

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

Bill No. CB-100-2025

Chapter No. 67

Proposed and Presented by (The Chair – by request of the County Executive)

Introduced by Council Member Watson

Co-Sponsors _____

Date of Introduction October 21, 2025

BILL

1 AN ACT concerning

2 Enhancement of County Procurement Practices

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-108, 10A-110.01, 10A-111, 10A-112, 10A-
10 113, 10A-114, 10A-114.01, 10A-115, 10A-121, 10A-
11 136, 10A-138, 10A-139, 10A-161, 10A-162, 10A-
12 162.01, 10A-163, and 10A-163.01.

13 The Prince George's County Code
14 (2023 Edition; 2024 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 10A-101, 10A-103, 10A-104, 10A,105, 10A-106, 10A-108, 10A-110.01,
17 10A-111, 10A-112, 10A-113, 10A-114, 10A-114.01, 10A-115, 10A-121, 10A-136, 10A-138,
18 10A-139, 10A-161, 10A-162, 10A-162.01, 10A-163, 10A -163.01 and of the Prince George's
19 County Code be and the same is hereby repealed and reenacted with the following amendments:

20 **SUBTITLE 10A. PURCHASING.**

21 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

1
2 **Sec. 10A-101. Definitions.**

3 * * * * *

4 (5.1) Commercial product means an item that is customarily used by the public or by non-
5 governmental entities for purposes other than governmental and is offered for sale in the
6 commercial marketplace.

7 (5.2) Commercial service means a service of a type offered for sale, used by the public or by
8 non-governmental entities.

9 (5.3) Commercially Available Off-the-Shelf (COTS) item means a commercial product sold in
10 substantial quantities in the commercial marketplace and offered to the County without
11 modification in the form in which it is sold in the marketplace.

12 * * * * *

13 (13) **County-based business** means a business whose principal place of operation is located
14 within Prince George's County, that meets the requirements of Section 10A-163(a), and whose
15 application for certification as a County-based business is approved by the Purchasing Agent.
16 Principal place of operation shall be determined by factors as set forth in the regulations. County-
17 based small businesses and County-based minority business enterprises are County-based
18 businesses in accordance with Section 10A-163 of this Subtitle.

19 * * * * *

20 (13.4) **County-located business** means a business, subject to certification by the Prince George's
21 County Office of [Central Services] Procurement in accordance with Section 10A-174, that;

22 * * * * *

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

* * * * *

(25.1) **Micro-purchase threshold** means the maximum dollar amount, as established by the Purchasing Agent through regulation, at or below which a procurement, currently set at five thousand dollars (\$5,000) may be conducted with minimal formalities. This includes purchases through the County’s purchase card program.

* * * * *

(28.1) **Non-developmental item** means an item that is already developed, at private expense, that is or has been offered for sale, or otherwise has been sold, used, or maintained by non-governmental entities.

(28.2) **Open market** means an unrestricted competitive market in which any buyer and seller is free to participate, which shall include, but not limited to, direct relationship purposes.

* * * * *

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

* * * * *

(32) **Proposal Analysis Group (PAG)** is an issue specific group which is responsible for [the] defining requirements [and drafting of Requests For Proposals, soliciting responses,] evaluating responses[,], and recommending the [top three] highest evaluated [providers] proposers to the Director of the Office of Procurement, as Purchasing Agent[,], for contracts for which competitive bidding is inappropriate.]

* * * * *

(35.1) **Quotation** means a written or electronic offer by a vendor to furnish goods, services, or construction under specified terms.

* * * * *

[(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.]

* * * * *

(39.2) **Simplified Procurement Procedures** means streamlined methods of procurement established by the Purchasing Agent for the purchasing of commercial supplies, services, or construction. These procedures may include the use of purchase orders, written or oral quotations, blanket purchase agreements, purchasing cards, and other methods authorized by the Purchasing Agent.

[(39.2)] **39.3 Small business concern** means a small business concern as defined pursuant to Section 3 of the Small Business Act and United States Small Business Administration regulations implementing it at 13 CFR Part 12.1, that also does not exceed the cap on average annual gross receipts specified in United States Department of Transportation Regulations 49 at CFR 26.65(b).

