

1 COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2
3 2013 Legislative Session

4 Legislative Day #

5
6 BILL NO. 2013-07

7
8 Introduced by: Charles County Commissioners

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11 PROCUREMENT REGULATIONS

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17 **Date introduced:** 05 / 07 / 2013 @ 6:30 p.m.

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19 **Public Hearing:** 05 / 22 / 2013

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21 **Commissioners Action:** 05 / 22 / 2013

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23 **Commissioner Votes:** CQK: Y, RC: Y, KR: Y, DD: Y, BR: Y

24
25 **Pass/Fail:** Pass

26
27 **Effective Date:** 07 / 06 / 2013

28
29
30 **Remarks:**

1 COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2 2013 Legislative Session

3 Bill No. 2013-07

4 Chapter No. 153, 203, 204

5 Introduced by Charles County Commissioners

6 Date of Introduction May 7, 2013

7 **BILL**

8 AN ACT concerning

9 **PROCUREMENT REGULATIONS**

10

11 FOR the purpose of amending and updating the County's purchasing procedures and
12 incorporating multiple enactments into a single Bill including the Minority Business Program.

13

14 By repealing in its entirety:

15 Chapter 153. ARCHITECTURAL/ENGINEERING SERVICES

16 *Code of Charles County, Maryland*

17 *(1994 Edition, 1998 Supplement)*

18 By reenacting with amendment:

19 Chapter 203. PURCHASING PROCEDURES

20 Sections 203-1 through 203-4 (Sections 203-11 and 203-12 are renumbered to be 203-3
21 and 203-4)

22 *Code of Charles County, Maryland*

23 *(1994 Edition, 1998 Supplement)*

24 By adding:

25 Chapter 204. Minority Business Policies and Procedures

26 *Code of Charles County, Maryland*

27 *(1994 Edition, 1998 Supplement) Previously Resolution 2005-53*

28

29 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF

30 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as

31 follows:

Chapter 203. PURCHASING PROCEDURES.

SECTION 203-1. Purchasing and procurement policies generally.

A. Purchasing and procurement.

(1) Purchasing and procurement authority designated. The Chief of Purchasing shall be responsible for purchasing or contracting for all supplies and contractual services required by using agencies, except those specifically exempted in writing by the County Commissioners. [Rules and regulations for the selection of firms and individuals who provide architectural/engineering professional services are set forth in other provisions of the public general laws and in Chapter 153, Architectural/Engineering Services, of the Charles County Code.]

(2) Unlawful purchases or procurements. It shall be unlawful for any officer or employee to purchase, contract or order any equipment, supplies or services except as authorized by the Chief of Purchasing or through the procedures defined herein, and the county shall not be responsible for payment for any such unauthorized purchase or procurement.

B. Competitive bidding. Unless otherwise provided by law or by these policies, all purchases or procurements with an aggregate value exceeding [\$15,000] TWENTY FIVE THOUSAND DOLLARS (\$25,000) shall be made by advertised bid. All solicitations for bids shall be advertised and posted pursuant to law. Full opportunity to bid shall be granted to all qualified and responsible bidders. [The bidders' list, maintained by the Purchasing Office, listing the names and addresses of all interested vendors, may be used to solicit bids.] Vendors may be removed from the bidders' list by the Chief of Purchasing [for any of the following reasons:

(1) Failure to reply to three successive bid invitations. A "no bid" shall be considered a reply.

(2) Repeated delinquency in making deliveries or default.

(3)] [Suspension] IF THEY HAVE BEEN SUSPENDED or [debarment] DEBARRED by any COUNTY, state or federal procurement authority.

C. Joint or cooperative purchases and procurements. The Chief of Purchasing may engage in programs involving joint or cooperative purchases and procurements with other public

1 jurisdictions, including independent agencies operating under state law, the State of
2 Maryland, other counties and municipalities and volunteer fire departments and rescue
3 squads of these jurisdictions. The Chief of Purchasing may utilize formal bid contracts
4 established by these jurisdictions when beneficial to the county. This may be
5 accomplished without specific Board approval for individual transactions.

