

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-030-2023

Chapter No. 42

Proposed and Presented by Council Members Blegay, Oriadha and Burroughs

Introduced by Council Members Blegay, Oriadha, Burroughs, Dernoga, Harrison, Ivey,
Hawkins, Olson, Fisher and Franklin

Co-Sponsors _____

Date of Introduction May 2, 2023

BILL

AN ACT concerning

County Based Business Utilization

For the purpose of providing that certified County-based small businesses will have the right of first award for County procurements at or under One Million Dollars (\$1,000,000).

BY repealing and reenacting with amendments:

SUBTITLE 10A. PURCHASING.

Sections 10A-161 and 10A-162

The Prince George's County Code

(2019 Edition; 2022 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 10A-161 and 10A-162 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 10A. PURCHASING.

DIVISION 7. ECONOMIC DEVELOPMENT.

SUBDIVISION 1. COUNTY-BASED SMALL BUSINESS ASSISTANCE.

Sec. 10A-161. County-based business participation requirements.

(a) For any procurement that is greater than [Five Hundred Thousand Dollars (\$500,000)] One Million Dollars (\$1,000,000) in total value for which a County agency or the County government secures competitive bids or proposals the Purchasing Agent shall require the following:

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Sec. 10A-162. County agency local procurement goals.

(c) For any procurement subject to Section 10A-112, 10A-113 or 10A-114 of this Subtitle with a total value equal to or less than [Five Hundred Thousand Dollars (\$500,000)] One Million Dollars (\$1,000,000), each County agency or the Purchasing Agent shall set-aside the procurement only for award to County-based small businesses, subject to Paragraphs (1)—(3) of this Subsection.

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(3) Any existing contract or agreement, including any existing multiyear contract or extended contract, for a procurement funded by a County agency or the County government with a total value equal to or less than [Five Hundred Thousand Dollars (\$500,000)] One Million Dollars (\$1,000,000) that was not set-aside for County-based small businesses or County-based businesses pursuant to the requirements of this Section, at the time of any contemplated exercise of an option, extension, or renewal, including automatic extensions or renewals (e.g. "evergreen" contracts or agreements), shall not be renewed or extended. This Paragraph shall not apply to a contract or agreement for a procurement with greater than fifty percent (50%) certified County-based small business, County-based minority business enterprise, and/or Locally-owned and Operated Business participation.

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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 forty-five (45) calendar days after it becomes law.

Adopted this 30th day of May, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HER APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HER, THIS BILL BECAME LAW ON JUNE 27, 2023.

KEY:

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

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