

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 2

Bill No. 3-10

Introduced by Mr. Middlebrooks, Chairman
(by request of the County Executive)

By the County Council, January 19, 2010

Introduced and first read on January 19, 2010
Public Hearing set for February 16, 2010
Bill Expires April 24, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Ethics – Participation in Procurement

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3 FOR the purpose of prohibiting certain persons from submitting responses to procurement
4 solicitations issued by the County if they have otherwise participated in the procurement
5 process.

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7 BY adding: § 7-5-112
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 7 PUBLIC ETHICS**
14 **TITLE 5. CONFLICTS OF INTEREST**

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16 **7-5-112. Participation in procurement.**

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18 (A) **Scope of section.** THIS SECTION APPLIES TO:

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20 (1) ANY PERSON WHO ASSISTS THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR
21 ISSUANCE OF ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR
22 PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE
23 SOLICITATION OF A PROCUREMENT; AND

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

24 (2) ANY PERSON WHO EMPLOYS AN INDIVIDUAL DESCRIBED IN SUBSECTION (A)(1).

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(B) **Prohibited conduct.** A PERSON DESCRIBED IN SUBSECTION (A) MAY NOT:

(1) SUBMIT A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT; OR

(2) DIRECTLY OR INDIRECTLY ASSIST OR REPRESENT ANOTHER PERSON WHO IS SUBMITTING A RESPONSE TO THE SOLICITATION OF THE PROCUREMENT.

(C) **Exceptions.** FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING DO NOT CONSTITUTE ASSISTING THE COUNTY IN THE DRAFTING, DEVELOPMENT, OR ISSUANCE OF ANY ASPECT OF SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE SOLICITATION OF A PROCUREMENT:

(1) PROVIDING DESCRIPTIVE LITERATURE, SUCH AS CATALOG SHEETS, BROCHURES, TECHNICAL DATA SHEETS, OR STANDARD SPECIFICATION "SAMPLES", WHETHER OR NOT SOLICITED BY THE COUNTY;

(2) SUBMITTING COMMENTS ON SPECIFICATIONS, AN INVITATION FOR BIDS, A REQUEST FOR PROPOSALS, A REQUEST FOR QUALIFICATIONS, OR ANY OTHER DOCUMENT RELATED TO THE SOLICITATION OF A PROCUREMENT IF COMMENTS HAVE BEEN SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION BY THE COUNTY OR A PRE-BID OR PRE-PROPOSAL PROCESS; OR

(3) PROVIDING SPECIFICATIONS FOR:

(I) AN EMERGENCY PROCUREMENT;

(II) A SOLE SOURCE PROCUREMENT; OR

(III) A PROFESSIONAL SERVICES PROCUREMENT OF ARCHITECT OR ENGINEERING SERVICES THROUGH AN OPEN END AGREEMENT MADE IN ACCORDANCE WITH ARTICLE 8 OF THIS CODE AND THE PURCHASING MANUAL.

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