6 D. Unit cost contracts. Unit cost contracts may be issued covering indeterminate
7 requirements of specific commodities and services where the unit cost for the
8 commodities or services is determined through competitive bidding procedures and
9 agreed upon at the beginning of the contract period. The exact quantity to be purchased
10 may be unknown. All unit cost contracts shall include instructions as to release format,
11 item limitations, dollar limitations per purchase, if applicable, pricing provisions, billing
12 instructions [and a written listing of individuals expressly authorized to make
13 commitments under the unit cost contract.] The Chief of Purchasing shall distribute to all
14 using agencies information detailing the provisions and pricing of unit cost contracts.

15 E. [Negotiated purchases and] EMERGENCY AND SOLE SOURCE procurement. [The
16 Chief of Purchasing may negotiate for purchases or other contracts over \$15,000 under
17 any of the following circumstances, with the specific approval of the County
18 Administrator.] If the purchase or contract is over \$25,000, the President of the Board of
19 County Commissioners shall approve it after review by the County Administrator.
20 THERE ARE INSTANCES WHEN AN EMERGENCY OR SOLE SOURCE
21 PROCUREMENT IS NECESSARY. THE FOLLOWING IS A LIST OF EXAMPLES:

22 (1) Emergency purchase is necessary. An emergency shall be deemed to exist when:

23 [a breakdown in machinery or any incident threatens or terminates an essential
24 service to the public.]

25 (A) THERE IS A DANGER OF DEATH OR INJURY IF UNCORRECTED.

26 (B) THERE IS RISK OF DESTRUCTION OR SERIOUS DAMAGE TO
27 COUNTY PROPERTY.

28 (C) A BREAKDOWN OF MACHINERY OR OTHER INCIDENT
29 THREATENS OR TERMINATES ESSENTIAL SERVICES TO THE
30 PUBLIC.

31 (2) Supplies or services are proprietary in nature.

- 1 (3) When competition is precluded because of secret manufacturing processes or
2 patent and/or copyrights and control of basic raw materials which are only
3 available from a single sole source and no equivalent processes, products, services
4 or materials can reasonably be obtained.
- 5 (4) When competition has been unsuccessfully attempted. In such case, the Chief of
6 Purchasing shall document the firms and individuals contacted and the date of
7 such contact.
- 8 (5) In cases where no bids are received, or only a single bid is received, in response to
9 formal advertising.
- 10 (6) IN CIRCUMSTANCES WHEN IT IS IMPRACTICABLE AND/OR IN THE
11 BEST INTEREST OF THE COUNTY.
- 12 F. Competitive pricing. Whenever practicable, it shall be the policy of the Purchasing Office
13 to secure adequate competition to assure that the purchase or procurement is made at the
14 lowest possible cost consistent with the quality and delivery requirements of the using
15 agency. Competitive pricing shall be obtained and at least three (3) quotes documented in
16 all transactions estimated to result in expenditures of [\$500] FIVE THOUSAND
17 DOLLARS (\$5,000) to [\$15,000] TWENTY-FOUR THOUSAND NINE HUNDRED
18 NINETY-NINE DOLLARS (\$24,999). If three quotes cannot be obtained,
19 information shall be documented in the file to that effect. Phone quotes or written quotes
20 may be utilized.
- 21 G. [Blanket purchase orders. Blanket purchase orders] SMALL PROCUREMENTS.
22 SMALL PROCUREMENT CARDS may be issued covering indeterminate requirements
23 of commodities and services. This system is to provide an expeditious means of obtaining
24 incidental items as needed. [Purchases under blanket purchase orders] SMALL
25 PROCUREMENT CARDS are limited to ONE THOUSAND DOLLARS (\$1,000) per
26 purchase. All [blanket purchase orders] SMALL PROCUREMENT CARDS shall
27 include instructions to the vendor as to release format, item limitations, dollar limitations,
28 billing instructions and identification of persons expressly authorized to conduct such
29 orders. Employees authorized to purchase under the [blanket purchase order] SMALL
30 PROCUREMENT CARD procedures are provided with identification cards, which are
31 issued by and may be rescinded by the Chief of Purchasing. [BPO] SMALL

