

HOUSE BILL 1114

L2

8lr2497

By: **Calvert County Delegation**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Procurement Contracts – Reciprocal Preference for Resident**
3 **Bidders**

4 FOR the purpose of requiring Calvert County, under certain circumstances, to give a
5 certain preference to a bidder whose principal office is in the county over a bidder
6 whose principal office is outside the county; prohibiting any increase in the cost of a
7 contract in which a preference is given from exceeding a certain amount; defining
8 certain terms; and generally relating to a reciprocal preference for a bidder whose
9 principal office is in Calvert County.

10 BY repealing and reenacting, with amendments,
11 The Public Local Laws of Calvert County
12 Section 6–101
13 Article 5 – Public Local Laws of Maryland
14 (2002 Edition and August 2017 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article 5 – Calvert County**

18 6–101.

19 (a) Except as otherwise provided in this title, contracts for the purchase by the
20 county of supplies or services involving \$15,000 or more shall be by formal bidding

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 procedures and the contract shall be awarded at a regularly scheduled meeting of the
2 Commissioners or by the official authorized to contract for the county to the lowest
3 responsible bidder meeting specifications. A contract may not be subdivided to avoid the
4 requirements of this section.

5 (b) The Commissioners or the official authorized to contract for the county shall
6 invite proposals for all contracts subject to this section by publishing a notice in at least
7 two county newspapers for two consecutive weeks. The notice shall state that in not less
8 than three weeks the Commissioners or the official authorized to contract for the county
9 will meet in public session to receive bids for the described purchase or contract, state the
10 time and place of the meeting, and reserve the right to reject any and all bids.

11 (c) In determining the "lowest responsible bidder," in addition to considering
12 price, the Commissioners or the official authorized to contract for the county shall consider:

13 (1) The ability, capacity, and skill of the bidder to perform the contract or
14 provide the service required;

15 (2) Whether the bidder can perform the contract or provide the service
16 promptly, or within the time specified, without delay or interference;

17 (3) The character, integrity, reputation, judgment, experience, and
18 efficiency of the bidder;

19 (4) The quality of performance of previous contracts or services;

20 (5) The previous and current compliance by the bidder with laws and
21 ordinances relating to the contract or service;

22 (6) Whether the bidder is in arrears to the county on any debt or contract,
23 is in default on any surety to the county, or is delinquent as to any taxes or assessments;
24 and

25 (7) Any other information that may have a bearing on the decision to award
26 the contract.

27 (d) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
28 **MEANINGS INDICATED.**

29 **(II) "NONRESIDENT BIDDER" MEANS A BIDDER WHOSE**
30 **PRINCIPAL OFFICE IS OUTSIDE THE COUNTY.**

31 **(III) "PRINCIPAL OFFICE" MEANS THE OFFICE, IN OR OUT OF**
32 **THE STATE, WHERE THE PRINCIPAL EXECUTIVE OFFICE OF A DOMESTIC OR**
33 **FOREIGN CORPORATION IS LOCATED AND THAT IS DESIGNATED IN THE ANNUAL**
34 **REPORT OR APPLICATION FOR AUTHORITY TO TRANSACT BUSINESS IN THE STATE.**

1 (IV) **“RESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL**
2 **OFFICE IS IN THE COUNTY.**

3 (2) **THE COUNTY SHALL GIVE A PREFERENCE TO A RESIDENT BIDDER**
4 **OVER A NONRESIDENT BIDDER THAT IS EQUAL TO THE PREFERENCE GIVEN BY THE**
5 **COUNTY OR STATE IN WHICH THE NONRESIDENT BIDDER HAS ITS PRINCIPAL OFFICE**
6 **TO BIDDERS THAT HAVE A PRINCIPAL OFFICE IN THAT COUNTY OR STATE.**

7 (3) **NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, ANY**
8 **INCREASE IN THE COST OF A CONTRACT IN WHICH A PREFERENCE IS GIVEN UNDER**
9 **PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED \$25,000.**

10 (E) If a contract is not awarded to the lowest bidder in price, the reasons for the
11 decision shall be stated in the minutes of the meeting at which the contract is awarded.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.