

HOUSE BILL 1016

L5, P2

5lr0458

By: **Montgomery County Delegation and 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 **Maryland–National Capital Park and Planning Commission – Prince George's**
3 **County – Certified County–Based Business Participation Program**

4 **MC/PG 113–15**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission, in consultation with the governing body of Prince George's County, to
7 establish a Certified County–Based Business Participation Program for a certain
8 purpose; authorizing the Commission to use certain incentives and bonuses to
9 achieve the designated goals of the Program; requiring the Commission, in
10 consultation with the governing body of Prince George's County, to adopt regulations
11 for the operation of the Program; specifying the contents of certain regulations;
12 requiring the Commission to report to certain delegations of the General Assembly,
13 the Prince George's County Council, and the Prince George's County Executive on or
14 before a certain date each year; requiring the Commission to issue a certain
15 preliminary report to certain delegations of the General Assembly, the Prince
16 George's County Council, and the Prince George's County Executive on or before a
17 certain date; defining certain terms; and generally relating to the Certified
18 County–Based Business Participation Program of the Maryland–National Capital
19 Park and Planning Commission.

20 BY repealing and reenacting, without amendments,
21 Article – Land Use
22 Section 14–101(a), (b), and (l)
23 Annotated Code of Maryland
24 (2012 Volume and 2014 Supplement)

25 BY adding to
26 Article – Land Use
27 Section 15–401 through 15–404 to be under the new subtitle “Subtitle 4. Certified
28 County–Based Business Participation Program”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Volume and 2014 Supplement)

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

5 **Article – Land Use**

6 14–101.

7 (a) In this division the following words have the meanings indicated.

8 (b) “Commission” means the Maryland–National Capital Park and Planning
9 Commission.

10 (l) “Regional district” means the Maryland–Washington Regional District
11 established under Title 20, Subtitle 1 of this article.

12 **SUBTITLE 4. CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION PROGRAM.**

13 **15–401.**

14 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
15 **INDICATED.**

16 (B) **“CERTIFIED COUNTY–BASED BUSINESS PARTICIPATION” MEANS THE**
17 **PERCENTAGE OF THE TOTAL CONTRACT DOLLARS PAID TO BUSINESSES THAT ARE**
18 **CERTIFIED AS COUNTY–BASED BUSINESSES UNDER A LOCAL LAW OF PRINCE**
19 **GEORGE’S COUNTY.**

20 (C) **“CERTIFIED COUNTY–BASED SMALL BUSINESS PARTICIPATION” MEANS**
21 **THE PERCENTAGE OF THE TOTAL CONTRACT DOLLARS PAID TO BUSINESSES THAT**
22 **ARE CERTIFIED AS COUNTY–BASED SMALL BUSINESSES UNDER A LOCAL LAW OF**
23 **PRINCE GEORGE’S COUNTY.**

24 (D) **“COUNTY–BASED BUSINESS” MEANS A BUSINESS THAT HAS ITS**
25 **PRINCIPAL PLACE OF OPERATION IN PRINCE GEORGE’S COUNTY.**

26 (E) **“COUNTY–BASED SMALL BUSINESS” MEANS A SMALL BUSINESS THAT**
27 **HAS ITS PRINCIPAL PLACE OF OPERATION IN PRINCE GEORGE’S COUNTY.**

28 (F) **“PROGRAM” MEANS THE CERTIFIED COUNTY–BASED BUSINESS**
29 **PARTICIPATION PROGRAM.**

30 **15–402.**

1 **(A) IN CONSULTATION WITH THE GOVERNING BODY OF PRINCE GEORGE'S**
2 **COUNTY, THE COMMISSION SHALL ESTABLISH A CERTIFIED COUNTY-BASED**
3 **BUSINESS PARTICIPATION PROGRAM TO FACILITATE PARTICIPATION OF**
4 **BUSINESSES CERTIFIED AS COUNTY-BASED BUSINESSES OR COUNTY-BASED SMALL**
5 **BUSINESSES IN CONTRACTS THAT THE COMMISSION AWARDS FOR GOODS,**
6 **SERVICES, AND CONSTRUCTION IN THE PRINCE GEORGE'S COUNTY PORTION OF**
7 **THE REGIONAL DISTRICT.**

8 **(B) TO ACHIEVE THE DESIGNATED GOALS OF THE PROGRAM, THE**
9 **COMMISSION MAY USE INCENTIVES AND BONUSES, INCLUDING:**

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

11 **(2) MANDATORY SUBCONTRACTING PROCEDURES WITH REASONABLE**
12 **WAIVER PROVISIONS;**

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

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

15 **(5) RESTRICTIVE BIDDING;**

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

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

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

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

20 **(II) A VARIETY OF DIFFERENT CERTIFIED COUNTY-BASED**
21 **BUSINESSES.**

22 **15-403.**

23 **(A) IN CONSULTATION WITH THE GOVERNING BODY OF PRINCE GEORGE'S**
24 **COUNTY, THE COMMISSION SHALL ADOPT REGULATIONS FOR THE OPERATION OF**
25 **THE PROGRAM.**

26 **(B) THE REGULATIONS SHALL:**

1 **(1) ESTABLISH MINIMUM PERCENTAGES FOR CERTIFIED**
 2 **COUNTY-BASED BUSINESS PARTICIPATION AND CERTIFIED COUNTY-BASED SMALL**
 3 **BUSINESS PARTICIPATION; AND**

4 **(2) PROVIDE FOR:**

5 **(I) ACCEPTANCE OF COUNTY-BASED BUSINESS AND**
 6 **COUNTY-BASED SMALL BUSINESS CERTIFICATIONS FROM THE PURCHASING AGENT**
 7 **OF PRINCE GEORGE'S COUNTY;**

8 **(II) PARTICIPATION OF CERTIFIED COUNTY-BASED**
 9 **BUSINESSES AND COUNTY-BASED SMALL BUSINESSES IN SUBCONTRACTING AND**
 10 **DIRECT CONTRACTING IN THE PRINCE GEORGE'S COUNTY PORTION OF THE**
 11 **REGIONAL DISTRICT; AND**

12 **(III) APPLICATION OF REASONABLE PREFERENCES TO A**
 13 **CERTIFIED COUNTY-BASED BUSINESS OR COUNTY-BASED SMALL BUSINESS IN**
 14 **EVALUATING COMPETITIVE BIDS OR PROPOSALS IN THE PRINCE GEORGE'S COUNTY**
 15 **PORTION OF THE REGIONAL DISTRICT.**

16 **15-404.**

17 **ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL ISSUE**
 18 **A REPORT TO THE PRINCE GEORGE'S COUNTY DELEGATIONS TO THE HOUSE OF**
 19 **DELEGATES AND SENATE OF MARYLAND, THE PRINCE GEORGE'S COUNTY**
 20 **COUNCIL, AND THE PRINCE GEORGE'S COUNTY EXECUTIVE, IN ACCORDANCE WITH**
 21 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT:**

22 **(1) EVALUATES THE RESULTS OF THE PROGRAM THROUGH JUNE 30**
 23 **OF THAT YEAR; AND**

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

25 **SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,**
 26 **2015, the Maryland-National Capital Park and Planning Commission shall issue a**
 27 **preliminary report to the Prince George's County delegations to the House of Delegates and**
 28 **Senate of Maryland, the Prince George's County Council, and the Prince George's County**
 29 **Executive, in accordance with § 2-1246 of the State Government Article, on:**

30 **(1) the status of the establishment and implementation of the Certified**
 31 **County-Based Business Participation Program; and**

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2015.