

**ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY**

*George R. Sparling, County Attorney
David A. Weiskopf, Deputy County Attorney*



BOARD OF COUNTY COMMISSIONERS

Francis Jack Russell, President
Lawrence D. Jarboe, Commissioner
Cynthia L. Jones, Commissioner
Todd B. Morgan, Commissioner
Daniel L. Morris, Commissioner

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners for St. Mary's County will hold a Public Hearing on January 31, 2012 at 10:15 am in the Chesapeake Building located at 41770 Baldrige Street in Leonardtown, Maryland to consider two (2) Resolutions amending Chapter 178 of the Code of St. Mary's County, Maryland (St. Mary's County Procurement Procedures). The first Resolution would adopt **Procedures for Purchases for Less than \$25,000**, including a simplified Request for Quotation procedure for Small Purchases (procurement actions between \$15,000 and \$25,000) and exemption of procurement actions for less than \$15,000 from competition requirements. The second Resolution would create a **Local Vendor Preference** defining a "Local Vendor"; and providing that Small Purchases and procurement actions based on sealed bids be awarded to the Lowest Responsible and Responsive Local Vendor Bidder; and providing that the evaluation score of a competitive bid by a Local Vendor be increased by 5 points; and providing that no contract shall be awarded based on a preference where the additional cost exceeds 10% the Lowest Responsible and Responsive non-local bidder or \$50,000, whichever is less. Citizens are encouraged to attend and participate in the public hearing.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed Resolutions.

Copies of the proposed Resolutions are available in the Public Information Office, Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland 20650, and each of the three public libraries in St. Mary's County during regular business hours. The Commissioners invite public comments and participation.

**BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

By: George R. Sparling, County Attorney

Subject: To Amend Chapter 178 of the Code of St. Mary's County, Maryland to Include a Local Vendor Preference in the Procurement Manual

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RESOLUTION

TO AMEND CHAPTER 178 OF THE CODE OF ST. MARY'S COUNTY MARYLAND, TO INCLUDE A LOCAL VENDOR PREFERENCE IN THE PROCUREMENT MANUAL

WHEREAS, pursuant to Article 25, §3(l) of the *Annotated Code of Maryland*, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to provide for competitive bidding for any county work and the making and awarding of contracts for the purchase of materials and supplies in excess of \$15,000 and to require bonds in connection with the work or contracts, regardless of the amount, whenever the county commissioners consider it proper to require a bond; and if no bids are submitted in response to any request for bids, to place the order in a manner that the county commissioners consider appropriate; and

WHEREAS, on September 15, 1987, the Board of County Commissioners for St. Mary's County, Maryland, enacted Resolution No. 87-16 thereby adopting a Procurement Manual for St. Mary's County, effective January 1, 1988; and

WHEREAS, in accordance with Article 25, § 3(r) of the *Annotated Code of Maryland*, a notice of a public hearing was advertised on _____ and _____ in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____ to receive public comment and consider amending Chapter 178 of the *Code of St. Mary's County, Maryland*, to include a Local Vendor Preference in the Procurement Manual; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapter 178 of the *Code of St. Mary's County, Maryland*, to include a Local Vendor Preference in the Procurement Manual.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, pursuant to Article 25, §3(l) of the *Annotated Code of Maryland*, that Chapter 178 of the *Code of St. Mary's County, Maryland*, be, and the same hereby is, amended to add the following:

Local Vendor Preference

1. "Local Vendor" includes each participant in a single response to a solicitation, whether a prime contractor, a subcontractor, or a joint venturer, who has designated with the State Department of Assessments & Taxation a principal place of business in St. Mary's County or who, in the case of a sole proprietor, has identified St. Mary's County as the county of residence on the most recent Maryland individual income tax return.
2. "Local Vendor Bid" is a response to a solicitation in which the portion of the applicable procurement action value allocated to one or more Local Vendors exceeds 50%.

