

**CHARTER AMENDMENT RESOLUTION NO. 2020-1**

**A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY ADDING EXCEPTIONS TO COMPETITIVE BIDDING IN ARTICLE XVI § SC16-3.**

WHEREAS, Article XVI of the current Salisbury City Charter specifies items or situations that are exempt from the requirement for competitive bidding; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the city to amend the City Charter to add exemptions to competitive bidding, which will allow the City to operate in a more efficient manner.

**NOW, THEREFORE, BE IT RESOLVED** by the Salisbury City Council, by virtue of the authority granted in Article XI-E of the Constitution of Maryland, Local Government Article § 4-301 et seq. of the Annotated Code of Maryland and § SC21-1 and § SC21-2 of the Salisbury City Code, that § SC16-3 of the Salisbury City Charter is amended as follows:

§ SC16-3. – General policy of competitive bidding; exceptions.

- A. To secure economy in the construction of public works and the purchase of materials and supplies needed by the city, to prevent collusion, fraud, favoritism and extravagance in public contracts and to ensure that all interested persons will be given fair and equal opportunity to participate, the general policy of the city shall be to afford ample opportunity for competitive bidding before making any city purchase or public works contract or any contract to sell any property, except in the following cases where competitive bidding procedures are not necessary or appropriate:
- (1) The occurrence of an actual emergency, which is hereby defined to mean a situation which has suddenly and unexpectedly arisen and which requires immediate action in the public interest.
  - (2) Any single purchase or sale not exceeding an amount set by Ordinance of the Council from time to time.
  - (3) Contracts for professional services or for personal services requiring special training and skill.
  - (4) Contracts for insurance or for public utility services.
  - (5) Recording charges, court costs and other regular fees and charges required by general law to be paid to particular persons or public officials; charters for the printing of public notices and advertisements required by law; postage, payroll taxes and other applicable governmental charges or levies; and travel and other like expense, membership dues and subscriptions to publications.
  - (6) Contracts for the purchase, exchange, renting, leasing or acquisition of real property by the city and contracts for the sale, exchange, renting, leasing or other

disposition of surplus real property owned by the city; provided, however, that contracts for the sale, leasing for term beyond three (3) years or other disposition of surplus real property owned by the city shall be excepted and exempt from competitive bidding procedures only if first offered for competitive public bidding at such time, after such public notice and subject to such bidding terms and conditions as the Council shall fix in its sole discretion and such bidding fails to produce a proposal acceptable to the Council in its sole discretion and if made within a period of six (6) months following the bidding date. In every such public offering of surplus city real property for sale, leasing for a term beyond three (3) years or other disposition, the Council shall reserve the right to reject any and all bids and may, in its discretion, establish a price or rental terms below which no bid will be considered or accepted.

- (7) Contracts for the hire of chattels, or contracts for the purchase of special machinery and equipment and maintenance or replacement parts therefor, or other special materials and supplies, having an exclusive source of supply, provided that in each instance the hire of such chattels or purchase of such special item has first been approved by the Board of Standardization created by § SC16-7 of this Article.
- (8) Construction, maintenance or repair of public works by the city's own employees in any amount, or by hired labor, but in the latter case not to exceed an amount set by Ordinance of the Council from time to time for labor cost in any single instance.
- (9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.
- (10) *Contracts for perishable goods purchased in small quantities such as animal food products and nutritional supplements.*
- (11) *Contracts for entertainers, performers, artists, musicians, actors, speakers and other talent providers necessary to conduct budgeted City of Salisbury events.*

- B. Contracts shall be let to the lowest evaluated and best bid in the case of purchases, or the highest and best bid in the case of sales, except that the city in every instance shall reserve the right to reject any or all bids, waive any irregularities and make the award in the best interests of the city.
- C. In the evaluation of contracts for the construction of public works and the purchase of materials, services and supplies, the City may offer procurement preferences for businesses located in Salisbury, Maryland and other businesses that qualify to receive preference in contracts with the State under Maryland Law.

**EXPLANATION:**

\* *ITALICIZED AND UNDERLINED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*

Deleted material from the existing Charter is indicated by bold double bracketed [ [ ] ] language.

**AND IT BE FURTHER RESOLVED THAT** in accordance with Maryland Annotated Code, Local Government Article, Subsection 4-304, the Mayor and/or the City Clerk, who are authorized to act as outlined below, shall:


- a. Post a complete and exact copy of this Charter Amendment at the City Government Building, for at least forty (40) days after the passage of this Resolution; and
- b. Advertise a fair summary of this Resolution, which is deemed by the City Council to be the title of this Resolution, once per week for four (4) weeks in a newspaper of general circulation within the City of Salisbury beginning immediately after the passage of this Resolution.


**AND, BE IT FURTHER RESOLVED** by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

**AND, BE IT FURTHER RESOLVED** by the Salisbury City Council that this Resolution shall take effect fifty (50) days from and after the date of its final passage and that its provisions shall be implemented on the 14<sup>th</sup> day of April, 2020, subject to the right of referendum. The City Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting and publication of this Resolution, and the sending of information concerning the charter amendments provided for herein to the Maryland Department of Legislative Services pursuant to the requirements of the Maryland Annotated Code, Local Government Article, Subsection 4-304.

This Resolution was introduced, read and passed at a meeting of the Salisbury City Council held on the 24<sup>th</sup> day of February, 2020.

ATTEST:

  
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Kimberly R. Nichols,  
City Clerk

  
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John R. Heath, President  
Council of the City of Salisbury

Publish: February 27, 2020  
March 5, 2020  
March 12, 2020  
March 19, 2020



City of  
**Salisbury**  
Jacob R. Day, Mayor

**To:** City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** February 24, 2020  
**Subject:** Charter and Code of Ordinance changes requested

I am requesting two additions to SC16-3 General Policy of Competitive Bidding, Exceptions of the Salisbury Charter.

§ SC16-3. - General policy of competitive bidding; exceptions

The current list of exceptions does not have a provision for perishable foods and entertainer contracts.

cc Andy Kitzrow  
Mark Tilghman, City Solicitor