

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 1

### Bill No. 8 -2018

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Purchasing Code of Howard County in order to establish a Veteran-Owned Business Enterprise Program; to set forth the purpose of the Program; to define certain terms; to amend certain definitions to ensure consistency among the Purchasing Code, Purchasing Manual and Equal Business Opportunity Program Manual; to require the Purchasing Agent to take certain action; to set forth the elements of the Program; to establish certain Program goals; to prohibit certain actions and provide certain penalties; to amend the duties of the Commission for Veterans and Military Families in order to provide guidance to the Office of Purchasing regarding Veteran-owned businesses; and generally relating to the Purchasing Code of Howard County.

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Introduced and read first time \_\_\_\_\_, 2018. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2018.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2018 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard  
2 County Code is amended as follows:

3 1. By amending the following provisions of Subtitle 1 “Purchasing” of Title 4 “Contracts,  
4 Purchasing, and Property”, as approved by the County Council on October 2, 2017, and  
5 enacted on October 5, 2017:

6  
7 Section 4.101 “Purpose”

8  
9 Section 4.102 “Definitions”

10 Subsection (ap) is renumbered to be (aq) and Subsections (n),(w), and (x) are amended

11  
12 Section 4.103 “Authority and duties of the County Purchasing Agent”  
13 Subsections (y) and (z)

14  
15 Section 4.130 “Severability”

16  
17 2. By amending the following provision of Title 6 “County Executive and the Executive  
18 Branch”:

19  
20 Section 6.701 “General powers and duties of the Commission for Veterans and Military  
21 Families”

22  
23 3. By adding to Title 4 “Contracts, Purchasing, and Property”, as approved by the County  
24 Council on October 2, 2107, and enacted on October 5, 2017

25  
26 Section 4.102 “Definitions”

27 Subsection (ap)

28  
29 Section 4.103 “Authority and duties of the County Purchasing Agent”  
30 Subsections (aa) and (ab)

1  
2 *Section 4.130 "Veteran-Owned Business Enterprise Program"*

3  
4  
5 **Title 4. Contracts, Purchasing, and Property.**

6 **Subtitle 1. Purchasing.**

7  
8 **Section 4.101. Purpose.**

9 The purpose of this subtitle is:

10 (a) To implement and make effective the purchasing policies provided by article VIII of the  
11 Howard County Charter;

12 (b) To promote uniformity in purchasing procedures in various user agencies to effect maximum  
13 savings for all purchases out of County funds;

14 (c) To encourage public confidence in public procurement procedures;

15 (d) To foster effective broad-based competition within the free enterprise system;

16 (e) To make purchases out of County funds from firms and individuals who do not engage in  
17 unlawful discriminatory employment practices;

18 (f) To foster equal business opportunity for businesses owned by minority individuals, [[women  
19 and]] WOMEN, individuals with disabilities; [[and]]

20 (G) TO ENCOURAGE BUSINESS OPPORTUNITIES FOR VETERAN-OWNED BUSINESS ENTERPRISES; AND

21 ([[g]]H) To promote the purchase of supplies, materials, equipment and services best suited for  
22 the needs of each user agency.

23  
24 Except as otherwise provided by law, this subtitle shall be applicable to all purchases and contracts  
25 for supplies, materials, equipment and contractual services for any County department or agency,  
26 and for any State agency authorized by law to utilize the County procurement system.

27  
28 **Section 4.102. Definitions.**

29 For purposes of this subtitle, the following definitions shall apply:

30 (n) Disabled business enterprise (DBE) means a business enterprise:

1 (1) Which is:

2 (i) At least 51 percent owned by one or more individuals with disabilities; or

3 (ii) In the case of any publicly owned corporation, at least 51 percent of the stock of which  
4 is owned by one or more individuals with disabilities; and

5 (2) WHOSE OWNERSHIP INTEREST IS REAL AND CONTINUOUS, AND NOT CREATED SOLELY TO  
6 MEET THE DISABLED-OWNED BUSINESS PROVISIONS OF THE EQUAL BUSINESS OPPORTUNITY  
7 PROGRAM; AND

8 ([[2]]3) Whose general management and daily business affairs and essential productive  
9 operations are controlled by one or more individuals with disabilities; and

10 ([[3]]4) Which has been certified by the Equal Business Opportunity Commission as a disabled  
11 business enterprise.

