

HOUSE BILL 634

F3, P2

5lr0454

By: **Prince George's County Delegation**

Introduced and read first time: February 12, 2015

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County Board of Education – Authority to Establish a Certified**
3 **County–Based Business Participation Program**

4 **PG 408–15**

5 FOR the purpose of ~~requiring~~ authorizing the ~~Chief Executive Officer of the Prince George's~~
6 ~~County public school system and the~~ Prince George's County Board of Education,
7 after consultation with the Chief Executive Officer, to establish and implement a
8 Certified County–Based Business Participation Program to be used in county board
9 procurement; requiring, if the county board exercises certain authority, the Chief
10 Executive Officer of the Prince George's County public school system and the county
11 board to establish certain goals and requirements for the Program and to consult
12 with the Prince George's County Council in the establishment and implementation
13 of the Program; authorizing the Chief Executive Officer and the county board to use
14 certain incentives and bonuses to achieve certain Program goals and requirements;
15 requiring the county board and the county council to enter into a certain
16 memorandum of understanding under certain circumstances; requiring the ~~Chief~~
17 ~~Executive Officer and the~~ county board, after consultation with the Chief Executive
18 Officer, to submit a report on the Program to certain delegations of the General
19 Assembly and certain county officials on or before a certain date each year; ~~requiring~~
20 ~~the Chief Executive Officer and the county board to submit a certain preliminary~~
21 ~~report to certain delegations of the General Assembly and certain county officials on~~
22 ~~or before a certain date;~~ defining certain terms; and generally relating to the
23 authority to establish a Certified County–Based Business Participation Program in
24 Prince George's County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Education
 3 Section 4–125.1
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2014 Supplement)

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

8 **Article – Education**

9 **4–125.1.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 11 INDICATED.

12 (2) “CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION” HAS THE
 13 MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE
 14 GEORGE’S COUNTY.

15 (3) “CERTIFIED COUNTY–BASED MINORITY BUSINESS
 16 PARTICIPATION” HAS THE MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC
 17 LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

18 ~~(3)~~ (4) “CHIEF EXECUTIVE OFFICER” MEANS THE
 19 SUPERINTENDENT OF THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM AS
 20 DEFINED IN § 4–102(A)(3) OF THIS SUBTITLE.

21 ~~(4)~~ (5) “COUNTY–BASED BUSINESS” HAS THE MEANING STATED IN
 22 § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S COUNTY.

23 (6) “COUNTY–BASED MINORITY BUSINESS ENTERPRISE” HAS THE
 24 MEANING STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE
 25 GEORGE’S COUNTY.

26 ~~(5)~~ (7) “COUNTY–BASED SMALL BUSINESS” HAS THE MEANING
 27 STATED IN § 10A–101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE’S
 28 COUNTY.

29 ~~(6)~~ (8) “COUNTY BOARD” MEANS THE PRINCE GEORGE’S COUNTY
 30 BOARD OF EDUCATION.

1 ~~(7)~~ (9) (I) “PROCUREMENT” MEANS THE PROCESS OF BUYING,
2 LEASING, LEASE-PURCHASING, OR OTHERWISE OBTAINING SUPPLIES, SERVICES, OR
3 CONSTRUCTION.

4 (II) “PROCUREMENT” INCLUDES ALL FUNCTIONS THAT RELATE
5 TO THE PROCESS OF OBTAINING SUPPLIES, SERVICES, OR CONSTRUCTION,
6 INCLUDING:

7 1. DESCRIPTION OF REQUIREMENTS;

8 2. SELECTION AND SOLICITATION OF SOURCES; AND

9 3. PREPARATION, AWARD, AND EXECUTION OF A
10 CONTRACT.

11 ~~(8)~~ (10) “PROGRAM” MEANS THE CERTIFIED COUNTY-BASED
12 BUSINESS PARTICIPATION PROGRAM THAT MAY BE ESTABLISHED UNDER THIS
13 SECTION.

14 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.

15 (C) THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY BOARD, AFTER
16 CONSULTATION WITH THE ~~COUNTY BOARD~~, SHALL CHIEF EXECUTIVE OFFICER,
17 MAY ESTABLISH AND IMPLEMENT A CERTIFIED COUNTY-BASED BUSINESS
18 PARTICIPATION PROGRAM TO BE USED IN COUNTY BOARD PROCUREMENT.