- 1 PROCUREMENT cards must be turned in to Purchasing upon the termination of
2 employment of the cardholder.
- 3 H. Requisitions. The purchase requisition or on-line request shall be used in all cases as an
4 instrument for requesting contractual services or commodities. Requisitions shall be
5 approved by the appropriate supervisor prior to submitting to Purchasing. Requisitions
6 with incomplete information shall be rejected by Purchasing.
- 7 I. Purchase orders. Purchase orders shall not be prepared without a substantiating, approved
8 requisition from the using department. All purchases GREATER THAN ONE
9 THOUSAND DOLLARS (\$1,000), UNLESS EXCEPTED, BUT less than [\$15,000]
10 TWENTY FIVE THOUSAND DOLLARS (\$25,000) shall be prepared on a purchase
11 order form, except for long-term supply contracts and small dollar purchases, which may
12 be accomplished via other methods described herein. In the instance of long-term supply
13 contracts or advertised procurement, a contract award notice will be mailed to the vendor.
- 14 J. Verification of funds prior to purchase required. Except for emergency purchases, no
15 purchase exceeding [\$500] ONE THOUSAND DOLLARS (\$1,000) shall be made until
16 the availability of funds for the designated purpose is verified.
- 17 K. Negotiations with vendors. No officer or employee of the county shall negotiate directly
18 or indirectly with any vendor except with the approval of the Chief of Purchasing.
19 Contact with employees in using departments by suppliers' representatives should be
20 through or with the knowledge of the Chief of Purchasing.
- 21 L. Communications with vendors. Insofar as possible or practical, any communications with
22 vendors should be in writing to avoid misunderstandings and to provide an historical file.
- 23 M. Purchases considered as possible conflicts of interest. Purchases of supplies, materials or
24 services from a member of the governing body of Charles County or from members of
25 his or her immediate family; or from any other officer or employee of the county or
26 members of his or her immediate family; or from any member or employee of a
27 commission, board or corporation controlled or appointed by the Commissioners or from
28 members of his or her immediate family shall be documented to provide a record for the
29 public establishing that the purchase was made in the best interest of the county, price
30 and other factors considered. All such purchasing activity must comply with the

- 1 provisions of the Charles County Code of Ethics, Chapter 170 of the Code of Charles
2 County.
- 3 N. Purchases of capital assets. Purchases of capital assets, items with a useful life exceeding
4 three years and costing [\$1,000] FIVE THOUSAND DOLLARS (\$5,000) or more, shall
5 require a purchase order. Trade-ins of assets shall be performed by the Chief of
6 Purchasing only, and should only be done if the Chief of Purchasing can demonstrate that
7 it is highly probable that this would provide a better economic value than if the asset were
8 auctioned. Trade-ins also require the approval of the [County Administrator] CHIEF OF
9 PURCHASING. Rental/purchase arrangements shall be coordinated only by the Chief of
10 Purchasing, and approved in advance, similar to other capital purchases. Purchases of
11 used assets must be specifically approved by the [County Administrator] CHIEF OF
12 PURCHASING.
- 13 O. Public availability of pricing information. An open record policy shall be maintained
14 whereby prices obtained through open competition and quotations are available to the
15 public after a purchase is made upon receipt of a written request to the Chief of
16 Purchasing.
- 17 P. Purchasing and procurement standards.
- 18 (1) Preferential purchasing and contracts prohibited. It is not permissible to favor any
19 particular individual or firm with orders or to give those submitting bids or
20 quotations information which will give anyone advantage over others seeking
21 county business.
- 22 (2) Local purchases and contracts. Unless otherwise provided by applicable law,
23 purchasing of goods or services from vendors whose principal place of business is
24 physically located in Charles County is considered in the best interest of the
25 county, provided that cost, quality, specifications and delivery are deemed
26 equivalent. In the event that these provisions cannot be met, it then shall be
27 considered in the county's interest to procure from a vendor whose
28 principal place of business is located in the State of Maryland.
- 29 Q. Maintenance of files and records. Complete files are to be maintained in the Purchasing
30 Division consisting of at least the following:
- 31 (1) Requisitions and purchase orders and copies of related correspondence.

