

## Chapter 116

**(House Bill 1114)**

AN ACT concerning

**Calvert County – Procurement Contracts – Reciprocal Preference for Resident Bidders**

FOR the purpose of requiring Calvert County, under certain circumstances, to give a certain preference to a bidder whose principal office is in the county over a bidder whose principal office is outside the county; prohibiting any increase in the cost of a contract in which a preference is given from exceeding a certain amount; defining certain terms; and generally relating to a reciprocal preference for a bidder whose principal office is in Calvert County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Calvert County  
Section 6–101  
Article 5 – Public Local Laws of Maryland  
(2002 Edition and August 2017 Supplement)

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

**Article 5 – Calvert County**

6–101.

(a) Except as otherwise provided in this title, contracts for the purchase by the county of supplies or services involving \$15,000 or more shall be by formal bidding procedures and the contract shall be awarded at a regularly scheduled meeting of the Commissioners or by the official authorized to contract for the county to the lowest responsible bidder meeting specifications. A contract may not be subdivided to avoid the requirements of this section.

(b) The Commissioners or the official authorized to contract for the county shall invite proposals for all contracts subject to this section by publishing a notice in at least two county newspapers for two consecutive weeks. The notice shall state that in not less than three weeks the Commissioners or the official authorized to contract for the county will meet in public session to receive bids for the described purchase or contract, state the time and place of the meeting, and reserve the right to reject any and all bids.

(c) In determining the “lowest responsible bidder,” in addition to considering price, the Commissioners or the official authorized to contract for the county shall consider:

- (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and current compliance by the bidder with laws and ordinances relating to the contract or service;
- (6) Whether the bidder is in arrears to the county on any debt or contract, is in default on any surety to the county, or is delinquent as to any taxes or assessments; and
- (7) Any other information that may have a bearing on the decision to award the contract.

(d) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “NONRESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS OUTSIDE THE COUNTY.**

**(III) “PRINCIPAL OFFICE” MEANS THE OFFICE, IN OR OUT OF THE STATE, WHERE THE PRINCIPAL EXECUTIVE OFFICE OF A DOMESTIC OR FOREIGN CORPORATION IS LOCATED AND THAT IS DESIGNATED IN THE ANNUAL REPORT OR APPLICATION FOR AUTHORITY TO TRANSACT BUSINESS IN THE STATE.**

**(IV) “RESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS IN THE COUNTY.**

**(2) THE COUNTY SHALL GIVE A PREFERENCE TO A RESIDENT BIDDER OVER A NONRESIDENT BIDDER THAT IS EQUAL TO THE PREFERENCE GIVEN BY THE COUNTY OR STATE IN WHICH THE NONRESIDENT BIDDER HAS ITS PRINCIPAL OFFICE TO BIDDERS THAT HAVE A PRINCIPAL OFFICE IN THAT COUNTY OR STATE.**

**(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY INCREASE IN THE COST OF A CONTRACT IN WHICH A PREFERENCE IS GIVEN UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$25,000.**

**(E)** If a contract is not awarded to the lowest bidder in price, the reasons for the decision shall be stated in the minutes of the meeting at which the contract is awarded.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 10, 2018.**