

AMENDMENTS TO COUNCIL BILL 20-0605
(1st Reader Copy)

By: Taxation, Finance and Economic Development Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 3, strike beginning with “and” down through and including “from” in line 4; and, on that same page, in line 4, after “requirements”, insert “for certain emergency procurements”; and, on that same page, in line 5, strike “if an agency receives a waiver for an emergency” and substitute “after an emergency procurement”; and, on that same page, in lines 6 and 7, strike “defining certain terms;”; and, on that same page, strike lines 9 through 13 in their entirety; and on that same page, in line 16, strike “28-64.1” and substitute “28-51”; and, on that same page, strike line 25 in its entirety and substitute “Part V. Utilization Requirements”; and, on page 2, strike lines 1 through 29 in their entirety; and, on page 3, strike lines 1 through 33 in their entirety; and, on page 4, strike lines 1 through 16 in their entirety and substitute:

“§ 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.

(B) EMERGENCY UTILIZATION REQUIREMENTS.

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

(1) CONTACT THE OFFICE FOR ASSISTANCE IN FINDING MBE AND WBE CONTRACTORS OR SUBCONTRACTORS THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED;

(2) PROVIDE CONTRACTORS WITH A LIST OF POSSIBLE SUBCONTRACTORS THAT CONTAINS AT LEAST 2 MBE OR WBES, IF APPLICABLE; AND

(3) TO THE EXTENT POSSIBLE, RECEIVE AT LEAST 1 QUOTE FROM AN MBE AND 1 QUOTE FROM A WBE THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED.

(C) OFFICE COOPERATION.

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

(D) POST-EXECUTION REPORT.

(1) IN GENERAL.

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

(I) THE NAME AND ADDRESS OF THE SELECTED CONTRACTOR;

(II) WHETHER THE CONTRACTOR IS A CITY-CERTIFIED MBE OR WBE;

(III) AN OVERVIEW OF THE NATURE OF THE EMERGENCY AND WHY AN EMERGENCY PROCUREMENT WAS NECESSARY;

(IV) A REASONABLE ESTIMATION OF THE THREAT OR LOSS THAT MAY HAVE OCCURRED HAD AN EMERGENCY PROCUREMENT NOT BEEN TAKEN;

(V) A SUMMARY OF THE CONTRACTOR'S QUALIFICATIONS, EXPERIENCE, AND BACKGROUND TO PROVIDE THE EMERGENCY GOODS OR SERVICES AND THE BASIS ON HOW THE CONTRACTOR WAS SELECTED OVER OTHER QUALIFIED AND RESPONSIVE POTENTIAL CONTRACTORS;

(VI) IF APPLICABLE, A DESCRIPTION OF THE SCOPE OF WORK, INCLUDING THE COSTS, FEES, OR RATES FOR THE PURCHASE;

(VII) IF APPLICABLE, A DESCRIPTION OF THE WORK PERFORMED BY THE CONTRACTOR TO MITIGATE OR ELIMINATE THE EMERGENCY;

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

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

(2) POSTING.

THE REPORT REQUIRED BY THIS SUBSECTION SHALL BE POSTED TO THE
OFFICE'S WEBSITE ON ITS RECEIPT.”.