

SENATE BILL 326

L2

71r1785
CF 71r1189

By: **Cecil County Senators**

Introduced and read first time: January 31, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Bridge or Road Construction or Repair Contracts**

3 FOR the purpose of altering the threshold amount of certain expenditures that are
4 required to be made by competitively bid contracts in Cecil County; repealing a
5 limitation on the amount of certain contracts that a contractor may be awarded
6 during a certain period; and generally relating to bridge or road construction or
7 repair contracts in Cecil County.

8 BY repealing and reenacting, with amendments,
9 Article 25 – County Commissioners
10 Section 37A
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

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

15 **Article 25 – County Commissioners**

16 37A.

17 (a) (1) Except as provided in subsection (b) of this section, in Cecil County
18 the following purchases of goods and services shall be by competitively bid contract
19 awarded to the lowest responsive and responsible bidder:

20 (i) Any construction or repair of any bridge or road; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Any purchase or lease of any road or construction equipment
2 or machinery.

3 (2) Except as provided in subsection (b) of this section, the County
4 Commissioners of Cecil County shall advertise for bids on any such contract in:

5 (i) 1 or more newspapers published in Cecil County; or

6 (ii) Such public notice as they deem most advisable, if no
7 newspaper is published in Cecil County.

8 (3) The public notice required by this subsection shall:

9 (i) Be given at least once;

10 (ii) Appear at least 1 week, but not more than 30 days, before
11 the final date for submitting bids;

12 (iii) If the contract pertains to bridge or road work, set forth the
13 place where the bridge or road is to be constructed or repaired;

14 (iv) Set forth a description of the goods or services being bid on;

15 (v) Provide notice that sealed proposals for the goods or services
16 will be received until a day named in the advertisement; and

17 (vi) Provide notice of the date for the opening of the bids.

18 (b) (1) Subsection (a) of this section does not apply to an expenditure by
19 Cecil County that:

20 (i) Is [~~\$7,500~~] **\$10,000** or less in amount; or

21 (ii) A majority vote of the County Commissioners has declared
22 to be an emergency expenditure; provided that such a vote shall be a recorded vote
23 taken at a public meeting of the County Commissioners before providing for the
24 expenditure.

25 (2) In any case where the expenditure is [~~\$7,500~~] **\$10,000** or less in
26 amount, or which has been declared to be an emergency expenditure, the following
27 shall be in the discretion of the Cecil County Commissioners:

1 (i) The manner of providing for the expenditure, including
2 whether the work shall be done by contract or otherwise; and

3 (ii) If done by contract, the manner of letting the contract.

4 (c) [(1) Notwithstanding any other provision of law, in Cecil County a
5 particular contractor may not be awarded, during any 2-month period, more than a
6 total of \$20,000 worth of contracts which are not competitively bid.

7 (2) The limitation established by this subsection does not apply to
8 emergency contracts. However, before the awarding of an emergency contract, a
9 majority of the County Commissioners shall have affirmed the existence of an
10 emergency. The vote of the Commissioners in declaring the emergency shall be
11 recorded in the minutes of the next public meeting of the Commissioners.

12 (d)] Any willful violation of this section is a misdemeanor punishable by a fine
13 of not more than \$1,000.

14 [(e)] (D) (1) The County Commissioners of Cecil County may not enter
15 into any contract for the construction or repair of any bridge or road or the purchase or
16 lease of any road construction equipment or machinery except in accordance with the
17 provisions of this section.

18 (2) A contract that is entered into in violation of the provisions of
19 subsection (a) of this section is void, unless:

20 (i) It is determined in a subsequent judicial review that good
21 faith has been shown by all parties; and

22 (ii) There has been substantial compliance with the provisions
23 of subsection (a) of this section.

24 (3) If a contract is void under this subsection, the contractor shall be
25 compensated for costs actually incurred if the contractor:

26 (i) Acted in good faith;

27 (ii) Did not directly contribute to the violation; and

28 (iii) Did not have knowledge of the violation.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2007.