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

ARTICLE 10 - FINANCE
Title 2 - Purchasing
Subtitle 5 - Capital Improvement Contracts and Professional Capital Improvement Services Contracts

§ 10-2-502. CAPITAL IMPROVEMENT CONTRACTS.
(D) (1) THE COUNTY MAY NOT MAKE A PURCHASE OF OR AWARD A CAPITAL IMPROVEMENT CONTRACT UNDER THE PROVISIONS OF THIS SECTION, UNLESS THE VENDOR OR CONTRACTOR AGREES, IN WRITING, TO COMPLY WITH THE MINIMUM WATER SUPPLY STANDARDS SET FORTH IN THIS SUBSECTION.

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

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

(3) BEFORE A CAPITAL IMPROVEMENT VENDOR OR CONTRACTOR
MAY SHUT OFF WATER SERVICE, WRITTEN NOTICE MUST BE POSTED TO ALL
AFFECTED PROPERTIES AT LEAST 72 HOURS BEFORE AN INTERRUPTION OF
WATER SERVICE.

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

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

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

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