



Resolution No: 2016-12
Introduced: 11/14/2016
Enacted: 12/12/2016
Effective: 01/31/2017

Charter Resolution

To Amend the Budget, Taxation, And Indebtedness Article of the Town Charter, Section 57, “Purchasing and Contracts”, to Authorize the Council to Override the Bid Process in The Best Interest of The Town and to Take Advantage of the Bids Received by Other State and Local Governments Through a Comparable Competitive Bid Process

WHEREAS, §4-301 *et seq.* of the Local Government Article, Annotated Code of Maryland, authorizes the Mayor and Council to amend the Town Charter as it deems necessary to assure the good government of the Town of Washington Grove; to protect and preserve the rights, property and privileges of the Town; to preserve peace and good order; to secure persons and property from danger and destruction; and to protect the health, comfort and convenience of Town residents; and

WHEREAS, the purpose of Section 57, “Purchasing and Contracts” is to ensure that Town purchasing is competitive and serves the best interests of the Town; and

WHEREAS, the Mayor and Council of the Town of Washington Grove have determined that it is in the public interest to authorize the Council to override bid requirements in appropriate circumstances, such as when a bid process is not likely to produce the most responsive bids; and

WHEREAS, the Mayor and Council wish to authorize an override of the bid process upon a showing that it is in the best interests of the Town; and

WHEREAS, the Mayor and Council wish to authorize the Town to take advantage of the bids received by other State and local governments through a comparable competitive bid process.

Section 1. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Washington Grove that Section 57, “Purchasing and Contracts” of the Budget, Taxation and Indebtedness Article of the Town Charter be and is hereby repealed, re-enacted and amended to read as follows:

57. Purchasing and Contracts

The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all or part of the Town's purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual services involving more than five thousand dollars (\$5,000.00) must be made on written contract.

Except as otherwise provided in this section, The Clerk is required to ask for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts, provided however that the Council may authorize the bypassing of any or all bid procedure steps in cases in which the sealed bid process may not produce responsive bids, or the item or service is only available from one source, and in the Council's judgment, such action is warranted as being in the Town's best interest.

Such written contracts must be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered.

All such written contracts must be approved by the Council before becoming effective.

The Clerk, with the approval of the Mayor and Council, has the right to reject all bids and re-advertise.

In addition, whenever a Federal, State of Maryland, or Maryland County or local government, or any agency or unit thereof, whose purchasing policies are comparable to those of the Town, has conducted a competitive bid and awarded a contract, the Treasurer may purchase the bid item at the bid price from the successful bidder, subject to the approval of a contract by the Mayor and Council.

The Town at any time in its discretion may employ its own forces for the construction and reconstruction of public improvements without advertising for (or re-advertising for) or receiving bids.

All written contracts may be protected by such bonds, penalties, and conditions as the Town may require.

Section 2. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this 12th day of December, 2016, and that the amendment to the Charter of the Town of Washington Grove, hereby proposed by this enactment, shall be and become effective upon the 50th day after its passage by the Town unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within 40 days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the Town offices located at 300 Grove Avenue, Washington Grove, Maryland 20880 for

40 days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the Town not less than four times, at weekly intervals, also within the 40-day period following its adoption by the Town.

ADOPTED AT A PUBLIC MEETING ASSEMBLED ON THIS 12th DAY OF DECEMBER, 2016.

TOWN OF WASHINGTON GROVE

/s/

Joli A. McCathran, Mayor

ATTEST:

/s/

Town Clerk