12 (w) *Minority business enterprise (MBE)* means a business enterprise:

13 (1) Which is:

14 (i) At least 51 percent owned by one or more minority individuals; or

15 (ii) In the case of any publicly owned corporation, at least 51 percent of the stock of which  
16 is owned by one or more minority individuals; and

17 (2) WHOSE OWNERSHIP INTEREST IS REAL AND CONTINUOUS, AND NOT CREATED SOLELY TO  
18 MEET THE MINORITY-OWNED BUSINESS PROVISIONS OF THE EQUAL BUSINESS OPPORTUNITY  
19 PROGRAM; AND

20 ([[2]]3) Whose general management and daily business affairs and essential productive  
21 operations are controlled by one or more minority individuals; and

22 ([[3]]4) Which has been certified by the Equal Business Opportunity Commission as a minority  
23 business enterprise.

24 (x) *Minority individual* means an individual who belongs to one of the following groups: African  
25 American, Asian American, Hispanic American, Native American, Woman, [[Disabled, or  
26 Veteran]] OR DISABLED.

27 (ao) *Veteran* means:

28 (i) A person who served on full time active duty in the United States Armed Forces, other  
29 than active duty for training, and was discharged or released under conditions other than  
30 dishonorable;

1 (ii) A person who was disabled from a disease or injury incurred or aggravated in the line  
2 of duty while performing active duty for training or inactive duty training; or

3 (iii) A person who served full time as a commissioned corps member of the Public Health  
4 Service or the National Oceanic and Atmospheric Administration.

5 (AP) *VETERAN-OWNED BUSINESS ENTERPRISE (VOBE)* MEANS A BUSINESS ENTERPRISE THAT IS  
6 VERIFIED BY THE CENTER FOR VERIFICATION AND EVALUATION OF THE UNITED STATES  
7 DEPARTMENT OF VETERANS AFFAIRS AS A VETERAN-OWNED SMALL BUSINESS ENTERPRISE.

8 ([[ap]]AQ) *Woman business enterprise (WBE)* means a business enterprise:

9 (1) Which is:

10 (i) At least 51 percent owned by one or more women; or

11 (ii) In the case of any publicly owned corporation, at least 51 percent of the stock of which  
12 is owned by one or more women; and

13 (2) WHOSE OWNERSHIP INTEREST IS REAL AND CONTINUOUS, AND NOT CREATED SOLELY TO  
14 MEET THE WOMAN-OWNED BUSINESS PROVISIONS OF THE EQUAL BUSINESS OPPORTUNITY  
15 PROGRAM; AND

16 ([[2]]3) Whose general management and daily business affairs and essential productive  
17 operations are controlled by one or more women; and

18 ([[3]]4) Which has been certified by the Equal Business Opportunity Commission as a women  
19 business enterprise.

20  
21 **Section 4.103. Authority and duties of the County Purchasing Agent.**

22 In addition to those functions and responsibilities listed in title VIII of the Howard County  
23 Charter or indicated elsewhere in this subtitle, the Howard County Purchasing Agent:

24 (y) Shall control and supervise all property accounting[[:; and]]

25 (z) Shall award contracts for insurance[[:.]];

26 (AA) SHALL DEVELOP AND IMPLEMENT A VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM  
27 WHICH IS DESIGNED TO ASSURE THE PARTICIPATION OF VETERAN-OWNED BUSINESS ENTERPRISES IN  
28 THE PURCHASING ACTIVITIES OF THE COUNTY; AND

29 (AB) SHALL KEEP STATISTICS ON VETERAN-OWNED BUSINESS ENTERPRISES THAT PARTICIPATE IN  
30 THE VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM .

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**SECTION 4.130. VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM.**

(A) *PURPOSE.* IT IS THE POLICY OF HOWARD COUNTY GOVERNMENT TO ENCOURAGE INCREASED PARTICIPATION BY VETERAN-OWNED BUSINESS ENTERPRISES IN THE PROCUREMENT OF ALL GOODS AND SERVICES THROUGH ALL SOLICITATIONS BY THE COUNTY.

(B) *ADOPTION OF THE PROGRAM.* PURSUANT TO SUBSECTIONS 4.103(AA) AND (AB) OF THIS SUBTITLE, THE COUNTY PURCHASING AGENT SHALL IMPLEMENT A VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM. THE COUNTY PURCHASING AGENT SHALL SEEK THE INPUT OF THE COMMISSION FOR VETERANS AND MILITARY FAMILIES IN THE IMPLEMENTATION OF THE PROGRAM.

(C) *GOALS.* THE OFFICE OF PURCHASING SHALL STRUCTURE PROCUREMENT PROCEDURES, CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL MINIMUM OF 1% OF THE COUNTY’S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS TO BE MADE DIRECTLY OR INDIRECTLY WITH VETERAN-OWNED BUSINESS ENTERPRISES.

(D) *NOTIFICATION OF GOALS.* THE OFFICE OF PURCHASING SHALL NOTIFY THE PUBLIC AND RESPONDENTS TO COUNTY SOLICITATIONS OF PROGRAM GOALS.

(E) *DATA.* THE OFFICE OF PURCHASING SHALL COLLECT AND MAINTAIN STATISTICAL DATA WHICH SHALL MEASURE THE EFFECTIVENESS OF THE PROGRAM.

(F) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY THE COUNTY’S PROCUREMENT PROCEDURES TO THE EXTENT THAT THE COUNTY DETERMINES THAT THOSE PROVISIONS ARE IN CONFLICT WITH AN APPLICABLE STATE OR FEDERAL PROGRAM.

(G) *PROCUREMENTS CONDUCTED BY FORMAL BIDDING.* PROCUREMENTS CONDUCTED BY FORMAL BIDDING SHALL BE IN ACCORDANCE WITH SECTION 4.107 OF THIS CODE.

(H) *PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED PROPOSALS.* PROCUREMENTS CONDUCTED BY COMPETITIVE SEALED PROPOSALS SHALL BE IN ACCORDANCE WITH SECTION 4.108 OF THIS CODE.

(I) *INVESTIGATION OF COMPLAINTS.* THE ADMINISTRATOR OF THE OFFICE OF PURCHASING SHALL INVESTIGATE SWORN, WRITTEN ALLEGATIONS THAT A BUSINESS VERIFIED BY THE CENTER FOR VERIFICATION AND EVALUATION OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS HAS ENGAGED IN ANY OF THE PROHIBITED ACTS SET FORTH IN SUBSECTION (K) OF THIS SECTION:

1 (J) *HEARING ON COMPLAINTS.* IF THE ADMINISTRATOR OF THE OFFICE OF PURCHASING  
2 INVESTIGATION INDICATES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT THE ALLEGATION  
3 IS CORRECT, THE ADMINISTRATOR OF THE OFFICE OF PURCHASING SHALL SUBMIT THE RESULTS TO  
4 THE PURCHASING AGENT, WHICH MAY CONDUCT A HEARING ON THE ALLEGATION. THE  
5 PURCHASING AGENT MAY RECOMMEND THE OFFICE OF PURCHASING TAKE OTHER APPROPRIATE  
6 ACTION CONSISTENT WITH THE COUNTY CODE.