- 1 (2) General correspondence.
- 2 [(3) Catalog files: descriptive literature of commodities regularly purchased.]
- 3 [(4) Commodity files.]
- 4 [(5) Vendor source files.]
- 5 [(6)] (3) Bidders' lists.
- 6 [(7) Emergency report files.]
- 7 [(8)](4) Bids and quotations.
- 8 [(9)](5) Negotiated purchase substantiations.

9 [R. Purchasing and procurement procedures outlined. Detailed purchasing and procurement
10 procedures are documented separately, incorporating the policies enumerated in this
11 chapter of the County Code, and providing additional detailed instructions for using
12 agencies. These procedures may be modified from time to time, upon the
13 recommendation of the Director of Fiscal Services, with the specific approval of the
14 County Administrator, with the knowledge and consent of the County Commissioners.]

15 [S] R. Violations of policies and procedures. The Director of Fiscal Services shall immediately
16 report to the County Administrator the following for administrative action or referral to
17 the County Attorney:

- 18 (1) Any violations of purchasing and procurement policies.
- 19 (2) Any situation where a vendor is not responsive or cooperative in providing
20 requested information or invoices after reasonable attempts to secure same have
21 been made.
- 22 (3) Any unusual delays in awarding contracts due to nonresponsiveness of using
23 agencies.
- 24 (4) Abuse of the emergency purchase order system by a particular employee, division
25 or agency.
- 26 (5) Capital purchases, not properly charged to capital outlay or preapproved by the
27 County Administrator.

28 **SECTION 203-2. Competitive bidding.**

29 A. Specifications.

- 30 (1) Preparation; changes or modifications. The preparation of proper specifications is
31 jointly the responsibility of the requesting department and the Purchasing

1 Division. Prior to obtaining bids, the Chief of Purchasing may modify those
2 specifications submitted by the using agency to permit competitive bidding and
3 provide for a level of quality commensurate with the intended use of the article.
4 The Chief of Purchasing shall notify the using agency of his intent and provide
5 the agency with full particulars regarding the need, reason, extent and nature of
6 the changes. Disputes shall be referred through the Director of Fiscal Services to
7 the County Administrator for resolution.

8 (2) Standards of quality. A primary consideration in the preparation of specifications
9 shall always be that the proposed expenditures are derived from public funds and
10 administered by public agencies. Therefore, luxury or deluxe level of quality may
11 not be in the public interest. The specifications shall reflect an adequate, standard
12 quality of merchandise consistent with the end use requirements and shall
13 represent an optimum relationship between quality and prices.

14 (3) Types of specifications.

15 (a) Technical or design specifications. These shall describe in detail the
16 construction of the item desired.

17 (b) Performance specifications. These describe the function and use of the
18 product as the basic definition.

19 (c) "Or equivalent" notation. This may be used to identify the level of quality
20 desired and must always be used when a brand name is noted on a request.

21 (4) In using any of the above types of specifications, it shall be the responsibility of
22 the Chief of Purchasing to afford a basis for full and fair competitive bidding that
23 is free from restrictions.

24 B. Bid security and/or performance bonds. The use of bid surety and/or performance or
25 payment bonds is at the discretion of the Chief of Purchasing. Bid security, in the form of
26 a certified check or bonds, shall be for a specific sum of money. All bid and performance
27 bonds shall be issued by companies licensed to do business in the State of Maryland. Bid
28 securities shall be returned to the unsuccessful bidders immediately after award of the
29 contract and to the successful bidder only after receipt of his performance and payment
30 bonds and proper execution of the contract. Failure to execute the contract or furnish

1 required bonds within the specified time may result in forfeiture of the bid security to the
2 County Commissioners as liquidated damages.

3 C. Receipt and opening of bids.

4 (1) Sealed bids must be received and opened at the prescribed time and date. Bids
5 received after the prescribed time, regardless of reason, will be returned to the
6 bidder unopened, with a letter of explanation. No bids may be changed or
7 withdrawn after bid opening.

8 (2) The Chief of Purchasing shall be responsible for setting the amount of bid bond
9 required, if any. If a bid invitation specifies that a bid surety shall be submitted
10 and such surety is omitted, the bid will not be read, recorded or considered.

11 (3) All bids shall be publicly opened, read aloud and recorded. The tabulation shall be
12 available for inspection in the Purchasing Office and made available to vendors in
13 attendance. The Chief of Purchasing shall not attempt to give interpretations or
14 answer questions until such time as he has had adequate time to review and study
15 proposals.

16 (4) A representative from the using agency or department is encouraged to attend the
17 bid opening. At times, when an unusually complex or extensive bid is to be
18 opened, the Chief of Purchasing may request the attendance of the County
19 Attorney.

20 D. Contract award.

21 (1) All [formal] FORMALLY advertised [bids] CONTRACTS shall be awarded by
22 the Board of County Commissioners through the County Administrator, upon
23 recommendation of the Department of Fiscal AND ADMINISTRATIVE
24 Services, in accordance with [delegation policies and procedures] BUDGET
25 POLICIES AND DELEGATED AUTHORITIES adopted by the Board as may be
26 modified from time to time. Any extensions or modifications of existing contracts
27 [must also be approved by the County Commissioners and signed by the President
28 of the Commissioners, in accordance with delegation policies, unless otherwise
29 specified in the original contract.] MAY BE APPROVED BASED UPON THE
30 FOLLOWING DELEGATIONS. FOR CONTRACT EXTENSIONS, THE
31 DELEGATION LIMIT IS BASED UPON THE ANNUAL MAXIMUM VALUE

1 OF THE CONTRACT EXTENSION. FOR CONTRACT MODIFICATION,
2 THE DELEGATION LIMIT IS BASED UPON THE COST OF THE
3 MODIFICATION, IF ANY. MODIFICATIONS RESULTING IN AN
4 INCREASE OF MORE THAN 10% OF THE ORIGINAL CONTRACT
5 AMOUNT MUST BE SUBMITTED TO THE COUNTY ADMINISTRATOR
6 FOR APPROVAL, REGARDLESS OF THE ACTUAL DOLLAR AMOUNT
7 OF THE MODIFICATION.

8 (2) The Director of Fiscal AND ADMINISTRATIVE Services shall submit a written
9 [report] AWARD RECOMMENDATION to the PRESIDENT OF THE Board of
10 County Commissioners THROUGH THE COUNTY ADMINISTRATOR
11 covering each [bid] FORMALLY ADVERTISED CONTRACT in excess of
12 [\$15,000] TWENTY-FIVE THOUSAND DOLLARS (\$25,000). This [report]
13 AWARD RECOMMENDATION shall include the following information:

14 (a) The bid number, title and opening date.

15 (b) The department.

16 [(c) The number of invitations mailed, the number of bidders and the number
17 of firms submitting "no bids."]

18 [d] (C) A tabulation of bids received.

19 [e] (D) Award recommendations.

20 [f] (E) Basis of award recommendations.

21 [g] (F) The signature of the County Attorney attesting to the legal sufficiency of
22 the contract documents.

23 E. Notification to bidders.

24 (1) Successful bidders. After a bid has been awarded by the Board of County
25 Commissioners, the Chief of Purchasing shall notify the successful bidder. The
26 following methods of notification may be used:

27 (a) A contract award notice shall be mailed to the vendor.

