

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2026 Legislative Session

Bill No. CB-060-2026

Chapter No. The Chair (by request - County Executive)

Proposed and Presented by _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Procurement Refinements Act

3 For the purpose of refining business certification requirements, centralizing waiver authority and
4 reducing redundant reporting requirements.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 10A. PURCHASING.

7 Section 10A-101, 10A-115, 10A-116, 10A-158.02,

8 10A-158.10, 10A-159.01, 10A-163, 10A-164.01 and

9 10A-180

10 The Prince George's County Code

11 (2023 Edition; 2025 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Section 10A-101, 10A-115, 10A-116, 10A-158.02, 10A-158.10, 10A-159.01,
14 10A-163, 10A-164.01 and 10A-180 of the Prince George's County Code be and the same is
15 hereby repealed and reenacted with the following amendments:

16 **SUBTITLE 10A. PURCHASING.**

17 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

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

19 (a) The words defined in this Section shall have the meanings set forth below whenever they
20 appear in this Subtitle unless the context in which they are used clearly requires a different
21 meaning or a different definition is prescribed for a particular provision.

1 * * * * *

2 (35.2) **Ratification** means the review and approval, by an official with proper procurement
 3 authority, of an unauthorized commitment. Ratification is the official act by which the County
 4 elects to accept responsibility for an agreement, arrangement, or action that was made by an
 5 individual who lacked authority to bind the County, and authorizes payment or performance
 6 consistent with applicable laws, regulations, and procurement policies.

7 * * * * *

8 (42.1) **Unauthorized commitment** means any agreement, arrangement, or action that is not
 9 binding on the County solely because the individual who made the commitment lacked the
 10 authority to enter into such an agreement on behalf of the County. An unauthorized commitment
 11 includes any verbal or written instruction, promise, direction, or order to a vendor, contractor, or
 12 service provider that obligates County funds or resources without proper delegated procurement
 13 authority.

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16 **SUBTITLE 10A. PURCHASING.**

17 **DIVISION 2. AWARD OF CONTRACTS.**

18

19 **Sec. 10A-115. Small purchases.**

20 * * * * *

21 (b) Procedures

22 1. Initiation

23 A. The requesting agency shall prepare a purchase request to establish the basis for
 24 the procurement.

25 2. Requests for Quotes

26 A. Purchases between \$5,000 and the small purchase threshold of \$250,000 shall
 27 require at least three (3) written or electronic quotes from responsible vendors,
 28 when practicable; two (2) of which must be from a County-based small business.

29 B. If quotes from a County-based small business are not available, quotes shall be
 30 required from the following: a County-based business, County-based minority
 31 business enterprise, County-located business or Locally-owned and operated

business. When none of these are available, quotes will be accepted from a minority business enterprise.

C. In the event that a County-based small business cannot offer a reasonable price, the Purchasing Agent, or the Purchasing Agent's designee, will not reserve the procurement for a County-based small business. In this Section, "reasonable price" means within ten percent (10%) above the best price on the open market.

D. [If quotes from the diverse suppliers listed under Sec. 10A-105(b)(2)(A) or Sec. 10A-105(b)(2)(B) are not available, a waiver will be required to be submitted with the purchase request.] Non-certified County vendors and non-County vendors may be utilized after appropriate market research.

* * * * *

Sec. 10A-116. Cancellation of solicitations; rejection of bids and offers.

If the Purchasing Agent [, with the using agency head] or their designee[,] determines that it is fiscally advantageous or is otherwise in the County's best interest [, an Invitation for Bid,] a [Request for Proposals, or other] solicitation may be cancelled, or all bids or proposals may be rejected.

* * * * *

SUBTITLE 10A. PURCHASING.

DIVISION 6. SPECIAL PROVISIONS.

SUBDIVISION 15. CONTRACT MODIFICATIONS

Sec. 10A-158.02. Contract Modifications. – Reserved.

[Any contract modification whose dollar percentage is in excess of 25% of the original contract or whose dollar amount is in excess of Five Hundred Thousand Dollars (\$500,000) shall require that the County Council is given a copy of such modification and the original contract by the Administrative Review Committee and the using agency.]

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SUBTITLE 10A. PURCHASING.

