

Expedited Bill No. 23-20  
Concerning: Contracts –  
Management and Disposal of Goods –  
Emergency Procedures  
Revised: 4/16/2020 Draft No. 3  
Introduced: April 14, 2020  
Enacted: April 21, 2020  
Executive: April 24, 2020  
Effective: April 24, 2020  
Sunset Date: None  
Ch. 15, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

### AN EXPEDITED ACT to:

- (1) authorize the disposal of certain goods received in response to a declared emergency without competition;
- (2) require the disposal of goods in a declared emergency in accordance with emergency procedures and prioritization guidelines established by the public official declaring the emergency; and
- (3) generally amend the management and disposal of goods by the County.

By amending

Montgomery County Code  
Chapter 11B, Contracts and Procurement  
Section 11B-44

**Boldface**

Underlining

**[Single boldface brackets]**

Double underlining

**[[Double boldface brackets]]**

\* \* \*

*Heading or a defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland, approves the following act:*



**Sec 1. Section 11B-44 is amended as follows:**

**11B-44. Management and disposal of goods.**

- (a) The Director must ensure the management of goods during their entire life cycle.
- (b) Except as provided in subsection (f), the [The] Director must dispose of surplus goods. In disposing the surplus goods, the Director may sell the goods by any competitive method which the Director determines is likely to bring the highest return to the County. These methods may include sealed bids, public auction, or trade in or exchange of goods. The Director may sell surplus goods by private sale if the Director determines that open competition is not likely to bring the highest return to the County.
- (c) After public notice, the Chief Administrative Officer may give, loan, or sell below fair market value, surplus goods to another public entity if the Chief Administrative Officer determines the disposition would benefit the residents of Montgomery County. Public notice may be given through the Montgomery County Register.
- (d) If surplus goods have no resale or scrap value, the Director may dispose of the goods in any responsible manner.
- (e) Notwithstanding any other provision of County law, any gun that is surplus must be destroyed.
- (f) During a period when the County is under a state of emergency order issued by the Federal, State, or County governments, the Director of the Office of Emergency Management and Homeland Security or the



Director's designee may dispose of goods donated to the County for use in the emergency without using a competitive method if:

(1) the Director determines that the goods would be useful to others during the emergency; and

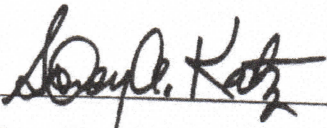
(2) the goods are disposed of consistent with emergency procedures and prioritization guidelines established either by the public official declaring the state of emergency or by the Executive.

**Sec. 2. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law and applies to any goods received by the County on or after March 5, 2020.



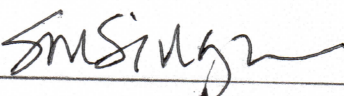
Approved:

  
\_\_\_\_\_  
Sidney Katz, President, County Council  
Date 4/21/20

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive  
Date 4/24/20

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council  
Date 4/27/20