

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2023 LEGISLATIVE SESSION

LEGISLATIVE DAY NO. 17

LEGISLATIVE BILL 2023-14

INTRODUCED BY: The President of the Council at the request of the County Executive.

AN ACT TO AMEND THE PURCHASING MANUAL, SECTION IV(E)(1), PROFESSIONAL SERVICES TO INCLUDE COMPUTER SOFTWARE DEVELOPER AS A PROFESSIONAL SERVICE, AND PURCHASING MANUAL, SECTION VII – AUTHORITY TO WAIVE COMPETITIVE BIDDING – (C)(5) BE AMENDED TO INCLUDE ADMINISTRATIVE WORK AND PARAGRAPH (5)(B) BE ADDED TO INCLUDE AN EXAMPLE – EXISTING COMPUTER SOFTWARE AND ASSOCIATED MAINTENANCE AND SUPPORT AGREEMENTS.

WHEREAS, in accordance with the Wicomico County Charter, Article VIII, titled Purchasing,” Sections 801, 802, and 803, the Wicomico County Purchasing Agent is authorized to provide for all purchases and contracting for supplies, materials and equipment for any county department or agency and to provide for the sale of surplus, old and waste supplies, materials and equipment of the County, and to provide for formal competitive bidding purchases; and

WHEREAS, the Wicomico County Executive and the Purchasing Department are requesting an amendment to the Purchasing Manual, Section IV(E)(1), Professional Services to include Computer Software Developer, and Purchasing Manual, Section VII – Authority to Waive Competitive Bidding – (C)(5) be amended to include administrative work and Paragraph (5)(b) be added to include an example – Existing Computer Software and associated maintenance and support agreements; and

WHEREAS, Wicomico County has specialized software to run various computer applications, such as MUNIS in the Finance Department; and

WHEREAS, the specialized software is provided by computer software developers and is periodically updated by computer software developers; and

WHEREAS, the Purchasing Department is requesting these updated software services to be categorized as professional services for which competitive bidding can be waived; and

WHEREAS, the computer software developers are specifically dedicated to updating software provided by specialized software companies; and

WHEREAS, the Purchasing Department is requesting that computer software developer be added to the Purchasing Manual, Section IV(E)(1) – Professional Services, and the Purchasing Manual, Section VII – Authority to Waive Competitive Bidding – (C)(5) be amended to include administrative work and paragraph (5)(b) be added to include an example – Existing Computer Software and associated maintenance and support agreements.

NOW, THEREFORE, UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE AND THE PURCHASING DEPARTMENT;

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that:

- (1) Purchasing Manual, Section IV(E)(1), be amended to read:

Professional Services shall be defined as those occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. The term “professional” shall include, but not be limited to, personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, computer software developer, accounts, engineers, employment and vocational rehabilitation counselors, teacher or instructors, physical therapists, occupational therapists, speech therapists, and kindred workers. For the purpose of further identifying professional services, reference may be had to the Civilian Labor Force Availability Data/Job Category List.

- (2) Purchasing Manual, Section VII – Authority to Waive Competitive Bidding – (C)(5) be amended to read:

Where a particular product or service is desired for education, training, administrative, experimental, or development work;

- a. Example – Architectural, Engineering or other Professional services required for the purpose of conducting studies, evaluations, or establishing Contract Documents, designs, and specifications for County facilities as approved in the Budget.
- b. Example – Existing computer software and associated maintenance support agreements.

- (3) The amendments are hereby be approved and adopted.

SECTION II: BE IT FURTHER ENACTED THAT THIS BILL WILL NOT BE CODIFIED IN THE WICOMICO COUNTY CODE AND CAN BE AMENDED BY RESOLUTION, BILL AMENDMENT OR BUDGET BILL AMENDMENT.

SECTION III: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2023-14 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 17th day of October, 2023.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND

Laura Hurley
Laura Hurley, Council Administrator

John T. Cannon (SEAL)
John T. Cannon, Council President

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Laura Hurley (SEAL)
By: Laura Hurley, Council Administrator

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2023 Legislative Session

Legislative Day No. 17

LEGISLATIVE BILL NO. 2023-14

INTRODUCED BY: The President of the Council at the request of the County Executive

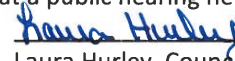
Legislative Bill No. 2023-14: AN ACT TO AMEND THE PURCHASING MANUAL, SECTION IV(E)(1), PROFESSIONAL SERVICES TO INCLUDE COMPUTER SOFTWARE DEVELOPER AS A PROFESSIONAL SERVICE, AND PURCHASING MANUAL, SECTION VII – AUTHORITY TO WAIVE COMPETITIVE BIDDING – (C)(5) BE AMENDED TO INCLUDE ADMINISTRATIVE WORK AND PARAGRAPH (5)(B) BE ADDED TO INCLUDE AN EXAMPLE – EXISTING COMPUTER SOFTWARE AND ASSOCIATED MAINTENANCE AND SUPPORT AGREEMENTS.

Introduced and read first time on September 5, 2023. Ordered posted and public hearing scheduled for October 17, 2023 at 10:00 a.m.



Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on October 17, 2023.



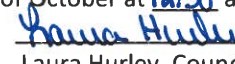
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 17th day of October, 2023.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 18th day of October at 12:30 a.m./p.m. (5 days §411)



Laura Hurley, Council Administrator

BY THE COUNTY EXECUTIVE:



County Executive

APPROVED
Date: 10/23/2023
(21 days §411)

VETOED
Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on October 23, 2023 and effective on: December 22, 2023.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: **Legislative Bill No. 2023-14** is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator