

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-078-2023

Chapter No. 58

Proposed and Presented by Council Members Oriadha, Blegay and Burroughs

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

Co-Sponsors _____

Date of Introduction October 10, 2023

BILL

1 AN ACT concerning

2 Police Department Towing Contracts

3 For the purpose of providing certain legislative intent; providing certain definitions; providing
4 for certain bid, contract, and subcontract requirements; providing for certain bid, contract, and
5 subcontract reporting; and generally regarding Police Department towing contracts.

6 BY adding:

7 SUBTITLE 10A. PURCHASING.

8 Sections 10A-158.07, 10A-158.08, 10A-158.09 and
9 10A-158.10,

10 The Prince George's County Code
11 (2019 Edition; 2022 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 10A-158.07, 10A-158.08, 10A-158.09 and 10A-158.10 of the Prince
14 George's County Code be and the same are hereby added:

15 SUBTITLE 10A. PURCHASING.

16 DIVISION 6. SPECIAL PROVISIONS.

17 SUBDIVISION 17. POLICE DEPARTMENT

18 TOWING CONTRACTS.

19 Sec. 10A-158.07. Legislative Intent.

20 The County government finds that the public interest will be served by encouraging County-based

1 minority business enterprises and County-based small businesses to bid on Police Department
 2 towing contracts and that the successful bidders, contractors, and subcontractors be treated
 3 equitably in the number and type of service calls received from the Police Dispatcher on the Police
 4 Vendor List.

5 **Sec. 10A-158.08. Definitions.**

6 (a) **Contractor**, as defined in Section 10A-101(a) (12), means any business or person having a
 7 written contract with the County.

8 (b) **County-based minority business enterprise**, as defined in Section 10A-101(a)(13.2), means
 9 a business that is both: (A) a minority business enterprise as certified by the Supplier Development
 10 and Diversity Division; and (B) a County-based business in accordance with Section 10A-163 of
 11 this Subtitle.

12 (c) **County-based small business**, as defined in Section 10A-101(a)(13.3), means a business that:
 13 (A) (i) meets the requirements of Section 10A-163(b) of this Subtitle and (ii) whose application
 14 for certification as a County-based small business is approved by the Purchasing Agent; or (B) is
 15 a County-based minority business enterprise that meets the requirements of Section 10A-163(g)
 16 of this Subtitle.

17 (d) **Minority business enterprise**, as defined in Section 10A-101(a)(26), means any business
 18 enterprise: (A) Which is at least fifty-one percent (51%) owned by one or more minority
 19 individuals, or, in the case of any publicly-owned corporation, at least fifty-one percent (51%) of
 20 the stock of which is owned by one or more minority individuals; and (B) Whose general
 21 management and daily business affairs and essential productive operations are controlled by one
 22 or more minority individuals; and (C) Which has been certified by the Supplier Development and
 23 Diversity Division as a Minority Business Enterprise pursuant to Division 6 of this Subtitle.

24 (e) **Minority individuals**, as defined in Section 10A-101(a)(27), are those who have been
 25 subjected to prejudice or cultural bias because of their identity as a member of a group in terms of
 26 race, color, ethnic origin, or gender, without regard to their individual capabilities. Minority
 27 individuals are limited to members of the following groups: (A) African Americans (Black
 28 Americans), which includes persons having origins in any of the Black racial groups of Africa; (B)
 29 Asian-Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan,
 30 Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia,
 31 Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands

1 (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga,
 2 Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong; (C) Subcontinent Asian
 3 Americans, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan,
 4 the Maldives Islands, Nepal or Sri Lanka; (D) Hispanic Americans, which includes persons of
 5 Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture
 6 or origin, regardless of race; (E) Native Americans, which includes persons who are American
 7 Indians, Eskimos, Aleuts, or Native Hawaiians; (F) Females, regardless of race, ethnicity or origin;
 8 and (G) Veterans and Service Disabled Veterans.

9 (f) **Police Department** shall mean the Prince George’s County Police Department.

10 (g) **Subcontractor** shall mean any person undertaking part of the work under the terms of the
 11 contract, by virtue of an agreement with a Contractor.

