

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

Bill No. CB-46-2022
 Chapter No. 23
 Proposed and Presented by Council Member Franklin
 Introduced by Council Members Franklin, Hawkins, Turner, Dernoga, Streeter, Medlock, Glaros
 Co-Sponsors _____
 Date of Introduction June 7, 2022

CHARTER AMENDMENT

1 AN ACT concerning

2 Amendment of Section 603, Charter of Prince George's County

3 For the purpose of proposing an amendment to Section 603 of the Charter of Prince George's
 4 County to amend the requirements regarding public notice for bids or proposals that shall be
 5 advertised on a publicly available website designated by the County Purchasing Agent, and in any
 6 other manner determined by the County Code; to provide that such purchases and contracts shall
 7 be made from or awarded to the responsive and responsible bid that is most favorable to the County
 8 with respect to "best value", including technical requirements, diversity of suppliers, and costs, as
 9 defined in the Code; to provide for bonding and generally regarding competitive bidding.

10 BY proposing an amendment to:

11 Section 603,

12 Charter of Prince George's County, Maryland.

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, that the following amendment to Section 603, Charter of Prince George's County,
 15 Maryland, is hereby proposed:

16 **Section 603. – Competitive Bidding.**

17 Any single purchase or contract under the jurisdiction of the County Purchasing Agent and
 18 involving an expenditure in excess of such amount(s) as may be established by legislative act of
 19 the County Council, except emergency purchases and those involving services or material and
 20 equipment of a noncompetitive nature as may be defined and governed by the rules and regulations
 21 mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or proposals

publicly opened after public notice for such period and in such manner as the County Purchasing Agent or ~~[his or her]~~ their authorized deputy shall determine. Such public notice for bids or proposals [purchases and contracts] shall be advertised on [in the County's newspapers of record,] a publicly available website designated by the County Purchasing Agent, and in any other manner determined by the County Code. Such purchases and contracts shall be made from or awarded to the responsive and responsible bid that is most favorable to the County with respect to "best value", including technical requirements, diversity of suppliers, and ["best value"] {costs}, as defined in the Code. [In determining "best value," the utilization of small and minority-owned businesses based in the County in a responsive and responsible bid shall be a factor considered by the Purchasing Agent, provided that doing so does not conflict with state or federal law.] A security or bond for the performance of work as determined by the County's Purchasing Agent in accordance with the County Code may be required for purchases and contracts. No such purchase or contract shall be made or awarded within a period of one week from the date of the public opening of bids. In all cases, the County shall reserve the right to reject any and all bids. No contract or purchase shall be subdivided to avoid the requirements of this section. Anything to the contrary of this Section 603 notwithstanding, the Council may authorize the County Purchasing Agent to negotiate extensions of existing contracts for garbage and refuse collection, without competitive bidding, upon such terms and for such duration as the Council may by law prescribe; provided, however, that any such law shall require the County Purchasing Agent to poll the residents of the service area covered by a collection contract, and shall provide that the County Purchasing Agent not conclude any agreement for an extension unless a certain number of the residents of the service area, as prescribed by the Council, indicate their concurrence in the extension.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Prince George's County Board of [Supervisors of] Elections for submission of the proposed amendment to the voters of this County at the 2022 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 8, 2022, and shall be placed on the ballot in the following form:

PROPOSED CHARTER AMENDMENT

To provide that public notice for bids or proposals shall be advertised on a publicly available website designated by the County Purchasing Agent, and in any other manner determined by the County Code. Such purchases and contracts shall be made from or awarded to the responsive and responsible bid that is most favorable to the County with respect to “best value”, including technical requirements, diversity of suppliers, and costs, as defined in the Code; to provide for bonding and generally regarding competitive bidding.

Adopted this 5th day of July, 2022, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

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

APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON NOVEMBER 8, 2022,
AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2022.
EFFECTIVE: DECEMBER 1, 2022