
By: Senator Hafer

Introduced and read first time: January 29, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County - Procurement - Local Preference**

3 FOR the purpose of authorizing the County Commissioners of Garrett County to
4 establish a local percentage preference applicable to competitively bid contracts;
5 specifying provisions that an ordinance or resolution establishing a preference shall
6 include; authorizing the County Commissioners to provide that a preference is
7 unavailable under certain contracts or is available to an out-of-county business
8 under certain circumstances; authorizing the County Commissioners to establish
9 additional eligibility requirements; capping the amount of a preference; providing
10 that a local preference is not available under specified circumstances; defining a
11 certain term; and generally relating to authorization for the County Commissioners
12 of Garrett County to establish a local percentage preference for certain
13 procurements.

14 BY adding to

15 The Public Local Laws of Garrett County
16 Section 20-14.1
17 Article 12 - Public Local Laws of Maryland
18 (1985 Edition and December 1996 Supplement, as amended)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 12 - Garrett County**

22 20-14.1.

23 A. IN THIS SECTION, "LOCAL BUSINESS" MEANS A BUSINESS THAT
24 MAINTAINS AN ACTIVE BONA FIDE BUSINESS IN GARRETT COUNTY AS DEFINED AND
25 EVIDENCED BY CRITERIA SET BY THE COUNTY COMMISSIONERS BY ORDINANCE OR
26 RESOLUTION.

27 B. THE COUNTY COMMISSIONERS MAY ESTABLISH BY ORDINANCE OR
28 RESOLUTION A LOCAL PERCENTAGE PREFERENCE, NOT TO EXCEED 2%, UNDER
29 WHICH A QUALIFYING LOCAL BUSINESS THAT SUBMITS A RESPONSIVE BID THAT
30 EXCEEDS THE LOWEST RESPONSIVE BID BY A BUSINESS THAT IS NOT A LOCAL
31 BUSINESS BY NOT MORE THAN THE SPECIFIED PERCENTAGE MAY BE AWARDED THE
32 CONTRACT.

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1 C. AN ORDINANCE OR RESOLUTION THAT ESTABLISHES A LOCAL
2 PREFERENCE:

3 (1) SHALL PROVIDE THAT THE LOCAL PREFERENCE SHALL BE
4 AVAILABLE TO A PERSON THAT OPERATES AN ACTIVE BONA FIDE BUSINESS IN
5 GARRETT COUNTY AS EVIDENCED IN ACCORDANCE WITH THE TERMS OF THE
6 ORDINANCE OR RESOLUTION;

7 (2) MAY ESTABLISH ADDITIONAL ELIGIBILITY REQUIREMENTS FOR A
8 BUSINESS TO QUALIFY TO RECEIVE A PREFERENCE;

9 (3) MAY PROVIDE THAT THE PREFERENCE IS AVAILABLE TO AN
10 OUT-OF-COUNTY BUSINESS IF, AS PART OF THE CONTRACT, THE BUSINESS AGREES
11 TO SUBCONTRACT WITH ONE OR MORE LOCAL BUSINESSES FOR A SPECIFIED
12 PERCENTAGE OF WORK UNDER THE CONTRACT; AND

13 (4) SHALL PROVIDE THAT THE LOCAL PERCENTAGE PREFERENCE IS
14 ONLY AVAILABLE IF THE BUSINESS ELIGIBLE FOR THE PREFERENCE REQUESTS THE
15 PREFERENCE WHEN BIDDING ON THE CONTRACT.

16 D. AN ORDINANCE OR RESOLUTION ADOPTED UNDER THIS SECTION MAY
17 RESERVE TO THE COUNTY COMMISSIONERS THE RIGHT TO PROVIDE IN A
18 SOLICITATION FOR COMPETITIVE BIDS THAT A LOCAL PERCENTAGE PREFERENCE IS
19 NOT AVAILABLE UNDER THE CONTRACT.

20 E. A LOCAL PREFERENCE IS NOT AVAILABLE UNDER ANY CONTRACT IF THE
21 COUNTY COMMISSIONERS DETERMINE THAT THE PREFERENCE WOULD BE
22 INCONSISTENT WITH THE PROVISIONS OF ANY APPLICABLE FEDERAL OR STATE
23 GRANT OR PROGRAM.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 1997.