



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: House Bill 991 - Procurement - Transparency and Application to County Contracts

SPONSOR: Delegate Wilson

HEARING DATE: March 3, 2020

COMMITTEE: Health and Government Operations

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: OPPOSE

The Office of the Prince George's County Executive **OPPOSES** House Bill 991, which requires county governments to adapt their procurement processes to the State procurement law, including their procurements that use State funds in excess of \$50,000. The bill alters the timeframes for publishing notice of awards and notifying other bidders that their bids were unsuccessful. The bill also requires that minutes of a pre-bid conference be published in eMaryland Marketplace and that bid protests be submitted within 10 days after the date on which a notice of award is published or a bidder received notice. Lastly, the bill proposes staff assignments to procurement offices and their duties.

Prince George's County has several processes that would conflict with the State procurement processes that would be required under this bill. This bill would require the County to submit and publish notice on eMaryland Marketplace at least 20 days before the bid opening. However, the County only uses the eMaryland Marketplace for bids exceeding \$100,000. The County seeks quotes, not formal bids, for amounts under the small purchase threshold. Thus, if the County obtains State funds under \$100,000, this proposed law will require duplicated efforts and create confusion.

Furthermore, the County currently does not post awards obtained from quotes on a bid board, eMaryland Marketplace or a newspaper. The County is only required to post awards based on solicitations. The County only posts public notice on bids for eMaryland Marketplace. This public notice posting directs vendors back to the County's website.

There are other State processes that conflict with the County's procedures. For instance, in contrast to the State law regarding sole bidders, the County does not treat sole bidders in a competitive procurement as sole source procurements. The

purchasing agent is notified and the County fully evaluates the bid as if there were other bidders. This would fundamentally alter the County's current process. In addition, Council Bill 115-17 authorized the County to award contracts for low bids only for commodities, whereas the State procurement law applies to both commodities and services.

Prince George's County applauds the intent of this legislation and the recognition that minority business enterprise goals important. But, to the extent that this bill would fundamentally alter and disrupt the County's existing procurement processes and procedures, the Office of the Prince George's County Executive **OPPOSES House Bill 991** and asks for an **UNFAVORABLE** report.