28 (b) A letter of award with a request for submission of performance and
29 payment bonds, when applicable, shall be sent to the bidder.

30 (c) A notice to proceed, with a copy of the executed contract, shall be sent to
31 the bidder.

- 1 (2) Unsuccessful bidders. The Chief of Purchasing shall be required to issue
2 notifications to the unsuccessful bidders and return bid bonds or a certified check
3 if included as a bid requirement.

4 **SECTION 203-[11] 3. Disposition of surplus property.**

5 A. Methods of disposition. The Chief of Purchasing is responsible for the disposition of
6 surplus, obsolete and scrap supplies and equipment. Disposition may be made in any of
7 the following ways:

- 8 (1) Request vendor to substitute for other material.
9 (2) Transfer to other county departments or agencies.
10 (3) Return to supplier for credit.
11 (4) Outright sale via advertised bid or auction.
12 (5) Scraping BY DISPOSAL IN THE LANDFILL OF BY OTHER
13 APPROPRIATE MEANS WHEN THE ITEM HAS NO CASH VALUE, OR
14 WHEN THE CASH VALUE IS LESS THAN THE ADMISNTRATIVE COSTS
15 TO PROCESS THE ITEM FOR SALE. THE CHIEF OF PURCHASING SHALL
16 MAKE THIS DETERMINATION.
17 (6) Trade-in, with the approval of the [County Administrator] CHIEF OF
18 PURCHASING.
19 (7) SELL FOR SALVAGE VALUE.
20 (8) BY DONATION WITH THE APPROVAL OF THE COUNTY
21 ADMINSTRATOR.

22 B. Lists of obsolete or scrapped supplies or equipment.

- 23 (1) Submission; contents. All agencies shall periodically submit to the Chief of
24 Purchasing a listing of any supplies and equipment which are no longer used or
25 which have become obsolete, worn out or scrapped. This listing should include a
26 full description, including serial numbers, condition, estimate of value, suggested
27 disposition and when and where the item(s) can be inspected.
28 (2) Review. The Chief of Purchasing will review all lists to determine the possible
29 use of any surplus property by another agency.

30 C. Sale of property.

- 1 (1) Bids. All bids are to be properly recorded with each transaction and held available
2 for inspection in the files of the Purchasing Office.
- 3 (2) Notification; transfer of title. Notification of award shall be made by letter from
4 the Chief of Purchasing. After payment, a receipt issued by the Chief of
5 Purchasing shall constitute transfer of title to the property to the buyer.
- 6 (3) TRANSFER OF TITLE OF MOTOR VEHICLES WILL BE CONDUCTED BY
7 THE FLEET MANAGER OF DEPARTMENT OF PUBLIC WORKS-
8 FACILITIES.
- 9 D. Use of proceeds. Gains on disposal of assets shall be calculated and reported in a separate
10 general ledger revenue account in the general fund or an enterprise fund, as applicable.
11 Such gains, if significant, may be used as a revenue source for purchases of replacement
12 assets, if specifically approved by the County Commissioners.
- 13 **SECTION 203- [12] 4. Law enforcement supplies and equipment.**
- 14 A. The responsibilities and authorities of the Charles County Chief of Purchasing and the
15 County Commissioners, as defined in this chapter, shall be delegated to the Sheriff of
16 Charles County for the purchase of all materials, equipment and services for agencies
17 over which the Sheriff has expenditure control and responsibility.
- 18 B. The Charles County Sheriff shall otherwise comply with all other purchasing policies and
19 procedures as defined under this chapter to the extent applicable.
- 20 C. The Charles County Purchasing Office shall be available to assist the Sheriff in providing
21 information regarding potential suppliers, specifications, open supply contracts and other
22 relevant information.
- 23 D. The Charles County Sheriff shall establish internal controls surrounding purchasing
24 transactions to ensure that:
- 25 (1) Proper purchasing and accounting records are maintained.
26 (2) Proper approvals for purchases are obtained.
27 (3) Competitive bidding policies and procedures are followed.
28 (4) Sole source or emergency purchases are documented and approved.
29 (5) Receipt of merchandise is properly controlled and documented.
30 (6) Inventory records are properly maintained.
31 (7) Check requests to the Department of Fiscal Services are adequately documented.

