

HOUSE BILL 1483

L2

6lr2308

By: **Calvert County Delegation**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing Calvert County, under certain circumstances, to give a
5 certain preference to a resident bidder whose principal office is in the county over a
6 nonresident bidder whose principal office is outside the county; prohibiting any
7 increase in the cost of a contract in which a preference is given to exceed a certain
8 amount; defining certain terms; and generally relating to a reciprocal preference for
9 bidders whose 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 May 2015 Supplement, as amended)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

7 (c) In determining the “lowest responsible bidder,” in addition to considering
8 price, the Commissioners or the official authorized to contract for the county shall consider:

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

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

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

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

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

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

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

23 **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
24 **MEANINGS INDICATED.**

25 **(II) “NONRESIDENT BIDDER” MEANS A BIDDER WHOSE**
26 **PRINCIPAL OFFICE IS OUTSIDE THE COUNTY.**

27 **(III) “PRINCIPAL OFFICE” MEANS THE OFFICE, IN OR OUT OF**
28 **THIS STATE, WHERE THE PRINCIPAL EXECUTIVE OFFICE OF A DOMESTIC OR**
29 **FOREIGN CORPORATION IS LOCATED AND WHICH IS DESIGNATED IN THE ANNUAL**
30 **REPORT OR APPLICATION FOR AUTHORITY TO TRANSACT BUSINESS IN THIS STATE.**

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

1 **(2) WHEN THE COUNTY USES FORMAL BIDDING PROCEDURES TO**
2 **AWARD A CONTRACT, THE COUNTY MAY GIVE A PREFERENCE TO A RESIDENT BIDDER**
3 **OVER A NONRESIDENT BIDDER THAT IS EQUAL TO THE PREFERENCE GIVEN BY THE**
4 **COUNTY OR STATE IN WHICH THE NONRESIDENT BIDDER HAS ITS PRINCIPAL OFFICE**
5 **TO BIDDERS THAT HAVE A PRINCIPAL OFFICE IN THAT COUNTY OR STATE.**

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.