

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-067-2023

Chapter No. 63

Proposed and Presented by Council Members Blegay, Franklin, Oriadha, Burroughs, Hawkins

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

Co-Sponsors

Date of Introduction October 3, 2023

BILL

1 AN ACT concerning

2 Procurement Forecast, Employee Performance, and Outreach for Minority Business Enterprises
3 and Small Business Enterprises

4 For the purpose of requiring each agency to publish on its website its annual procurement forecast
5 to inform the public of the County's procurements and increase minority and small enterprise
6 participation in County procurements.

7 WHEREAS, each agency will be required by May 1 of each year to forecast its procurements
8 for the upcoming year and the anticipated supplier diversity goals and requirements for each
9 procurement, and

10 WHEREAS, the County must conduct specific outreach and develop a program to (1) identify
11 and increase awareness of procurement opportunities for minority and small business enterprises,
12 and (2) assist minority and small business enterprises in participating in County procurements, and

13 WHEREAS, those procurement officers and other procurement related employees not
14 meeting their agency's supplier diversity procurement goals and requirements may not eligible for
15 a merit increase or promotion, and

16 WHEREAS, when a procurement or other procurement related employee does not meet his
17 or her agency's minority or small business enterprise procurement goals and there has been no
18 improvement in meeting the agency's supplier diversity procurement goals, the County may
19 terminate the employee or reassign him or her to a new position that does not involve procurement.

20 BY adding:

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SUBTITLE 10A. PURCHASING.
Sections 10A-159.02, 10A-159.03,
The Prince George’s County Code
(2019 Edition; 2022 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, the section 10A-159.02 and 10A-159.03 be and the same are hereby added:

SUBTITLE 10A. PURCHASING.
DIVISION 7. ECONOMIC DEVELOPMENT.

Sec. 10A-159.02. Definitions.

- (a) In this division the following terms shall have the denoted meanings.
- (b) Agency shall mean county agency, county department, and county office or any agency, department, or office established in-whole or in-part under the authority of the Charter or county law.
- (c) Procurement shall mean the process of: (1) leasing real or personal property as lessee; or (2) buying or otherwise obtaining supplies, services, construction, construction related services, architectural services, engineering services, or services provided under an energy performance contract.
- (d) Procurement contract shall mean an agreement in any form entered into by an agency for procurement.
- (e) Procurement officer shall mean an individual authorized by an agency to: (1) enter into a procurement contract; (2) administer a procurement contract; or (3) make determinations and findings with respect to a procurement contract.
- (f) Procurement related employee shall mean contract service officer, procurement assistant, or procurement officer.

Sec. 10A-159.03. Procurement.

- (a) On or before May 1 of each year, each agency shall publish on its agency’s website its procurement forecast listing all known and anticipated procurements to be made by the agency in the upcoming fiscal year; to include, an estimate of the specific supplier diversity requirements and goals for each procurement.

1 (b) When an agency is determining a procurement officer's evaluation or whether a
 2 procurement officer is eligible for a merit increase or performance-based promotion for
 3 the procurement officer or procurement related employee responsible for county
 4 procurement on behalf of the agency, the agency shall consider the efforts of the
 5 procurement officer or procurement related employee to assist the agency in meeting the
 6 supplier diversity and local hiring goals and requirements for the agency's procurements
 7 in accordance with this Subtitle.

8 (c) At the discretion of an Agency or department director, if an agency does not meet an
 9 agency supplier diversity goal set pursuant to this Subtitle, the agency's procurement
 10 officer or procurement related employee procuring goods and services on behalf of that
 11 agency:

12 (1) May not receive any merit increase or promotion based on their performance during
 13 any fiscal year in which the goal is not met and there is no improvement over the
 14 previous fiscal year toward meeting that goal; and

15 (2) If there is no improvement toward meeting the goal over three (3) consecutive fiscal
 16 years, may have their employment with the agency terminated or be reassigned to
 17 a position that does not include involvement with the agency's procurement
 18 activities, provided that this does not preclude an agency from taking these
 19 employment actions prior to the three fiscal year period.

20 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words,
 24 phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act of any
 25 such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,
 26 subsection, or section.

27 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
 28 calendar days after it becomes law.
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Adopted this 31st day of October, 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

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

**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 NOVEMBER 30, 2023.**

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