

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2022 Legislative Session**

Bill No. CB-102-2022

Chapter No. 85

Proposed and Presented by Council Members Franklin and Hawkins

Introduced by Council Members Franklin, Hawkins, Taveras, Turner, Streeter, Ivey,  
Glaros, Harrison, Dernoga and Medlock

Co-Sponsors \_\_\_\_\_

Date of Introduction September 27, 2022

**BILL**

1 AN ACT concerning

2 Local Employment Opportunities in County Procurement

3 For the purpose of re-establishing and updating the first source registry and local hiring policy  
 4 for Prince George's County public contracting to increase career opportunities for county  
 5 residents.

6 BY repealing and reenacting:

7 SUBTITLE 10A. PURCHASING.

8 Sections 10A-168 and 10A-169,

9 The Prince George's County Code

10 (2019 Edition; 2021 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 12 Maryland, that Sections 10A-168 and 10A-169 of the Prince George's County Code be and the  
 13 same are hereby repealed and reenacted with amendment:

14 SUBTITLE 10A. PURCHASING.

15 DIVISION 7. ECONOMIC DEVELOPMENT.

16 SUBDIVISION 2. - FIRST SOURCE HIRING PROGRAM AND LOCAL HIRING  
 17 REQUIREMENTS.

18 **Sec. 10A-168. First Source Registry created.**

19 (a) Employ Prince George's [the Prince George's County Economic Development  
 20 Corporation's Workforce Services Division] shall maintain a First Source Registry. The First

Source Registry shall consist of the names of veterans, unemployed, low-to-moderate income (defined as being within three hundred percent (300%) of federal poverty guidelines), and general job-seeking individuals who are County residents. The Registry shall be the first source for hiring all new hire positions on procurement projects funded by a County agency or the County government \$5 million or greater in value. Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] may require from residents seeking to be listed in the First Source Registry such documentation that it deems necessary to verify unemployment, income, veteran-status, and residency information (pursuant to the requirements set forth in Section 10A-101(14.1)) for the purposes of this Subdivision. Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] shall give the Purchasing Agent constant access to the information in the First Source Registry and access upon request to any information provided by residents pursuant to this Subsection.

(b) In compiling and maintaining the First Source Registry, Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] shall contact community organizations, organized labor locals, civic and citizens associations, and nonprofit institutions for names and other relevant contact information of unemployed, low-to-moderate income, and general job seeking County residents. Only County residents are eligible to be listed or included in the First Source Registry.

(c) In this Subdivision, **County resident** means a citizen or legal resident whose primary residence and domicile is within Prince George's County, MD.

**Sec. 10A-169. First Source and Local Hiring Agreements required; local hiring requirement.**

(a) The Purchasing Agent shall require prior to the execution and as a condition of the performance of any contracts or agreements for procurements \$5 million or greater [than \$500,000] in contract value, awarded pursuant to Section 10A-112, 10A-113, or 10A-114 of this Subtitle, at the time of initial contract execution or, effective as of January 1, 2014, at the time of any exercise of contract renewal, option, or extension (including automatic renewal or extension), a requirement that the business enter into a First Source and Local Hiring Agreement with the County which states that:

(1) The first source for finding employees to fill all jobs created by the government-assisted project shall be the First Source Registry;

(2) The first source for finding employees to fill any vacancy occurring in all jobs covered by a First Source and Local Hiring Agreement will be the First Source Registry; and

(3) Compliance with this Section is a condition of the First Source and Local Hiring Agreement.

(b) In selecting qualified County residents from the First Source Registry for interviews or other consideration for employment for all jobs covered by each First Source and Local Hiring Agreement, Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] shall give first priority to referring veterans who are County residents, second priority to referring unemployed County residents, third priority to referring County residents within three hundred percent (300%) of federal poverty guidelines, and then fourth priority to referring other job-seeking County residents.

