

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 21-0159

Introduced by: Councilmembers Conway, Dorsey, Bullock, Cohen, Burnett, Torrence,
Middleton, Ramos, Porter, Glover

Introduced and read first time: October 4, 2021

Assigned to: Ways and Means Committee

Committee Report: Favorable, with Amendments

Council action: Adopted

Read second time: October 16, 2023

AN ORDINANCE CONCERNING

Procurement - Zero-Emission Vehicles

FOR the purpose of converting the City fleet of vehicles, subject to certain exceptions, to zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally related to the City's procurement of vehicles.

BY adding

Article 5 - Finance, Property, and Procurement

Section(s) 35A-1 through 35A-6, to be under the new subtitle designation,

“Subtitle 35A. Required Procurement of Zero-Emission Vehicles”

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 35A. REQUIRED PROCUREMENT OF ZERO-EMISSION VEHICLES

§ 35A-1. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED.

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) ~~ADMINISTRATIVE FLEET.~~

2 “ADMINISTRATIVE FLEET” MEANS THE GROUP OF CITY-OWNED, LEASED, OR RENTED
3 VEHICLES WITH GROSS VEHICLE WEIGHT RATINGS OF 8,600 POUNDS OR LESS.

4 (C) ~~(B) SUBCONTRACT.~~

5 “SUBCONTRACT” MEANS ANY AGREEMENT BETWEEN A VENDOR AND ANOTHER PARTY FOR
6 THE PERFORMANCE OF WORK UNDER A VEHICLE PROCUREMENT CONTRACT.

7 (D) ~~(C) VEHICLE.~~

8 “VEHICLE” HAS THE MEANING STATED IN CITY CODE ARTICLE 31, § 1-3(Q) {“DEFINITIONS
9 — S TO Z : . . . VEHICLE”}.

10 (E) ~~(D) VEHICLE PROCUREMENT CONTRACT.~~

11 “VEHICLE PROCUREMENT CONTRACT” MEANS AN AGREEMENT ENTERED INTO BY THE CITY
12 PURCHASING AGENT OR A CITY AGENCY WITH A VENDOR TO BUY, RENT, LEASE, OR
13 OTHERWISE OBTAIN OR ACQUIRE A VEHICLE.

14 (F) ~~(E) VENDOR.~~

15 “VENDOR” MEANS A PERSON WHO ENTERS INTO A VEHICLE PROCUREMENT CONTRACT
16 WITH THE CITY PURCHASING AGENT OR A CITY AGENCY.

17 (G) ~~VOCATIONAL FLEET.~~

18 “VOCATIONAL FLEET” MEANS THE GROUP OF CITY-OWNED, LEASED, OR RENTED VEHICLES
19 WITH GROSS VEHICLE WEIGHT RATINGS OF MORE THAN 8,600 POUNDS.

20 (H) ~~(F) ZERO-EMISSION VEHICLE.~~

21 “ZERO-EMISSION VEHICLE” MEANS A VEHICLE THAT MEETS THE STATE’S ZERO-EMISSION
22 VEHICLE REQUIREMENTS, AS DESCRIBED IN COMAR 26.11.34.09.

23 (I) ~~ZERO-EMISSION VEHICLE EQUIVALENT.~~

24 “ZERO-EMISSION VEHICLE EQUIVALENT” MEANS A ZERO-EMISSION VEHICLE THAT
25 POSSESSES THE SAME CAPABILITIES AS A TRADITIONAL VEHICLE POWERED BY AN
26 INTERNAL COMBUSTION ENGINE.

27 (J) ~~ZERO-EMISSION VEHICLE INFRASTRUCTURE.~~

28 “ZERO-EMISSION VEHICLE INFRASTRUCTURE” MEANS THE STRUCTURES, MACHINERY,
29 EQUIPMENT, AND UTILITIES NECESSARY TO SUPPORT THE USE AND MAINTENANCE OF A
30 ZERO-EMISSION VEHICLE.