DIVISION 6. SPECIAL PROVISIONS.

SUBDIVISION 17. POLICE DEPARTMENT TOWING CONTRACTS.

Sec. 10A-158.10. Police Department Towing Contracts; bid, contract, and subcontract reporting.

[(a) The Purchasing Agent shall prepare and transmit to the County Council and the County Executive, on a quarterly basis, a written report containing the information collected pursuant to this Section.]

[(b)] (a) The Purchasing Agent shall collect and maintain on bidders, Contractors, and Subcontractors for Police Department towing contracts.

[(c)] (b) For each solicitation of Police Department towing services, the information collected shall include, but not be limited to:

- (1) Total number of bidders; and
- (2) Business name of each bidder that responded to the solicitation; and
- (3) Business name of each County certified bidder that responded to the solicitation listed by subcategory of County-based Minority Business Enterprise: (A) African American Business Enterprise, (B) Asian-American and Pacific Islander Enterprise, (C) Latino Business Enterprise, (D) Native American Business Enterprise, (E) Veteran Business Enterprise, (F) Women's Business Enterprise, and (G) County-based small business; and
- (4) Business name of each bidder awarded a contract under the solicitation; and
- (5) Final list of County certified businesses awarded contracts under the solicitation, listed by subcategory of County-based Minority Business Enterprise: (A) African American Business Enterprise, (B) Asian-American and Pacific Islander Enterprise, (C) Latino Business Enterprise, (D) Native American Business Enterprise, (E) Veteran Business Enterprise, (F) Women's Business Enterprise, and (G) County-based small business; and
- (6) Business names of all Subcontractors, if any, identified by each Contractor awarded a contract under each solicitation, listed by subcategory of County-certified Minority Business Enterprise: (A) African American Business Enterprise, (B) Asian-American and Pacific Islander Enterprise, (C) Latino Business Enterprise, (D) Native American Business Enterprise, (E) Veteran Business Enterprise, (F) Women's Business Enterprise,

1 and (G) County-based small business; and

2 [(d) With each quarterly report submitted pursuant to this Section, the Purchasing Agent shall
3 also submit:

- 4 (1) The Police Towing Vendor List: and
- 5 (2) Service calls transmitted by the Police Dispatcher to Contractors sorted by business
6 name, County certified businesses by category and subcategory and type of service call
7 with monthly total calls to be included in quarterly reports.]

8 [(e)] (c) On an annual basis, within 3 months after the end of the fiscal year, the Purchasing
9 Agent shall report to the County Executive and County Council on the amount paid and
10 percentage of the overall annual dollars paid for Police Department towing contracts for the
11 fiscal year to each of the following categories of business:

- 12 (1) County-based minority business enterprises, also reported by the amount paid and
13 percentage of the overall annual dollars paid for Police Department towing contracts to
14 each of the following subcategories of County-based minority business enterprises: (A)
15 African American Business Enterprise, (B) Asian-American and Pacific Islander
16 Enterprise, (C) Latino Business Enterprise, (D) Native American Business Enterprise, (E)
17 Veteran Business Enterprise, (F) Women's Business Enterprise; and
- 18 (2) County-based small businesses.

19 * * * * *

20 **SUBTITLE 10A. PURCHASING.**
21 **DIVISION 7. ECONOMIC DEVELOPMENT.**

22 **Sec. 10A-159.01. Waiver.**

23 (a) A waiver from the participation requirements set forth in this Division, in accordance with
24 the waiver procedures prescribed in this Division, shall be granted for contracts as follows:

- 25 (1) [A contract or procurement valued five hundred thousand dollars (\$500,000) or more
26 shall be subject to a written waiver from the Purchasing Agent that is approved by the Chief
27 Administrative Officer or the Chief Administrative Officer's designee and will not be
28 subject to the participation requirements in Division 7 Economic Development in this
29 Subtitle;

(2) A contract or procurement with a total value greater than twenty-five hundred dollars (\$2,500) and less than five hundred thousand dollars (\$500,000) shall be subject to a written waiver by the Purchasing Agent or the Purchasing Agent's designee and will not be subject to the participation requirements in Division 7 Economic Development of this Subtitle.] The Purchasing Agent or the Purchasing Agent's designee may issue a written waiver for any contract or agreement.