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- 3. Small Purchases and Sealed Bids: After determining that vendors are responsive and responsible, the award shall be made based on the Lowest Responsible and Responsive Local Vendor Bid, so long as such Local Vendor Bid does not exceed the Lowest Responsible and Responsive Bid of another vendor by 10% or \$50,000, whichever is less.
- 4. Solicitations Involving Separate Technical and Cost evaluations. After completing all evaluations and determining the final technical and cost scores consistent with the criteria outlined in the applicable solicitation, 5 points will be added to the total score for each Local Vendor Bid. The resulting score shall constitute a "Local Adjusted Score", which shall be used as the basis for the contract award.
- 5. The foregoing notwithstanding, no award shall be made on account of a Local Adjusted Score where the Local Vendor Bid exceeds by 10% or \$50,000, whichever is less, the bid of a vendor with the highest unadjusted score.
- 6. A bid or proposal shall be deemed to be a Local Vendor Bid if the initial bid or proposal submission includes an affidavit by the person executing the bid or proposal including the definition of "Local Vendor" and certifying that "50% or more of the procurement action value will be allocated to one or more Local Vendors having a principal place of business in St. Mary's County."

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that this Resolution shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

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ATTEST: COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

John Savich
County Administrator

Francis Jack Russell, President

Subject: To Amend Chapter 178 of the Code of St. Mary's County, Maryland to Include a Local Vendor Preference in the Procurement Manual

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

George R. Sparling
County Attorney

Lawrence D. Jarboe, Commissioner

Cynthia L. Jones, Commissioner

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner

Subject: To Amend Chapter 178 of the *Code of St. Mary's County, Maryland* to Establish Procedures for Purchases for \$25,000 or Less

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RESOLUTION

**TO AMEND CHAPTER 178 OF THE *CODE OF ST. MARY'S COUNTY MARYLAND*,
TO ESTABLISH PROCEDURES FOR PURCHASES FOR \$25,000 OR LESS**

WHEREAS, pursuant to Article 25, §3(l) of the *Annotated Code of Maryland*, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to provide for competitive bidding for any county work and the making and awarding of contracts for the purchase of materials and supplies in excess of \$15,000 and to require bonds in connection with the work or contracts, regardless of the amount, whenever the county commissioners consider it proper to require a bond; and if no bids are submitted in response to any request for bids, to place the order in a manner that the county commissioners consider appropriate; and

WHEREAS, on September 15, 1987, the Board of County Commissioners for St. Mary's County, Maryland, enacted Resolution No. 87-16 thereby adopting a Procurement Manual for St. Mary's County, effective January 1, 1988; and

WHEREAS, in accordance with Article 25, § 3(r) of the *Annotated Code of Maryland*, a notice of a public hearing was advertised on _____ and _____ in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____ to receive public comment and consider amending Chapter 178 of the *Code of St. Mary's County, Maryland*, to establish procedures for purchases for \$25,000 or less; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend Chapter 178 of the *Code of St. Mary's County, Maryland*, to establish procedures for purchases for \$25,000 or less,

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, pursuant to Article 25, §3(l) of the *Annotated Code of Maryland*, that Chapter 178 of the *Code of St. Mary's County, Maryland*, be, and the same hereby is, amended to add the following:

Small Purchases for Less Than \$25,000

1. "Small Purchase" includes the purchase of goods or services for a contract price of \$15,000 or more but less than \$25,000.
2. "Exempt Purchase" includes the purchase of goods or services for a contract less than \$15,000.
3. Small purchases are subject to the requirements of a simplified Request for Quotations (RFQ), as follows:

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- (a) the department or agency requesting the procurement shall submit specifications and requisitions to the Procurement Office;
- (b) each RFQ will be summarized and posted as a Small Purchase on the County's web site by the Procurement Office to allow no less than 5 business days for interested vendors to contact the department or agency requesting the procurement to obtain specifications and relevant information;
- (c) all quotations by vendors shall be submitted to the department or agency requesting the procurement;
- (d) the department or agency requesting the procurement shall receive, evaluate, and process all vendor quotations;
- (e) the department or agency requesting the procurement shall forward to the Procurement Office all quotations submitted by vendors and identify a lowest responsible and responsive vendor;
- (f) the Small Purchase shall be made from the lowest responsible and responsive vendor by issuance of a County purchase order.

4. Exempt purchases are exempt from competition requirements and shall be made through customary purchasing procedures at the direction of the department or agency requesting the procurement.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that this Resolution shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

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ATTEST:

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

John Savich
County Administrator

Francis Jack Russell, President

Subject: To Amend Chapter 178 of the Code of St. Mary's County, Maryland to Establish Procedures for Purchases for \$25,000 or Less

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