19 (D) ~~THE CHIEF EXECUTIVE OFFICER AND~~ IF THE COUNTY BOARD
20 EXERCISES THE AUTHORITY GRANTED IN SUBSECTION (C) OF THIS SECTION, THE
21 COUNTY BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL:

22 (1) CONSULT WITH THE PRINCE GEORGE’S COUNTY COUNCIL, OR ITS
23 AGENCIES OR AGENTS, ON THE ESTABLISHMENT AND IMPLEMENTATION OF THE
24 PROGRAM; AND

25 (2) ESTABLISH GOALS AND REQUIREMENTS FOR THE PROGRAM,
26 ~~INCLUDING~~ THAT MAY INCLUDE:

27 (I) MINIMUM PERCENTAGES FOR CERTIFIED COUNTY-BASED
28 BUSINESS PARTICIPATION;

29 (II) UTILIZATION OF COUNTY-BASED SMALL BUSINESSES; ~~AND~~

30 (III) MINIMUM GOALS AND INCENTIVES FOR MAXIMIZING
31 CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION; AND

1 ~~(H)~~ (IV) THE GOALS ESTABLISHED UNDER § 4-125(D) OF THIS
2 SUBTITLE.

3 (E) TO ACHIEVE THE DESIGNATED GOALS OF THE PROGRAM, THE ~~CHIEF~~
4 ~~EXECUTIVE OFFICER~~ COUNTY BOARD AND THE ~~COUNTY BOARD~~ CHIEF EXECUTIVE
5 OFFICER MAY USE INCENTIVES AND BONUSES, INCLUDING:

6 (1) MANDATORY SET-ASIDE PROCEDURES;

7 (2) MANDATORY SUBCONTRACTING PROCEDURES WITH
8 REASONABLE WAIVER PROVISIONS;

9 (3) THE APPLICATION OF BONUS POINTS;

10 (4) THE APPLICATION OF PERCENTAGE POINTS;

11 (5) RESTRICTIVE BIDDING;

12 (6) RESTRICTIVE PRICE QUOTATIONS;

13 (7) THE REDUCTION OR WAIVER OF BONDING REQUIREMENTS; AND

14 (8) INCENTIVES TO ENCOURAGE MAXIMUM PARTICIPATION BY:

15 (I) CERTIFIED COUNTY-BASED SMALL BUSINESSES; AND

16 (II) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED
17 BUSINESSES.

18 (F) IF THE COUNTY BOARD EXERCISES THE AUTHORITY GRANTED IN
19 SUBSECTION (C) OF THIS SECTION, THE COUNTY BOARD AND THE COUNTY COUNCIL
20 SHALL ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING OUTLINING THE
21 COUNTY BOARD'S GOALS AND COMMITMENT TO IMPLEMENTING THE PROGRAM.

22 ~~(F)~~ (G) ON OR BEFORE DECEMBER 1, ~~2016~~ 2015, AND EACH YEAR
23 THEREAFTER, THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY BOARD, AFTER
24 CONSULTATION WITH THE ~~COUNTY BOARD~~ CHIEF EXECUTIVE OFFICER, SHALL
25 SUBMIT A REPORT TO THE PRINCE GEORGE'S COUNTY DELEGATIONS TO THE
26 HOUSE OF DELEGATES AND SENATE OF MARYLAND, THE PRINCE GEORGE'S
27 COUNTY COUNCIL, AND THE PRINCE GEORGE'S COUNTY EXECUTIVE, IN
28 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT
29 SPECIFIES:

1 (1) ~~EVALUATES THE RESULTS OF THE PROGRAM~~ THE RESPECTIVE
 2 PERCENTAGES AND DOLLAR AMOUNTS OF CERTIFIED COUNTY-BASED BUSINESS
 3 PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION,
 4 AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN COUNTY
 5 BOARD PROCUREMENT FOR THE PREVIOUS FISCAL YEAR; AND

6 (2) ~~MAKES APPROPRIATE RECOMMENDATIONS~~ THE EFFORTS BY THE
 7 COUNTY BOARD AND THE CHIEF EXECUTIVE OFFICER IN THE PREVIOUS FISCAL
 8 YEAR TO ENCOURAGE GREATER CERTIFIED COUNTY-BASED BUSINESS
 9 PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION,
 10 AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN COUNTY
 11 BOARD PROCUREMENT.

12 SECTION 2. AND BE IT FURTHER ENACTED, ~~That, on or before December 1,~~
 13 ~~2015, the Chief Executive Officer, after consultation with the Prince George's County Board~~
 14 ~~of Education, shall issue a preliminary report to the Prince George's County delegations to~~
 15 ~~the House of Delegates and Senate of Maryland, the Prince George's County Council, and~~
 16 ~~the Prince George's County Executive, in accordance with § 2-1246 of the State~~
 17 ~~Government Article, on:~~

18 (1) ~~the status of the establishment and implementation of the Certified~~
 19 ~~County Based Business Participation Program; and~~

20 (2) ~~any consultations, agreements, or memoranda of understanding with a~~
 21 ~~unit of local government in Prince George's County on implementation of the Certified~~
 22 ~~County Based Business Participation Program.~~

23 ~~SECTION 3. AND BE IT FURTHER ENACTED,~~ That this Act shall take effect July
 24 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.