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§ 35A-2. ZERO-EMISSION VEHICLE PROCUREMENT REQUIREMENTS.

CITY AGENCIES ~~SHALL~~ MUST INCREASE THEIR PROCUREMENT OF ZERO-EMISSION VEHICLES SO THAT:

~~(I) 50% - 100% OF THE CITY FLEET ALL VEHICLES PURCHASED, LEASED, OR RENTED FOR THE ADMINISTRATIVE FLEET WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2030.~~

~~(II) 100% OF THE CITY FLEET WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2040.~~

§ 35A-3. APPLICABILITY OF SUBTITLE.

(A) CONTRACT VALUE.

THIS SUBTITLE ONLY APPLIES TO VEHICLE PROCUREMENT CONTRACTS OR SUBCONTRACTS WORTH \$16,000.00 OR MORE.

~~*(B) PRODUCT AVAILABILITY.*~~

~~ON A SINGLE CONTRACT OR SUBCONTRACT BASIS, IF THE CITY PURCHASING AGENT CERTIFIES IN WRITING THAT ZERO-EMISSION VEHICLES ARE NOT PRODUCED IN A SUFFICIENT QUANTITY TO MEET THE CITY'S REQUIREMENTS, THE REQUIREMENTS OF THIS SUBTITLE DO NOT APPLY.~~

(B) ZERO-EMISSION VEHICLE EQUIVALENCE.

(1) IN GENERAL.

THE DEPARTMENT OF GENERAL SERVICES SHALL:

(I) DETERMINE IF A ZERO-EMISSION VEHICLE EQUIVALENT IS AVAILABLE TO SATISFY EACH VEHICLE PROCUREMENT CONTRACT AND SUBCONTRACT; AND

(II) IF THE DEPARTMENT DETERMINES THAT A ZERO-EMISSION VEHICLE EQUIVALENT IS AVAILABLE, RECOMMEND AT LEAST 1 ZERO-EMISSION VEHICLE EQUIVALENT TO THE CITY PURCHASING AGENT TO SATISFY THE VEHICLE PROCUREMENT CONTRACT OR SUBCONTRACT.

(2) DETERMINATION OF EQUIVALENCY.

THE DEPARTMENT OF GENERAL SERVICES SHALL CONSIDER THE FOLLOWING FACTORS WHEN DETERMINING IF A ZERO-EMISSION VEHICLE EQUIVALENT IS AVAILABLE TO SATISFY A VEHICLE PROCUREMENT CONTRACT OR SUBCONTRACT:

(I) OPERATIONAL AND RELIABILITY SPECIFICATIONS;

(II) COST; AND

(III) MARKET AVAILABILITY.

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(3) EQUIVALENCY FACTOR – COST.

IN DETERMINING EQUIVALENCY, ANALYSIS OF THE “COST” FACTOR REQUIRED BY
PARAGRAPH (2) SHALL INCLUDE:

(I) THE EVALUATION OF THE AVAILABLE ZERO-EMISSION VEHICLE
INFRASTRUCTURE AND WHETHER IT IS SUFFICIENT TO SUPPORT ZERO-EMISSION
VEHICLES TO BE PROCURED UNDER THE SUBJECT VEHICLE PROCUREMENT
CONTRACT OR SUBCONTRACT; AND

(II) WHAT, IF ANY, CONSTRUCTION OF NEW ZERO-EMISSION VEHICLE
INFRASTRUCTURE IS REQUIRED TO SUPPORT THE PROCUREMENT OF ZERO-
EMISSION VEHICLES UNDER THE SUBJECT VEHICLE PROCUREMENT CONTRACT
OR SUBCONTRACT.

(4) ZERO-EMISSION VEHICLE EQUIVALENT – UNAVAILABLE.

