



Legislation Text

File #: 21-0024, Version: 0

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmembers Burnett, Cohen, Dorsey

A Bill Entitled

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.

(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 30 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.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 90th day after the date it is enacted.