[(3)] (2) For a contract or procurement subject to Council approval under Section 819 of the County Charter, a waiver of any of the requirements of Division 7 of this Subtitle for such a contract or procurement shall also require [Council approval] a written waiver from the Purchasing Agent or the Purchasing Agent's designee.

(b) Where a waiver is proposed in accordance with this Section, the Purchasing Agent or the Purchasing Agent's designee shall consider in the written waiver whether a Mentor-Protégé Program Requirement should be included in the contract or procurement.

[(c)] The Purchasing Agent shall provide to the Clerk of the Council for distribution to the members of the County Council, a quarterly written summary of the waivers granted in accordance with this Section every three months detailing the contract value, contract awardee, address of the contract awardee's principal place of business, and industry area of the contract for each waiver granted in the prior 3 month period.]

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Sec. 10A-163. County-based business certification requirements.

(a) Except as provided for in Subsection [(g)] (d), below, a business that seeks to be certified as a County-based business shall make application to the Purchasing Agent [on a form provided by the Purchasing Agent]. Such an application shall not be approved by the Purchasing Agent unless the business:

[(1)] Requires that its chief executive officer and the highest level managerial employees of the business maintain their offices and perform their managerial functions in the County;]

[(2)] (1) [Files a written certificate that the business is not delinquent in the payment of any County taxes, charges, fees, rents or claims;] Requires a Certificate of Good Standing with the Maryland State Department of Assessments and Taxation.

1 [(3)] (2) Files a copy of [a] the State of Maryland tax return and federal tax return filed with
 2 the Internal Revenue Service establishing that the business has continuously operated
 3 within Prince George's County within the preceding twelve (12) months;

4 [(4)] (3) Files documentation showing that [during] within the preceding twelve (12) months
 5 the business has official articles of incorporation or continuously maintained a valid
 6 business license or permit;

7 [(5)] (4) Files documentation showing that [during] within the preceding twelve (12) months
 8 the business has continuously occupied an office within the County, as its principal place
 9 of operation, [; and]

10 [(6) Files documentation showing that:

11 [(i) More than fifty percent (50%) of the business' full-time employees are County
 12 residents; or

13 [(ii) The owners of more than fifty percent (50%) of the business are County residents;
 14 or

15 [(iii) More than (fifty percent) 50% of the assets of the business, excluding bank
 16 accounts, are located in the County; or

17 [(iv) More than (fifty percent) 50% of the total sales or other revenues of the business
 18 are derived from transactions of the business in the County.]

19 (b) Except as provided for in Subsection (g), below, a business that seeks to be certified as a
 20 County-based small business shall make an application to the Purchasing Agent on a form
 21 provided by the Purchasing Agent. Such an application shall not be approved by the
 22 Purchasing Agent unless:

23 (1) The business meets the requirements of Section 10A-163(a); and

24 (2) The business meets the definition of "small business" pursuant to the Code of Maryland
 25 Regulations ("COMAR") 21.01.02.01(80); or

26 (3) The business meets the federal definition of "small business concern" in Part 121 of Title
 27 13 of the Code of Federal Regulations.

28 (c) Certification shall be valid for a [two-year] three-year period.

1 [(d) Once an application for certification is approved under this Section by the Purchasing
 2 Agent, a copy of the approved application shall be expeditiously transmitted to the County
 3 Auditor.

4 (e) A business whose application is approved for certification as a County-based small business
 5 is automatically certified as a County-based business.

6 (f) Nonprofit entities that satisfy the applicable requirements of this Section are eligible to be
 7 certified as County-based businesses and County-based small businesses.]

8 [(g)] (d) A business that is certified as a County-based business or County-based small business
 9 shall meet the requirements of certification under this Section [continuously after the date
 10 the business's application for certification is approved by the Purchasing Agent] for the full
 11 duration of their certification period or the business's certification shall be void. In such
 12 instances, the business must re-apply pursuant to the requirements of this Section to be
 13 certified as a County-based business or a County-based small business.

14 [(h)] (e) Reducing redundant certifications.

