

M E M O R A N D U M

September 15, 2020

TO: Government Operations and Fiscal Policy and
Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst

SUBJECT: Worksession: Amendment to Fiscal Year 2021 Operating Budget
Resolution 19-472, Section G, Fiscal Year 2021 Designation of Entities for
Non-Competitive Contract Award Status

PURPOSE: Review and vote on the budget amendment to provide for a noncompetitive contract
award.

The Joint Committee will review and vote on a budget amendment that designates Effective Law Enforcement for All (ELE4A)¹ to as a noncompetitive contract awardee to perform an audit of the Police Department and provide support to the Task Force to Reimagine Public Safety. Those expected to brief the Committee include:

Caroline Sturgis, Assistant Chief Administrative Officer
Dale Tibbitts, Special Assistant to County Executive
Mr. David L. Douglass, President, ELE4A
Dr. Ashley Brown Burns, Executive Director, ELE4A

Background

This proposed amendment to the non-competitive list would permit the award of a non-competitive contract to ELE4A. The Office of the County Executive seeks to contract with ELE4A to conduct an audit of the Police Department and provide support to the Task Force to Reimagine Public Safety. The cost of the contract is \$350,000 which is addressed as a separate item before the Committee.² A supplemental appropriation for this amount was introduced at Council on July 14 and a public hearing was held on July 21. *Council staff recommends approval as submitted.*

<u>This packet contains:</u>	<u>Circle #</u>
Executive Transmittal Memo for Budget Amendment	1-2
Draft Resolution	3-4

¹ [ELE4A Website](#)

² [Supplemental Appropriation for \\$550,000 to support Police Audit, Fire Audit, and Provide Community Engagement](#)



OFFICE OF THE COUNTY EXECUTIVE


Marc Elrich
County Executive

Richard S. Madaleno
Acting Chief Administrative Officer

MEMORANDUM

September 8, 2020

TO: Sidney Katz, President, County Council

FROM: Richard S. Madaleno, Acting Chief Administrative Officer 

SUBJECT: Amendment to the Fiscal Year 2021 Operating Budget
Resolution 19-472, Section G, Fiscal Year 2021 Designation of Entities for
Non-Competitive Contract Award Status

The Office of the County Executive (CEX) is requesting to amend the Fiscal Year (FY) 2021 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status to add a new contract with Effective Law Enforcement for All, Inc. in the amount of \$350,000 to provide for conducting an independent audit of the Montgomery County Department of Police and for organizing the work of the Reimagining Public Safety Task Force.

On June 16, 2020, the Montgomery County Council declared racism as a public health crisis. National and local incidents involving police use of force have focused attention on the structure and funding of police around the country and here in Montgomery County. In order to have a thoughtful process and review of our public safety efforts, the County Executive created the Reimagining Public Safety Task Force and is launching an independent audit of the Montgomery County Department of Police (POL). The County Executive is committed to restoring community trust, and a significant step in that goal is to determine if there are systemic and/or racial biases within POL. An independent comprehensive audit of POL is necessary as is addressing any audit findings as quickly as possible. Additionally, a Reimagining Public Safety Task Force will be convened to provide community engagement to support any audit findings and develop recommendations for the County Executive by January 2021.

Given the urgency of the response to the national and local public health crisis, CEX conducted an extensive outreach to identify nonprofit organizations that have the expertise and capacity to conduct the comprehensive audit of POL and support work of the Reimagining Public Safety Task Force. County staff determined Effective Law Enforcement for All, Inc.

Sidney Katz, Council President

September 8, 2020

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(ELE4A), a local nonprofit organization based in Silver Spring, Maryland has the expertise and is qualified to partner with the County to conduct the audit and support the work of the Task Force. ELE4A, Inc. is a nonprofit corporation with 501(c)(3) tax exempt classification.

The amended FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status will read as follows:

“The Office of the County Executive (CEX) will establish a contract with Effective Law Enforcement for All, Inc. in the amount of \$350,000. The purpose of this contract will read as follows, "provides for conducting an independent audit of the Montgomery County Department of Police and for organizing the work of the Reimagining Public Safety Task Force."

I have determined that this action serves a public purpose and is in the public interest. Therefore, I recommend that the Council amend the Miscellaneous Provision in Section G of Resolution 19-472 for the FY21 Designation of Entities for Non-Competitive Award.

RM:ng

Attachment: Amendment to Section G, FY21 Designation of Entities for Non-Competitive Contract Award

c: Fariba Kassiri, Deputy Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Avinash G. Shetty, Director, Office of Procurement
Jennifer Bryant, Acting Director, Office of Management and Budget
Lisa Mandel-Trupp, Esq., Chief of Staff to Council President

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Amendment to Fiscal Year 2021 Operating Budget
Resolution 19-472, Section G, Fiscal Year 2021 Designation of Entities for
Non-Competitive Contract Award Status

Background

1. Section 11B-14 (a) (4) of the Montgomery County Code states that “a contract may be awarded without competition if the Chief Administrative Officer makes a written determination that the contract award serves a public purpose and proposed contractor has been identified in a grant or appropriation resolution approved by the Council.” The result of this action is to amend the Fiscal Year (FY) 2021 Designation of Entities for Non-Competitive Contract Award status resolution to include the entities listed below.
2. The Chief Administrative Officer has determined that funding for the contract with this entity serves a public purpose and that such an expense would be in the public interest.
3. The Office of the County Executive (CEX) will fund the contract with the entity listed below from existing funds in the General Fund.
4. CEX will establish a contract with Effective Law Enforcement for All, Inc. as stated in the amended FY 2021 Designation of Entities for Non-Competitive Contract Award Status.

ACTION

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

The Council approves an amendment to the Designation of Entities for Non-Competitive Contract Award and thereby amends Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award. The Chief Administrative Officer has recommended this action and stated that this action serves a public purpose and is in the public interest.

The FY21 Designation of Entities for Non-Competitive Contract Award Status resolution is amended to:

“The Office of the County Executive will establish a new contract with Effective Law Enforcement for All, Inc. in the amount of \$350,000.” The purpose of the contract will read as follows, “provides for conducting an independent audit of the Montgomery County Department of Police and for organizing the work of the Reimagining Public Safety Task Force.”

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.
Clerk of the Council