

Bill No. 23-15  
Concerning: Contracts – Local Small  
Business Reserve Program -  
Amendments  
Revised: May 19, 2015 Draft No. 2  
Introduced: May 21, 2015  
Enacted: September 15, 2015  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

Lead Sponsor: Council President at the request of the County Executive

---

**AN ACT** to:

- (1) to modify the types of contracts subject to the Local Small Business Reserve Program;
- (2) amend the definition of a local small business under the Local Small Business Reserve Program;
- (3) change the reporting dates; and
- (4) generally amend the law regarding the Local Small Business Reserve Program.

By amending

Montgomery County Code  
Chapter 11B, Contracts and Procurement  
Sections 11B-65, 11B-66, 11B-67, and 11B-69

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Sections 11B-65, 11B-66, 11B-67, and 11B-69 are amended as**  
2 **follows:**

3                           **Article XV. Local Small Business Reserve Program**

4 **11B-65. Definitions.**

5           In this Article the following words have the meanings indicated.

6           (a) *Local Small Business* means a for-profit business, other than a broker,  
7           that:

- 8                   (1) [generates a significant amount of economic activity] has its  
9                           principal place of business in the County;
- 10                   (2) is independently owned and operated;
- 11                   (3) is not a subsidiary of another business; and
- 12                   (4) meets criteria, size limits, and gross sales amounts established by  
13                           method 2 regulations.

14   \*                   \*                   \*

15 **11B-66. Local Small Business Reserve Program.**

16   \*                   \*                   \*

17           (c) The total dollar value of procurements by a using department does not  
18           include:

19   \*                   \*                   \*

- 20                   (4) a public entity [or emergency] procurement;
- 21                   (5) an emergency procurement;
- 22                   (6) a bridge contract;
- 23                   (7) a cooperative procurement;
- 24                   (8) any waiver made under Section 11B-67(f);
- 25                   [(6)] (9) any procurement where no local small business is qualified  
26                           or able to perform the contract; or

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

[(7)] (10) any single procurement that is estimated to exceed \$10 million.

\* \* \*

**11B-67. Procedures.**

\* \* \*

(e) A local small business is no longer eligible for a procurement under this Article if the business has been awarded \$10 million in the aggregate in County contracts and at least 10 separate contracts, as either a prime contractor or a subcontractor, [since] beginning January 1, 2006. The Director must provide written notice to the business when it is no longer eligible.

\* \* \*

**11B-69. Reports.**

(a) By [September] October 30 each year, each using department must submit to the Director a report on the number, type, and dollar amount of contracts issued under this Article.

(b) By November 30 each year, the Director must report to the Council on the Local Small Business Reserve Program. This report must include the number, type, and dollar amount of contracts awarded under this Article during the preceding fiscal year, the number, type, and dollar amount of each waiver, information about how these numbers have changed from the preceding fiscal year, and the extent of outreach efforts.