(c) Each business that is a signatory to a First Source and Local Hiring Agreement under a procurement contract shall submit to Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] and the Purchasing Agent, by the fifth business day of every month following the execution of the First Source and Local Hiring Agreement, an agreement compliance report for the project that includes the:

(1) Number of employees needed;

(2) Number of current employees transferred;

(3) Number of new job openings created;

(4) Number of jobs openings listed with Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division];

(5) (A) For the reporting period (during the previous calendar month), the total number of County residents employed, including new County resident hires, and total hours worked by County residents, and

(B) For the calendar year, the cumulative total number of County residents employed, including cumulative new County resident hires, and cumulative work hours by County residents; and

(6) (A) For the reporting period (during the previous calendar month), the total number of employees employed, including new hires, and total employee hours worked, and

(B) For the calendar year, the cumulative total number of employees hired, including cumulative new hires, and cumulative employee hours worked, including, for each employee:

- (i) Name;
- (ii) Job title;
- (iii) Hire date;
- (iv) Residence; and
- (v) Referral source for all new hires.

(d) At least ten (10) calendar days prior to announcing an employment position, a business that is a signatory to a First Source and Local Hiring Agreement under a procurement contract shall notify Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division] of the available positions. If the County resident interviewed or otherwise considered for the position is not hired, the business shall provide reasons why the referred County resident was not hired. A good faith effort is required to hire the referred County resident, if sufficiently qualified for the available position.

\* \* \* \* \*

(f) For every procurement \$5 million or greater [than \$500,000] in contract value and subject to Section 10A-112, 10A-113, or 10A-114 of this Subtitle, the Purchasing Agent shall require "best efforts" to reach a minimum goal that at least fifty-one percent (51%) of the annual man/woman hours (work hours), on both a total work hour and trade by trade basis, be worked by County residents as a condition of any contract or agreement for a procurement funded by a County agency, including requiring "best efforts" to reach a minimum goal that at least fifty-one percent (51%) of the annual apprenticeship work hours on such contracts or agreements be worked by apprentices who are County residents. The requirements of this Subsection extend to hiring by contractors and subcontractors on procurements funded by a County agency under the supervision or control of the contractors and subcontractors.

(1) In procurements funded by a County agency or the County government, competitive bids or proposals responding to a bid or proposal solicitation, including, but not limited to, competitive bids pursuant to Section 10A-112 or competitive proposals pursuant to Section 10A-113, may be deemed nonresponsive and rejected by the Purchasing Agent if the bid or proposal fails to demonstrate adequate capacity to meet the annual County resident hiring goals of this Subsection in the judgment of the Purchasing Agent.

(2) If a procurement subject to this Subsection fails to reach the minimum goal that at least fifty-one percent (51%) of the annual man/woman hours (work hours) or fifty-one percent (51%) of the annual apprenticeship work hours be worked by County residents, a waiver must be granted pursuant to Subsection (h) of this Section or the procurement is subject to the penalties of Subsection (i) of this Section.

(3) In order to meet the "best efforts" requirements of this Subsection, an employer required to comply with the annual County resident hiring goals of this Subsection shall require any worker it employs that it deems to be a County resident for the purposes of meeting the annual County resident hiring goals to submit documentation by the end of the calendar year to the employer necessary to establish the worker's County residency pursuant to the requirements set forth in Section 10A-101(14.1), including a copy of a filed Maryland state income tax return as prescribed in Section 10A-101(14.1)(A)—(B) or an attestation as prescribed in Section 10A-101(14.1)(C) establishing a Prince George's County domicile for the worker for the most recent full calendar year, unless the worker has already submitted such documentation during the calendar year to Employ Prince George's [the Prince George's County Workforce Services Division] pursuant to Section 10A-168(a). The employer shall transmit the documentation required by this Paragraph submitted by its workers during the calendar year to Employ Prince George's [the Prince George's County Workforce Services Division] and the Purchasing Agent by the tenth (10th) business day of the subsequent calendar year or the employer shall be in noncompliance with the "best efforts" requirements of this Subsection and subject to the penalties of Subsection (i) of this Section.

