



Montgomery
County Council

Committee: GO/HHS
Committee Review: At a future date
Staff: Christine M.H. Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #MoCoGrantsManagement

AGENDA ITEM #3A
November 26, 2019
Introduction

SUBJECT

Bill 36-19, Contracts and Procurement - Office of Grants Management - Established
Lead Sponsor: Council President Navarro

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 36-19 would:

- (1) establish an Office of Grants Management as a principal office of the Executive Branch;
- (2) alter the circumstances in which a contract may be awarded without competition; and
- (3) prescribe the authorities and responsibilities of the Office of Grants Management.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 36-19

Legislative Request Report

Pages 1-2

©1

©6

Alternative format requests for people with disabilities. If you need assistance accessing this report you may submit alternative format requests to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

MEMORANDUM

November 21, 2019

TO: County Council

FROM: Christine M.H. Wellons, Legislative Attorney
C. Wellons

SUBJECT: Bill 36-19, Contracts and Procurement - Office of Grants Management - Established¹

PURPOSE: Introduction – no Council votes required

Bill 36-19, Contracts and Procurement - Office of Grants Management - Established, sponsored by Lead Sponsor Council President Navarro, is scheduled to be introduced on November 26, 2019. A public hearing is tentatively scheduled for January 14, 2020 at 1:30 p.m.

Bill 36-19 would:

- (1) establish an Office of Grants Management as a principal office of the Executive Branch;
- (2) alter the circumstances in which a contract may be awarded without competition; and
- (3) prescribe the authorities and responsibilities of the Office of Grants Management.

BACKGROUND

Currently, individual County agencies seek and award grants in a decentralized manner. In addition, the County Council and the Executive annually award non-competitive Community Grants through resolutions. The purpose of Council Bill 36-19 is to increase transparency, accountability, and efficiency in the grants process by creating a central Office of Grants Management. As described in more detail below, the Office would develop consistent countywide policies and procedures regarding grants management, maintain a grants database available to the public, and serve as a central point of contact regarding grants that the County receives or awards.

BILL DESCRIPTION

Council Bill 36-19 would establish an Office of Grants Management within the Executive Branch.

¹ #MoCoGrantsManagement

The Office would:

- (1) provide a central point of contact regarding grants that the County receives or awards;
- (2) disseminate to Executive Branch departments and principal offices information regarding federal and State grant opportunities;
- (3) maintain a central database of grants that the County receives or awards;
- (4) provide training and technical assistance regarding grants management to Executive Branch departments and principal offices;
- (5) in coordination with the Office of Procurement, develop countywide policies and procedures regarding grants management;
- (6) in coordination with the Office of Procurement, develop practices to ensure that grants management in the County is consistent with racial equity goals; and
- (7) perform public outreach regarding grants offered by the County.

The grants database maintained by the Office would include current information regarding each grant opportunity offered by the County and each grant received by the County.

In coordination with the Office of Procurement, the Office would develop countywide policies and procedures to implement best practices; maximize the use and efficiency of grants; ensure public transparency and ethical practice in grants management; and ensure that grants management in the County is consistent with the County's racial equity and social justice goals.

The Office would report quarterly to the Executive and County Council regarding its activities and outcomes.

This packet contains:

Bill 36-19

Legislative Request Report

Circle #

1

6

F:\LAW\BILLS\1936 Contracts And Procurement-Office Of Grants Mgmt\Intro Memo.Docx

Bill No. 36-19
Concerning: Contracts and Procurement
- Office of Grants Management -
Established
Revised: 11/18/2019 Draft No. 4
Introduced: November 26, 2019
Expires: May 26, 2021
Enacted: _____
Executive: _____
Effective: July 1, 2021
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Navarro

AN ACT to:

- (1) establish an Office of Grants Management as a 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

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:

28 (h) perform any other grants function assigned by the Chief Administrative
29 Officer.

30 * * *

31 **11B-14. Non-competitive contract award.**

32 (a) A contract may be awarded without competition if the Chief
33 Administrative Officer makes a written determination that the contract
34 award serves a public purpose and:

35 (1) there is only one source for the required goods, service, or
36 construction which can meet the minimum valid needs of the
37 County, including timeliness of performance;

38 (2) the contract is in connection with potential or pending litigation,
39 condemnation, or collective bargaining;

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

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

44 * * *

45 **ARTICLE XXI. GRANTS MANAGEMENT.**

46 **11B-92. Definitions.**

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

48 Director means the director of the Office, or the Director's designee.

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

51 Office means the Office of Grants Management.

52 Racial equity and social justice means changes in policy, practice and
53 allocation of County resources so that race or social justice constructs do

54 not predict one's success, while also improving opportunities and
 55 outcomes for all people.

56 **11B-93. Scope.**

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

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

59 (2) offered by the County as a grantor.

60 (b) This Article does not apply to any:

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

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

64 (3) license or permit;

65 (4) conveyance or use of real property;

66 (5) bond;

67 (6) loan;

68 (7) tax credit; or

69 (8) individual right or benefit.

70 **11B-94. Grants database.**

71 (a) The Office must maintain a grants database that includes current
 72 information regarding:

73 (1) each grant opportunity offered by the County;

74 (2) the purpose, date, amount, and grantor of each grant received by
 75 the County; and

76 (3) the purpose, date, amount, and grantee of each grant awarded by
 77 the County.

78 (b) The grants database must be available to the public under Section 2-
 79 154(b).

80 **11B-95. Countywide grants policy and planning.**

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

- 83 (1) implement best practices regarding grants management;
 84 (2) maximize the County's use of federal, State, and non-
 85 governmental grant opportunities;
 86 (3) maximize the efficiency and effectiveness of grants awarded by
 87 the County;
 88 (4) ensure public transparency and ethical practice in grants
 89 management; and
 90 (5) ensure that grants management in the County is consistent with the
 91 County's racial equity and social justice goals.

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

94 **11B-96. Reporting requirements.**

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

- 97 (1) an overview of the grants process and awards;
 98 (2) data regarding grants received by the County;
 99 (3) data regarding grants awarded by the County;
 100 (4) public outreach activities of the Office and the outcomes of the
 101 outreach activities;
 102 (5) progress in racial equity and social justice goals; and
 103 (6) any recommendations to improve policies and procedures
 104 regarding grants management in the County.

105 **Sec. 2. Transition.** The effective date of this Act is July 1, 2021.

LEGISLATIVE REQUEST REPORT

Bill 36-19

Contracts and Procurement - Office of Grants Management - Established

DESCRIPTION: Office of Grants Management – Established

PROBLEM: Create an Office of Grants Management in the Executive Branch

GOALS AND OBJECTIVES: Bill 36-19 would:

- (1) establish an Office of Grants Management as a 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.

COORDINATION: OLO; OMB

FISCAL IMPACT: OMB

ECONOMIC IMPACT: Department of Finance

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Christine M.H. Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A