

HOUSE BILL 983

F4, P2

5lr0455

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

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's Community College – Certified County–Based Business**
3 **Participation Program**

4 **PG 405–15**

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

18 BY adding to

19 Article – Education

20 Section 16–417.1

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2014 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16-417.1.

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

4 (2) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF
5 PRINCE GEORGE'S COMMUNITY COLLEGE.

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

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

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

13 (6) (I) "PROCUREMENT" MEANS THE PROCESS OF BUYING,
14 LEASING, LEASE-PURCHASING, OR OTHERWISE OBTAINING SUPPLIES, SERVICES, OR
15 CONSTRUCTION.

16 (II) "PROCUREMENT" INCLUDES ALL FUNCTIONS THAT RELATE
17 TO THE PROCESS OF OBTAINING SUPPLIES, SERVICES, OR CONSTRUCTION,
18 INCLUDING:

- 19 1. DESCRIPTION OF REQUIREMENTS;
- 20 2. SELECTION AND SOLICITATION OF SOURCES; AND
- 21 3. PREPARATION, AWARD, AND EXECUTION OF A
22 CONTRACT.

23 (7) "PROGRAM" MEANS THE CERTIFIED COUNTY-BASED BUSINESS
24 PARTICIPATION PROGRAM ESTABLISHED UNDER THIS SECTION.

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

26 (C) THE BOARD OF TRUSTEES SHALL ESTABLISH AND IMPLEMENT A
27 CERTIFIED COUNTY-BASED BUSINESS PARTICIPATION PROGRAM TO BE USED IN
28 PRINCE GEORGE'S COMMUNITY COLLEGE PROCUREMENT.

29 (D) THE BOARD OF TRUSTEES SHALL:

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

4 **(2) ESTABLISH GOALS AND REQUIREMENTS FOR THE PROGRAM,**
5 **INCLUDING:**

6 **(I) MINIMUM PERCENTAGES FOR CERTIFIED COUNTY–BASED**
7 **BUSINESS PARTICIPATION;**

8 **(II) UTILIZATION OF COUNTY–BASED SMALL BUSINESSES; AND**

9 **(III) THE GOALS ESTABLISHED UNDER § 4–125(D) OF THIS**
10 **ARTICLE.**

11 **(E) TO ACHIEVE THE DESIGNATED GOALS OF THE PROGRAM, THE BOARD**
12 **OF TRUSTEES MAY USE INCENTIVES AND BONUSES, INCLUDING:**

13 **(1) MANDATORY SET–ASIDE PROCEDURES;**

14 **(2) MANDATORY SUBCONTRACTING PROCEDURES WITH**
15 **REASONABLE WAIVER PROVISIONS;**

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

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

18 **(5) RESTRICTIVE BIDDING;**

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

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

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

22 **(I) CERTIFIED COUNTY–BASED SMALL BUSINESSES; AND**

23 **(II) A VARIETY OF DIFFERENT CERTIFIED COUNTY–BASED**
24 **BUSINESSES.**

25 **(F) ON OR BEFORE DECEMBER 1, 2016, AND EACH YEAR THEREAFTER, THE**
26 **BOARD OF TRUSTEES SHALL SUBMIT A REPORT TO THE PRINCE GEORGE’S COUNTY**

1 DELEGATIONS TO THE HOUSE OF DELEGATES AND SENATE OF MARYLAND, THE
2 PRINCE GEORGE'S COUNTY COUNCIL, AND THE PRINCE GEORGE'S COUNTY
3 EXECUTIVE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
4 ARTICLE, THAT:

5 (1) EVALUATES THE RESULTS OF THE PROGRAM FOR THE PREVIOUS
6 FISCAL YEAR; AND

7 (2) MAKES APPROPRIATE RECOMMENDATIONS.

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

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2015.