

**CITY OF BALTIMORE
ORDINANCE 23 • 278
Council Bill 21-0159**

Introduced by: Councilmembers Conway, Dorsey, Bullock, Cohen, Burnett, Torrence, Middleton, Ramos, Porter, Glover

Introduced and read first time: October 4, 2021

Assigned to: Ways and Means Committee

Committee Report: Favorable, with Amendments

Council action: Adopted

Read second time: O

AN ORDINANCE CONCERNING

Procurement - Zero-Emission Vehicles

- 2 FOR the purpose of converting the City fleet of vehicles, subject to certain exceptions, to
3 zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally
4 related to the City's procurement of vehicles.

5 BY adding

Article 5 - Finance, Property, and Procurement

Section(s) 35A-1 through 35A-6, to be under the new subtitle designation.

“Subtitle 35A. Required Procurement of Zero-Emission Vehicles”

Baltimore City Code

(Edition 2000)

11 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
12 Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

SUBTITLE 35A. REQUIRED PROCUREMENT OF ZERO-EMISSION VEHICLES

16 § 35A-1. DEFINITIONS.

(A) *IN GENERAL.*

18 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED, EXCEPT AS
19 OTHERWISE EXPRESSLY PROVIDED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 **(B) ADMINISTRATIVE FLEET.**

2 "ADMINISTRATIVE FLEET" MEANS THE GROUP OF CITY-OWNED, LEASED, OR RENTED
3 VEHICLES WITH GROSS VEHICLE WEIGHT RATINGS OF 8,600 POUNDS OR LESS.

4 **(C) (B)- SUBCONTRACT.**

5 "SUBCONTRACT" MEANS ANY AGREEMENT BETWEEN A VENDOR AND ANOTHER PARTY FOR
6 THE PERFORMANCE OF WORK UNDER A VEHICLE PROCUREMENT CONTRACT.

7 **(D) (C)- VEHICLE.**

8 "VEHICLE" HAS THE MEANING STATED IN CITY CODE ARTICLE 31, § 1-3(Q) {"*DEFINITIONS*
9 — *S TO Z*: *VEHICLE*"}.

10 **(E) (D)- VEHICLE PROCUREMENT CONTRACT.**

11 "VEHICLE PROCUREMENT CONTRACT" MEANS AN AGREEMENT ENTERED INTO BY THE CITY
12 PURCHASING AGENT OR A CITY AGENCY WITH A VENDOR TO BUY, RENT, LEASE, OR
13 OTHERWISE OBTAIN OR ACQUIRE A VEHICLE.

14 **(F) (E)- VENDOR.**

15 "VENDOR" MEANS A PERSON WHO ENTERS INTO A VEHICLE PROCUREMENT CONTRACT
16 WITH THE CITY PURCHASING AGENT OR A CITY AGENCY.

17 **(G) VOCATIONAL FLEET.**

18 "VOCATIONAL FLEET" MEANS THE GROUP OF CITY-OWNED, LEASED, OR RENTED VEHICLES
19 WITH GROSS VEHICLE WEIGHT RATINGS OF MORE THAN 8,600 POUNDS.

20 **(H) (F)- ZERO-EMISSION VEHICLE.**

21 "ZERO-EMISSION VEHICLE" MEANS A VEHICLE THAT MEETS THE STATE'S ZERO-EMISSION
22 VEHICLE REQUIREMENTS, AS DESCRIBED IN COMAR 26.11.34.09.

23 **(I) ZERO-EMISSION VEHICLE EQUIVALENT.**

24 "ZERO-EMISSION VEHICLE EQUIVALENT" MEANS A ZERO-EMISSION VEHICLE THAT
25 POSSESSES THE SAME CAPABILITIES AS A TRADITIONAL VEHICLE POWERED BY AN
26 INTERNAL COMBUSTION ENGINE.

27 **(J) ZERO-EMISSION VEHICLE INFRASTRUCTURE.**

28 "ZERO-EMISSION VEHICLE INFRASTRUCTURE" MEANS THE STRUCTURES, MACHINERY,
29 EQUIPMENT, AND UTILITIES NECESSARY TO SUPPORT THE USE AND MAINTENANCE OF A
30 ZERO-EMISSION VEHICLE.