IF THE DEPARTMENT OF GENERAL SERVICES DETERMINES THAT A ZERO-EMISSION
VEHICLE EQUIVALENT IS UNAVAILABLE TO FULFILL A SINGLE VEHICLE PROCUREMENT
CONTRACT OR SUBCONTRACT THE DEPARTMENT SHALL DELIVER A CERTIFIED
DETERMINATION BY THE DIRECTOR OR THE DIRECTOR’S DESIGNEE TO THE CITY
PURCHASING AGENT CONTAINING:

(I) AN EXPLANATION OF THE DETERMINATION;

(II) THE DEPARTMENT’S ANALYSIS OF THE FOLLOWING FACTORS:

(A) OPERATIONAL AND RELIABILITY SPECIFICATIONS;

(B) COST; AND

(C) MARKET AVAILABILITY; AND

(III) SUPPORTING MATERIALS.

§ 35A-4. REQUIRED BID INFORMATION.

THE CITY PURCHASING AGENT AND ALL CITY AGENCIES SHALL INCLUDE, IN ALL CITY BIDS
AND REQUESTS FOR BIDS FOR A VEHICLE PROCUREMENT CONTRACT, A STATEMENT OF THE
CITY’S POLICY ON ZERO-EMISSION VEHICLES.

§ 35A-5. ANNUAL REPORT.

~~THE CITY PURCHASING AGENT~~ THE DEPARTMENT OF GENERAL SERVICES, WITH COOPERATION
FROM ALL CITY AGENCIES, SHALL SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY
COUNCIL THAT INCLUDES: ON THE NUMBER AND AMOUNT OF CONTRACTS AND
SUBCONTRACTS THAT INCLUDED THE PURCHASE OF ZERO-EMISSION VEHICLES AS PROVIDED
FOR IN THIS SUBTITLE.

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(1) THE QUANTITY AND VALUE OF ALL VEHICLE PROCUREMENT CONTRACTS AND SUBCONTRACTS BOTH ONGOING AND NEW WITHIN THE PAST YEAR;

(2) AN ACCOUNTING OF BOTH THE ADMINISTRATIVE FLEET AND THE VOCATIONAL FLEET, INCLUDING:

(I) THE NUMBER OF VEHICLES;

(II) THE LIFE CYCLE AGE OF EACH VEHICLE;

(III) THE PLANNED REPLACEMENT YEAR FOR EACH VEHICLE; AND

(IV) A DETERMINATION IF THERE IS CURRENTLY A ZERO-EMISSION VEHICLE EQUIVALENT AVAILABLE TO REPLACE THE VEHICLE;

(3) A LIST OF ALL VOCATIONAL FLEET VEHICLES REPLACED DURING THE PRECEDING YEAR AND AN EXPLANATION WHY A ZERO-EMISSION VEHICLE EQUIVALENT WAS NOT SELECTED;

(4) AN ASSESSMENT OF WHEN IT WILL BE BOTH OPERATIONALLY AND FISCALLY APPROPRIATE TO CREATE FIXED ZERO-EMISSION VEHICLE EQUIVALENT REPLACEMENT GOALS FOR THE VOCATIONAL FLEET; AND

(5) AN ASSESSMENT OF ZERO-EMISSION VEHICLE TECHNOLOGY AND ANALYSIS OF HOW THAT TECHNOLOGY WILL IMPACT THE CITY'S SUSTAINIBILITY AND ENVIRONMENTAL MANAGEMENT PLAN, SPECIFICALLY THE PLAN'S MEASURES FOR DEVELOPING, IMPLEMENTING, AND COORDINATING THE CITY POLICIES THAT MAKE ALL CITY OPERATIONS ACHIEVE NET-ZERO EMISSIONS BY JANUARY 1, 2045.


§ 35A-6. RULES AND REGULATIONS.

SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE CITY GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF FINANCE AND THE DIRECTOR OF THE DEPARTMENT OF GENERAL SERVICES MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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Certified as duly passed this 30 day of October, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 30 day of October, 2023



Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City