THE COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

1) amend the County's Local Small Business Reserve Program by increasing the minimum percentage of the combined dollar value of certain contracts that each using department must award to local small businesses; [[and]]

2) extend the sunset date of the law to December 31, 2012; and

3) generally amend the County's Local Small Business Reserve Program.

By amending
Montgomery County Code
Chapter 11B, Contracts and Procurement
Section 11B-66

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1 Section 11B-66 is amended as follows:

11B-66. Local Small Business Reserve Program.

(a) Except as provided in Subsection (c), this Article applies to all procurements by a using department.

(b) A using department’s procurement procedures must award a minimum of [10] 20 percent of the using department’s combined dollar value of contracts issued for goods, services, or construction to local small businesses, subject to method 2 regulations.

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

(1) the value of any contract to which this Article does not apply because of a conflict with state or federal law or a grant requirement;

(2) a preexisting contract executed by the County;

(3) a non-competitive contract award made under Section 11B-14;

(4) a public entity or emergency procurement;

(5) any waiver made under Section 11B-67(f);

(6) any procurement where no local small business is qualified or able to perform the contract; or

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

(d) A using department’s decision to exclude a procurement under Subsection (c)(6) must be approved by the Director.

Sec. 2. Section 3 of Chapter 3, Laws of Montgomery County of 2005 is amended as follows:

[[This Act takes effect no later than January 1, 2006.] This Act and any regulations adopted under it expires on December 31, [[2009]] 2012. The Office of Legislative Oversight must begin a review of the Program one year after its
implementation begins and must report to the Council about the effectiveness of the Program.

Sec. 3. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Approved:

Philip M. Andrews, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date