

HOUSE BILL 1016

L5, P2

51r0458

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

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2015

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission –~~Prince George's~~**
3 **~~County~~ – Certified County–Based Business Participation Program**

4 **MC/PG 113–15**

5 FOR the purpose of ~~requiring~~ authorizing the Maryland–National Capital Park and
6 Planning Commission, in consultation with the governing body of ~~Prince George's~~
7 ~~County~~ a certain county, to establish a Certified County–Based Business
8 Participation Program for a certain purpose; authorizing the Commission to use
9 certain incentives and bonuses to achieve the designated goals of the Program;
10 ~~requiring~~ authorizing the Commission, in consultation with the governing body of
11 ~~Prince George's County~~ a certain county, to adopt regulations for the operation of the
12 Program; specifying the contents of certain regulations; requiring the Commission
13 to report to certain delegations of the General Assembly, the ~~Prince George's County~~
14 ~~Council, and the Prince George's County Executive~~ Montgomery and Prince George's
15 county councils, and the Montgomery and Prince George's county executives on or
16 before a certain date each year; ~~requiring the Commission to issue a certain~~
17 ~~preliminary report to certain delegations of the General Assembly, the Prince~~
18 ~~George's County Council, and the Prince George's County Executive on or before a~~
19 ~~certain date;~~ defining certain terms; and generally relating to the Certified
20 County–Based Business Participation Program of the Maryland–National Capital
21 Park and Planning Commission.

22 BY repealing and reenacting, without amendments,

23 Article – Land Use

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 Section 14–101(a), (b), and (l)
 2 Annotated Code of Maryland
 3 (2012 Volume and 2014 Supplement)

4 BY adding to
 5 Article – Land Use
 6 Section 15–401 through 15–404 to be under the new subtitle “Subtitle 4. Certified
 7 County–Based Business Participation Program”
 8 Annotated Code of Maryland
 9 (2012 Volume and 2014 Supplement)

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

12 **Article – Land Use**

13 14–101.

14 (a) In this division the following words have the meanings indicated.

15 (b) “Commission” means the Maryland–National Capital Park and Planning
 16 Commission.

17 (l) “Regional district” means the Maryland–Washington Regional District
 18 established under Title 20, Subtitle 1 of this article.

19 **SUBTITLE 4. CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION PROGRAM.**

20 **15–401.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 22 **INDICATED.**

23 **(B) “CAPITAL PROJECT” MEANS A CONSTRUCTION PROJECT AUTHORIZED**
 24 **UNDER § 18–117 OF THIS ARTICLE WITH AN EXPECTED USEFUL LIFE OF 15 YEARS**
 25 **OR MORE.**

26 ~~(B)~~ **(C) “CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION” MEANS**
 27 **THE PERCENTAGE OF THE TOTAL CONTRACT DOLLARS PAID FOR CAPITAL PROJECTS**
 28 **DURING A FISCAL YEAR TO BUSINESSES THAT ARE CERTIFIED AS COUNTY–BASED**
 29 **BUSINESSES UNDER A LOCAL LAW OF MONTGOMERY COUNTY OR PRINCE GEORGE’S**
 30 **COUNTY.**

31 **(D) “CERTIFIED COUNTY–BASED MINORITY BUSINESS PARTICIPATION”**
 32 **MEANS THE PERCENTAGE OF TOTAL CONTRACT DOLLARS PAID FOR CAPITAL**

1 PROJECTS DURING A FISCAL YEAR TO COUNTY-BASED BUSINESSES CERTIFIED AS
 2 MINORITY BUSINESS ENTERPRISES:

3 (1) THROUGH A PROGRAM APPROVED BY MONTGOMERY COUNTY; OR

4 (2) BY THE PRINCE GEORGE'S COUNTY SUPPLIER DEVELOPMENT
 5 AND DIVERSITY DIVISION.

6 ~~(C)~~ (E) "CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION"
 7 MEANS THE PERCENTAGE OF THE TOTAL CONTRACT DOLLARS PAID FOR CAPITAL
 8 PROJECTS DURING A FISCAL YEAR TO BUSINESSES THAT ARE CERTIFIED AS
 9 COUNTY-BASED SMALL BUSINESSES UNDER A LOCAL LAW OF MONTGOMERY
 10 COUNTY OR PRINCE GEORGE'S COUNTY.

