

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2020 Legislative Session

Reference No.:	CB-013-2020
Draft No.:	2
Committee:	Committee of the Whole
Date:	06/09/2020
Action:	FAV (A)

REPORT: Favorable as Amended 11-0: Council Members Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Hawkins, Ivey, Harrison, Streeter and Taveras

The County Council sitting as the Committee of the Whole on Tuesday, June 9, 2020 to consider CB-13-2020. Jonathan Butler, Director of the Office of Central Services, provided an overview of the bill which aims to simplify, streamline and reduce barriers within the County's procurement process through the modernization of procurement practices. It refines definitions to provide clarity to using agencies and vendors. The office dimensions requirement is removed in order to incentivize business to locate in the County and obtain County certification. Bidders and Offerors will be on notice that a debriefing will be held after award of contract, rather than expecting a debriefing upon request. To streamline the procurement process, exemptions under 10A-108 is expanded to include cooperative purchases to maximize the economies of scale in procuring services and goods and authorizes the Purchasing Agent to determine when it is impracticable to issue a solicitation for goods or services, with the caveat that purchases will be made in the best interest of the County, *supplier diversity*, price and other factors considered. Section 10A-112 provides the ability to award a competitive sealed bidding contract to lowest responsive, responsible bidder to ensure competitive pricing on goods and services. The section also adds the Multi-Step procurement process which consist of a technical submission to evaluate capability, responsiveness in addition to a bid price. If technical proposal is acceptable, the bid price is opened and awarded to lowest responsive responsible bidder to make sure the County is receiving competitive pricing from a capable bidder. Section 10A-113 requires competitive sealed proposals be awarded based upon Best Value, where price is not sole evaluation factor.

Section 10A-115 Small Purchase was revised to simplify the small procurement process and reduce the administrative burden on staff. Purchases not exceeding aggregate amount of \$100,000 (formerly \$30,000) may be procured under a simplified, small purchase process to include appropriate requirements for obtaining competition and County-based small and minority business participation. 10A-115 also added an expedient micro-purchase process for

procurements not exceeding \$10,000 to include mandatory County-based small business and minority business enterprise participation but does not require competition. Section 10A-137, Contract Monitoring was updated by removing the term Commission and replaced with the *Contract Compliance Unit*. Section 10A-159.01 (2) Waiver was amended to allow the Purchasing Agent designee with authority to grant waivers for \$25,000 or less in order to facilitate the fluid processing of waivers. Pursuant to Section 10A-163.01, the Purchasing Agent may grant temporary certification for applicants seeking County-based business, County-based small business and/or County-located business in order to encourage non-certified businesses located in or outside of Prince George's County to become certified in accordance with existing regulations while such businesses simultaneously pursue procurement opportunities targeting such certifications.

The Office of Law reports CB-013-2020 to be in proper legal form with no impediments to its enactment.

The Prince George's Chamber of Commerce Supports CB-013-2020.

During the Committee of the Whole, the Committee amended the bill to require periodic reports on the Modernization Act.

After discussion, the County Council sitting as the Committee of the Whole voted CB-013-2020 out favorably as amended, 11-0.