

Ordinance No: 06-01  
Introduced: 02/13/06  
Postponed: 04/11/06  
Passed: 05/08/06  
Approved: 05/08/06  
Effective: 05/12/06

**ORDINANCE TO AMEND THE  
TOWN OF GLEN ECHO CODE,  
ARTICLE 23, TO PROVIDE  
FOR COMPETITIVE BIDDING  
ON CERTAIN TOWN  
PURCHASES AND CONTRACTS**

**WHEREAS**, the Town of Glen Echo is a municipal corporation of the State of Maryland expressly authorized by 1957 Maryland Code Annotated, Art. 23A, § 2(b)(2) to expend any municipal funds for any purpose deemed to be public and to affect the safety, health, and general welfare of the municipality and its occupants;

**WHEREAS**, the Town of Glen Echo expressly is authorized by Article VI, § 622 of its Charter to make purchases and contracts for the Town government, and has initiated an amendment to § 622 of its Charter to provide by ordinance for the use of competitive bidding and written contracts for certain Town purchases and contracts, and to provide by ordinance for promulgation of rules and regulations for such competitive bidding and written contracts, including the power to reject any or all bids; and,

**WHEREAS**, the Town Council is desirous generally of updating its purchasing and contracts ordinance, set forth in Article 23 of the Town Code, to update it and to conform it to the recently adopted amendment to § 622 of its Charter.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Glen Echo to amend Article 23 of the Town Code, Purchasing and Contracts - Bid Procedures, as follows:

**Section 23.1                    Scope**

a) Expenditures Generally: Pursuant to Section 622 of the Charter of the Town of Glen Echo, all expenditures shall be made in the manner set forth in this Section 23. Any expenditure of less than \$1,000 may be made by the Mayor without approval of the Town Council; provided, however that the Mayor may not, on the authority of this sentence, expend more than \$5,000 in any calendar quarter without approval of the Town Council. Any expenditure of \$1,000 but less than \$5,000 may be made by the Mayor subject to the consent of the Town Council. All expenditures of \$5,000 or more shall be made pursuant to the following provisions for competitive bidding.

b) Expenditures Not Subject to Competitive Bidding. Expenditures for contracts for professional services customarily negotiated and expenditures for contract that provide for automatic renewal with terms substantially similar to the prior contract shall not require competitive bidding. Competitive bidding shall not be required should the Town at any time in its discretion determine to employ its own forces for the construction or reconstruction of public improvements.

c) Emergency. Competitive bidding shall not be required in any emergency declared by the chief executive officer of the state, Montgomery County, or Mayor and Town Council to protect and preserve inhabitants or property

within the Town. In the event of such an emergency, the Mayor and Town Council are authorized to expend any available funds for this purpose without the use of competitive bidding.

**Section 23.2                      Advertisement**

Prior to any expenditure requiring competitive bidding, the Clerk-Treasurer shall cause an advertisement to be placed in the town newsletter or otherwise distributed to each household in the Town and shall distribute copies to not less than three (3) suppliers of the types of goods or services being purchased. The Mayor and Town Council may direct the use of additional or alternate methods of advertising, and may, upon the unanimous vote of the Town Council that it is in the best interest of the Town to do so, elect to award a contract without the use of advertising.

**Section 23.3                      Content**

The advertisement shall inform bidders of the terms of the contract or where such terms may be obtained and shall provide that the bids are to be sealed and are to be opened at a specific place and time, which time shall be not less than 15 days after the date of the advertisement. At the request of a bidder, bids may be submitted to the Town Clerk by such other method as is mutually acceptable to the bidder and Town Clerk, in which event, the Town Clerk shall place the bid in an envelope, marking the envelope with the date and time received and, upon sealing the envelope the Town Clerk shall place his or her signature upon the seal.

**Section 23.4                    Award**

The contract shall be awarded to the bidder who offers the lowest or best bid, giving consideration to the quality of goods and work and time of delivery or completion. The contract shall be approved by the Town Council before becoming effective.

**Section 23.5                    Rejection of Bids**

The Town Council may reject any or all bids and readvertise, or, if, in the opinion of the Town Council, readvertisement is unlikely to result in an acceptable contract, the Town Council may solicit bids in any manner deemed appropriate that will produce an acceptable contract

**Section 23.6                    Bonds, etc.**

The contract may be protected by such bonds, penalties and conditions as the Town may require.

PASSED:

TOWN COUNCIL

BY: \_\_\_\_\_

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APPROVED

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Deborah M. Beers, Mayor

\_\_\_\_\_  
Date