

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

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 8

### Bill No. 34 -2023

Introduced by: Deb Jung

AN ACT altering a certain provision of law when the County Purchasing Agent may award a contract for supplies and services without competition; requiring the County Purchasing Agent to forward a proposed contract to the County Council for review and comment; requiring the County Purchasing Agent to review certain comments by the County Council under certain circumstances; and generally relating to purchasing.

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Introduced and read first time \_\_\_\_\_, 2023. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle R. Harrod, 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 \_\_\_\_\_, 2023.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2023 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2023

\_\_\_\_\_  
Calvin Ball, 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 County  
2 Code is hereby amended as follows:

3 *By repealing and reenacting, without amendments:*

4 Title 4 – Contracts, Purchasing and Property.

5 Subtitle 4. Purchasing.

6 Section 4.106A. Contract review committee.

7

8 *By amending:*

9 Title 4 – Contracts, Purchasing and Property.

10 Subtitle 4. Purchasing.

11 Section 4.110. Sole-source purchase.

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13

**HOWARD COUNTY CODE**

14

**Title 4 – Contracts, Purchasing and Property**

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**Subtitle 4. Purchasing**

16 **Sec. 4.106A. Contract review committee.**

17 (a) *Composition.* The Contract Review Committee (CRC) shall be composed of:

18 (1) The County Chief Administrative Officer or designee;

19 (2) The County Auditor or designee; and

20 (3) The Director of the Department of Finance or designee.

21 (b) *Rules of Procedure.* The CRC is authorized to adopt rules of procedure in considering  
22 matters within its authority.

23 (c) *Authority.* CRC approval by majority vote is required for the following:

24 (1) A sole-source contract for \$100,000.00 or more;

25 (2) A procurement contract for \$1,000,000.00 or more that receives less than three  
26 responsive bids; and

27 (3) A procurement contract for \$100,000.00 or more where:

28 (i) No responsive bid was received;

- 1 (ii) Time did not permit a re-bid; and
- 2 (iii) The Office of Procurement and Contract Administration engaged in competitive
- 3 negotiations with potential vendors and proposes to award a contract upon the
- 4 completion of negotiations.

5 **Sec. 4.110. Sole-source purchase.**

6 (a) The County Purchasing Agent may award a contract for supplies and services without

7 competition when:

- 8 (1) The supplies or services are only available through one source;
- 9 (2) EXCEPT FOR PROPERTY OWNED BY A PUBLIC UTILITY OR RAILROAD CORPORATION,
- 10 [[There]] THERE are unique circumstances OTHER THAN LAND OWNERSHIP that make
- 11 competitive bidding commercially impracticable; or
- 12 (3) The purchase is for software support or maintenance or both.

13 (b) Before authorizing a sole source purchase, the County Purchasing Agent shall [[have]]:

14 (1) HAVE a written justification prepared explaining that the specifications for supplies

15 or services are not overly restrictive for the County's needs, that only one supplier of the

16 particular supplies or services exists and that the sole source purchase serves the best

17 interests of the County; and

18 (2) EXCEPT FOR AN EMERGENCY PURCHASE UNDER § 4.111 OF THIS SUBTITLE OR AN

19 EXPEDITED PROCUREMENT UNDER § 4.112 OF THIS SUBTITLE, FORWARD A COPY OF THE

20 PROPOSED CONTRACT, A NOTICE OF INTENT TO EXECUTE, AND THE WRITTEN JUSTIFICATION

21 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE COUNTY COUNCIL FOR

22 REVIEW AND COMMENT ON THE PROPOSED CONTRACT AT LEAST EIGHT WEEKS PRIOR TO THE

23 PLANNED EXECUTION DATE.

24 (C) THE COUNTY COUNCIL SHALL FORWARD ANY COMMENTS ON THE PROPOSED CONTRACT TO

25 THE COUNTY PURCHASING AGENT AT LEAST TWO WEEKS PRIOR TO THE PLANNED EXECUTION DATE.

26 (D) THE COUNTY PURCHASING AGENT SHALL REVIEW ANY COMMENTS BY THE COUNTY

27 COUNCIL AND MAY APPROVE, REVISE, OR DECLINE TO AUTHORIZE THE CONTRACT BASED ON THE

28 COMMENTS OF THE COUNTY COUNCIL.

1    [[c]] (E) Sole source purchases may be obtained by seeking the supplier's best offer through  
2       negotiation.

3    [[d]] (F) Any sole source contract between the County and any person which contains an option  
4       or options to renew which would have the effect of extending the term of the contract  
5       beyond three years shall be sent to the County Council for approval by a resolution prior to  
6       the beginning of the fourth year of the contract and each subsequent renewal option, if any,  
7       thereafter.

8    ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***  
9       *become effective 61 days after its enactment.*