

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 21-0024

Introduced by: Councilmembers Burnett, Cohen, Dorsey, Middleton, Bullock, Torrence
Introduced and read first time: January 25, 2021
Assigned to: Public Safety and Government Operations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: March 8, 2021

AN ORDINANCE CONCERNING

Minority and Women’s Business Utilization – Emergencies

FOR the purpose of clarifying the City’s minority business and women’s business contract utilization requirements for certain emergency procurements; requiring that, after an emergency procurement, the agency submit a report to the Board of Estimates and the Minority and Women’s Business Opportunity Office; providing for a special effective date; and generally relating to greater transparency and utilization of minority and women’s business in City emergency contracting.

BY adding
Article 5 - Finance, Property, and Procurement
Section(s) 28-51
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

**Subtitle 28. Minority and Women’s Business Enterprises;
Small Local Business Enterprises**

§ 28-51. EMERGENCIES.

(A) *IN GENERAL.*

IN THE EVENT THAT COMPETITIVE BIDS ARE NOT OBTAINED DUE TO AN EMERGENCY IN ACCORDANCE WITH ARTICLE VI, § 11(E) OF THE BALTIMORE CITY CHARTER, THE CONTRACTING AGENCY MUST MEET THE REQUIREMENTS SET FORTH IN SUBSECTION (B) OF THIS SECTION THAT WILL SERVE AS ITS UTILIZATION REQUIREMENTS.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (B) *EMERGENCY UTILIZATION REQUIREMENTS.*

2 IF AN EMERGENCY PROCUREMENT UNDER ARTICLE VI, § 11(E) OF THE BALTIMORE CITY
3 CHARTER IS NECESSARY, A CONTRACTING AGENCY SHALL:

- 4 (1) CONTACT THE OFFICE FOR ASSISTANCE IN FINDING MBE AND WBE CONTRACTORS
5 OR SUBCONTRACTORS THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED;
- 6 (2) PROVIDE CONTRACTORS WITH A LIST OF POSSIBLE SUBCONTRACTORS THAT
7 CONTAINS AT LEAST 2 MBE OR WBES, IF APPLICABLE; AND
- 8 (3) TO THE EXTENT POSSIBLE, RECEIVE AT LEAST 1 QUOTE FROM AN MBE AND 1
9 QUOTE FROM A WBE THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED.

10 (C) *OFFICE COOPERATION.*

11 THE OFFICE SHALL PROVIDE ALL NECESSARY ASSISTANCE TO AN AGENCY IN MAKING
12 GOOD FAITH EFFORTS TO COMPLY WITH THIS CHAPTER FOR THE EMERGENCY
13 PROCUREMENT.

14 (D) *POST-EXECUTION REPORT.*

15 (1) *IN GENERAL.*

16 AS SOON AS POSSIBLE AFTER THE EXECUTION OF ANY EMERGENCY PROCUREMENT
17 UNDER ARTICLE VI, § 11(E) OF THE BALTIMORE CITY CHARTER WAS NECESSARY, BUT
18 NO LATER THAN ~~30~~ 45 DAYS AFTER THE CONTRACT EXECUTION, THE AGENCY SHALL
19 SUBMIT A REPORT TO THE BOARD OF ESTIMATES AND THE OFFICE STATING:

- 20 (I) THE NAME AND ADDRESS OF THE SELECTED CONTRACTOR;
- 21 (II) WHETHER THE CONTRACTOR IS A CITY-CERTIFIED MBE OR WBE;
- 22 (III) AN OVERVIEW OF THE NATURE OF THE EMERGENCY AND WHY AN EMERGENCY
23 PROCUREMENT WAS NECESSARY;
- 24 (IV) A REASONABLE ESTIMATION OF THE THREAT OR LOSS THAT MAY HAVE
25 OCCURRED HAD AN EMERGENCY PROCUREMENT NOT BEEN TAKEN;
- 26 (V) A SUMMARY OF THE CONTRACTOR'S QUALIFICATIONS, EXPERIENCE, AND
27 BACKGROUND TO PROVIDE THE EMERGENCY GOODS OR SERVICES AND THE
28 BASIS ON HOW THE CONTRACTOR WAS SELECTED OVER OTHER QUALIFIED AND
29 RESPONSIVE POTENTIAL CONTRACTORS;
- 30 (VI) IF APPLICABLE, A DESCRIPTION OF THE SCOPE OF WORK, INCLUDING THE COSTS,
31 FEES, OR RATES FOR THE PURCHASE;
- 32 (VII) IF APPLICABLE, A DESCRIPTION OF THE WORK PERFORMED BY THE
33 CONTRACTOR TO MITIGATE OR ELIMINATE THE EMERGENCY;

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1 (VIII) IF APPLICABLE, A JUSTIFICATION REGARDING WHY AN ADDITIONAL
2 PROCUREMENT WAS NECESSARY WHEN AN EXISTING CITY CONTRACT MIGHT
3 HAVE PROVIDED THE GOODS OR SERVICES NECESSARY; AND

4 (IX) A LIST OF ALL POTENTIAL VENDORS CONTACTED, INCLUDING THE MBE AND
5 WBE CONTACTED UNDER SUBSECTION (B)(2) OF THIS SECTION.

6 (2) *POSTING.*

7 THE REPORT REQUIRED BY THIS SUBSECTION SHALL BE POSTED TO THE OFFICE’S
8 WEBSITE ON ITS RECEIPT.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
10 are not law and may not be considered to have been enacted as a part of this or any prior
11 Ordinance.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
13 after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City