

**CITY OF BALTIMORE  
COUNCIL BILL 21-0024  
(First Reader)**

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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

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Fire Department, Baltimore Development Corporation, City Administrator, Minority and Women's Business Opportunity Office, Mayor's Office of Minority and Women's Business Development, Office of Emergency Management

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Minority and Women's Business Utilization – Emergencies**

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

9 BY adding

10 Article 5 - Finance, Property, and Procurement  
11 Section(s) 28-51  
12 Baltimore City Code  
13 (Edition 2000)

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

16 **Baltimore City Code**

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

18 **Subtitle 28. Minority and Women's Business Enterprises;**  
19 **Small Local Business Enterprises**

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

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1 **§ 28-51. EMERGENCIES.**

2 (A) *IN GENERAL.*

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

7 (B) *EMERGENCY UTILIZATION REQUIREMENTS.*

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

- 10 (1) CONTACT THE OFFICE FOR ASSISTANCE IN FINDING MBE AND WBE CONTRACTORS  
11 OR SUBCONTRACTORS THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED;
- 12 (2) PROVIDE CONTRACTORS WITH A LIST OF POSSIBLE SUBCONTRACTORS THAT  
13 CONTAINS AT LEAST 2 MBE OR WBES, IF APPLICABLE; AND
- 14 (3) TO THE EXTENT POSSIBLE, RECEIVE AT LEAST 1 QUOTE FROM AN MBE AND 1  
15 QUOTE FROM A WBE THAT CAN PROVIDE THE GOODS OR SERVICES NEEDED.

16 (C) *OFFICE COOPERATION.*

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

20 (D) *POST-EXECUTION REPORT.*

21 (1) *IN GENERAL.*

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

- 26 (I) THE NAME AND ADDRESS OF THE SELECTED CONTRACTOR;
- 27 (II) WHETHER THE CONTRACTOR IS A CITY-CERTIFIED MBE OR WBE;
- 28 (III) AN OVERVIEW OF THE NATURE OF THE EMERGENCY AND WHY AN EMERGENCY  
29 PROCUREMENT WAS NECESSARY;
- 30 (IV) A REASONABLE ESTIMATION OF THE THREAT OR LOSS THAT MAY HAVE  
31 OCCURRED HAD AN EMERGENCY PROCUREMENT NOT BEEN TAKEN;
- 32 (V) A SUMMARY OF THE CONTRACTOR'S QUALIFICATIONS, EXPERIENCE, AND  
33 BACKGROUND TO PROVIDE THE EMERGENCY GOODS OR SERVICES AND THE

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1 BASIS ON HOW THE CONTRACTOR WAS SELECTED OVER OTHER QUALIFIED AND  
2 RESPONSIVE POTENTIAL CONTRACTORS;

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

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

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

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

12 (2) *POSTING.*

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

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

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90<sup>th</sup> day  
19 after the date it is enacted.