Regulations. These Regulations are intended to guide County personnel in selecting the appropriate contracting method. [It is not intended to create any third party rights.]

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