[(39.4) **Small Purchase** means procurement of goods, services, or construction not exceeding the threshold established by the Purchasing Agent pursuant to regulation.

[(39.3)] (39.5) **Socially and economically disadvantaged individual** means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is—

* * * * *

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

1 authority over, and shall adopt regulations consistent with this Subtitle, governing the
2 procurement [, management, control, and disposal of any and all supplies,] services,
3 construction, insurance, and other items required to be procured by the County.

4 (c) No agency shall, during any fiscal year, expend or contract to expend any money or incur
5 any liability or enter into any contract which by its terms involves the expenditure of
6 money for any purpose in excess of the amounts appropriated or allotted for the same
7 general classification of expenditure in the budget for such fiscal year, or in any
8 supplemental appropriation as hereinabove provided; and no such payment shall be made
9 nor any obligation or liability incurred. [, except for purchases in an amount not to exceed
10 One Thousand Dollars (\$1,000), unless the Director of Finance or his designee shall first
11 certify that the funds for the designated purpose are available.]

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

18 * * * * *

19
20 **Sec. 10A-104. Authority and duties of the Purchasing Agent.**

21 (a) The Purchasing Agent shall have the following specific authorities and responsibilities:

22 (1) To [procure] sign contracts and agreements for all supplies, services, and construction
23 for which payment, in whole or in part, is to be made out of County funds;

24 [(2) To develop and operate a system of property inventory control and exercise supervision
25 and control over all central warehouses and inventories of property belonging to the County
26 in accordance with procedures established by the Director of Finance];

27 [(3)] (2) To establish and maintain, after consultation with the appropriate County officials,
28 a program for the development and use of procurement specifications and standards for all
29 supplies, materials, and equipment and the inspection and testing of all supplies, services,

- 1 and construction to insure compliance with such specifications and standards;
- 2 [(4)] (3) To establish and maintain a system of requisitions and receipts concerning the
- 3 furnishing of supplies, services, and construction to County agencies;
- 4 [(5)] To sell or dispose of surplus, forfeited, old, and waste supplies;]
- 5 [(6)] (4) To participate in joint or cooperative procurement with other public jurisdictions;
- 6 [(7)] (5) To maintain records and reports of all procurement activities of the County;
- 7 [(8)] (6) To delegate limited procurement authority to County employees, to include Office
- 8 of Procurement staff and external agency personnel, pursuant to procedures issued by the
- 9 Purchasing Agent as may be deemed necessary for the efficient operation of the County's
- 10 purchasing program;
- 11 [(9)] (7) To appoint procurement officers who shall be employees selected in accordance
- 12 with Subtitle 16 of this Code;
- 13 [(10)] (8) To appoint a contract review committee as defined by the regulations; and
- 14 [(11)] (9) The review of and decision on contract claims arising under Section 10A-107.
- 15 (10) The review of and decision on Emergency Procurements.

16 **Sec. 10A-105. Regulations and procedures.**

17 * * * * *

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

- 21 (1) Sole source procurements;
- 22 (2) Emergency procurements; and
- 23 (3) Special circumstance procurements. [; and
- 24 (4) Minority Business Opportunities program.]

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

28 (d) Notwithstanding this Section, [not less than once every five (5) years] on an annual basis, the
29 Purchasing Agent shall evaluate the need for amendments to any approved rule or regulation.

1 Such determinations shall be reviewed and approved by the County Executive or designee and
2 submitted to the County Council.

3 * * * * *

4 (g) Simplified Procurement Procedures.

5 (1) For procurements determined to involve commercial products or commercial services
6 (as defined in Section 10A-101), the County shall apply streamlined solicitation
7 procedures and contract terms. Specifications shall favor performance or function-based
8 descriptions over detailed design or excessive technical specificity, when commercial
9 items or services can satisfy the requirement.

10 (2) Procurement of commercial products/services may allow fewer formalities: abbreviated
11 solicitations, more rapid turnaround, and simplified evaluation criteria or documentation,
12 consistent with fairness and County law.

