

**CITY OF BALTIMORE
COUNCIL BILL 06-0467
(First Reader)**

Introduced by: Councilmembers Kraft, Clarke, Curran, Reisinger

Introduced and read first time: July 10, 2006

Assigned to: Economic Development and Public Financing Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Bureau of Purchases, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Debarment from City Contracts – Applicable Offenses**

3 FOR the purpose of adding certain offenses to those for which a person may be debarred from
4 entering into contracts with the City.

5 BY repealing and reordaining, with amendments

6 Article 5 - Finance, Property, and Procurement

7 Section(s) 40-7

8 Baltimore City Code

9 (Edition 2000)

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

12 **Baltimore City Code**

13 **Article 5. Finance, Property, and Procurement**

14 **Subtitle 40. Debarment from City Contracts**

15 **§ 40-7. Violations of other laws.**

16 (a) *Judgments.*

17 The Board may debar a person from entering into a contract with the City if that person,
18 or a principal of that person, or any other person substantially involved in that person's
19 contracting activities:

20 (1) has been convicted under the laws of the City, this State, another state, or the
21 United States of:

22 (i) a criminal offense incident to obtaining, attempting to obtain, or
23 performing a public or private contract; or

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (ii) fraud, embezzlement, theft, forgery, falsification or destruction of records,
2 or receiving stolen property;

3 (2) has been convicted of a criminal violation of an antitrust statute of this State,
4 another state, or the United States;

5 (3) has been convicted of a violation of the Racketeer Influenced and Corrupt
6 Organization Act or of the Mail Fraud Act for acts in connection with the
7 submission of bids or proposals for a public or private contract;

8 (4) has been convicted of a violation of Title 14 {"Preferences"}, Subtitle 3
9 {"Minority Business Participation"} of the State Finance and Procurement
10 Article;

11 (5) HAS BEEN CONVICTED OF A CRIMINAL VIOLATION OF AN ENVIRONMENTAL, LABOR,
12 BUILDING, OR ZONING LAW OF THE CITY, THIS STATE, ANOTHER STATE, OR THE
13 UNITED STATES;

14 (6) [(5)] has been convicted of conspiracy to commit any act or omission that would
15 constitute grounds for conviction under any of the laws or statutes described in
16 paragraphs (1) through (5) of this subsection;

17 (7) [(6)] has been found civilly liable under an antitrust statute of this State, another
18 state, or the United States for acts or omissions in connection with the submission
19 of bids or proposals for a public or private contract; or

20 (8) [(7)] has been found in a final administrative determination to have violated the
21 City's Commercial Non-Discrimination Policy, as set forth in Subtitle 29 of this
22 article.

23 (b) *Admissions.*

24 The Board may debar a person from entering into a contract with the City if, during the
25 course of an official investigation or other proceeding, that person, or a principal of that
26 person, or any other person substantially involved in that person's contracting activities
27 has admitted, in writing or under oath, an act or omission that constitutes grounds for
28 conviction or liability under any law described in subsection (a) of this section.

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

32 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
33 after the date it is enacted.