

**SB0645-EHE\_MACo\_SWA.pdf**

Uploaded by: Kinnally, Kevin

Position: FWA



## **Senate Bill 645**

### *9-1-1 Board – Procurement Reform*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Health, and Environmental  
Affairs Committee

Date: February 17, 2021

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 645 with **AMENDMENTS**. While well intentioned, the bill places unnecessary and administratively burdensome requirements on the local 9-1-1 procurement process that will delay the implementation of critical public safety enhancements.

The General Assembly has a recurring record of empowering and encouraging cooperative purchasing across governments, through legislation. These arrangements save counties time and resources, allow for purchasing in bulk to get better prices, and enable multiple jurisdictions to reap the benefits of a well-procured and fully vetted contract. All of these results translate into savings to taxpayers and more resources for vital public services. MACo values efforts to maximize use of this tool fairly and effectively.

Although the Maryland 9-1-1 Board oversees 9-1-1 services, county governments operate 9-1-1 systems and are responsible for making system enhancements required by the board. They may request reimbursement from the 9-1-1 Trust Fund for any costs related to these state-mandated enhancements to the 9-1-1 system.

This bill creates several new hurdles for substantial 9-1-1 contracts. It requires each major procurement contract for which reimbursement will be requested from the 9-1-1 Trust Fund to follow specified provisions of State procurement law, that are redundant with local procurement processes. The bill also mandates that these contracts be reviewed by a state procurement officer prior to consideration by the 9-1-1 Board.

County procurements for 9-1-1 enhancements are already subject to local procurement rules, which by law are open, transparent, and fair. In many counties, funding must be secured prior to entering contract negotiations with potential vendors. In other counties, funding must be secured prior to issuing a request for proposal from potential bidders. As such, subjecting these contracts to additional state oversight – which would delay the approval of state funds by at least two months – creates unnecessary uncertainty, and is simply untenable for county governments.

SB 645 would impede efforts to maximize use of intergovernmental purchasing so that counties can benefit from economies of scale, colleagues' procurement expertise, and improved efficiencies from piggybacking off of contracts procured using the same principles and factors relevant to multiple jurisdictions. In order to ensure timely upgrades to Maryland's 9-1-1 system, MACo suggests that the bill be amended to require a study on local 9-1-1 procurement processes.

For these reasons, MACo requests a **FAVORABLE WITH AMENDMENTS** report on SB 645.

**20210217 Testimony on SB645 Jack Markey MACo EM Af**

Uploaded by: Markey, Jack

Position: FWA

Testimony of:

Jack Markey, Acting-President, Maryland Emergency Managers Association, an affiliate organization of the Maryland Association of Counties

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In Maryland, the delivery of 9-1-1 services is a local responsibility with oversight and support from the MD 9-1-1 Board and funding from the MD 9-1-1 Trust Fund. SB645 proposes to reform 9-1-1 Procurement, without showing that reform is necessary, or that the proposed reforms are appropriate and sufficient to achieve any goal.

Concerns regarding proposed language on SB645:

1. The concept in *(proposed) §1–306.1* could create a condition where the MD 9-1-1 Board had agreed to fund a project based on a request from a county 9-1-1 Director and lawful procurement of services or equipment made by the county, and then within the 60-day notice period after the county provides the reimbursement request to the Board’s designated “Procurement Officer” the reimbursement to cover the eligible work *already approved and completed* could be withheld if the Procurement Officer disagrees with the county’s procurement action.
2. Counties are charged with the responsibility of operating 9-1-1 Centers in MD under State law (*MD Annotated Code, Public Safety Article, §1–304*);
3. Counties employ staff to fulfill the responsibilities under #1, including leadership and technical staff, in accordance with local elected officials direction and policies, following the standards or general policy guidance of the MD 9-1-1 Board regarding performance and outcomes;
4. Counties are responsible for making procurements to fulfill their responsibilities in #1 under County law and procedure, consistent with County-level auditing, as well as review by the MD 9-1-1 Board when funding is requested from the MD 9-1-1 Trust Fund, and are responsible to provide annual independent audits of county expenditures for the operation and maintenance of 9–1–1 systems to the MD 9-1-1 Board (*MD Annotated Code, Public Safety Article, §1–306(b)(9)*);
5. MD 9-1-1 Board already provides a review of requests for funding based on State law and policy in open session, in addition to any requirements for transparency of procurements in place at the County level;
6. Fiscal note unspecified: The staff required to review several hundred projects each year from twenty-four different PSAPs at the State level is non-trivial. It is also likely that the back and forth on project paperwork will require significant additional county staff effort.

