

CORRECTED COPY

Clerk's Note: To conform with current article and section numbering of the County Code, renumbered Article XXI to Article XXII; and renumbered Sections 11B-92 through 11B-96 to 11B-99 through 11B-103.

Bill No. 36-19
Concerning: Contracts and Procurement
- Office of Grants Management -
Established
Revised: 7/13/2021 Draft No. 5
Introduced: November 26, 2019
Enacted: July 13, 2021
Executive: July 19, 2021
Effective: July 1, 2022
Sunset Date: None
Ch. 20, Laws of Mont. Co. 2021

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: then-Council President Navarro
Co-Sponsors: Councilmembers Hucker, Rice, Albornoz, then-Council Vice-President Katz and
Councilmember Riemer

AN ACT to:

- (1) establish an Office of Grants Management as a ~~[[principal]]~~ non-principal office of the Executive Branch;
- (2) alter the circumstances in which a contract may be awarded without competition;
- (3) prescribe the authorities and responsibilities of the Office of Grants Management; and
- (4) generally amend the law regarding grants and related functions.

By amending

Montgomery County Code
Chapter IA, Structure of County Government
Section ~~[[1A-201]]~~ 1A-203

Chapter 11B, Contracts and Procurement
Section 11B-14

By adding

Chapter 2, Administration
Section 2-64P

Chapter 11B, Contracts and Procurement
Article XXI, Office of Grants Management
Sections 11B-92, 11B-93, 11B-94, 11B-95, and 11B-96

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections ~~[[1A-201]] 1A-203~~ and 11B-14 are amended, and Sections**
2 **2-64P, 11B-92, 11B-93, 11B-94, 11B-95, and 11B-96 are added, as follows:**

3 **1A-201. Establishing departments and principal offices.**

4 (a) *Executive Branch.*

5 (1) These are the departments and principal offices of the Executive
6 Branch.

7 * * *

8 General Services (Section 2-30)

9 [[Grants Management (Section 2-64P)]]

10 Health and Human Services (Section 2-42A)

11 * * *

12 **1A-203. Establishing other offices.**

13 (a) *Executive Branch.* These are the offices of the Executive Branch that are
14 not part of a department or principal office:

15 Office of Agriculture (section 2B-1A)

16 Office of Animal Services (section 2-58C)

17 Office of the Commission for Women (section 27-28 et seq.)

18 Office of Community Use of Public Facilities (2-64M)

19 Office of Emergency Management and Homeland Security (section 2-
20 64O)

21 Office of Grants Management (Section 2-64P)

22 Office of Human Rights (section 27-4)

23 * * *

24 **DIVISION 22. OFFICE OF GRANTS MANAGEMENT**

25 **2-64P. Office of Grants Management – Functions.**

26 In accordance with chapter 11B, the Office of Grants Management must:

- 27 (a) provide a central point of contact regarding grants that the County
28 receives or awards;
- 29 (b) disseminate to Executive Branch departments and principal offices
30 information regarding federal and State grant opportunities;
- 31 (c) maintain a central database of grants that the County receives or awards;
- 32 (d) provide training and technical assistance regarding grants management to
33 Executive Branch departments and principal offices;
- 34 (e) in coordination with the Office of Procurement, develop countywide
35 policies and procedures regarding grants management;
- 36 (f) in coordination with the Office of Procurement, develop practices to
37 ensure that grants management in the County is consistent with racial
38 equity and social justice goals;
- 39 (g) perform public outreach regarding grants offered by the County; and
- 40 (h) perform any other grants function assigned by the Chief Administrative
41 Officer.

42 * * *

43 **11B-14. Non-competitive contract award.**

- 44 (a) A contract may be awarded without competition if the Chief
45 Administrative Officer makes a written determination that the contract
46 award serves a public purpose and:
 - 47 (1) there is only one source for the required goods, service, or
48 construction which can meet the minimum valid needs of the
49 County, including timeliness of performance;
 - 50 (2) the contract is in connection with potential or pending litigation,
51 condemnation, or collective bargaining;

(3) a proposed contractor or subcontractor has been specifically identified in a grant accepted by the County; or

(4) a proposed contractor has been identified in [a grant or] an appropriation resolution approved by the Council.

* * *

[[ARTICLE XXI]] ARTICLE XXII. GRANTS MANAGEMENT.

[[11B-92.]] 11B-99. Definitions.

In this Article, the following terms have the meanings indicated:

Director means the director of the Office, or the Director’s designee.

Grant means an agreement in which a grantor transfers money or something of value to a grantee to support a public purpose.

Office means the Office of Grants Management.

Racial equity and social justice means changes in policy, practice and allocation of County resources so that race or social justice constructs do not predict one’s success, while also improving opportunities and outcomes for all people.

[[11B-93.]] 11B-100. Scope.

(a) Except as provided in subsection (b), this Article applies to any grant:

(1) received by the County as a grantee; or

(2) offered by the County as a grantor.

(b) This Article does not apply to any:

(1) purchase of goods or services by the County for the direct use or benefit of the County;

(2) franchise under Sections 8A-9 or 49-20;

(3) license or permit;

(4) conveyance or use of real property;

- 78 (5) bond;
- 79 (6) loan;
- 80 (7) tax credit; or
- 81 (8) individual right or benefit.

82 **[[11B-94.]] 11B-101. Grants database.**

83 (a) The Office must maintain a grants database that includes current
 84 information regarding:

- 85 (1) each grant opportunity offered by the County;
- 86 (2) the purpose, date, amount, and grantor of each grant received by
 87 the County; and
- 88 (3) the purpose, date, amount, and grantee of each grant awarded by
 89 the County.

90 (b) The grants database must be available to the public under Section 2-
 91 154(b).

92 **[[11B-95.]] 11B-102. Countywide grants policy and planning.**

93 (a) The Office, in coordination with the Office of Procurement, must develop
 94 countywide policies and procedures to:

- 95 (1) implement best practices regarding grants management;
- 96 (2) maximize the County's use of federal, State, and non-
 97 governmental grant opportunities;
- 98 (3) maximize the efficiency and effectiveness of grants awarded by
 99 the County;
- 100 (4) ensure public transparency and ethical practice in grants
 101 management; and
- 102 (5) ensure that grants management in the County is consistent with the
 103 County's racial equity and social justice goals.

104 (b) The Executive may adopt method (1) regulations to implement policies
 105 and procedures under subsection (a).


106 **[[11B-96.]] 11B-103. Reporting requirements.**

107 The Director must submit a quarterly report on the activities of the Office
 108 to the Executive and the Council. The report must include:

- 109 (1) an overview of the grants process and awards;
- 110 (2) data regarding grants received by the County;
- 111 (3) data regarding grants awarded by the County;
- 112 (4) public outreach activities of the Office and the outcomes of the
 113 outreach activities;
- 114 (5) progress in racial equity and social justice goals; and
- 115 (6) any recommendations to improve policies and procedures
 116 regarding grants management in the County.

117 **Sec. 2. Transition.** The effective date of this Act is [[July 1, 2021]] July 1,
 118 2022.

Approved:



Tom Hucker, President, County Council 7/14/2021
Date

Approved:



Marc Elrich, County Executive 7/19/21
Date

This is a correct copy of Council action.



Selena Mendy Singleton, Esq., Clerk of the Council 7/19/2021
Date