15 (1) A business that is certified as a minority business enterprise (MBE) pursuant to Section
 16 10A-101(a)(26), whose certification indicates that the business's principal address,
 17 principal place of operation, or domicile is within Prince George's County, Maryland,
 18 shall be automatically deemed by the Supplier Development and Diversity Division and
 19 the Purchasing Agent to be a certified County-based minority business enterprise and
 20 County-based business under this Subtitle without further application or certification,
 21 provided that, the business provides the Supplier Development and Diversity Division a
 22 copy of a federal tax return filed with the Internal Revenue Service establishing that the
 23 business has continuously operated within the County within the preceding twelve (12)
 24 months.

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

1 [(i)] (f) Validity during renewal review. At the time of any certification renewal, an existing
2 certification authorized by this Division shall continue to be valid during the pendency of
3 review of the business entity's certification by the Supplier Development and Diversity
4 Division or the Office of Procurement, provided that the business submitted the required
5 renewal documents and other information, and such documents were received by the
6 Supplier Development and Diversity Division [or] within the Office of Procurement on or
7 before the expiration date of the business's certification. The Supplier Development and
8 Diversity Division [or] within the Office of Procurement shall request in full all documents
9 and information required for renewal in writing to the certified business entity at least
10 ninety (90) days prior to the expiration date of the business entity's certification or the
11 expiration date shall be extended until ninety (90) days after the complete written request is
12 sent to the subject certified business entity.

13 [(j)] (g) In addition to the provisions of Subsection (g), above, the Purchasing Agent may utilize
14 an expedited process for any certification renewal under this Division, including the
15 submission of a (i) a "no change" affidavit, (ii) a copy of [a] the State of Maryland tax
16 return and federal tax return filed with the Internal Revenue Service establishing that the
17 business has operated within the County within the preceding twelve (12) months, and (iii) a
18 certificate of good standing with the Maryland State Department of Assessments and
19 Taxation, to satisfy the documentation requirements for certification renewal.

20 [(k)] (h) On a case by case basis, the Purchasing Agent may require additional information for
21 verification purposes at the Purchasing Agent's discretion.

22 [(l)] (i) A joint venture entity, where a County-based business, County-based minority business
23 enterprise, or County-based small business owns, without condition, a majority (more than
24 50%) of the joint venture entity's assets and is entitled, without condition, to a majority
25 (more than 50%) of the joint venture entity's revenues and profits, is eligible to be certified
26 as a County-based business, County-based minority business enterprise, or County-based
27 small business, respectively, provided that the majority ownership of the joint venture entity
28 satisfies the respective requirements of this Section.

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30 * * * * *

1 **Sec. 10A-164.01. Mentor-Protégé Program authorized.**

2 (a) The Purchasing Agent is authorized to establish a program (in this Subtitle, "Mentor-
3 Protégé Program") whereby a contractor (in this Section, "mentor contractor") may be
4 required, as a condition of qualification of a bid or proposal for a procurement authorized
5 under this Subtitle, to participate as a mentor in the Mentor-Protégé Program in accordance
6 with this Section ("Mentor-Protégé Program Requirement"). The Purchasing Agent, may
7 impose a Mentor-Protégé Program Requirement on a procurement by procurement basis, a
8 broader requirement on multiple procurements, or on procurements by industry area.

9 (1) **Mentor Protégé Program Requirement.** A mentor contractor shall comply with all of
10 the following to participate as a mentor in the Mentor-Protégé Program:

11 (A) The mentor contractor shall enter into a written mentor-protégé agreement
12 approved by the Purchasing Agent (in this Section, "mentor agreement") with
13 specific County-based small businesses or County-based minority business
14 enterprises to develop their capacity in becoming self-sufficient, competitive, and
15 profitable business enterprises through joint venture entities, prime and
16 subcontractor relationships, bonding and financial support, or other partnerships
17 approved by the Purchasing Agent;

18 (B) The County-based small businesses or County-based minority business
19 enterprises, or combination thereof, that have entered into the mentor agreement
20 as protégés, for a procurement with a Mentor-Protégé Program Requirement, shall
21 self-perform at least twenty (20) percent of the value of the procurement; and

22 (C) The mentor contractor and the protégé shall comply with the terms of the mentor
23 agreement.