13 (3) Misuse of commercial acquisition procedures, including misclassification of non-
14 commercial requirements as commercial to avoid required procedures, failure to conduct
15 required market research, or inclusion of unnecessarily burdensome contract clauses, may
16 subject the procurement to corrective review.

17 (h) Market Research Requirement.

18 Market research should be conducted for all procurements. The results of such market
19 research shall be documented and maintained with all contract files and purchase card
20 records.

21
22 (i) Acceptance, Warranty, and Termination.

23 For commercial procurements, contract terms for acceptance, warranty, and termination
24 may follow customary commercial practice unless the County determines that additional
25 protections are required due to risk, urgent need, or public interest.

26 (j) Training and Guidance.

27 The Purchasing Agent shall develop and make available guidance materials and provide
28 training for County procurement staff in applying commercial acquisition principles,
29 including how to make commercial determinations, conduct market research, prepare

1 performance-based specifications, and tailor contract terms and requirements.

2
3 (k) Micro-purchases.

4 (1) For purchases not exceeding the micro-purchase threshold (as defined in Section 10A-
5 101), County agencies may employ minimal formality procedures, including the use of
6 purchase cards and written quotes while maintaining accountability.

7 (2) Such regulations shall include appropriate requirements for County-based small business
8 and minority business participation but shall not require competition.

9
10 * * * * *

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

12 (a) Each determination or decision on any matter required by the provisions of this Subtitle to be
13 in writing shall be based upon written findings of the [officer] Procurement Officer or the
14 Purchasing Agent making the determination or decision and shall be retained in the official
15 contract file.

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

20 * * * * *

21 **Sec. 10A-108. - Exemptions.**

22 (a) Unless otherwise ordered by the Purchasing Agent, the acquisition of the following
23 supplies and services shall not be subject to Divisions 2, 6, and 7:

24 (16) Purchases that do not exceed [two thousand five hundred dollars (\$2500)] five
25 thousand dollars (\$5000).

26 * * * * *

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

28 (a) Contracts effective prior to November 15, 2016, are not subject to the participation
29 requirements of this Subtitle. The contracts subject to the grandfather clause shall not

1 exceed two (2) one-year term extensions.]

2 * * * * *

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

5 * * * * *

6 **Sec. 10A-111. – Methods of awarding contracts.**

7 (a) Except as otherwise authorized by law, all County contracts shall be awarded by:

- 8 (1) Competitive sealed bidding;
- 9 (2) Competitive [sealed] proposal process;
- 10 (3) Contract negotiation; or
- 11 (4) Small purchase procedures.
- 12 (5) Simplified procurement procedures

13 (b) No contract or purchase shall be subdivided to avoid the [competitive bidding and
14 competitive sealed proposal] requirements of this Subtitle.

15 (c) If a bidder or offeror subcontracts any portion of a County Contract, a written contract
16 between the contractor and subcontractor shall be submitted prior to the award of the County
17 Contract.

18
19 **Sec. 10A-112. – Competitive sealed bidding.**

20 * * * * *

21 (g) When a procurement qualifies under simplified procurement procedures per Section 10A-
22 105(g), the solicitation may:

- 23 1. Use performance or function-based specifications rather than detailed technical design;
- 24 2. Allow offerors to propose commercial items that meet functional requirements;
- 25 3. Include only necessary contract clauses customary in commercial practice; and
- 26 4. Shorten submission periods, reduce number of required solicitations, as regulation
27 allows, provided fairness and transparency are maintained.

28
29 **Sec. 10A-113. Competitive [sealed] proposal process.**

1 (a) When the Purchasing Agent determines that competitive sealed bidding is not practical or not
2 advantageous to the County, a contract may be awarded based upon a competitive [sealed]
3 proposal process.

4 (b) Competitive [sealed] proposals may be solicited by a Request for Proposals, Request for
5 Quotation, or a Request for Qualifications, along with such additional content as may be deemed
6 appropriate by the Purchasing Agent or designee. [The] [r]Request[s] for [p]Proposals, Request
7 for Quotation, or a Request for Qualifications may be awarded on a Best Value basis and may
8 state the relative importance of price and other evaluation factors. Price may not be the sole
9 evaluation factor. Numerical ratings may be used at the discretion of the Purchasing Agent.