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1 **§ 35A-2. ZERO-EMISSION VEHICLE PROCUREMENT REQUIREMENTS.**

2 CITY AGENCIES ~~SHALL~~ MUST INCREASE THEIR PROCUREMENT OF ZERO-EMISSION VEHICLES SO
3 THAT:

- 4 (I) ~~50% - 100% OF THE CITY FLEET ALL VEHICLES PURCHASED, LEASED, OR RENTED FOR~~
5 ~~THE ADMINISTRATIVE FLEET~~ WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2030.
6 (II) ~~100% OF THE CITY FLEET WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2040.~~

7 **§ 35A-3. APPLICABILITY OF SUBTITLE.**

8 (A) *CONTRACT VALUE.*

9 THIS SUBTITLE ONLY APPLIES TO VEHICLE PROCUREMENT CONTRACTS OR SUBCONTRACTS
10 WORTH \$16,000.00 OR MORE.

11 (B) *PRODUCT AVAILABILITY.*

12 ON A SINGLE CONTRACT OR SUBCONTRACT BASIS, IF THE CITY PURCHASING AGENT
13 CERTIFIES IN WRITING THAT ZERO-EMISSION VEHICLES ARE NOT PRODUCED IN A
14 SUFFICIENT QUANTITY TO MEET THE CITY'S REQUIREMENTS, THE REQUIREMENTS OF THIS
15 SUBTITLE DO NOT APPLY.

16 (B) *ZERO-EMISSION VEHICLE EQUIVALENCE.*

17 (1) *IN GENERAL.*

18 THE DEPARTMENT OF GENERAL SERVICES SHALL:

- 19 (I) DETERMINE IF A ZERO-EMISSION VEHICLE EQUIVALENT IS AVAILABLE TO
20 SATISFY EACH VEHICLE PROCUREMENT CONTRACT AND SUBCONTRACT; AND
21 (II) IF THE DEPARTMENT DETERMINES THAT A ZERO-EMISSION VEHICLE
22 EQUIVALENT IS AVAILABLE, RECOMMEND AT LEAST 1 ZERO-EMISSION VEHICLE
23 EQUIVALENT TO THE CITY PURCHASING AGENT TO SATISFY THE VEHICLE
24 PROCUREMENT CONTRACT OR SUBCONTRACT.

25 (2) *DETERMINATION OF EQUIVALENCY.*

26 THE DEPARTMENT OF GENERAL SERVICES SHALL CONSIDER THE FOLLOWING FACTORS
27 WHEN DETERMINING IF A ZERO-EMISSION VEHICLE EQUIVALENT IS AVAILABLE TO
28 SATISFY A VEHICLE PROCUREMENT CONTRACT OR SUBCONTRACT:

- 29 (I) OPERATIONAL AND RELIABILITY SPECIFICATIONS;
30 (II) COST; AND
31 (III) MARKET AVAILABILITY.

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1 (3) EQUIVALENCY FACTOR – COST.

2 IN DETERMINING EQUIVALENCY, ANALYSIS OF THE “COST” FACTOR REQUIRED BY
3 PARAGRAPH (2) SHALL INCLUDE:

- 4 (1) THE EVALUATION OF THE AVAILABLE ZERO-EMISSION VEHICLE
5 INFRASTRUCTURE AND WHETHER IT IS SUFFICIENT TO SUPPORT ZERO-EMISSION
6 VEHICLES TO BE PROCURED UNDER THE SUBJECT VEHICLE PROCUREMENT
7 CONTRACT OR SUBCONTRACT; AND
- 8 (II) WHAT, IF ANY, CONSTRUCTION OF NEW ZERO-EMISSION VEHICLE
9 INFRASTRUCTURE IS REQUIRED TO SUPPORT THE PROCUREMENT OF ZERO-
10 EMISSION VEHICLES UNDER THE SUBJECT VEHICLE PROCUREMENT CONTRACT
11 OR SUBCONTRACT.

12 (4) ZERO-EMISSION VEHICLE EQUIVALENT – UNAVAILABLE.

13 IF THE DEPARTMENT OF GENERAL SERVICES DETERMINES THAT A ZERO-EMISSION
14 VEHICLE EQUIVALENT IS UNAVAILABLE TO FULFILL A SINGLE VEHICLE PROCUREMENT
15 CONTRACT OR SUBCONTRACT THE DEPARTMENT SHALL DELIVER A CERTIFIED
16 DETERMINATION BY THE DIRECTOR OR THE DIRECTOR’S DESIGNEE TO THE CITY
17 PURCHASING AGENT CONTAINING:

- 18 (1) AN EXPLANATION OF THE DETERMINATION;
- 19 (II) THE DEPARTMENT’S ANALYSIS OF THE FOLLOWING FACTORS:
- 20 (A) OPERATIONAL AND RELIABILITY SPECIFICATIONS;
- 21 (B) COST; AND
- 22 (C) MARKET AVAILABILITY; AND
- 23 (III) SUPPORTING MATERIALS.

