

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2020, Legislative Day No. 17

Bill No. 71-20

Mr. David Marks, Councilman

By the County Council, July 6, 2020

A BILL
ENTITLED

AN ACT concerning

Capital Improvement Contracts

FOR the purpose of prohibiting the shut off of water service by capital improvement vendors or contractors under certain circumstances; requiring notice of water service interruption by capital improvement vendors or contracts; permitting exceptions as determined by the Director of the Department of Public Works; providing for an appeal process; and generally relating capital improvement contracts.

BY adding

Section 10-2-502(d)
Article 10 - Finance
Title 2 - Purchasing
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3
4 ARTICLE 10 - FINANCE

5 Title 2 - Purchasing

6 Subtitle 5 - Capital Improvement Contracts and
7 Professional Capital Improvement Services Contracts

8
9 § 10-2-502. CAPITAL IMPROVEMENT CONTRACTS.

10 (D) (1) THE COUNTY MAY NOT MAKE A PURCHASE OF OR AWARD A
11 CAPITAL IMPROVEMENT CONTRACT UNDER THE PROVISIONS OF THIS SECTION,
12 UNLESS THE VENDOR OR CONTRACTOR AGREES, IN WRITING, TO COMPLY WITH
13 THE MINIMUM WATER SUPPLY STANDARDS SET FORTH IN THIS SUBSECTION.

14 (2) (I) EXCEPT FOR EMERGENCY REPAIRS AS DETERMINED BY
15 THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, WHEN THE OUTDOOR
16 TEMPERATURE IS 70 DEGREES FAHRENHEIT OR WARMER, A CAPITAL
17 IMPROVEMENT VENDOR OR CONTRACTOR MAY ONLY SHUT OFF WATER
18 SERVICE ON THAT DAY IF THE VENDOR OR CONTRACTOR HAS COMPLIED WITH
19 SUBSECTION (D)(3).

20 (II) FOR EMERGENCY REPAIRS, THE DIRECTOR OF THE
21 DEPARTMENT OF PUBLIC WORKS MAY WAIVE OR SHORTEN THE NOTICE
22 REQUIREMENTS OF THIS SUBSECTION.

23 (3) BEFORE A CAPITAL IMPROVEMENT VENDOR OR CONTRACTOR

1 MAY SHUT OFF WATER SERVICE, WRITTEN NOTICE MUST BE POSTED TO ALL
2 AFFECTED PROPERTIES AT LEAST 72 HOURS BEFORE AN INTERRUPTION OF
3 WATER SERVICE.

4 (4) A CAPITAL IMPROVEMENT VENDOR OR CONTRACTOR THAT
5 VIOLATES THE REQUIREMENTS OF THIS SUBSECTION ~~MAY NOT BE CONSIDERED~~
6 ~~FOR THE AWARD OF A CONTRACT FROM~~ BE SUSPENDED FROM BEING
7 CONSIDERED FOR THE AWARD OF, OR BEING AWARDED, OR PERFORMING A
8 CONTRACT WITH THE COUNTY FOR TWO YEARS AFTER THE VIOLATION, OR MAY
9 BE DEBARRED.

10 (5) THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL
11 NOTIFY THE VENDOR OR CONTRACTOR OF THE DEPARTMENT'S INTENTION TO
12 SUSPEND OR DEBAR THE VENDOR OR CONTRACTOR, AND SUCH VENDOR OR
13 CONTRACTOR'S RIGHT TO A HEARING. UNLESS THE VENDOR OR CONTRACTOR
14 SUBMITS A REQUEST TO THE DIRECTOR WITHIN 30 DAYS AFTER RECEIVING
15 SUCH NOTICE, THE RIGHT TO HEARING IS WAIVED.

16 (6) A HEARING SHALL BE CONDUCTED PURSUANT TO GP-5.15 OF THE
17 GENERAL PROVISIONS OF THE DEPARTMENT OF PUBLIC WORKS' STANDARDS
18 AND SPECIFICATIONS.

19
20 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
21 after its enactment.