

Chapter 744

(House Bill 815)

AN ACT concerning

Calvert County – Procurement – Contracts and Bidding

FOR the purpose of increasing the minimum dollar amount of contracts for which the Calvert County Commissioners are required to undergo a formal bidding process; requiring a certain contract to be awarded to the most responsible offeror under certain circumstances; requiring certain emergency purchases by the County Commissioners to be published in certain newspapers for a certain amount of time; requiring certain contracts of duration longer than 1 year to be structured as a certain option contract; and generally relating to procurement in Calvert County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 6–101(a), 6–102, and 6–103
Article 5 – Public Local Laws of Maryland
(2002 Edition and August 2017 Supplement)

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

Article 5 – Calvert County

6–101.

(a) **(1)** Except as otherwise provided in this title, contracts for the purchase by the county of supplies or services involving ~~[\$15,000] \$50,000~~ \$30,000 or more shall be by formal bidding procedures and the contract shall be awarded at a regularly scheduled meeting of the Commissioners or by the official authorized to contract for the county to [the]:

(I) THE lowest responsible bidder meeting specifications; OR

(II) FOR A REQUEST FOR PROPOSALS, THE MOST RESPONSIBLE OFFEROR.

(2) FOR A REVENUE GENERATING CONTRACT, THE CONTRACT SHALL BE AWARDED TO THE HIGHEST RESPONSIBLE BIDDER.

(3) A contract may not be subdivided to avoid the requirements of this section.

6–102.

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

- (1) Purchases or contracts involving less than ~~[\$15,000] \$50,000~~ \$30,000;
- (2) Purchases of supplies or services that are available only through one source;
- (3) Contracts for professional services such as those of attorneys, physicians, architects, engineers, accountants, consultants, and others possessing a similar high degree of technical skill and expertise, provided that to the extent appropriate for the particular service to be provided, an attempt is made to secure competitive proposals for these services;
- (4) Purchases or contracts made when the County Commissioners determine that an emergency exists, provided that the Commissioners publish an explanation of the circumstances deemed to constitute the emergency in at least two county newspapers ~~FOR ONE WEEK~~ TWO WEEKS;
- (5) Purchases based on federal, state, county, or municipal contracts that are established by a legal competitive process; and
- (6) Purchases or contracts as provided for in Subsection (b) of this section.

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

6–103.

(a) When it is advantageous to the county to do so, the county may contract to purchase supplies or services for periods of more than one year if:

- (1) Funds for the total cost of the contract are available at the time of the contract is executed; or
- (2) **[A] SUBJECT TO SUBSECTION (C) OF THIS SECTION,** A contract requiring the payment of funds from appropriations of more than one fiscal year is approved by resolution of the Commissioners[, and is not for more than a three–year term].

(b) Notwithstanding Subsection (a) of this section, the County may enter into a contract for solid waste disposal that:

- (1) May include transportation;

(2) May require payment of funds from appropriations of the County or receipt of payment to the County; and

(3) Is not for more than a twenty-year initial term.

(C) A CONTRACT REQUIRING THE PAYMENT OF FUNDS FROM APPROPRIATIONS OF MORE THAN ONE FISCAL YEAR, APPROVED BY RESOLUTION OF THE COMMISSIONERS, SHALL BE AWARDED AS A ONE-YEAR CONTRACT WITH THE OPTION TO RENEW FOR FOUR ADDITIONAL ONE-YEAR TERMS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.