

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 29

Bill No. 53-09

Introduced by Mr. Dillon, Mr. Benoit and Mr. Cohen,
and
Mr. Reilly, Chairman
(by request of the County Executive)

By the County Council, June 15, 2009

Introduced and first read on June 15, 2009
Public Hearing set for July 20, 2009
Bill Expires September 18, 2009

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Purchasing – Capital improvement contracts

2
3 FOR the purpose of defining certain terms; requiring the planning, construction, and
4 renovation of high performance buildings under certain circumstances; providing certain
5 exceptions and waivers; and generally relating to capital improvement contracts.

6
7 BY repealing and reenacting, with amendments: § 8-2-113
8 Anne Arundel County Code (2005, as amended)

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

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13 **ARTICLE 8 PURCHASING**

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15 **TITLE 2. PROCUREMENT**

16
17 **8-2-113. Capital improvement contracts.**

18
19 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

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

1 (1) "HIGH PERFORMANCE BUILDING" MEANS A BUILDING THAT MEETS OR EXCEEDS
2 THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL'S LEADERSHIP IN ENERGY
3 AND ENVIRONMENTAL DESIGN ("LEED") GREEN BUILDING RATING SYSTEM SILVER RATING.
4

5 (2) "MAJOR RENOVATION" MEANS THE RENOVATION OF A BUILDING IN WHICH, AT
6 THE TIME OF THE INITIAL PLANNING OF A CAPITAL IMPROVEMENT PROJECT, IT IS
7 ANTICIPATED THAT:
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9 (I) THE BUILDING SHELL WILL BE REUSED;

10 (II) THE ELECTRICAL, PLUMBING, AND HEATING, VENTILATING, AND AIR
11 CONDITIONING (HVAC) SYSTEMS WILL BE REPLACED; AND
12

13 (III) THE SCOPE OF THE RENOVATION WILL BE 10,000 SQUARE FEET OR GREATER.
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16 [(a)] (B) **Generally.** Whenever a capital improvement project is to be undertaken by the
17 County, the Director of Public Works shall cause plans, specifications, and estimates to be
18 prepared. The Chief Administrative Officer shall determine whether the capital improvement
19 project is to be constructed by contract or by the County's force account labor.
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21 (C) **High performance buildings.** EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E), A
22 CAPITAL IMPROVEMENT PROJECT FOR CONSTRUCTION OF A COUNTY-OWNED BUILDING OF
23 10,000 SQUARE FEET OR MORE OR FOR A MAJOR RENOVATION OF A COUNTY-OWNED
24 BUILDING SHALL BE CONSTRUCTED OR RENOVATED TO BE A HIGH PERFORMANCE
25 BUILDING.
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27 (D) **Exempted buildings.** THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE
28 REQUIREMENTS OF SUBSECTION (C):
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30 (1) WAREHOUSE AND STORAGE FACILITIES;

31 (2) GARAGES;

32 (3) MAINTENANCE FACILITIES;

33 (4) TRANSMITTER BUILDINGS;

34 (5) PUMPING STATIONS;

35 (6) WATER AND WASTEWATER TREATMENT FACILITIES; AND
36
37

38 (7) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY THE DIRECTOR OF
39 PUBLIC WORKS.
40
41

42 (E) **Waiver.**

43 (1) THE CHIEF ADMINISTRATIVE OFFICER MAY WAIVE THE REQUIREMENTS OF
44 SUBSECTION (C) IF THE DIRECTOR OF PUBLIC WORKS RECOMMENDS DOING SO BECAUSE
45 ACHIEVING A HIGH PERFORMANCE BUILDING IN A PROPOSED CAPITAL IMPROVEMENT
46 PROJECT IS NOT PRACTICABLE.
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49 (2) ANY WAIVER GRANTED UNDER THIS SUBSECTION SHALL BE IN WRITING, STATE
50 THE REASONS FOR THE WAIVER, AND BE INCLUDED WITH THE RECORDS FOR THE CAPITAL
51 IMPROVEMENT PROJECT.
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53
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55 [(b)] (F) **Cost exceeds \$25,000.** If the capital improvement project is to be constructed by

1 contract and the estimated cost exceeds \$25,000, competitive bids or proposals shall be
2 secured and the contract shall be awarded in accordance with the provisions of § 8-2-104 or
3 § 8-2-105, as applicable, except that an award of any capital improvement contract may not
4 be made without the written approval of the Department of Public Works, the Controller, and
5 the County Executive or the County Executive's designee. All contracts for capital
6 improvements shall be approved by the County Attorney as to form and legal sufficiency
7 and, following approval, shall be executed on behalf of the County by the County Executive
8 or the County Executive's designee.

9
10 [(c)] (G) **Appropriation.** If bidding results in, or subsequent changes to the contract
11 require, additional expenditure in excess of the appropriation, the additional amount is
12 subject to approval by the County Council by supplementary or emergency appropriation
13 ordinance as provided for in § 712 of the Charter.

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