10 (c) Public notice of the [r]Requests for [p]Proposals, Request for Quotation, or a Request for
11 Qualifications shall be given in the same manner as public notice for competitive [sealed] bids.

12 * * * * *

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

18 * * * * *

19 (h) The [Director of Central Services] Purchasing Agent shall review the recommendations of
20 the Proposal Analysis Group and direct the Proposal Analysis Group to negotiate a contract with
21 one of the top three offerors whose proposal and best and final offer is determined to be the most
22 advantageous to the County, in accordance with the evaluation factors set forth in the Request for
23 Proposals.

24 (i) The Proposal Analysis Group shall forward the final negotiated contract to the [Director of
25 Central Services] Purchasing Agent for approval.

26 (j) This process shall allow streamlining under simplified procurement procedures: performance
27 or function-based specs; fewer contract clauses; shorter timelines.

28
29 * * * * *

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

2 * * * * *

3 (f) Under simplified procurement procedures, negotiation timelines, required documentation, or
4 contract clauses may be reduced to the extent consistent with law, policy, and fairness.

7 **Sec. 10A-114.01. – Commercial Products and Services Clause.**

8 (a) When the procurement involves commercial products or commercial services, as
9 defined in Section 10A-101, the solicitation may specify commercial-standard contract
10 terms, and offerors may rely upon performance or function-based specifications. The
11 County may waive inclusion of non-statutory clauses that are inconsistent with
12 commercial practice, provided that doing so does not conflict with legal or regulatory
13 requirements.

14 (b) This clause applies to all procurements under Section 10A-112, Section 10A-113 and
15 Section 10A-114.

16 * * * * *

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

18 [(a)
19 Any contract not expected by the Purchasing Agent at the time price quotations are solicited to
20 exceed an aggregate amount of One Hundred Thousand Dollars (\$100,000) for goods and
21 services or construction, may be entered into according to a simplified small purchase procedure
22 set forth in regulations. Such regulations shall include appropriate requirements for obtaining
23 competition and County-based small business and minority business participation. Any
24 procurement for goods or services not expected to exceed Ten Thousand Dollars (\$10,000) may
25 be entered into according to a simplified micro-purchase procedure set forth in regulations. Such
26 regulations shall include appropriate requirements for County-based small business and minority
27 business participation but shall not require competition.

28 (b)
29 The Purchasing Agent may delegate the authority to enter into small purchase contracts to using

1 agencies pursuant to the regulations authorized in Subsection (a).

2 (c)

3 The Purchasing Agent shall consolidate similar requirements of using agencies for purposes of
4 achieving maximum volume discounts, whenever practicable.

5 (d)

6 For contracts that use a simplified purchase procedure prescribed in Subsection (a),
7 the Purchasing Agent or the Purchasing Agent's designee shall reserve such contracts for
8 County-based small businesses, provided, however, the Purchasing Agent or
9 the Purchasing Agent's designee shall not be required to reserve the contract if
10 the Purchasing Agent or the Purchasing Agent's designee determines in writing that

11 (1)

12 there are not at least two (2) County-based small businesses that are responsive bidders to the
13 procurement or

14 (2)

15 a County-based small business cannot offer a reasonable price for the contract with the inclusion
16 of any bonus authorized under this Subtitle. In this Section, "reasonable price" means within
17 twelve percent (12%) above the best price on the open market.

18 (e)

19 Prior to making a written determination required under Subsection (d), above,
20 the Purchasing Agent or the Purchasing Agent's designee shall review the database of County-
21 based small businesses designated and maintained by the Supplier Development and Diversity
22 Division to contact or otherwise gather information about the availability and pricing of County-
23 based small businesses for the contract.

24 (f)

25 The Purchasing Agent or the Purchasing Agent's designee may concurrently request prices on the
26 open market and among County-based small businesses for procurements subject to this Section
27 in order to expedite pricing determinations.

