

Chapter 445

(House Bill 634)

AN ACT concerning

Prince George's County Board of Education – Authority to Establish a Certified County-Based Business Participation Program**PG 408-15**

FOR the purpose of ~~requiring~~ authorizing the ~~Chief Executive Officer of the Prince George's County public school system and the~~ Prince George's County Board of Education, after consultation with the Chief Executive Officer, to establish and implement a Certified County-Based Business Participation Program to be used in county board procurement; requiring, if the county board exercises certain authority, the Chief Executive Officer of the Prince George's County public school system and the county board to establish certain goals and requirements for the Program and to consult with the Prince George's County Council in the establishment and implementation of the Program; authorizing the Chief Executive Officer and the county board to use certain incentives and bonuses to achieve certain Program goals and requirements; requiring the county board and the county council to enter into a certain memorandum of understanding under certain circumstances; requiring the ~~Chief Executive Officer and the~~ county board, after consultation with the Chief Executive Officer, to submit a report on the Program to certain delegations of the General Assembly and certain county officials on or before a certain date each year; ~~requiring the Chief Executive Officer and the county board to submit a certain preliminary report to certain delegations of the General Assembly and certain county officials on or before a certain date;~~ defining certain terms; and generally relating to the authority to establish a Certified County-Based Business Participation Program in Prince George's County.

BY adding to

Article – Education

Section 4-125.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

Article – Education**4-125.1.**

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

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

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

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

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

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

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

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

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

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

1. DESCRIPTION OF REQUIREMENTS;
2. SELECTION AND SOLICITATION OF SOURCES; AND
3. PREPARATION, AWARD, AND EXECUTION OF A CONTRACT.

~~(8)~~ (10) "PROGRAM" MEANS THE CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION PROGRAM THAT MAY BE ESTABLISHED UNDER THIS SECTION.

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

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

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

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

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

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

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

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

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

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

(1) MANDATORY SET-ASIDE PROCEDURES;

(2) MANDATORY SUBCONTRACTING PROCEDURES WITH REASONABLE WAIVER PROVISIONS;

(3) THE APPLICATION OF BONUS POINTS;

- (4) THE APPLICATION OF PERCENTAGE POINTS;
- (5) RESTRICTIVE BIDDING;
- (6) RESTRICTIVE PRICE QUOTATIONS;
- (7) THE REDUCTION OR WAIVER OF BONDING REQUIREMENTS; AND
- (8) INCENTIVES TO ENCOURAGE MAXIMUM PARTICIPATION BY:
 - (I) CERTIFIED COUNTY-BASED SMALL BUSINESSES; AND
 - (II) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED BUSINESSES.

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

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

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

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

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

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

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

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

Approved by the Governor, May 12, 2015.