

# Climate Assessment

Office of Legislative Oversight

## **Expedited Contracts and Procurement – Minority Owned Bill 37-23: Businesses – Sunset Date – Amendments**

### **SUMMARY**

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 37-23 will have no impact on the County's contribution to addressing climate change as it is proposing the extension of the sunset date for an existing County program.

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### **BACKGROUND AND PURPOSE OF EXPEDITED BILL 37-23**

According to the Office of Procurement, the County's Minority, Female and Disabled-Owned (MFD) Businesses Program "assists certified minority firms in gaining access to prime contractor and subcontractor opportunities with County government agencies."<sup>1</sup> Towards this end, the MFD Program establishes goals for MFD participation in the purchasing categories of construction, professional services, non-professional services, and goods.<sup>2</sup> County law establishing the minority owned business purchasing program states the program "is intended to remedy the effects of discrimination on minority owned businesses."<sup>3</sup> The MFD Program has been in existence in the County for over 25 years.<sup>4</sup>

County law includes a sunset date for the minority owned business purchasing program and requires the Office of Procurement to continually evaluate the need to extend the program.<sup>5</sup> The purpose of Bill 37-23 is to extend the current sunset date for the minority owned business purchasing program by one year from December 31, 2023, to December 31, 2024.<sup>6</sup>

The Introduction Staff Report notes that a disparity study is currently underway to assess the minority owned business purchasing program and the County's contracting policies relative to MFD businesses. Extending the sunset date by one year would prevent the expiration of the program while the disparity study is completed.

Expedited Bill 37-23, Contracts and Procurement – Minority Owned Businesses – Sunset Date – Amendments, was introduced by the Council on September 26, 2023.

## ANTICIPATED IMPACTS

As the bill proposes the extension of the sunset date for an existing County program, OLO anticipates that Expedited Bill 37-23 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>7</sup> OLO does not offer recommendations or amendments as Expedited Bill 37-23 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> [Minority, Female and Disabled-Owned Businesses \(MFD\) Program](#), Office of Procurement.

<sup>2</sup> Ibid.

<sup>3</sup> Montgomery County Code § 11B-57

<sup>4</sup> [Introduction Staff Report for Bill 20-16](#), Montgomery County Council, May 13, 2016.

<sup>5</sup> Montgomery County Code § 11B-61

<sup>6</sup> [Introduction Staff Report for Expedited Bill 37-23](#), Montgomery County Council, Introduced September 26, 2023.

<sup>7</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022