1 (8) Disposition of surplus property is properly controlled and recorded in the
2 Accounting records.

3 E. The internal control policies and procedures established by the Sheriff shall be
4 documented, in writing, and are subject to the approval of, modification by or audit
5 ordered by the County Commissioners of Charles County.

6 F. [The Charles County Department of Fiscal Services and the Internal Audit Department of
7 the County Commissioners shall be available to assist in documenting or setting up
8 internal control policies and procedures for the Charles County Sheriff.]

9 THE DIRECTOR OF THE DEPARTMENT OF FISCAL AND ADMINISTRATIVE
10 SERVICES AND THE INTERNAL AUDITOR FOR THE COUNTY
11 COMMISSIONERS SHALL BE AVAILABLE TO ASSIST IN DOCUMENTING OR
12 SETTING UP INTERNAL CONTROL POLICIES AND PROCEDURES FOR THE
13 CHARLES COUNTY SHERIFF.
14

15 Chapter 204. MINORITY BUSINESS POLICIES AND PROCEDURES.

16 **SECTION 204-1. DEFINITIONS.**

17 A. MINORITY BUSINESS ENTERPRISES SHALL BE AS DEFINED IN THE STATE
18 OF MARYLAND DEPARTMENT OF TRANSPORTATION'S MINORITY
19 BUSINESS ENTERPRISE PROGRAM FOR STATE CONTRACTS, WHICH
20 INCLUDES AFRICAN AMERICANS, AMERICAN INDIANS/NATIVE
21 AMERICANS, ASIANS, HISPANICS, WOMEN AND PHYSICALLY OR
22 MENTALLY DISABLED PERSONS AND DISABLED AMERICAN VETERANS.

23 **SECTION 204-2. QUALIFICATIONS.**

24 A. MINORITY BUSINESSES CAN BE QUALIFIED THROUGH FEDERAL 8(A)
25 REGISTRATION, THE STATE OF MARYLAND DEPARTMENT OF
26 TRANSPORTATION'S MINORITY BUSINESS ENTERPRISE PROGRAM
27 REGISTRATION OR A CHARLES COUNTY GOVERNMENT ADMINSTERED
28 CERTIFICATION PROCESS.

29 **SECTION 204-3. MINORITY BUSINESS PROGRAM.**

30 A. POLICY.

1 THE FOLLOWING PRACTICES AND PROCEDURES APPLY TO THE MINORITY
2 BUSINESS ENTERPRISES (MBES) IN COUNTY PROCUREMENT ACTIVITIES
3 FOR COMMODITIES AND SOURCES.

