

# HOUSE BILL 376

F3, F4, L2

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By: Prince George's County Delegation

Introduced and read first time: January 19, 2026

Assigned to: Government, Labor, and Elections

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Procurement Preference Programs – Regulation**

3 **PG 404-26**

4 FOR the purpose of authorizing the governing body of Prince George's County to enact a  
5 local law to regulate certain procurement activities of the Prince George's County  
6 public school system and Prince George's Community College; requiring certain  
7 procurement preference programs for procurements made by the Prince George's  
8 County Board of Education or the Board of Community College Trustees for Prince  
9 George's County to be subject to certain requirements adopted by the governing body  
10 of Prince George's County; and generally relating to procurements by the Prince  
11 George's County Board of Education and the Board of Community College Trustees  
12 for Prince George's County.

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 4-125 and 4-125.1

16 Annotated Code of Maryland

17 (2025 Replacement Volume and 2025 Supplement)

18 BY adding to

19 Article – Education

20 Section 4-125.2

21 Annotated Code of Maryland

22 (2025 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Education

25 Section 16-311

26 Annotated Code of Maryland

27 (2022 Replacement Volume and 2025 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 4-125.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Bonus points” means established bonus or percentage points used  
7 during the bid evaluation process to adjust the bid price submitted by minority business  
8 enterprises for the purpose of ascertaining the lowest bidder.

9 (3) “Mandatory set-asides” means a procedure designating a certain  
10 percentage of total contract dollars for award to minority business enterprises.

11 (4) “Mandatory subcontracting” means a procedure mandating that a  
12 certain percentage of the dollar amount of designated contracts be subcontracted to  
13 minority business enterprises.

14 (5) “Minority business enterprise” means any business enterprise:

15 (i) 1. That is at least 51 percent owned by one or more minority  
16 individuals; or

17 2. In the case of any publicly owned corporation, at least 51  
18 percent of the stock of which is owned by one or more minority individuals; and

19 (ii) Whose management and daily business operations are controlled  
20 by one or more minority individuals.

21 (6) “Percentage points” means established percentage points given for  
22 minority business enterprise participation in a sealed proposal process.

23 (7) “Restrictive bidding” means competitive bidding of designated contracts  
24 that are restricted to minority business enterprises.

25 (8) “Restrictive price quotations” means negotiated small procurements  
26 that are restricted to minority business enterprises.

27 (b) The Board of Education of Prince George’s County shall undertake and  
28 complete an internal and market fact-finding process by January 1, 1990, to assess the  
29 appropriate scope of a minority business enterprise program for the board. The results of  
30 the fact-finding process, including statistical data, supporting documentation, and reports,  
31 shall be reported to the Prince George’s County Delegation of the General Assembly by  
32 January 31, 1990.

12 (d) In establishing a minority business enterprise program, the county board is  
13 authorized to use incentives to achieve the designated goals of the program, including but  
14 not limited to:

15 (1) Mandatory set-aside procedures;

16 (2) Mandatory subcontracting procedures with reasonable waiver  
17 provisions;

18 (3) The application of bonus points;

19 (4) The application of percentage points;

20 (5) Restrictive bidding;

21 (6) Restrictive price quotations;

22 (7) The reduction or waiver of bonding requirements; and

23 (8) Incentives to encourage maximum participation by:

24 (i) Small businesses;

25 (ii) A variety of differ-

26 (iii) Businesses located within Prince Geo

27 (e) (1) The county board may appoint a minority business enterprise

28 administer any minority business enterprise program established, who shall submit  
29 reports to the board.

(2) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this section.

4 (f) The county board shall advise the Prince George's County Delegation of the  
5 General Assembly regarding the substance of any minority business enterprise program  
6 that it establishes.

7 (g) (1) The program shall be evaluated every 2 years.

10 4-125.1.

11 (a) (1) In this section the following words have the meanings indicated.

14 (3) "Certified county-based minority business participation" has the  
15 meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

(4) "County-based business" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

(5) "County-based minority business enterprise" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

(6) "County-based small business" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

22 (7) "County board" means the Prince George's County Board of Education.

23 (8) (i) "Procurement" means the process of buying, leasing,  
24 lease-purchasing, or otherwise obtaining supplies, services, or construction.

25 (ii) "Procurement" includes all functions that relate to the process of  
26 obtaining supplies, services, or construction, including:

## 27 1. Description of requirements;

(9) "Program" means the Certified County-Based Business Participation Program that may be established under this section.

3 (b) This section applies only in Prince George's County.

4 (c) [The] SUBJECT TO THE REQUIREMENTS OF § 4-125.2 OF THIS SUBTITLE,  
5 THE county board, after consultation with the County Superintendent, may establish and  
6 implement a Certified County-Based Business Participation Program to be used in county  
7 board procurement.