28 (g)

29 Purchases that do not exceed two thousand five hundred dollars (\$2500) shall not be subject to

1 Subsections (d), (e) and (f) of this Section.]

2 (a) This Section establishes the authority, definition, and process for Small Purchases to
3 promote efficiency, transparency, and fair competition, while ensuring appropriate
4 oversight of low-dollar procurements. This shall be applicable to all procurements that
5 meet the definition of a Small Purchase, except:

- 6 1. Transactions made using the County's purchase card program, which are governed by
7 separate policies;
- 8 2. Procurements expressly exempted by law or regulation.

9 (b) Procedures

10 1. Initiation

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

13
14
15 2. Requests for Quotes

16 [A. Purchases between \$5,000 and the small purchase threshold of \$250,000 shall
17 require at least three (3) written or electronic quotes from responsible vendors,
18 when practicable. Two (2) of which must be County-based if applicable. If quotes
19 from County-based businesses are not available, a waiver will be required to be
20 submitted with the purchase request.

21 B. Quotes will be evaluated based on price, quality, delivery, past performance, and
22 compliance with County requirements.

23 C. All, quotes, evaluations, and award determinations shall be maintained in the
24 procurement file and be available for audit.

25 D. Micro-purchases will utilize the purchase card rules and regulations. If the
26 purchase card is not accepted, the agency will submit the procurement to the
27 Purchasing Agent.]

- 1 A. Purchases between \$5,000 and the small purchase threshold of \$250,000
2 shall require at least three (3) written or electronic quotes from responsible
3 vendors, when practicable; two (2) of which must be from a County-based
4 small business.
- 5 B. If quotes from a County-based small business are not available, quotes shall
6 be required from the following: a County-based business, County-based
7 minority business enterprise, County-located business or Locally-owned
8 and operated business. When none of these are available, quotes will be
9 accepted from a minority business enterprise.
- 10 C. In the event that a County-based small business cannot offer a reasonable
11 price, the Purchasing Agent, or the Purchasing Agent's designee, will not
12 reserve the procurement for a County-based small business. In this Section,
13 "reasonable price" means within ten percent (10%) above the best price on
14 the open market.
- 15 D. If quotes from the diverse suppliers listed under Sec. 10A-105(b)(2)(A) or
16 Sec. 10A-105(b)(2)(B) are not available, a waiver will be required to be
17 submitted with the purchase request.
- 18 E. Quotes will be evaluated based on price, quality, delivery, past performance,
19 and compliance with County requirements.
- 20 F. All quotes, evaluations, and award determinations shall be maintained in the
21 procurement file and be available for audit.
- 22 G. Micro-purchases will utilize the purchase card rules and regulations. If the
23 purchase card is not accepted, the agency will submit the procurement to the
24 Purchasing Agent.
- 25 H. Prior to making a written determination, the Purchasing Agent or the
26 Purchasing Agent's designee shall review the database of County-based
27 small businesses designated and maintained by the Supplier Development
28 and Diversity Division to contact or otherwise gather information about the
29 availability and pricing of County-based small businesses for the contract.

I. Purchases that do not exceed five thousand dollars (\$5,000) shall not be subject to Subsections (B, (C) and (D) of this Section.

3. Award

[A. The Purchasing Agent will award a contract or purchase order. 5

B. Awards shall be made by contract, purchase order or written agreement 6 including applicable County terms and conditions.]

A. The Purchasing Agent will award a contract, purchase order or written agreement including applicable County terms and conditions.

(c) Oversight

1. The Purchasing Agent shall issue regulations detailing forms, dollar thresholds, and approval authorities.

(d) Adjustments

1. The Purchasing Agent may, by regulation, adjust the small purchase threshold to reflect economic conditions and shall notify all agencies in writing at least sixty (60) days prior to implementation.

(e) Non-compliance

1. Any procurement not conducted in accordance with this Section is unauthorized, maybe invalidated, and may subject the responsible officials to corrective or disciplinary action.

* * * * *

Sec. 10A-121. - Prevailing wage rate.

(a) [Each Invitation for Bids on] All contracts subject to the County prevailing wage law shall include the requirement that not less than the prevailing rates of pay, as established by the Wage Determination Board, be paid to those classes of employees of contractors and subcontractors established by the Wage Determination Board.

