

Introduced 6/4/18  
Public Hearing 6/18/18  
~~Council Action~~ expired - 8/8/18  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 8

Bill No. 45-2018

Introduced by: The Chairperson

AN ACT prohibiting participation in specified County bidding by persons who have participated in specified activities related to assisting the County in developing the purchasing specifications, invitations, or requests for proposals; and generally relating to the Howard County Purchasing Law.

Introduced and read first time June 4, 2018. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
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 June 18, 2018.

Tabled 7/2/18

By order Jessica Feldmark  
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 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 *By amending:*

4 *Title 4 - Contracts, purchasing and property*

5 *Subtitle 1. – Purchasing .*

6 *Sec. 4.119. - Ethics and fair employment practices.*

7  
8 **Sec. 4.119. - Ethics and fair employment practices.**

9 (a) Conflict of Interest. Bidders, vendors, purchasers and County employees involved in the  
10 purchasing process shall be governed by the provisions of the Howard County Charter and  
11 Howard County law regarding conflict of interest. No vendor shall offer a gratuity to an official  
12 or employee of the County. No official or employee shall accept or solicit a gratuity.

13 (b) Discouragement of Uniform Bidding:

14 (1) It is the policy of the County to discourage uniform bidding by every possible  
15 means and to endeavor to obtain full and open competition on all purchases and sales.

16 (2) No bidder may be a party with other bidders to an agreement to bid a fixed or  
17 uniform price.

18 (3) No person may disclose to another bidder, nor may a bidder acquire, prior to the  
19 opening of bids, the terms or conditions of a bid submitted by a competitor.

20 (c) Fair Employment Practices:

21 (1) Bidders, vendors and purchasers may not engage in unlawful employment practices  
22 as set forth in subtitle 2 "Human Rights" of title 12 of the Howard County Code, Section 14 of  
23 Article 49B of the Annotated Code of Maryland or Sections 703 and 704 of Title VII of the Civil  
24 Rights Act of 1964 as amended. Should any bidders, vendors or purchasers engage in such  
25 unlawful employment practices, they shall be subject to being declared irresponsible or being  
26 debarred pursuant to the provisions of this subtitle.

27 (2) The Howard County Office of Human Rights shall notify the County Purchasing  
28 Agent when any bidder is found, by a court of competent jurisdiction, to have engaged in any  
29 high unlawful employment practices.

30 (3) If any bidder has been declared to be an irresponsible bidder for having engaged in  
31 an unlawful employment practice and has been debarred from bidding pursuant to this subtitle,  
32 the Howard County Office of Human Rights shall review the employment practices of such  
33 bidder after the period of debarment has expired to determine if violations have been corrected  
34 and shall, within 30 days, file a report with the County Purchasing Agent informing the agent of

1 such corrections before such bidder can be declared to be a responsible bidder by the County  
2 Purchasing Agent.

3 (4) Payment of subcontractors. All contractors shall certify in writing that timely  
4 payments have been made to all subcontractors supplying labor and materials in accordance with  
5 the contractual arrangements made between the contractor and the subcontractors. No contractor  
6 will be paid a second or subsequent progress payment or final payment until such written  
7 certification is presented to the County Purchasing Agent.

8 (D) PARTICIPATION IN PROCUREMENT.

9 (1) AN INDIVIDUAL OR A PERSON THAT EMPLOYS AN INDIVIDUAL WHO ASSISTS A  
10 COUNTY, AGENCY OR UNIT IN THE DRAFTING OF SPECIFICATIONS, AN INVITATION FOR BIDS, OR A  
11 REQUEST FOR PROPOSALS FOR A PROCUREMENT, MAY NOT SUBMIT A BID OR PROPOSAL FOR THAT  
12 PROCUREMENT, OR ASSIST OR REPRESENT ANOTHER PERSON, DIRECTLY OR INDIRECTLY, WHO IS  
13 SUBMITTING A BID OR PROPOSAL FOR THE PROCUREMENT.

14 (2) THE COUNTY PURCHASING AGENT MAY ESTABLISH EXEMPTIONS FROM THE  
15 REQUIREMENTS OF THIS SECTION FOR PROVIDING DESCRIPTIVE LITERATURE, SOLE SOURCE  
16 PROCUREMENTS, AND WRITTEN COMMENTS SOLICITED BY THE PROCURING AGENCY.

17

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on August 8, 2018.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council