12 **Sec. 10A-158.09. Police Department Towing Contracts; requirements.**

13 (a) Police Department towing contracts shall be subject to the provisions of this Subtitle, except
 14 as follows:

15 (1) Notwithstanding Section 10A-161 and Section 10A-162 of this Subtitle, at least fifty-one
 16 percent (51%) of the total annual dollars paid from Police Department towing contracts shall be
 17 paid to County-based minority business enterprises and County-based small businesses, with no
 18 less than twenty-nine (29%) of the total annual dollars paid from Police Department towing
 19 contracts paid to County-based minority business enterprises; and

20 (2) Police Department towing contracts shall be bid every two years with no option for
 21 extensions; and

22 (3) Contractors or Subcontractors with an employee or employee(s) with one felony conviction
 23 shall be considered as eligible bidders, Contractors, and Subcontractors in Police
 24 Department towing bids, contracts, and subcontracts.

25 (4) Neither Contractors or Subcontractors shall dispatch drivers who have been convicted of a
 26 violent felony in the last five years.

27 (5) Employee or Employees with misdemeanors shall not be a factor in eligibility.

28 **Sec. 10A-158.10. Police Department Towing Contracts; bid, contract, and subcontract**
 29 **reporting.**

30 (a) The Purchasing Agent shall prepare and transmit to the County Council and the County
 31 Executive, on a quarterly basis, a written report containing the information collected

1 pursuant to this Section.

2 (b) The Director of Central Services shall collect and maintain information on bidders,
 3 Contractors, and Subcontractors for Police Department towing contracts.

4 (c) For each solicitation of Police Department towing services, the information collected shall
 5 include, but not be limited to:

6 (1) Total number of bidders; and

7 (2) Business name of each bidder that responded to the solicitation; and

8 (3) Business name of each County certified bidder that responded to the solicitation listed
 9 by subcategory of County-based Minority Business Enterprise: (A) African American
 10 Business Enterprise, (B) Asian-American and Pacific Islander Enterprise, (C) Latino
 11 Business Enterprise, (D) Native American Business Enterprise, (E) Veteran Business
 12 Enterprise and (F) Women’s Business Enterprise and by County-based small business;
 13 and

14 (4) Business name of each bidder awarded a contract under the solicitation; and

15 (5) Final list of County certified businesses awarded contracts under the solicitation, listed
 16 by subcategory of County-based Minority Business Enterprise: (A) African American
 17 Business Enterprise, (B) Asian-American and Pacific Islander Enterprise, (C) Latino
 18 Business Enterprise, (D) Native American Business Enterprise, (E) Veteran Business
 19 Enterprise, (F) Women’s Business Enterprise, and (G) County-based small business;
 20 and

21 (6) Business names of all Subcontractors, if any, identified by each Contractor awarded a
 22 contract under each solicitation, listed by subcategory of County-certified Minority
 23 Business Enterprise: (A) African American Business Enterprise, (B) Asian-American
 24 and Pacific Islander Enterprise, (C) Latino Business Enterprise, (D) Native American
 25 Business Enterprise, (E) Veteran Business Enterprise, (F) Women’s Business
 26 Enterprise, and (G) County-based small business; and

27 (d) With each quarterly report submitted pursuant to this Section, the Purchasing Agent shall
 28 also submit:

29 (1) The Police Towing Vendor List; and

30 (2) Service calls transmitted by the Police Dispatcher to Contractors sorted by business
 31 name, County certified businesses by category and subcategory and type of service call with

1 monthly total calls to be included in quarterly reports.

2 (e) On an annual basis, within 3 months after the end of the fiscal year, the Director of Central
3 Services shall report to the County Executive and County Council on the amount paid and
4 percentage of the overall annual dollars paid for Police Department towing contracts for the fiscal
5 year to each of the following categories of businesses: (1) County-based minority business
6 enterprises, also reported by the amount paid and percentage of the overall annual dollars paid for
7 Police Department towing contracts to each of the following subcategories of County-based
8 minority business enterprises: (A) African American Business Enterprise, (B) Asian-American
9 and Pacific Islander Enterprise, (C) Latino Business Enterprise, (D) Native American Business
10 Enterprise, (E) Veteran Business Enterprise, (F) Women’s Business Enterprise; and (2) County-
11 based small businesses.

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

19 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
20 calendar days after it becomes law.

Adopted this 7th day of November, 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.

* * * * *