24 (2) The Purchasing Agent shall have power to enter into service and reimbursement
25 agreements with associations of local businesses, local, state and federal small and
26 minority business assistance offices, and other organizations that provide assistance in the
27 recruitment and placement of County-based small businesses or County-based minority
28 business enterprises, pertaining to the provision of training and related assistance to
29 current or prospective County-based small businesses and County-based minority
30 business enterprises. The Purchasing Agent shall also have power to enter into

1 cooperative agreements with non-county agencies and entities for the inclusion of
2 additional procurement activities in the Mentor-Protégé Program.

3 (3) The Purchasing Agent may rescind any procurement award authorized under this Subtitle
4 with a Mentor-Protégé Program Requirement where they [the Director of Central
5 Services] determine[s] that the participating mentor contractor has failed to comply with
6 the terms of the mentor agreement.

7 * * * * *

8 **[Sec. 10A-180. Evaluation of County Construction Contractors.**

9 (a) The Purchasing Agent shall prepare and transmit a written report that shall include the
10 metrics required in this section to the County Council and the County Executive annually by
11 July 1.

12 (b) The Purchasing Agent shall collect and maintain the metrics on Contractors and
13 Subcontractors that are awarded construction contracts with the County.

14 (c) The metrics shall include:

15 (1) The number of Local Workers employed on the project.

16 (2) The amount of hours worked by the Local Workers on the project.

17 (3) The percentage of the overall project work hours worked by Local Workers on the
18 project.

19 (4) The wages paid to the Contractor's employees, benefits provided to employees, and any
20 other fringe benefits provided by the Contractor to its employees.

21 (5) The wages paid to the subcontractor's employees, benefits provided to employees, and
22 any other fringe benefits provided by the Contractor to its employees.

23 (6) The total number of County-based Minority Business Enterprises utilized on the contract,
24 the total amount paid to the County-based Minority Business Enterprise, the percentage
25 of the overall contract value paid to the County-based Minority Business Enterprise that
26 shall also be subcategorized by the number ,the amount paid, and the percentage of the
27 overall contract spent on (i) African American Business Enterprises, (ii) Asian-American
28 and Pacific Islander Business Enterprises, (iii) Latino Business Enterprises, (iv) Native
29 American Business Enterprises, (v) Veteran Business Enterprises, and (vi) Women's

- 1 Business Enterprises.
- 2 (7) The Agency contracting with the Contractor or Subcontractor.
- 3 (8) The performance of the Contractor or Subcontractor to include:
 - 4 (A) The Quality of work,
 - 5 (B) The timeliness of completion of the project,
 - 6 (C) The compliance with the budget; and
 - 7 (D) The regulatory compliance.
- 8 (9) Whether the contract is a new or initial award, existing, renewal, or an extension for that
- 9 fiscal year.
- 10 (10) Whether the contract was awarded by:
 - 11 (A) Competitive sealed bidding pursuant to Section 10A-112,
 - 12 (B) Competitive sealed proposal pursuant to Section 10A-113, or
 - 13 (C) Through contract negotiation or sole source contract pursuant to Section 10A-114
 - 14 specifying the reasons for not competitively bidding the procurement.
- 15 (11) Whether a First Source and Local Hiring Agreement was a condition to contracting
- 16 with the County.
- 17 (12) Whether the Contractor or Subcontractor has complied with or is in compliance with
- 18 the reporting requirement(s) of any subtitle, division, or subdivision of the Code.
- 19 (13) Whether any waiver(s) authorized by the Code were granted to the Contractor or
- 20 Subcontractor, the date of issuance of such waiver(s), any alternative minimum
- 21 percentages that were applied to the contract due to any such waiver(s), and a description
- 22 of the nature and justification for any such waiver(s).
- 23 (14) Whether any penalties or other compliance actions brought against the Contractor or
- 24 Subcontractor to enforce the requirements of this Division and, if so, a description of
- 25 those actions.
- 26 (15) Whether the contract awarded, renewed, or extended is in full compliance with this
- 27 Division.]
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SECTION 3. 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 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this ____ day of _____, 2026.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Krystal Oriadha
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Aisha N. Braveboy
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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