4 B. PRACTICES/PROCEDURES. THE CHARLES COUNTY PURCHASING OFFICE
5 SHALL:

- 6 (1) MAINTAIN/PROVIDE INFORMATION REGARDING THE STATE OF
7 MARYLAND DEPARTMENT OF TRANSPORTATION’S CERTIFIED
8 MBE/BUSINESS AND PROGRAM. PROVIDE TECHNICAL
9 ASSISTANCE REGARDING FORMS TO COMPLETE, WHERE TO SUBMIT
10 CERTIFICATION APPLICATION FORM(S), WHO TO CONTACT FOR
11 TECHNICAL QUESTIONS, AND RELATED MATTERS.
- 12 (2) PROVIDE MAXIMUM OPPORTUNITY FOR MBES TO PARTICIPATE IN
13 THE COUNTY’S PROCUREMENT PROCESS THROUGH
14 DISSEMINATION OF BID INFORMATION AND SOLICITATIONS IN
15 PUBLICATIONS WHICH PRIMARILY TARGET MBE FIRMS.
- 16 (3) INCLUDE A MANDATORY MBE QUESTIONNAIRE IN ALL BID
17 SOLICITATIONS WHICH WOULD IDENTIFY THE MBE STATUS OF A
18 GIVEN FIRM AND THE TOTAL PERCENTAGE OF THE OVERALL
19 CONTRACT WHICH WOULD BE PROVIDED BY MBE FIRMS.
- 20 (4) INCLUDE IN EVERY BID SOLICITATION PACKAGE EITHER A COPY OF
21 THE ENTIRE MBE PROGRAM OR THOSE ELEMENTS OF THE PROGRAM
22 WHICH WOULD APPLY TO THAT PARTICULAR SOLICITATION.
- 23 (5) INCLUDE A STATEMENT IN EVERY BID SOLICITATION THAT
24 “CERTIFIED MINORITY BUSINESS ENTERPRISES ARE ENCOURAGED
25 TO RESPOND.”
- 26 (6) ENCOURAGE THE USE OF MBE SUBCONTRACTORS BY
27 CONTRACTORS WHICH HAVE BEEN AWARDED COUNTY
28 CONSTRUCTION CONTRACTS IN ORDER TO MEET THE ESTABLISHED
29 15% AND 25% SHORT AND LONG-TERM GOALS, RESPECTIVELY.
- 30 (7) IDENTIFY AND SEEK QUALIFIED MBES THROUGH PARTICIPATION
31 IN BUSINESS OPPORTUNITY FAIRS/SEMINARS, MEETINGS, TRADE

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

- 1 SHOWS, AS WELL AS COMMUNICATION WITH PROCUREMENT
2 PERSONNEL IN OTHER JURISDICTIONS AND THROUGH DIRECTORIES
3 THAT IDENTIFY MBE FIRMS.
- 4 (8) IDENTIFY AND HIGHLIGHT AT COUNTY PRE-BID MEETINGS THE
5 COUNTY’S MBE PROGRAM AND THE SPECIFIC GOALS WHICH THE
6 COUNTY HAS ESTABLISHED TO ENCOURAGE THE PARTICIPATION OF
7 MBE FIRMS.
- 8 (9) PROVIDE TECHNICAL ASSISTANCE TO MBE FIRMS REGARDING THE
9 COUNTY’S OVERALL PROCUREMENT AND BIDDING PROCEDURES.
- 10 (10) ESTABLISH A LOCAL MBE CLEARINGHOUSE WHERE INVITATION TO
11 BID PACKAGES, INCLUDING PLANS AND SPECIFICATIONS, WILL BE
12 FORWARDED BY THE PURCHASING OFFICE, FOR ALL COMMODITY,
13 SERVICES, AND CONSTRUCTION BIDS/CONTRACTS.
- 14 (11) MAINTAIN STATISTICS AND REPORT ANNUALLY ON THE NUMBER
15 OF MBES AWARDED CONTRACTS/SUBCONTRACTS, AND TOTAL
16 DOLLAR VALUE AND PERCENTAGE OF TOTAL
17 CONTRACTS/SUBCONTRACTS AWARDED MBES, BY CERTIFICATION
18 TYPE.
- 19 (12) MAINTAIN A LIST OF ALL MINORITY CONTRACTORS RECEIVING
20 AWARDS AND APPLYING FOR COUNTY CERTIFICATION.

21

22 **SECTION 2, BE IT FURTHER ENACTED, that:**

23 A. The Department of Fiscal and Administrative Services shall develop guidelines
24 and procedures to implement these regulations, and submit to the County
25 Administrator for approval. When approved, such guidelines and procedures are
26 binding upon all county departments; and

27 B. The Department of Fiscal and Administrative Services may revise and amend the
28 guidelines and procedures as required, subject to review and approval by the
29 County Administrator.

30

