

Introduced 07.05.2023  
Public Hearing 07.17.2023  
Council Action 07.31.2023  
Executive Action 08.02.2023  
Effective Date 10.02.2023

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 8

### Bill No. 34 -2023

Introduced by: Deb Jung

AN ACT altering the composition of the Contract Review Committee; 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 members of the County Council for review and comment; ~~requiring providing that~~ the County Purchasing Agent to ~~may~~ review certain comments by the members of the County Council under certain circumstances; and generally relating to purchasing.

Introduced and read first time July 5, 2023. Ordered posted and hearing scheduled.

By order Michelle Harrod  
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 July 17, 2023.

By order Michelle Harrod  
Michelle R. Harrod, Administrator

This Bill was read the third time on July 31, 2023 and Passed , Passed with amendments , Failed .

By order Michelle Harrod  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31 day of July, 2023 at 5<sup>00</sup> a.m. (2)

By order Michelle Harrod  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive August 2, 2023

Calvin Ball  
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.*

12

13 **HOWARD COUNTY CODE**

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

15 **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; AND

19 ~~(2) The County Auditor or designee; and~~

20 ~~(3)~~ (2) 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~~ A UNANIMOUS 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~~ THE PROPERTY THE SUBJECT OF OR UPON WHICH THE SUPPLIES OR SERVICES  
10 ARE TO BE PROVIDED IS OWNED BY A PUBLIC UTILITY OR, RAILROAD CORPORATION, OR  
11 THE PROPERTY IS NEEDED TO ENHANCE PUBLIC SAFETY;

12 (3) ~~[[There]]~~ ~~THERE~~ are SINGULAR AND unique circumstances OTHER THAN LAND OWNERSHIP  
13 that make competitive bidding commercially impracticable; or

14 (3)(4) The purchase is for software support or maintenance or both.

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

16 (1) ~~HAVE~~ a written justification prepared explaining that the specifications for supplies  
17 or services are not overly restrictive for the County's needs, that only one supplier of the  
18 particular supplies or services exists and that the sole source purchase serves the best  
19 interests of the County; ~~and~~

20 (2) ~~EXCEPT FOR~~ SOLE SOURCE PURCHASES WITH A CONTRACT CEILING TOTAL  
21 PROJECTED VALUE OF \$500,000 OR MORE, EXCEPT FOR AN EMERGENCY PURCHASE UNDER §  
22 4.111 OF THIS SUBTITLE OR AN EXPEDITED PROCUREMENT UNDER § 4.112 OF THIS  
23 SUBTITLE, OR UNDER SUBSECTION (A)(2) OR (4) OF THIS SECTION FORWARD A COPY OF THE  
24 PROPOSED CONTRACT, A NOTICE OF INTENT TO EXECUTE, AND THE WRITTEN JUSTIFICATION  
25 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE MEMBERS OF THE COUNTY  
26 COUNCIL FOR REVIEW AND COMMENT ON THE PROPOSED CONTRACT AT LEAST EIGHT  
27 WEEKS PRIOR TO THE PLANNED EXECUTION DATE-; AND

1           (3) FOR A CONTRACT SUBJECT TO APPROVAL BY A UNANIMOUS VOTE OF THE CONTRACT  
2           REVIEW COMMITTEE UNDER SECTION 4.106A(C) OF THIS SUBTITLE, PROVIDE THE COUNTY  
3           AUDITOR WITH A COPY OF THE PROPOSED CONTRACT, A NOTICE OF INTENT TO EXECUTE,  
4           AND THE WRITTEN JUSTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

5           (C) ~~THE~~ MEMBERS OF THE COUNTY COUNCIL SHALL FORWARD ANY COMMENTS ON THE  
6 PROPOSED CONTRACT TO THE COUNTY PURCHASING AGENT AT LEAST TWO WEEKS PRIOR TO THE  
7 PLANNED EXECUTION DATE.

