

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

A BILL ENTITLED

1 AN ACT concerning

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

4 **PG 408–15**

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

20 BY adding to
21 Article – Education
22 Section 4–125.1
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2014 Supplement)

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

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-125.1.

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

4 (2) "CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION" HAS THE
5 MEANING STATED IN § 10A-101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE
6 GEORGE'S COUNTY.

7 (3) "CHIEF EXECUTIVE OFFICER" MEANS THE SUPERINTENDENT OF
8 THE PRINCE GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM AS DEFINED IN §
9 4-102(A)(3) OF THIS SUBTITLE.

10 (4) "COUNTY-BASED BUSINESS" HAS THE MEANING STATED IN §
11 10A-101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE'S COUNTY.

12 (5) "COUNTY-BASED SMALL BUSINESS" HAS THE MEANING STATED IN
13 § 10A-101 OF THE CODE OF PUBLIC LOCAL LAWS OF PRINCE GEORGE'S COUNTY.

14 (6) "COUNTY BOARD" MEANS THE PRINCE GEORGE'S COUNTY
15 BOARD OF EDUCATION.

16 (7) (I) "PROCUREMENT" MEANS THE PROCESS OF BUYING,
17 LEASING, LEASE-PURCHASING, OR OTHERWISE OBTAINING SUPPLIES, SERVICES, OR
18 CONSTRUCTION.

19 (II) "PROCUREMENT" INCLUDES ALL FUNCTIONS THAT RELATE
20 TO THE PROCESS OF OBTAINING SUPPLIES, SERVICES, OR CONSTRUCTION,
21 INCLUDING:

- 22 1. DESCRIPTION OF REQUIREMENTS;
- 23 2. SELECTION AND SOLICITATION OF SOURCES; AND
- 24 3. PREPARATION, AWARD, AND EXECUTION OF A
25 CONTRACT.

26 (8) "PROGRAM" MEANS THE CERTIFIED COUNTY-BASED BUSINESS
27 PARTICIPATION PROGRAM ESTABLISHED UNDER THIS SECTION.

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

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

5 **(D) THE CHIEF EXECUTIVE OFFICER AND THE COUNTY BOARD SHALL:**

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

9 **(2) ESTABLISH GOALS AND REQUIREMENTS FOR THE PROGRAM,**
10 **INCLUDING:**

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

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

14 **(III) THE GOALS ESTABLISHED UNDER § 4-125(D) OF THIS**
15 **SUBTITLE.**

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

19 **(1) MANDATORY SET-ASIDE PROCEDURES;**

20 **(2) MANDATORY SUBCONTRACTING PROCEDURES WITH**
21 **REASONABLE WAIVER PROVISIONS;**

22 **(3) THE APPLICATION OF BONUS POINTS;**

23 **(4) THE APPLICATION OF PERCENTAGE POINTS;**

24 **(5) RESTRICTIVE BIDDING;**

25 **(6) RESTRICTIVE PRICE QUOTATIONS;**

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

27 **(8) INCENTIVES TO ENCOURAGE MAXIMUM PARTICIPATION BY:**

1 **(I) CERTIFIED COUNTY-BASED SMALL BUSINESSES; AND**

2 **(II) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED**
3 **BUSINESSES.**

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

10 **(1) EVALUATES THE RESULTS OF THE PROGRAM FOR THE PREVIOUS**
11 **FISCAL YEAR; AND**

12 **(2) MAKES APPROPRIATE RECOMMENDATIONS.**

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2015.