

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

Resolution No.

CR-101-2023

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Proposed and  
Presented by

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

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Introduced by

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

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Co-Sponsors

Date of Introduction

October 17, 2023

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**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 that  
 10 the County Purchasing Agent shall prepare, for action by the County Council, reasonable rules and  
 11 regulations governing emergency purchases, contracts, and services or material and equipment of  
 12 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 10A  
 16 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 contracts;  
 20 to provide assurance on the use of properly trained construction personnel; to provide Responsible  
 21 Contractor eligibility criteria and to require the use of Responsible Contractors in certain County  
 22 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 14<sup>th</sup> 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**

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**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**

\* \* \* \* \*

**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.

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**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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