I urge you to amend Senate Bill 645 to provide for a study of whether 9-1-1 Procurement Reform is required; recommend goals for direct participation of small, minority or veteran-owned businesses when practical; and to identify opportunities for the State to assist local governments with cooperative purchasing.

**SB 645 - OPPOSE - CSMC.pdf**

Uploaded by: Blondino, Angela

Position: UNF

ST. MARY'S COUNTY GOVERNMENT  
**COMMISSIONERS OF  
ST. MARY'S COUNTY**



James R. Guy, President  
Eric Colvin, Commissioner  
Michael L. Hewitt, Commissioner  
Todd B. Morgan, Commissioner  
John E. O'Connor, Commissioner

**Senate Bill 645**  
9-1-1 Board – Procurement Reform  
**Hearing: February 17, 2021**  
**OPPOSE**

February 9, 2021

Senator Paul G. Pinsky, Chair  
Maryland Senate Education, Health & Environmental Affairs Committee  
Miller Senate Office Building, 2 West  
11 Bladen St., Annapolis, MD 21401

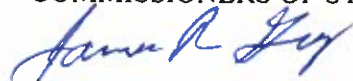
Re: **SB 645** - 9-1-1 Board – Procurement Reform - Hearing: February 17, 2021

Dear Chairman Pinsky:

The Commissioners of St. Mary's County **OPPOSE** SB 645 - 9-1-1 Board – Procurement Reform which is being heard on February 17, 2021 in the Education, Health & Environmental Affairs Committee.

We request an unfavorable report on SB 645. We **OPPOSE** this legislation and do **NOT** believe it would benefit the citizens of St. Mary's County. Thank you for your consideration and we look forward to working with you on this and other initiatives throughout the session.

Sincerely,  
COMMISSIONERS OF ST. MARY'S COUNTY

  
James Randy Guy, President

CSMC/AB/sf  
T:/Consent/2021/035

Cc: Senator Jack Bailey  
Delegate Matthew Morgan  
Delegate Gerald Clark  
Delegate Brian Crosby  
Commissioner Eric Colvin  
Commissioner Michael Hewitt  
Commissioner Todd Morgan  
Commissioner John O'Connor  
Dr. Rebecca Bridgett, County Administrator  
David Weiskopf, County Attorney

**2021 SB 645 9-1-1 Board Procurement Reform DGS LO**

Uploaded by: Robertson, Ellen

Position: INFO

Larry Hogan  
Governor

Boyd K. Rutherford  
Lt Governor



Ellington E. Churchill, Jr.  
Secretary

Nelson E. Reichart  
Deputy Secretary

OFFICE OF DESIGN, CONSTRUCTION & ENERGY

**BILL:** Senate Bill 645 – 9-1-1 Board – Procurement Reform

**COMMITTEE:** Senate Education, Health and Environmental Affairs

**DATE:** February 17, 2021

**POSITION:** Letter of Information

Upon review of Senate Bill 645, the Department of General Services (DGS) provides these comments.

Responsibility of tasks defined in Senate Bill 645 are contingent upon enactment of 2021 Senate Bill 658, which transfers the Maryland 9-1-1 Board and its functions, powers, duties, assets, liabilities, and records from the Department of Public Safety and Correctional Services to the Maryland Department of Emergency Management (MEMA).

Successful passage of Senate Bill 658 will require, as addressed in Senate Bill 645, a procurement officer from the MEMA to review contracts over \$500,000 awarded by counties for reimbursement by the 9-1-1 Board and to certify that the contracts were awarded through a transparent and competitive process. The review also would assess each county's progress towards meeting the Minority Business Enterprise (MBE), Small Business Reserve (SBR) and Veteran-owned Small Business Enterprise (VSBE) participation goals.

The MEMA Procurement Officer would make a recommendation to the 9-1-1 Board, within 60 days after a contract is submitted for certification, whether the request for reimbursement should be approved or disapproved.

Should passage of Senate Bill 658 not occur, the Department of General Services Office of State Procurement would take responsibility for the tasks defined above, as addressed in Senate Bill 645.

For additional information, contact Ellen Robertson at 410-260-2908.