(b) [Each Invitation for Bids on] All service contracts subject to the wage requirements of [Section 10A-144](#) shall include the requirement that not less than the minimum rates of pay shall be paid to employees performing work under the contract.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

* * * * *

SUBTITLE 10A. PURCHASING.

DIVISION 6. – SPECIAL PROVISIONS

SUBDIVISION 1. [MINORITY BUSINESS OPPORTUNITIES PROGRAM] SUPPLIER DEVELOPMENT & DIVERSITY PROGRAM.

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

* * * * *

Sec. 10A-138. - Reports.

The Purchasing Agent will maintain records and statistics on contract bids and awards and transmit annually in accordance with the requirements under Section 10A-176 by January 1 of each year. [by July 1, a report to the County Executive and the County Council that summarizes progress and efforts made to achieve the goals stated in Divisions 6 and 7 of this Subtitle. The report shall identify problems encountered or anticipated in meeting those goals, and shall, at a minimum, contain the number, dollar amount, and method of award of all contracts and subcontracts awarded minority business enterprises, County-based business, County-based minority business enterprise, County-based small business, and County-located business. The report shall include the number and nature of the waivers for contracts over Five Hundred Thousand Dollars (\$500,000) approved by the Chief Administrative Officer pursuant to 10A-159.01.]

* * * * *

Sec. 10A-139. - Penalties.

It is unlawful for a person to knowingly misrepresent his or her status as a minority business enterprise, [or] County-based Minority Business Enterprise, County-based small business, County-located business, or Locally-owned and Operated Business for purposes of

1 obtaining a County contract, and is subject to the penalty stated in Section 1-123 of this Code.

2 * * * * *

3
4
5 **SUBTITLE 10A PURCHASING**
6 **DIVISION 7. ECONOMIC DEVELOPMENT**

7 **Sec. 10A-161. - County-based business participation requirements.**

8 * * * * *

9 (3) Any existing procurement contract or agreement [entered into after November 15,
10 2016 and] for which a County agency or the County government secured competitive
11 bids or proposals, including any existing multiyear contract or extended contract[, entered
12 into after November 15, 2016] that does not include at least fifty percent (50%) minimum
13 certified County-based small business, County-based minority business enterprise, and/or
14 Locally-owned and Operated Business participation as prescribed in this Subsection at
15 the time of any contemplated exercise of an option, extension, or renewal, including
16 automatic extensions or renewals (e.g. "evergreen" contracts or agreements), shall not be
17 renewed or extended unless the participation requirement is waived pursuant to Section
18 10A-159.01.

19 * * * * *

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

24 (1) A County agency shall not be required to set aside a procurement for County-based
25 small businesses under this Subsection if there are not at least two (2) County-based small
26 businesses that can sufficiently provide the services or goods which are the subject of the
27 procurement. For procurements subject to 10A-112, a County agency may also refuse to set
28 aside a procurement for County-based small businesses under this Subsection if the agency
29 determines that the lowest County-based small business bid is for a price that is twelve

1 percent (12%) or more above the likely price on the open market.

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

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

16 (k) The Purchasing Agent may waive the requirements of Subsection (c) of this Section for
17 a procurement if the Purchasing Agent certifies in writing that such a requirement would
18 result in the loss of federal or state funds, subject to the requirements of Section 10A-
19 159.01.

20 * * * * *

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

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

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

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

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

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

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

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

28 (c) [(e)] If a County agency fails to meet any of the goals set forth in Subsection (a) of this
29 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-162.01. – Compliance with local preferences.

(a) All procurements under micro-purchase, small purchase, or simplified procurement procedures shall comply with County-based small business participation requirements, set-asides, certification requirements, and local business goal provisions as set out in Section 10A-161 and Section 10A-162, or other relevant sections.

* * * * *

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

* * * * *

(h) 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 Diverse Supplier Certifications.

(a) All diverse supplier 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, County-based Minority Business Enterprise 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.

* * * * *

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.

1
2

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

Adopted this 18th day of November, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs III
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.

* * * * *