10 (1) Consult with the Prince George's County Council, or its agencies or  
11 agents, on the establishment and implementation of the Program; and

12 (2) Establish goals and requirements for the Program that may include:

13 (i) Minimum percentages for certified county-based business  
14 participation;

15 (ii) Utilization of county-based small businesses;

16 (iii) Minimum goals and incentives for maximizing certified  
17 county-based minority business participation; and

18 (iv) The goals established under § 4–125(d) of this subtitle.

19 (e) To achieve the designated goals of the Program, the county board and the  
20 County Superintendent may use incentives and bonuses, including:

21 (1) Mandatory set-aside procedures;

22 (2) Mandatory subcontracting procedures with reasonable waiver  
23 provisions;

24 (3) The application of bonus points;

25 (4) The application of percentage points;

26 (5) Restrictive bidding;

27 (6) Restrictive price quotations;

28 (7) The reduction or waiver of bonding requirements; and

29 (8) Incentives to encourage maximum participation by:

- (i) Certified county-based small businesses; and
- (ii) A variety of different certified county-based businesses.

3 (f) If the county board exercises the authority granted in subsection (c) of this  
4 section, the county board and the county council shall enter into a binding memorandum of  
5 understanding outlining the county board's goals and commitment to implementing the  
6 Program.

7 (g) On or before December 1, 2015, and each year thereafter, the county board,  
8 after consultation with the County Superintendent, shall submit a report to the Prince  
9 George's County delegations to the House of Delegates and Senate of Maryland, the Prince  
10 George's County Council, and the Prince George's County Executive, in accordance with §  
11 2-1257 of the State Government Article, that specifies:

20 4-125.2.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

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

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

30 (5) "COUNTY BOARD" MEANS THE PRINCE GEORGE'S COUNTY  
31 BOARD OF EDUCATION.

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

12 (10) "PROCUREMENT" HAS THE MEANING STATED IN § 4-125.1 OF  
13 THIS SUBTITLE.

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

15 (C) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY  
16 ENACT A LOCAL LAW TO REGULATE THE PROCUREMENT ACTIVITIES OF THE PRINCE  
17 GEORGE'S COUNTY PUBLIC SCHOOL SYSTEM OR PRINCE GEORGE'S COMMUNITY  
18 COLLEGE RELATED TO:

31 (IV) WAIVERS AND EXCEPTIONS TO THE REQUIREMENTS  
32 ENACTED IN ACCORDANCE WITH THIS SUBSECTION.

5 16-311.

8 (2) This section does not apply to:

9 (i) The purchase of books or other materials for instruction;

10 (ii) Emergency repairs;

(iv) Any contract or purchase that qualifies as a "small procurement" as defined in the State Procurement Regulations.

16 (b) At the discretion of the procurement officer, the following procurement  
17 methods are authorized where applicable:

18 (1) Competitive sealed bids under subsection (c) of this section;

19 (2) Competitive sealed proposals under § 16–313 of this subtitle;

20 (3) Sole source procurement under § 16–314 of this subtitle; or

21 (4) Noncompetitive negotiation under § 16–314.1 of this subtitle.

22 (c) (1) The board of trustees may provide for procurement by competitive  
23 sealed bids in accordance with this subsection.

24 (2) (i) Whenever procurement is based on competitive sealed bids, the  
25 board of trustees, or its designee, shall seek bids by issuing an invitation for bids.

(4) If a board of trustees uses a prequalification procedure for awarding a procurement contract:

11 (ii) After bid opening or receipt of proposals and before awarding the  
12 procurement contract, a procurement officer may determine that:

15 2. A prequalified person is not a responsible bidder.

19 (i) The quantities involved;

20 (ii) The time required for delivery;

21 (iii) The purpose for which required;

22 (iv) The competence and responsibility of the bidder; and

23 (v) The ability of the bidder to perform the contract satisfactorily.

24 (6) The board of trustees may reject any and all bids and readvertise for  
25 other bids.

26 (7) (i) In this paragraph, the term "minority business enterprise" has  
27 the meaning stated in § 14-301 of the State Finance and Procurement Article.

1 Trustees of Montgomery Community College in accordance with competitive bidding  
2 requirements.

3 **(8) IN PRINCE GEORGE'S COUNTY, THE BOARD OF COMMUNITY**  
4 **COLLEGE TRUSTEES FOR PRINCE GEORGE'S COUNTY MAY ESTABLISH A PROGRAM**  
5 **IN ACCORDANCE WITH § 4-125.2 OF THIS ARTICLE TO FACILITATE THE**  
6 **PARTICIPATION OF CERTAIN BUSINESS ENTERPRISES IN CONTRACTS AWARDED BY**  
7 **THE BOARD OF COMMUNITY COLLEGE TRUSTEES FOR PRINCE GEORGE'S COUNTY**  
8 **IN ACCORDANCE WITH COMPETITIVE BIDDING REQUIREMENTS.**

9 (d) A contract entered into or purchase made in violation of this section is void.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2026.