

TOWN OF NORTH BEACH
8916 CHESAPEAKE AVENUE
NORTH BEACH, MD 20714

ORDINANCE NO. 23-02

AN ORDINANCE OF THE COUNCIL OF NORTH BEACH
AMENDING CHAPTER 18 “PURCHASING” OF THE CODE OF THE TOWN OF NORTH
BEACH, TO REPEAL § 18-2 “SCOPE”, TO AMEND § 18-3 “COMPETITIVE BIDDING” TO
INCREASE THE AMOUNT OF A PURCHASE THAT REQUIRES COMPETITIVE
BIDDING TO \$25,000 AND TO CHANGE THE MANNER IN WHICH THE TOWN MUST
PUBLISH A NOTICE INVITING PROPOSALS FOR A CONTRACT; TO AMEND § 18-3
“EXCEPTIONS TO COMPETITIVE BIDDING” TO CHANGE THE BIDDING THRESHOLD
TO \$25,000 AND TO CHANGE THE MANNER IN WHICH A NOTICE PURSUANT TO
SUBSECTION A(1)(4) MUST BE PROVIDED; AND TO MAKE OTHER
NONSUBSTANTIVE CHANGES

WHEREAS, pursuant to § 5-205 of the Local Government Article of the Annotated Code of Maryland, a municipality may spend money for any public purpose and to affect the safety, health and general welfare of the municipality and its occupants; and

WHEREAS, pursuant to this authority, the Council of North Beach enacted Town Code, Chapter 18 “Purchasing;” and

WHEREAS, it has been 10 years since the Town established that procurements in excess of \$15,000 require competitive bidding; and

WHEREAS, due to inflation over the years and in past year especially, considering supply chain issues as well, the goods and services the Town must procure are more costly than they were in 2013; and

WHEREAS, Maryland law does not require that the average Town ordinance be published in a newspaper of general circulation. Given that newspapers are no longer the main source of news in the Town, the Council of North Beach deems it prudent to save the Town the cost of publication and to use a more effective means of communication; and

WHEREAS, Maryland law requires that certain procurement solicitations be published on the State’s eMaryland Marketplace website; and

WHEREAS, the Council of North Beach deems it to be in the best interests of the Town to amend the Town Code accordingly as recommended by staff.

Section 1: **NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Council of North Beach that Chapter 18, “Purchasing” of the Code of the Town of North Beach be and hereby is amended to read as follows:

§ 18-1. Purpose.

The purpose of this chapter is to establish a general policy and criteria for purchases by the Town of supplies ~~OR AND SERVICES~~ as ~~referenced in~~ AUTHORIZED BY the Town Charter, ~~Exceptions to competitive bidding.~~

§ 18-2. ~~Scope.~~

~~The following are the laws that govern North Beach purchasing according to the Code of the Town of North Beach.~~

~~§ 18-3.~~ Competitive bidding.

A. Except as otherwise provided in this chapter, contracts for the purchase by the Town of supplies or services involving ~~\$15,000~~ \$25,000 or more shall be awarded at a regularly scheduled meeting of the Town Council to the BIDDER WHO OFFERS THE lowest OR BEST BID ~~responsible bidder~~ meeting specifications WITH CONSIDERATION GIVEN TO QUALITY OF GOODS AND WORK, TIME OF DELIVERY OR COMPLETION AND RESPONSIBILITY OF BIDDERS. ~~A NO PROCUREMENT, ORDER OR~~ contract may ~~not but~~ BE subdivided INTO SEPARATE ORDERS OR CONTRACTS to avoid the requirements of this section.

B. The Mayor or Town Council shall invite proposals for all contracts subject to this section by publishing a notice ~~in at least two county newspapers~~ ON THE TOWN'S WEBSITE AND EMARYLAND MARKETPLACE for AT LEAST two consecutive weeks. The notice shall state that, in not less than three weeks, the Town Council will meet in public session to receive bids for the described purchase or contract, state the time and place of the meeting, and reserve the right to reject any ~~and~~ OR all bids.

C. In determining the lowest responsible bidder, in addition to considering price, the Town Council or the official authorized to contract for the Town shall consider~~;~~:

* * *

§ ~~18-4~~18-3. Exceptions to competitive bidding.

A. The following types of contracts may be awarded without complying with the bidding procedures otherwise required under this chapter:

UNDERLINED BOLD SMALL CAPS: Indicate language added to the North Beach Town Code.

~~Double Strikethrough:~~ Indicates language deleted from the North Beach Town Code.

*** Asterisks: Indicate language in the North Beach Town Code that remains unchanged, and which is not reflected in this Ordinance.

(1) Purchases or contracts involving less than ~~\$15,000~~25,000; however, purchases or contracts involving more than \$5,000 must be in writing.:

* * *

(4) Purchases or contracts made when the Mayor or an individual acting in his absence determines that an immediate danger to person or property exists, provided that the Town Council publishes an explanation of the circumstances deemed to constitute the emergency ~~in at least two county newspapers~~ ON THE TOWN'S WEBSITE; AND

(5) For ~~any other emergency~~ GOOD CAUSE SHOWN, THE COUNCIL MAY WAIVE THE BIDDING REQUIREMENTS AND AUTHORIZE A NEGOTIATED PURCHASE with the approval of five Council members; ~~and~~

(6) Purchases based on state, county, municipal or federal government contracts OR A CONTRACT OF A QUASI-GOVERNMENTAL ENTITY, BI-COUNTY AGENCY OR ANY CONSORTIUM OR PURCHASING ALLIANCE COMPOSED OF ANY SUCH ENTITIES, that are established by a legal or competitive process. FOR A CONSORTIUM OR ALLIANCE TO BE CONSIDERED, THE ENTITY MAY NOT CHARGE VENDORS A FEE TO PARTICIPATE IN THE PROCUREMENT PROCESS.

B. For the exceptions in Subsections A(2) through (6), notification of such non-bidding purchase must be provided in writing to the Town Council at the next regular meeting.

§ ~~18-5~~18-4. Multiyear contracts.

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Section 2. BE IT FURTHER ORDAINED by the Council of the Town of North Beach, that this Ordinance shall become effective twenty (20) days after approval by the Mayor or passage by the Council over the Mayor's veto, provided that a fair summary shall be posted in the Town Hall and the Town's webpage and sent out via the Town's LISTSERV, and a message shall be sent by text message to residents subscribing to the Town's text message alert system, if any, that the ordinance is available for review on the Town's webpage.

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AND, BE IT FURTHER ORDAINED that this Ordinance shall become effective on the 3rd day of May 2023 after having been read at two successive Town Council meetings pursuant to 19-311 of the Town Charter.

Read and Adopted this day 13th day of April 2023

By order of the Mayor and Council

DocuSigned by:



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Mike Benton, Mayor

ATTEST: DocuSigned by:



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Stacy Milor, Town Clerk

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