

Clerk's Note: A technical amendment was made after enactment to change a period to a semicolon on line 81.

Bill No. 25-24
Concerning: Contracts and Procurement
- Prohibition Against Human
Trafficking - Enforcement
Revised: 2/11/2025 Draft No. 7
Introduced: October 29, 2024
Enacted: February 11, 2025
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke
Co-sponsors: then-Council President Friedson, then-Council Vice President Stewart, and
Councilmembers Katz, Glass, Jawando, Albornoz, and Sayles

AN ACT to:

- (1) require procurement bids and proposals and certain contracts to include certifications of compliance with human trafficking laws;
- (2) prohibit County contractors and subcontractors from violating human trafficking laws;
- (3) require County contractors and subcontractors to make certain disclosures regarding human trafficking charges, claims, or violations;
- (4) authorize debarment and other remedies for noncompliance with the law; and
- (5) generally amend the County law regarding procurement and human trafficking.

By amending

Montgomery County Code
Chapter 11B, Contracts and Procurement
Sections 11B-33D and 11B-37

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 11B-33D and 11B-37 are amended as follows:**

2 **11B-33D. [Reserved] Prohibition Against Human Trafficking.**

3 (a) Definitions. For purposes of this Section, the following terms have the
4 meanings indicated.

5 [[Contract means a contract between the County and a bidder or offeror
6 in response to an invitation to bid or request for proposals.]]

7 Human trafficking has the meanings stated under state and federal law.

8 Human trafficking includes the offenses stated under:

9 (1) Sections 3-1102 {Sex trafficking} and 3-1202 {Labor trafficking}
10 of the Criminal Law Article of the Maryland Code, as amended;
11 and

12 (2) Chapter 77 {Peonage, Slavery, and Trafficking in Persons} of Part
13 I of Title 18 of the United States Code, as amended.

14 (b) Bidding and proposal requirement. Each bid or proposal submitted to
15 the County [[under this Chapter]] in response to an invitation for bids or
16 request for proposals must certify that the bidder or offeror has not been
17 found, by an administrative or judicial body, to have violated a federal
18 or state law against human trafficking.

19 (c) Contractual requirements. A contract valued above the threshold for
20 an invitation for bids or request for proposals must require the
21 contractor and any subcontractor:

22 (1) to comply with all federal and state laws against human
23 trafficking;

24 (2) to certify that the contractor has not been found, by an
25 administrative or judicial body, to have violated a federal or state
26 law against human trafficking;

27 ~~[(2)]~~ (3) if the contractor or subcontractor is charged with a
28 criminal offense, or subject to a civil claim, involving human
29 trafficking, to notify the Director in writing within 3 days after
30 receiving notification of the charge or claim; and

31 ~~[(3)]~~ (4) if the contractor or subcontractor is found by an
32 administrative or judicial body to have violated a law against
33 human trafficking, or to have liability related to human
34 trafficking, to notify the Director in writing within 3 days after
35 receiving notification of the finding.

36 (d) Enforcement.

37 (1) Within 3 days after receiving a notification under subsection (c),
38 the Director must transmit a copy of the notification to the
39 Executive and the Council.

40 (2) If the Director finds that a contractor or subcontractor failed to
41 comply with the requirements of paragraphs (c)(1) and (c)(4) ~~[[this~~
42 Section]] or made a false certification under subsections (b) or (c),
43 the Director must pursue remedies under the terms of the contract
44 and this Chapter, which may include termination of the contract
45 and debarment.

46 **11B-37. Debarment or suspension.**

47 * * *

48 (c) *Causes for debarment or suspension.* The causes for debarment or
49 suspension may include:

50 (1) conviction for commission of a criminal offense incident to
51 obtaining or attempting to obtain a public or private contract or
52 subcontract, or in the performance of the contract or subcontract;

- 53 (2) conviction of embezzlement, theft, forgery, bribery, falsification
 54 or destruction of records, receiving stolen property, kickbacks or
 55 any other offense indicating a lack of business integrity;
- 56 (3) conviction under state or federal antitrust statutes arising out of
 57 the submission of bids or proposals;
- 58 (4) violation of County contract provisions of a character which is
 59 regarded by the Director to be so serious as to justify debarment
 60 action. These provisions may include:
- 61 (A) deliberate failure without good cause to perform under the
 62 specifications or within the time limit provided in the
 63 contract; or
- 64 (B) a record of failure to perform or of unsatisfactory
 65 performance under the provisions of one or more
 66 contracts; however, failure to perform or unsatisfactory
 67 performance caused by acts beyond the control of the
 68 contractor are not a basis for debarment;
- 69 (5) violation of the wage requirements in Section 11B-33A;
- 70 (6) any other serious cause the Director determines to be so
 71 compelling as to affect the competency or integrity of a potential
 72 contractor, including debarment by another public entity; [or]
- 73 (7) violation of Section 11B-33D;
- 74 (8) conviction, plea of nolo contendere, or sentencing for a criminal
 75 offense involving human trafficking, including offenses under:
- 76 (A) Sections 3-1102 {Sex trafficking} and 3-1202 {Labor
 77 trafficking} of the Criminal Law Article of the Maryland
 78 Code, as amended; and

Approved:



Kate Stewart, President, County Council

February 11, 2025

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date