

Introduced 1/2/18
Public Hearing 1/16/18
Council Action 2/5/18
Executive Action 2/8/18
Effective Date 4/10/18

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.

Introduced and read first time January 2, 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 January 16, 2018.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on February 5 2018 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of February 2018 at 4:30 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Vetoed by the County Executive Feb 8, 2018

Allan H. Kittleman
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 PROMOTE BUSINESS OPPORTUNITIES FOR VETERAN-OWNED BUSINESS
21 ENTERPRISES; AND

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

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

28
29 **Section 4.102. Definitions.**

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

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

2 (1) Which is:

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

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

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

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

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

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

14 (1) Which is:

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

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

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

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

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

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

28 (ao) *Veteran* means:

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

4 (ii) A person who was disabled from a disease or injury incurred or aggravated in the line
5 of duty while performing active duty for training or inactive duty ~~training~~; OR TRAINING IN
6 THE UNITED STATES ARMED FORCES.

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

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

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

13 (1) Which is:

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

17 (2) WHOSE OWNERSHIP INTEREST IS REAL AND CONTINUOUS, AND NOT CREATED SOLELY TO
18 MEET THE WOMAN-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 women; and

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

24
25 **Section 4.103. Authority and duties of the County Purchasing Agent.**

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

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

29 (z) Shall award contracts for insurance[[]];

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

4 (AB) SHALL KEEP STATISTICS ON VETERAN-OWNED BUSINESS ENTERPRISES THAT PARTICIPATE IN
5 THE VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM .
6

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

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

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

15 (C) *GOALS.* THE OFFICE OF PURCHASING SHALL STRUCTURE PROCUREMENT PROCEDURES,
16 CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL MINIMUM OF
17 1% OF THE COUNTY'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS TO BE MADE
18 DIRECTLY OR INDIRECTLY WITH VETERAN-OWNED BUSINESS ENTERPRISES.

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

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

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

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

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

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

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

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

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

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

14 (2) PROVIDE TO THE COUNTY INCOMPLETE OR SUBSTANTIALLY INACCURATE OWNERSHIP
15 OR FINANCIAL INFORMATION;

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

19 (4) VIOLATE ANY PROVISION OF THIS TITLE.

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

24
25 **Section ~~[[4.130]]4.131. Severability.~~**

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

30

1 **Title 6. County Executive and the Executive Branch.**

2 **Subtitle 7. Veterans.**

3
4 **Section 6.701. General powers and duties of the Commission for Veterans and Military**
5 **Families.**

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

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

1 (10) REVIEW AND PROVIDE ADVICE TO THE OFFICE OF PURCHASING ON POLICIES, PROGRAMS
2 AND PRACTICES DESIGNED TO PROMOTE BUSINESS OPPORTUNITY FOR VETERAN-OWNED
3 BUSINESS ENTERPRISES.

4
5 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
6 *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 February 8, 2018.

Jessica Feldmark
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 _____, 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

Amendment 1 to Council Bill No. 8-2018

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

**Legislative Day No. 2
Date: February 5, 2018**

Amendment No. 1

(This amendment changes word choice and removes certain categories of persons for whom the Center for Verification and Evaluation of the United States Department of Veterans Affairs does not provide verification.)

- 1 On page 2, in line 20, strike “ENCOURAGE” and substitute “PROMOTE”.
- 2
- 3 On page 3, in line 30, after “DISHONORABLE;” insert “OR”.
- 4
- 5 On page 4, in line 2, strike “TRAINING; OR” and substitute “TRAINING IN THE UNITED STATES
- 6 ARMED FORCES.”.
- 7
- 8 On page 4, strike lines 3 and 4, inclusive and in their entirety.

ADOPTED

FAILED

SIGNATURE

as amended 2/5/18
Jessica Feldmark

Amendment 1 Amendment 1 to Council Bill No. 8-2018

BY: Jon Weinstein

Legislative Day No. 2

Date: 2/5/18

Amendment No. 1

(This amendment clarifies that "training" must occur in the United States Armed Forces.)

1 On page 1, at the end of line 5, after "TRAINING" insert "IN THE UNITED STATES ARMED FORCES".

ADOPTED 2/5/18
FAILED
SIGNATURE Jessica Feldman

Amendment 1 to Council Bill No. 8-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 2
Date: February 5, 2018

Amendment No. 1

(This amendment changes word choice and removes certain categories of persons for whom the Center for Verification and Evaluation of the United States Department of Veterans Affairs does not provide verification.)

1 On page 2, in line 20, strike "ENCOURAGE" and substitute "PROMOTE".

2

3 On page 3, in line 30, after "DISHONORABLE:" insert "OR".

4

5 On page 4, in line 2, strike "TRAINING: OR" and substitute "TRAINING.".

6

7 On page 4, strike lines 3 and 4, inclusive and in their entirety.

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 .

1
2 **SECTION 4.130. VETERAN-OWNED BUSINESS ENTERPRISE PROGRAM.**

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

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

10 (C) *GOALS.* THE OFFICE OF PURCHASING SHALL STRUCTURE PROCUREMENT PROCEDURES,
11 CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE, TO TRY TO ACHIEVE AN OVERALL MINIMUM OF
12 1% OF THE COUNTY'S TOTAL DOLLAR VALUE OF PROCUREMENT CONTRACTS TO BE MADE
13 DIRECTLY OR INDIRECTLY WITH VETERAN-OWNED BUSINESS ENTERPRISES.

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

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

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

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

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

26 (I) *INVESTIGATION OF COMPLAINTS.* THE ADMINISTRATOR OF THE OFFICE OF PURCHASING SHALL
27 INVESTIGATE SWORN, WRITTEN ALLEGATIONS THAT A BUSINESS VERIFIED BY THE CENTER FOR
28 VERIFICATION AND EVALUATION OF THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
29 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.

20
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.
30

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.*

Amendment 1 Amendment 1 to Council Bill No. 8-2018

BY: Jon Weinstein

Legislative Day No. 2

Date: 2/5/18

Amendment No. 1

(This amendment clarifies that "training" must occur in the United States Armed Forces.)

1 On page 1, at the end of line 5, after "TRAINING" insert "IN THE UNITED STATES ARMED FORCES".

Amendment 1 to Council Bill No. 8-2018

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 2
Date: February 5, 2018

Amendment No. 1

(This amendment changes word choice and removes certain categories of persons for whom the Center for Verification and Evaluation of the United States Department of Veterans Affairs does not provide verification.)

- 1 On page 2, in line 20, strike “ENCOURAGE” and substitute “PROMOTE”.
- 2
- 3 On page 3, in line 30, after “DISHONORABLE;” insert “OR”.
- 4
- 5 On page 4, in line 2, strike “TRAINING; OR” and substitute “TRAINING.”.
- 6
- 7 On page 4, strike lines 3 and 4, inclusive and in their entirety.