

Expedited Bill No. 23-20
Concerning: Contracts –
Management and Disposal of Goods –
Emergency Procedures
Revised: 4/16/2020 Draft No. 3
Introduced: April 14, 2020
Enacted: April 21, 2020
Executive: April 24, 2020
Effective: April 24, 2020
Sunset Date: None
Ch. 15, Laws of Mont. Co. 2020

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) authorize the disposal of certain goods received in response to a declared emergency without competition;
- (2) require the disposal of goods in a declared emergency in accordance with emergency procedures and prioritization guidelines established by the public official declaring the emergency; and
- (3) generally amend the management and disposal of goods by the County.

By amending

Montgomery County Code
Chapter 11B, Contracts and Procurement
Section 11B-44

Boldface	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland, approves the following act:

1 **Sec 1. Section 11B-44 is amended as follows:**

2 **11B-44. Management and disposal of goods.**

3 (a) The Director must ensure the management of goods during their entire
4 life cycle.

5 (b) Except as provided in subsection (f), the [The] Director must dispose
6 of surplus goods. In disposing the surplus goods, the Director may sell
7 the goods by any competitive method which the Director determines is
8 likely to bring the highest return to the County. These methods may
9 include sealed bids, public auction, or trade in or exchange of goods.
10 The Director may sell surplus goods by private sale if the Director
11 determines that open competition is not likely to bring the highest return
12 to the County.

13 (c) After public notice, the Chief Administrative Officer may give, loan, or
14 sell below fair market value, surplus goods to another public entity if
15 the Chief Administrative Officer determines the disposition would
16 benefit the residents of Montgomery County. Public notice may be
17 given through the Montgomery County Register.

18 (d) If surplus goods have no resale or scrap value, the Director may dispose
19 of the goods in any responsible manner.

20 (e) Notwithstanding any other provision of County law, any gun that is
21 surplus must be destroyed.

22 (f) During a period when the County is under a state of emergency order
23 issued by the Federal, State, or County governments, the Director of the
24 Office of Emergency Management and Homeland Security or the

25 Director's designee may dispose of goods donated to the County for
26 use in the emergency without using a competitive method if:

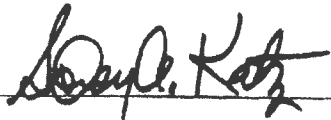
27 (1) the Director determines that the goods would be useful to others
28 during the emergency; and

29 (2) the goods are disposed of consistent with emergency procedures
30 and prioritization guidelines established either by the public
31 official declaring the state of emergency or by the Executive.

32 **Sec. 2. Expedited Effective Date.**

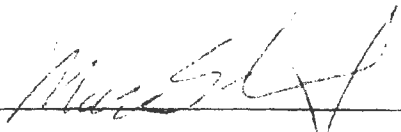
33 The Council declares that this legislation is necessary for the immediate
34 protection of the public interest. This Act takes effect on the date on which it
35 becomes law and applies to any goods received by the County on or after March 5,
36 2020.

Approved:



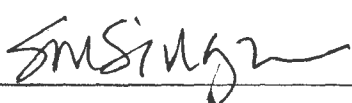
Sidney Katz, President, County Council
Date 4/21/20

Approved:



Marc Elrich, County Executive
Date 4/24/20

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council
Date 4/27/20