11 ~~(D)~~ (F) "COUNTY-BASED BUSINESS" MEANS A BUSINESS THAT HAS ITS
 12 PRINCIPAL PLACE OF OPERATION IN MONTGOMERY COUNTY OR PRINCE GEORGE'S
 13 COUNTY.

14 (G) "COUNTY-BASED MINORITY BUSINESS ENTERPRISE" MEANS A
 15 CERTIFIED COUNTY-BASED BUSINESS THAT IS ALSO CERTIFIED AS A MINORITY
 16 BUSINESS ENTERPRISE:

17 (1) THROUGH A PROGRAM APPROVED BY MONTGOMERY COUNTY; OR

18 (2) BY THE PRINCE GEORGE'S COUNTY SUPPLIER DEVELOPMENT
 19 AND DIVERSITY DIVISION.

20 ~~(E)~~ (H) "COUNTY-BASED SMALL BUSINESS" MEANS A SMALL BUSINESS THAT
 21 HAS ITS PRINCIPAL PLACE OF OPERATION IN MONTGOMERY COUNTY OR PRINCE
 22 GEORGE'S COUNTY.

23 ~~(F)~~ (I) "PROGRAM" MEANS THE CERTIFIED COUNTY-BASED BUSINESS
 24 PARTICIPATION PROGRAM.

25 15-402.

26 (A) IN CONSULTATION WITH THE GOVERNING BODY OF MONTGOMERY
 27 COUNTY OR PRINCE GEORGE'S COUNTY, THE COMMISSION ~~SHALL~~ MAY ESTABLISH
 28 A CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION PROGRAM TO
 29 FACILITATE PARTICIPATION OF ~~BUSINESSES CERTIFIED AS COUNTY BASED~~
 30 ~~BUSINESSES OR COUNTY-BASED SMALL BUSINESSES IN CONTRACTS THAT THE~~
 31 ~~COMMISSION AWARDS FOR GOODS, SERVICES, AND CONSTRUCTION IN THE PRINCE~~
 32 ~~GEORGE'S COUNTY PORTION OF THE REGIONAL DISTRICT. CERTIFIED~~

1 COUNTY-BASED BUSINESSES, CERTIFIED COUNTY-BASED MINORITY BUSINESS
 2 ENTERPRISES, AND CERTIFIED COUNTY-BASED SMALL BUSINESSES IN CONTRACTS
 3 THAT THE COMMISSION AWARDS FOR CAPITAL PROJECTS IN THAT COUNTY'S
 4 PORTION OF THE REGIONAL DISTRICT.

5 (B) TO ACHIEVE THE DESIGNATED GOALS OF THE PROGRAM, THE
 6 COMMISSION MAY USE INCENTIVES AND BONUSES, INCLUDING:

7 (1) MANDATORY SET-ASIDE PROCEDURES;

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

10 (3) THE APPLICATION OF BONUS POINTS;

11 (4) THE APPLICATION OF PERCENTAGE POINTS;

12 (5) RESTRICTIVE BIDDING;

13 (6) RESTRICTIVE PRICE QUOTATIONS;

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

15 (8) INCENTIVES TO ENCOURAGE MAXIMUM PARTICIPATION BY:

16 (I) CERTIFIED COUNTY-BASED SMALL BUSINESSES;

17 (II) CERTIFIED COUNTY-BASED MINORITY BUSINESS
 18 ENTERPRISES; AND

19 ~~(III)~~ (III) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED
 20 BUSINESSES.

21 15-403.

22 (A) IN CONSULTATION WITH THE GOVERNING BODY OF MONTGOMERY
 23 COUNTY OR PRINCE GEORGE'S COUNTY, THE COMMISSION ~~SHALL~~ MAY ADOPT
 24 REGULATIONS FOR THE OPERATION OF THE PROGRAM.