24 § 35A-4. REQUIRED BID INFORMATION.

25 THE CITY PURCHASING AGENT AND ALL CITY AGENCIES SHALL INCLUDE, IN ALL CITY BIDS
26 AND REQUESTS FOR BIDS FOR A VEHICLE PROCUREMENT CONTRACT, A STATEMENT OF THE
27 CITY’S POLICY ON ZERO-EMISSION VEHICLES.

28 § 35A-5. ANNUAL REPORT.

29 THE CITY PURCHASING AGENT DEPARTMENT OF GENERAL SERVICES, WITH COOPERATION
30 FROM ALL CITY AGENCIES, SHALL SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY
31 COUNCIL THAT INCLUDES: ON THE NUMBER AND AMOUNT OF CONTRACTS AND
32 SUBCONTRACTS THAT INCLUDED THE PURCHASE OF ZERO-EMISSION VEHICLES AS PROVIDED
33 FOR IN THIS SUBTITLE.

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- 1 (1) THE QUANTITY AND VALUE OF ALL VEHICLE PROCUREMENT CONTRACTS AND
2 SUBCONTRACTS BOTH ONGOING AND NEW WITHIN THE PAST YEAR;
- 3 (2) AN ACCOUNTING OF BOTH THE ADMINISTRATIVE FLEET AND THE VOCATIONAL FLEET,
4 INCLUDING:
 - 5 (I) THE NUMBER OF VEHICLES;
 - 6 (II) THE LIFE CYCLE AGE OF EACH VEHICLE;
 - 7 (III) THE PLANNED REPLACEMENT YEAR FOR EACH VEHICLE; AND
 - 8 (IV) A DETERMINATION IF THERE IS CURRENTLY A ZERO-EMISSION VEHICLE
9 EQUIVALENT AVAILABLE TO REPLACE THE VEHICLE;
- 10 (3) A LIST OF ALL VOCATIONAL FLEET VEHICLES REplaced DURING THE PRECEDING YEAR
11 AND AN EXPLANATION WHY A ZERO-EMISSION VEHICLE EQUIVALENT WAS NOT
12 SELECTED;
- 13 (4) AN ASSESSMENT OF WHEN IT WILL BE BOTH OPERATIONALLY AND FISCALLY
14 APPROPRIATE TO CREATE FIXED ZERO-EMISSION VEHICLE EQUIVALENT REPLACEMENT
15 GOALS FOR THE VOCATIONAL FLEET; AND
- 16 (5) AN ASSESSMENT OF ZERO-EMISSION VEHICLE TECHNOLOGY AND ANALYSIS OF HOW
17 THAT TECHNOLOGY WILL IMPACT THE CITY'S SUSTAINABILITY AND ENVIRONMENTAL
18 MANAGEMENT PLAN, SPECIFICALLY THE PLAN'S MEASURES FOR DEVELOPING,
19 IMPLEMENTING, AND COORDINATING THE CITY POLICIES THAT MAKE ALL CITY
20 OPERATIONS ACHIEVE NET-ZERO EMISSIONS BY JANUARY 1, 2045.

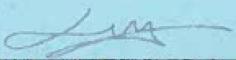
21 § 35A-6. RULES AND REGULATIONS.

22 SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT – REGULATIONS"} OF THE CITY
23 GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF FINANCE AND THE DIRECTOR OF THE
24 DEPARTMENT OF GENERAL SERVICES MAY ADOPT RULES AND REGULATIONS TO CARRY OUT
25 THE PROVISIONS OF THIS SUBTITLE.

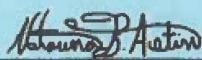
26 SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
27 after the date it is enacted.

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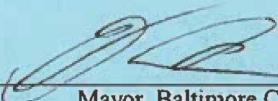
Certified as duly passed this 30 day of October, 2023


President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this 30 day of October, 2023


Chief Clerk

Approved this 4 day of October, 2023


Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 2nd Day of November, 2023.

Elena R. DiPietro
Chief Solicitor