8           (D) THE COUNTY PURCHASING AGENT ~~SHALL~~ MAY REVIEW ANY COMMENTS BY ~~THE~~ MEMBERS  
9 OF THE COUNTY COUNCIL AND MAY ~~APPROVE, REVISE, OR DECLINE TO AUTHORIZE THE CONTRACT~~  
10 ~~BASED ON THE COMMENTS OF THE COUNTY COUNCIL~~ TAKE INTO CONSIDERATION THOSE  
11 COMMENTS IN DECIDING TO APPROVE, REVISE, OR DECLINE THE CONTRACT.

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

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

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

**Amendment 1 to Council Bill No. 34-2023**

**BY: Deb Jung**

**Legislative Day 9**

**Date: July 31, 2023**

**Amendment No. 1**

*(This amendment does the following:*

- 1. removes the County Auditor from the Contract Review Committee;*
- 2. requires the County Purchasing Agent, with certain exceptions, to forward certain information to the County Council before authorizing sole source purchases with a ~~contract ceiling~~ total projected value of \$500,000 or more;*
- 3. for a contract subject to approval by unanimous vote of the Contract Review Committee, requires the County Purchasing Agent to provide the County Auditor with a copy of the proposed contract, a notice of intent to execute, and a certain written justification;*
- 4. clarifies that "members" of the County Council shall be notified of the proposed process;*  
*and*
- 5. provides that the County Purchasing Agent "may" rather than "shall" review any comments by members of the County Council on a proposed contract and take into consideration those comments.)*

1 On the title page, in line 1 of the title, before "altering" insert "altering the composition of the  
 2 Contract Review Committee";. In line 3 of the title, before "County" insert "members of the".  
 3 In line 4 of the title, before the second "County", insert "members of the". In line 4 of the title,  
 4 strike "requiring" and substitute "providing that". In line 4 of the title, strike "to" and substitute  
 5 "may".  
 6

1

**I certify this is a true copy of**

Am 1 to CB34-2023

**passed on** July 31, 2023

Nicholas Howard

**Council Administrator**

1 On page 1, in line 18, after “designee;” insert “and”; strike line 19 in its entirety; and in line 20,  
2 strike “(3)” and substitute “(2)”.

3  
4 On page 1, in line 23, strike “majority” and substitute “A UNANIMOUS”.

5 On page 2:

- 6 • in line 9, strike “EXCEPT FOR” and substitute “THE”.
- 7 • ~~in line 9, after “PROPERTY” insert “IS”.~~
- 8 • ~~in line 9, strike the comma and substitute a semicolon.~~
- 9 • in line 9:
- 10 • after “PROPERTY” insert “THE SUBJECT OF OR UPON WHICH THE SUPPLIES OR SERVICES ARE
- 11 TO BE PROVIDED IS”;
- 12 • strike “OR” and substitute a comma;
- 13 • after “CORPORATION,”, insert “OR THE PROPERTY IS NEEDED TO ENHANCE PUBLIC SAFETY”;
- 14 and
- 15 • strike the comma and substitute a semi-colon.
- 16 • in line 10, before “[[There]]”, insert “(3)”.
- 17 • in line 10, strike the brackets and in the same line strike “THERE”.
- 18 • in line 10, after “are” insert “SINGULAR AND”.
- 19 • in line 12, strike “(3)” and substitute “(4)”.
- 20 • in line 17, strike “and”.
- 21 • in line 18, strike “EXCEPT” and substitute “FOR SOLE SOURCE PURCHASES WITH A
- 22 CONTRACT CEILING TOTAL PROJECTED VALUE OF \$500,000 OR MORE, EXCEPT”.
- 23 • in line 19, after “SUBTITLE,” insert “OR UNDER SUBSECTION (A)(2) OR (4) OF THIS
- 24 SECTION”.
- 25 • in line 21, strike “THE” and substitute “MEMBERS OF THE”.
- 26 • In line 23, strike the period and substitute “; AND”.
- 27 • after line 23, insert:

28 “(3) FOR A CONTRACT SUBJECT TO APPROVAL BY A UNANIMOUS VOTE OF THE CONTRACT

29 REVIEW COMMITTEE UNDER SECTION 4.106A(C) OF THIS SUBTITLE, PROVIDE THE COUNTY

30 AUDITOR WITH A COPY OF THE PROPOSED CONTRACT, A NOTICE OF INTENT TO EXECUTE, AND

31 THE WRITTEN JUSTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

- 32 • in line 24, strike “THE” and substitute “MEMBERS OF THE”.
- 33 • in line 26, strike “SHALL” and substitute “MAY”.
- 34 • in line 26, strike “THE” and substitute “MEMBERS OF THE”.