25 (B) THE REGULATIONS ~~SHALL~~ MAY:

26 (1) ESTABLISH MINIMUM PERCENTAGES OR GOALS FOR CERTIFIED
 27 COUNTY-BASED BUSINESS PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY

1 BUSINESS PARTICIPATION, AND CERTIFIED COUNTY-BASED SMALL BUSINESS
 2 PARTICIPATION; AND

3 (2) PROVIDE FOR:

4 (I) ACCEPTANCE OF COUNTY-BASED BUSINESS,
 5 COUNTY-BASED MINORITY BUSINESS ENTERPRISE, AND COUNTY-BASED SMALL
 6 BUSINESS CERTIFICATIONS FROM THE PURCHASING AGENT OF ~~PRINCE GEORGE'S~~
 7 ~~COUNTY~~ THE COUNTY;

8 (II) PARTICIPATION OF CERTIFIED COUNTY-BASED
 9 BUSINESSES ~~AND~~, CERTIFIED COUNTY-BASED MINORITY BUSINESS ENTERPRISES,
 10 AND CERTIFIED COUNTY-BASED SMALL BUSINESSES IN SUBCONTRACTING AND
 11 DIRECT CONTRACTING FOR CAPITAL PROJECTS IN ~~THE PRINCE GEORGE'S COUNTY~~
 12 THAT COUNTY'S PORTION OF THE REGIONAL DISTRICT; AND

13 (III) APPLICATION OF REASONABLE PREFERENCES TO A
 14 CERTIFIED COUNTY-BASED BUSINESS, COUNTY-BASED MINORITY BUSINESS
 15 ENTERPRISE, OR COUNTY-BASED SMALL BUSINESS IN EVALUATING COMPETITIVE
 16 BIDS OR PROPOSALS FOR CAPITAL PROJECTS IN ~~THE PRINCE GEORGE'S COUNTY~~
 17 THAT COUNTY'S PORTION OF THE REGIONAL DISTRICT.

18 15-404.

19 ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL ISSUE
 20 A REPORT TO THE MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY
 21 DELEGATIONS TO THE HOUSE OF DELEGATES AND SENATE OF MARYLAND, THE
 22 ~~PRINCE GEORGE'S COUNTY COUNCIL, AND THE PRINCE GEORGE'S COUNTY~~
 23 ~~EXECUTIVE~~ MONTGOMERY AND PRINCE GEORGE'S COUNTY COUNCILS, AND THE
 24 MONTGOMERY AND PRINCE GEORGE'S COUNTY EXECUTIVES, IN ACCORDANCE
 25 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT:

26 (1) ~~EVALUATES THE RESULTS OF THE PROGRAM THROUGH JUNE 30~~
 27 ~~OF THAT YEAR; AND~~

28 (2) ~~MAKES APPROPRIATE RECOMMENDATIONS~~ DETAILS RESPECTIVE
 29 PERCENTAGES AND DOLLAR AMOUNTS OF CERTIFIED COUNTY-BASED BUSINESS
 30 PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION,
 31 AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN CONTRACTS
 32 THAT THE COMMISSION AWARDS FOR GOODS, SERVICES, AND CONSTRUCTION IN
 33 EACH COUNTY'S PORTION OF THE REGIONAL DISTRICT FOR THE PREVIOUS FISCAL
 34 YEAR; AND

1 **(2) DETAILS EFFORTS BY THE COMMISSION IN THE PREVIOUS FISCAL**
 2 **YEAR TO ENCOURAGE GREATER CERTIFIED COUNTY-BASED BUSINESS**
 3 **PARTICIPATION, CERTIFIED COUNTY-BASED MINORITY BUSINESS PARTICIPATION,**
 4 **AND CERTIFIED COUNTY-BASED SMALL BUSINESS PARTICIPATION IN CONTRACTS**
 5 **THAT THE COMMISSION AWARDS FOR CAPITAL PROJECTS IN EACH COUNTY'S**
 6 **PORTION OF THE REGIONAL DISTRICT.**

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,~~
 8 ~~2015, the Maryland National Capital Park and Planning Commission shall issue a~~
 9 ~~preliminary report to the Prince George's County delegations to the House of Delegates and~~
 10 ~~Senate of Maryland, the Prince George's County Council, and the Prince George's County~~
 11 ~~Executive, in accordance with § 2-1246 of the State Government Article, on:~~

12 ~~(1) the status of the establishment and implementation of the Certified~~
 13 ~~County-Based Business Participation Program; and~~

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

17 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 July 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.