

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 12

Bill No. 60-24

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, June 3, 2024

Introduced and first read on June 3, 2024
Public Hearing set for July 1, 2024
Bill Expires September 6, 2024

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Purchasing – Sole Source Procurements – Single Source
2 Procurements – One Bid or Offer

3
4 FOR the purpose of adding definitions of “sole source procurement” and “single source
5 procurement”; providing that certain purchases are exempt from certain procurement
6 requirements; modifying uses of sole source procurements; specifying uses of single
7 source procurements; requiring the use of sole source procurements and single source
8 procurements to be addressed in the purchasing regulations; and generally relating to
9 purchasing.

10
11 BY adding: §§ 8-1-101(12) and (13); 8-1-102(c); and 8-2-108
12 Anne Arundel County Code (2005, as amended)

13
14 BY repealing and reenacting, with amendments: §§ 8-2-101(d); and 8-2-107
15 Anne Arundel County Code (2005, as amended)

16
17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
18 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 8. PURCHASING

TITLE 1. DEFINITIONS; GENERAL PROVISIONS

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 **8-1-101. Definitions.**

2
3 In this article, the following words have the meanings indicated.

4
5 (12) "SINGLE SOURCE PROCUREMENT" MEANS A PROCUREMENT USED IN THE MANNER
6 PRESCRIBED BY THE PURCHASING REGULATIONS, WHEN ONLY ONE RESPONSIVE,
7 RESPONSIBLE VENDOR RESPONDS TO A COMPETITIVE SOLICITATION UNDER §§ 8-2-104, 8-
8 2-105, 8-2-109, OR 8-2-114(F). A SINGLE SOURCE PROCUREMENT IS NOT A SOLE SOURCE
9 PROCUREMENT.

10
11 (13) "SOLE SOURCE PROCUREMENT" MEANS A PROCUREMENT USED WHEN, IN THE
12 MANNER PRESCRIBED BY THE PURCHASING REGULATIONS, THE PURCHASING AGENT
13 DETERMINES IN WRITING, PRIOR TO COMPETITIVE SOLICITATION UNDER §§ 8-2-104, 8-2-105,
14 8-2-109, OR 8-2-114(F), THAT THERE IS ONLY ONE SOURCE FOR THE REQUIRED GOODS OR
15 SERVICES. A SOLE SOURCE PROCUREMENT IS NOT A SINGLE SOURCE PROCUREMENT.

16
17 **8-1-102. Scope.**

18
19 **(C) Exemptions from this article.**

20
21 (1) THE FOLLOWING PURCHASES ARE EXEMPT FROM §§ 8-2-104 THROUGH 8-2-110
22 AND 8-2-114 OF THIS ARTICLE:

23
24 (I) RENEWAL OF PREVIOUSLY PROCURED SOFTWARE LICENSES;

25
26 (II) TRAINING OF COUNTY EMPLOYEES;

27
28 (III) RENTALS OF VENUES OR EQUIPMENT FOR PUBLIC EVENTS OR PUBLIC
29 PROGRAMS;

30
31 (IV) PROFESSIONAL CERTIFICATIONS, ACCREDITATIONS, AND LICENSES;

32
33 (V) PURCHASES FROM OTHER GOVERNMENTAL OR QUASI-GOVERNMENTAL
34 AGENCIES UNLESS THOSE PURCHASES ARE PURSUANT TO AN EXECUTED COOPERATIVE
35 OR PIGGYBACK PURCHASE; AND

36
37 (VI) PURCHASES OF PUBLIC UTILITIES, INCLUDING WATER, GAS, ELECTRICITY,
38 AND FIBER OR CABLE FOR THE PURPOSES OF DATA OR VOICE COMMUNICATIONS.

39
40 (2) THE PURCHASING REGULATIONS SHALL INCLUDE PROVISIONS FOR THE
41 PURCHASES IN PARAGRAPH (1).

42
43 **TITLE 2. PROCUREMENT**

44
45 **8-2-101. Purchasing regulations.**

46
47 **(d) Contents.** The rules and regulations shall include provisions to govern:

48
49 ***

50
51 (17) procedures for small, SOLE SOURCE, AND SINGLE SOURCE procurements;
52 [[and]]

1 (18) PURCHASES EXEMPT FROM §§ 8-2-104 THROUGH 8-2-110 AND 8-2-114; AND

2
3 ~~[(18)]~~ (19) any other matters necessary to give effect to the rules and regulations
4 and the provisions of Article IX of the Charter.

5
6 **8-2-107. Sole source procurements.**

7
8 (a) **Use.** ~~[[A sole source procurement may be used when, in the manner prescribed by~~
9 ~~the Purchasing Regulations, the Purchasing Agent determines in writing that there is only~~
10 ~~one source for the required goods or services.]]~~ A sole source procurement may be used
11 when:

12
13 (1) only one source exists meeting the County's requirements;

14
15 (2) compatibility of equipment, accessories, or replacement parts is a paramount
16 consideration;

17
18 (3) a sole vendor's item is needed for trial use or testing;

19
20 (4) the item is for resale by the County at the same price;

21
22 (5) ~~[[the item is a public utility;~~

23
24 (6)]] the service is a professional service in accordance with § 8-2-110;

25
26 ~~[[(7)]]~~ (6) it is impossible to determine the scope or extent of services required until
27 the work commences, such as when internal engine damage or underground conditions
28 cannot be ascertained until the engine is dismantled or excavation is made; OR

29
30 ~~[[(8)]]~~ competitive bids or proposals have been solicited under § 8-2-104 or § 8-2-
31 105 and only one or no responsive bids or offers have been received from a responsible
32 bidder or offeror;

33
34 (9)]] (7) competition is precluded due to patents, copyrights, or similar
35 circumstances[[; or

36
37 (10) the purchase is made by use of an intergovernmental agreement.

38
39 (b) **Without written justification.** A sole source procurement may be used without a
40 written determination by the Purchasing Agent for:

41
42 (1) public utility contracts not subject to competitive procurement; and

43
44 (2) renewals of software licenses previously procured]].

45
46 (B) **Purchasing regulations.** THE PURCHASING REGULATIONS SHALL INCLUDE
47 PROVISIONS FOR UTILIZING A SOLE SOURCE PROCUREMENT.

1 **8-2-108. Single source procurements.**

2

3 (A) **Use.** A SINGLE SOURCE PROCUREMENT MAY ONLY BE USED WHEN ONLY ONE
4 RESPONSIVE, RESPONSIBLE VENDOR RESPONDS TO A COMPETITIVE SOLICITATION.

5

6 (B) **Purchasing regulations.** THE PURCHASING REGULATIONS SHALL INCLUDE
7 PROVISIONS FOR UTILIZING A SINGLE SOURCE PROCUREMENT.

8

9 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
10 from the date it becomes law.