(g) For procurements funded by a County agency or the County government \$5 million or greater [than \$500,000] in contract value and awarded pursuant to Section 10A-112, 10A-113, or 10A-114 of this Subtitle, the Purchasing Agent shall require compliance with this Subdivision as a written condition of the procurement contract or agreement or any such contract or agreement shall be rendered void and illegal.

(h) On a case by case basis, at the request of an employer required to comply with Subsection (f) of this Section, the Purchasing Agent may waive the annual County resident hiring goals of Subsection (f) of this Section, upon consultation with Employ Prince George's, if the Purchasing Agent finds that "best efforts" to comply with the annual County resident hiring goals by the employer requesting the waiver have been demonstrated as prescribed in Paragraph

(2) of this Subsection. An employer is only allowed to request and the Purchasing Agent is only allowed to grant a waiver authorized by this Subsection after the end of the calendar year for which the employer seeks the waiver and the waiver, if granted, shall only apply for that calendar year.

(1) Any waiver authorized by this Subsection shall comply with the approval requirements of Section 10A-159.01. {For procurement contracts or agreements subject to approval by legislative act under Section 819 of the Charter, a waiver authorized by this Subsection must be approved by the County Council. For procurement contracts or agreements not subject to approval by legislative act under Section 819 of the Charter, notice of such a waiver, including the information provided to the Purchasing Agent pursuant to Subparagraphs (A)—(D) of Paragraph (2) of this Subsection, shall be sent to the County Council by the Purchasing Agent by no less than fourteen (14) calendar days prior to the date of the County Executive's approval of the Purchasing Agent's decision to waive the provisions of Subsection (f) of this Section.}

(2) The term "best efforts" in this Subdivision means efforts to the maximum extent practicable have been made to meet the requirement. "Best efforts" by an employer required to comply with Subsection (f) of this Section shall not be found and a waiver authorized by this Subsection shall not be granted unless the employer provides written documentation to the Purchasing Agent demonstrating that:

(A) Whenever employment opportunities became available during the calendar year, the employer made good faith efforts to hire each County resident who applied or was referred for employment;

(B) The employer sent written notifications during the calendar year to Employ Prince George's [the Prince George's County Workforce Services Division] and community, labor, and workforce-related organizations and institutions identified by the County Executive or the County Executive's designee whenever employment opportunities became available;

(C) For each County resident who applied or was referred for employment during the calendar year, but was not hired, the employer maintained written documentation that includes a sufficient explanation of the reason(s) the County resident was not hired; and

(D) The employer met other requirements during the calendar year determined by the Purchasing Agent.

Based on an analysis of the information provided by the employer seeking a waiver authorized by this Subsection and an analysis by the Purchasing Agent of the sufficiency of the County's labor market, upon consultation with Employ Prince George's, the Purchasing Agent shall determine whether "best efforts" to comply have been demonstrated by the employer and whether to grant the employer's request for a waiver authorized by this Subsection, subject to the approvals and notice required by this Subsection. An employer must be in compliance with Paragraph (3) of Subsection (f) of this Section in order to receive a waiver authorized by this Subsection. A waiver decision by the Purchasing Agent authorized by this Subsection must be approved in accordance with Section 10A-159.01 [by the County Executive] or it shall be void.

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(k) Immediately upon execution, the Purchasing Agent shall expeditiously transmit a paper or electronic copy of any signed First Source and Local Hiring Agreement to Employ Prince George's [the Prince George's County Economic Development Corporation's Workforce Services Division].

(l) The Purchasing Agent may waive and adjust or modify the requirements of this Subdivision, in accordance with Section 10A-159.01, on a case by case basis, if the Purchasing Agent determines in writing that

(1) there is an insufficient number of available Prince George's County residents in the labor market who possess the skills required to do the work included in the contract or

(2) "best efforts" were made in accordance with Subsection (h), above.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on February 1, 2023.

Adopted this 24<sup>th</sup> day of October, 2022.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.