

MAYOR AND COUNCIL OF BOONSBORO

**RESOLUTION XXXX-XX
AMENDMENT TO RESOLUTION 88-9; AMENDED BY RESOLUTION 2003-09;
BIDDING PROCEDURES**

WHEREAS, a bidding procedure policy for the Town of Boonsboro was adopted by the Mayor and Council on the 6th day of October, 1988 for the procurement of goods and services, and

WHEREAS, the Mayor and Council of Boonsboro shall approve all purchases and contracts for the Town of Boonsboro, and has established certain procedures for making said purchases and contracts, and

WHEREAS, the Mayor and Council have determined it to be in the best interest of the town to amend *Article I. Purchases and Contracts Requiring Sealed Bids* and *Article II. Purchases and Contracts Requiring Competitive Quotes* by increasing the threshold from \$20,000 to \$50,000, and

WHEREAS, the Mayor and Council have determined it to be in the best interest of the town to add certain provisions, and

NOW THEREFORE, be it enacted and resolved by the Mayor and Council of Boonsboro that Resolution 2003-09 be amended as follows;

Article I. Purchases and Contracts Requiring Sealed Bids; All expenditures amounting in the aggregate to more than \$50,000 in one fiscal year shall be put out for competitive, sealed bids, and a legal notice advertising the bid shall be published at least once in a local newspaper, in addition to advertisement on the Town's website. Qualified bidders may be sent a request for bid at the discretion of the Town Manager. All sealed bids will be opened by the Town Manager or a Selection Committee specially formed by the Town Manager. The Selection Committee will make a recommendation to the Mayor & Council. No bid shall be awarded without the approval of the Mayor & Council.

Article II. Purchases and Contracts Requiring Competitive Quotes; No expenditure amounting in the aggregate to more than \$1,000 but less than \$50,000 shall be made until a reasonable effort has been made to secure at least three competitive quotes. Said quotes may be in writing or by telephone, at the discretion of the Town Manager. No quote shall be awarded without the approval of either the Utilities Commission or of the Mayor and Council. In the case of purchases exceeding the spending limits of the Utilities Commission, the award shall be approved by the Utilities Commission and by the Mayor and Council.

Article III. Purchases and Contracts Exempted from Bidding Requirements; All purchases and contracts amounting in the aggregate to less than \$1,000 are exempted from formal written bidding requirements. Competitive quotes should nonetheless be obtained when such quotes may result in a lower price. Bids for contracts and purchases amounting in the aggregate to less than \$1,000 may be awarded by the Town Manager but shall not be paid without the approval of the Mayor and Council.

Article IV. Sole Source Procurement; A sole source procurement is permissible when: (1) Only one source exists that meets the Town's requirements; (2) The compatibility of equipment, accessories, or replacement parts is the paramount consideration; (3) A sole vendor's item is needed for trial use or testing; (4) Professional services are needed from a vendor who is uniquely qualified to provide such services; (5) Certain public utility services are to be procured and only one source exists; (6) The use of other than OEM (original equipment manufacturer) parts would void a still-valid warranty; or (7) Purchasing a product/service from a vendor who has been awarded a contract by another governmental entity and who allows its product/service to be purchased by other governmental agencies from that contract.

Article V. Solicitation Time; The minimum time for solicitation of sealed bids shall be twenty-one (21) calendar days from the date the advertisement is publicly advertised/posted. When special requirements exist, the Town Manager may lengthen or shorten the solicitation time, but in no case shall the time cycle be shortened if it will reduce competition. Complicated procurements may have a time period that is longer than the standard 21 calendar days.

Article VI. Emergency Purchases; An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or other such reason as proclaimed by a using agency. The existence of such condition creates an immediate and serious need for supplies, equipment, materials, and/or services that cannot be met through normal procurement methods and the lack of which would threaten the function of Town operations, or the health, safety or welfare of Town residents. The Town may make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods. Emergency purchases must be authorized by the Treasurer and the Town Manager or Mayor. An emergency procurement shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency.

Article VII. Green Purchasing Policy; The Mayor and Council of the Town of Boonsboro adopted a Sustainable Procurement Policy on May 5, 2014, and updated it on July 1, 2023. In accordance with this policy, Town employees will procure materials, products or services in a manner that integrates fiscal responsibility, social equity, and community and environmental stewardship. The Sustainable Procurement Policy should be adhered to whenever possible when making purchases on behalf of the Town.