

SENATE BILL 359

L2

5lr1823

By: **Calvert County Senators**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2015

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Contracts and Purchasing – Bidding Process**

3 FOR the purpose of increasing the threshold amount above which contracts for the
4 purchase of supplies or services by Calvert County are required to be made through
5 a competitive bidding process; altering the threshold amount below which certain
6 purchases or contracts may be awarded by Calvert County without complying with
7 certain bidding procedures; providing that certain purchases or contracts are exempt
8 from certain bidding procedures when a certain county official determines that an
9 emergency exists; and generally relating to contracts and purchasing by Calvert
10 County.

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Calvert County
13 Section 6–101 and 6–102
14 Article 5 – Public Local Laws of Maryland
15 (2002 Edition and July 2014 Supplement, as amended)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article 5 – Calvert County**

19 6–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Except as otherwise provided in this title, contracts for the purchase by the
2 county of supplies or services involving ~~[\$15,000] \$100,000~~ \$50,000 or more shall be by
3 formal bidding procedures and the contract shall be awarded at a regularly scheduled
4 meeting of the Commissioners or by the official authorized to contract for the county to the
5 lowest responsible bidder meeting specifications. A contract may not be subdivided to avoid
6 the requirements of this section.

7 (b) The Commissioners or the official authorized to contract for the county shall
8 invite proposals for all contracts subject to this section by publishing a notice in at least
9 two county newspapers for two consecutive weeks. The notice shall state that in not less
10 than three weeks the Commissioners or the official authorized to contract for the county
11 will meet in public session to receive bids for the described purchase or contract, state the
12 time and place of the meeting, and reserve the right to reject any and all bids.

13 (c) In determining the "lowest responsible bidder," in addition to considering
14 price, the Commissioners or the official authorized to contract for the county shall consider:

15 (1) The ability, capacity, and skill of the bidder to perform the contract or
16 provide the service required;

17 (2) Whether the bidder can perform the contract or provide the service
18 promptly, or within the time specified, without delay or interference;

19 (3) The character, integrity, reputation, judgment, experience, and
20 efficiency of the bidder;

21 (4) The quality of performance of previous contracts or services;

22 (5) The previous and current compliance by the bidder with laws and
23 ordinances relating to the contract or service;

24 (6) Whether the bidder is in arrears to the county on any debt or contract,
25 is in default on any surety to the county, or is delinquent as to any taxes or assessments;
26 and

27 (7) Any other information that may have a bearing on the decision to award
28 the contract.

29 (d) If a contract is not awarded to the lowest bidder in price, the reasons for the
30 decision shall be stated in the minutes of the meeting at which the contract is awarded.

31 6-102.

32 (a) The following types of contracts may be awarded without complying with the
33 bidding procedures otherwise required under this subtitle:

1 (1) Purchases or contracts involving less than ~~[\$15,000] \$100,000~~
2 \$50,000;

3 (2) Purchases of supplies or services that are available only through one
4 source;

5 (3) Contracts for professional services such as those of attorneys,
6 physicians, architects, engineers, accountants, consultants, and others possessing a similar
7 high degree of technical skill and expertise, provided that to the extent appropriate for the
8 particular service to be provided, an attempt is made to secure competitive proposals for
9 these services;

10 (4) Purchases or contracts made when the County Commissioners **OR THE**
11 **OFFICIAL AUTHORIZED TO CONTRACT FOR THE COUNTY** determine that an emergency
12 exists, provided that the commissioners publish an explanation of the circumstances
13 deemed to constitute the emergency in at least two county newspapers;

14 (5) Purchases based on federal, State, county, or municipal contracts that
15 are established by a legal competitive process; and

16 (6) Purchases or contracts as provided for in Subsection (b) of this section.

17 (b) For purchases or contracts involving less than \$250,000 where the County is
18 acting as the general contractor, the purchase or contract may be awarded after the County
19 obtains quotes for the purchase or contract from at least three vendors or subcontractors.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.