7 (K) *PROHIBITED ACTS; PROHIBITION FROM FURTHER CONTRACTING WITH THE COUNTY.*

8 (1) *PROHIBITED ACTS.* A PERSON MAY NOT:

9 (1) PRACTICE FRAUD OR DECEIT FOR THE PURPOSE OF OBTAINING VERIFICATION;

10 (2) PROVIDE TO THE COUNTY INCOMPLETE OR SUBSTANTIALLY INACCURATE OWNERSHIP  
11 OR FINANCIAL INFORMATION;

12 (3) FAIL TO REPORT A CHANGE WHICH AFFECTS A BUSINESSES' VERIFIED STATUS WITH THE  
13 CENTER FOR VERIFICATION AND EVALUATION OF THE UNITED STATES DEPARTMENT  
14 OF VETERAN'S AFFAIRS; OR

15 (4) VIOLATE ANY PROVISION OF THIS TITLE.

16 (2) *PROHIBITION FROM FURTHER CONTRACTING WITH THE COUNTY.* A BUSINESS OR PERSON WHO  
17 COMMITS AN ACT PROHIBITED BY THIS SUBSECTION MAY BE DEBARRED OR SUSPENDED  
18 FROM FURTHER CONTRACTING OPPORTUNITIES WITH THE COUNTY AS SET FORTH IN  
19 SECTION 4.117 OF THIS SUBTITLE.

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21 **Section ~~[[4.130]]4.131. Severability.~~**

22 If any provision of this subtitle or its application to any person or circumstance is held invalid for  
23 any person, such invalidity shall not affect the other provisions or any other application of this  
24 subtitle which can be given effect without the invalid provisions or application; and to this end,  
25 all provisions of this subtitle are hereby declared to be severable.

26  
27 **Title 6. County Executive and the Executive Branch.**

28 **Subtitle 7. Veterans.**

1 **Section 6.701. General powers and duties of the Commission for Veterans and Military**  
2 **Families.**

3 *In general.* Commission for Veterans and Military Families may:

- 4 (1) Establish a forum exclusively relating to the issues of Howard County residents who served  
5 or are serving in the Armed Forces of the United States and military families;
- 6 (2) Maintain communication between government agencies, businesses, educational  
7 institutions, veterans, and military families in the County, with the intent that veterans'  
8 issues will be addressed in the most effective and efficient manner;
- 9 (3) Provide assistance, guidance, and information to government agencies, businesses, and  
10 educational institutions to ensure adequate consideration of veterans and their history of  
11 service in education, employment, training, and public programs;
- 12 (4) Research, assemble, analyze, and disseminate information and educational materials  
13 relating to activities and programs that will assist in meeting the needs of veterans and their  
14 families;
- 15 (5) Identify and maintain a list of veterans' organizations as a resource to the Commission;
- 16 (6) Institute and conduct educational and other programs, meetings, and conferences to  
17 promote the rights of and opportunities for veterans and military families;
- 18 (7) Advise the Executive and the Council on the status of programs and services in the State  
19 and County related to the needs of veterans and military families; [[and]]
- 20 (8) Assist in planning appropriate public acknowledgement of the contributions made by  
21 veterans and military families and assist in planning commemoration activities recognizing  
22 contributions made by veterans and military families[.];
- 23 (9) ADVISE THE OFFICE OF PURCHASING ON WAYS TO FURTHER PROMOTE EFFORTS OF THE  
24 COUNTY IN PROCURING GOODS AND SERVICES FROM VETERAN-OWNED BUSINESS  
25 ENTERPRISES PURSUANT TO THE COUNTY'S VETERAN-OWNED BUSINESS ENTERPRISE  
26 PROGRAM; AND
- 27 (10) REVIEW AND PROVIDE ADVICE TO THE OFFICE OF PURCHASING ON POLICIES, PROGRAMS  
28 AND PRACTICES DESIGNED TO PROMOTE BUSINESS OPPORTUNITY FOR VETERAN-OWNED  
29 BUSINESS ENTERPRISES.



1 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that  
2 *this Act shall become effective 61 days after its enactment.*