- 1
  - 2
  - 3
- strike beginning with “APPROVE” in line 27 down through “COUNCIL” in line 28 and substitute “TAKE INTO CONSIDERATION THOSE COMMENTS IN DECIDING TO APPROVE, REVISE, OR DECLINE THE CONTRACT”.

**Amendment 1 to Amendment No. 1 to Council Bill No. 34-2023**

**BY: Deb Jung**

**Legislative Day 9  
Date: July 31, 2023**

**Amendment No. 1**

*(This amendment changes the phrase “contract ceiling value” to “total projected value” when requiring the County Purchasing Agent, with certain exceptions, to forward specified information to members of the County Council before authorizing sole source purchases with a total projected value of \$500,000 or more.)*

- 1 On page 1, in line 5 of the parenthetical, strike “*contract ceiling*” and substitute “*total projected*
- 2 *value*”.
- 3
- 4 On page 2, in line 15, strike “CONTRACT CEILING” and substitute “TOTAL PROJECTED”.

**I certify this is a true copy of**  
Aml Aml CB 34-2023  
passed on July 31, 2023  
Nicholas J. Jarrard  
**Council Administrator**



**Amendment 2 to Amendment No. 1 to Council Bill No. 34-2023**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day 9  
Date: July 31, 2023**

**Amendment No. 2 to Amendment No. 1**

*(This amendment provides for sole source purchasing for property needed to enhance public safety and clarifies what is meant by "property".)*

1 On page 2, strike lines 7 and 8 and substitute:

2 "in line 9:

- 3 • after "PROPERTY" insert "THE SUBJECT OF OR UPON WHICH THE SUPPLIES OR SERVICES ARE
- 4 TO BE PROVIDED IS";
- 5 • strike "OR" and substitute a comma;
- 6 • after "CORPORATION," insert "OR THE PROPERTY IS NEEDED TO ENHANCE PUBLIC SAFETY";
- 7 and
- 8 • strike the comma and substitute a semi-colon."

**I certify this is a true copy of**

Am2 Aml CB 34-2023

passed on July 31, 2023

Mishela Jordan  
**Council Administrator**

**Amendment 3 to Amendment No. 1 to Council Bill No. 34-2023**

**BY: Opel Jones**

**Legislative Day 9**

**Date: July 31, 2023**

**Amendment No. 3**

*(This amendment alters from \$500,000 or more to \$1,000,000 or more the amount of the contract ceiling value for specified sole source purchases.)*

- 1 On page 1, in line 5 of the parenthetical, strike “\$500,000” and substitute “\$1,000,000”.
- 2
- 3 On page 2, in line 15, strike “\$500,000” and substitute “\$1,000,000”.

**I certify this is a true copy of**

Am 3 Am 1 CB 34-2023

**passed on** July 31, 2023

Mitchell D. Hargis  
**Council Administrator**

FAILED

Introduced 07-05-2023  
Public Hearing 07-17-2023  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 8

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Introduced and read first time July 5, 2023. Ordered posted and hearing scheduled.

By order Michelle Harrod  
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 July 17, 2023.

By order Michelle Harrod  
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.

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5 *Subtitle 4. Purchasing.*

6 *Section 4.106A. Contract review committee.*

7

8 *By amending:*

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10 *Subtitle 4. Purchasing.*

11 *Section 4.110. Sole-source purchase.*

12

13

**HOWARD COUNTY CODE**

14

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

15

**Subtitle 4. Purchasing**

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

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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 purchases are 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.*

**Amendment 1 to Council Bill No. 34-2023**

**BY: Deb Jung**

**Legislative Day 9**

**Date: July 31, 2023**

**Amendment No. 1**

*(This amendment does the following:*

- 1. removes the County Auditor from the Contract Review Committee;*
- 2. requires the County Purchasing Agent, with certain exceptions, to forward certain information to the County Council before authorizing sole source purchases with a contract ceiling of \$500,000 or more;*
- 3. for a contract subject to approval by unanimous vote of the Contract Review Committee, requires the County Purchasing Agent to provide the County Auditor with a copy of the proposed contract, a notice of intent to execute, and a certain written justification;*
- 4. clarifies that "members" of the County Council shall be notified of the proposed process;*  
*and*
- 5. provides that the County Purchasing Agent "may" rather than "shall" review any comments by members of the County Council on a proposed contract and take into consideration those comments.)*

1 On the title page, in line 1 of the title, before "altering" insert "altering the composition of the  
2 Contract Review Committee". In line 3 of the title, before "County" insert "members of the".  
3 In line 4 of the title, before the second "County", insert "members of the". In line 4 of the title,  
4 strike "requiring" and substitute "providing that". In line 4 of the title, strike "to" and substitute  
5 "may".  
6

1 On page 1, in line 18, after “designee;” insert “and”; strike line 19 in its entirety; and in line 20,  
2 strike “(3)” and substitute “(2)”.

3  
4 On page 1, in line 23, strike “majority” and substitute “A UNANIMOUS”.

5 On page 2:

- 6 • in line 9, strike “EXCEPT FOR” and substitute “THE”.
- 7 • in line 9, after “PROPERTY” insert “IS”.
- 8 • in line 9, strike the comma and substitute a semicolon.
- 9 • in line 10, before “[[There]]”, insert “(3)”.
- 10 • in line 10, strike the brackets and in the same line strike “THERE”.
- 11 • in line 10, after “are” insert “SINGULAR AND”.
- 12 • in line 12, strike “(3)” and substitute “(4)”.
- 13 • in line 17, strike “and”.
- 14 • in line 18, strike “EXCEPT” and substitute “FOR SOLE SOURCE PURCHASES WITH A  
15 CONTRACT CEILING VALUE OF \$500,000 OR MORE, EXCEPT”.
- 16 • in line 19, after “SUBTITLE,” insert “OR UNDER SUBSECTION (A)(2) OR (4) OF THIS  
17 SECTION”.
- 18 • in line 21, strike “THE” and substitute “MEMBERS OF THE”.
- 19 • In line 23, strike the period and substitute “; AND”.
- 20 • after line 23, insert:

21 “(3) FOR A CONTRACT SUBJECT TO APPROVAL BY A UNANIMOUS VOTE OF THE CONTRACT  
22 REVIEW COMMITTEE UNDER SECTION 4.10(A)(C) OF THIS SUBTITLE, PROVIDE THE COUNTY  
23 AUDITOR WITH A COPY OF THE PROPOSED CONTRACT, A NOTICE OF INTENT TO EXECUTE, AND  
24 THE WRITTEN JUSTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”

- 25 • in line 24, strike “THE” and substitute “MEMBERS OF THE”.
- 26 • in line 26, strike “SHALL” and substitute “MAY”.
- 27 • in line 26, strike “THE” and substitute “MEMBERS OF THE”.
- 28 • strike beginning with “APPROVE” in line 27 down through “COUNCIL” in line 28 and  
29 substitute “TAKE INTO CONSIDERATION THOSE COMMENTS IN DECIDING TO APPROVE,  
30 REVISE, OR DECLINE THE CONTRACT”.



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on \_\_\_\_\_, 2023.

August 2  
*Michelle Harrod*

Michelle Harrod, 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 \_\_\_\_\_, 2023.

Michelle Harrod, 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 \_\_\_\_\_, 2023.

Michelle Harrod, 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 \_\_\_\_\_, 2023.

Michelle Harrod, 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 \_\_\_\_\_, 2023.

Michelle Harrod, 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 \_\_\_\_\_, 2023.

Michelle Harrod, Administrator to the County Council