



Ordinance No. 17-08  
Chapter 27 Purchasing and Contracts  
The Code of the City of New Carrollton

**Effective: September 8, 2017**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON  
AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 27  
“PURCHASING AND CONTRACTS,”

**WHEREAS**, the City Council of the City of New Carrollton (the “City Council”), a body politic and corporate in the State of Maryland is authorized by the Annotated Code of Maryland Local Government Article, §5-205 and the City Charter to provide for the control and management of its finances, to spend money for any public purpose and to affect the safety, health and general welfare of the municipality and its occupants, and to provide for the purchase of materials, supplies and equipment; and

**WHEREAS**, pursuant to the aforementioned authority, the City Council adopted City Code, Chapter 27 “Purchasing and Contracts”; and

**WHEREAS**, the City Council desires that notices of Formal Contracting be posted on the City’s website; and

**WHEREAS**, the City Council desires that under the general direction of the Mayor the Chief Administrative Officer act as the Purchasing Agent; and

**WHEREAS**, the City Council desires to increase the amount of a procurement that requires formal contracting from \$12,500 to \$30,000; and

**WHEREAS**, the City Council desires to increase the amount of a procurement that requiring two (2) bids from \$1,000 to \$2,000; and

**WHEREAS**, the City Council desires exceptions to the formal contracting be allowed when units are joinable with existing equipment/systems, that being the most important consideration, or when manufacturer combined maintenance is desirable; and

**WHEREAS**, the City Council desires that whenever any such federal, state, county or local government, or any agency or unit thereof, or any other governmental entity or quasi-

governmental entity, bi-county agency or consortium or purchasing alliance composed of any such entities has conducted a bid and awarded a contract, the purchasing agent may purchase the bid item at the bid price from the successful bidder; and

**WHEREAS**, the City Council desires to update the City's purchasing and contract requirements as explained above by amending Chapter 27-"Purchasing and Contracts" of the Code of the City of New Carrollton as set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of New Carrollton, Maryland, that Chapter 27 "Purchasing and Contracts" of the City Code be and hereby is amended to read as follows:

\* \* \*

#### §27-2 Definitions.

As used in this chapter, the following definitions shall apply, unless a contrary meaning is clearly intended from the context in which the term appears:

\* \* \*

#### FORMAL CONTRACT PURCHASE

Any purchase for supplies, materials, equipment, contractual services or construction of public improvements in excess of [seven thousand five hundred dollars (\$7,500.)] **THIRTY-THOUSAND DOLLARS (\$30,000)** where advertising is required.

#### PURCHASING AGENT

**UNDER THE GENERAL DIRECTION AND SUPERVISION OF [T]the** Mayor of the City of New Carrollton, **THE CITY ADMINISTRATIVE OFFICER** or [the]**SUCH OTHER** person **AS MAY BE** designated by the Mayor to perform the duties of the "purchasing agent," as described in this chapter.

\* \* \*

#### § 27-3 Creation of central purchasing system; unauthorized purchases.

- A. There is hereby created a central purchasing system to operate under the general direction and supervision of the Mayor **WITH THE CITY ADMINISTRATIVE OFFICER ACTING AS THE PURCHASING AGENT**. Nothing contained in this

chapter shall prevent the Mayor from designating [a]**SUCH OTHER** responsible person to perform the duties of purchasing agent **AS REQUIRED FROM TIME TO TIME**, subject to his or her direction.

\* \* \*

#### §27 – 8 Formal Contracting

All purchases of supplies, contractual services and capital improvements, except as otherwise provided herein, when the total estimated cost thereof shall exceed [twelve thousand five hundred dollars (\$12,500)] **THIRTY THOUSAND DOLLARS (\$30,000.00)**, shall be purchased by formal written contract or purchase order from the lowest responsible bidder as determined by the purchasing agent and approved by the City Council, after public notice inviting proposals. No contract or purchase shall be subdivided to avoid the requirements of this section. The following procedures shall be observed in the award of formal contracts estimated to exceed [twelve thousand five hundred dollars (\$12,500)] **THIRTY THOUSAND DOLLARS (\$30,000.00)** \_in value:

- A. Notice shall be [printed in at least one (1) newspaper of general circulation in the city or] **PUBLISHED** on the City's website at least ten (10) days prior to the date for receiving and opening of bids, which shall include a general but accurate description of the articles to be purchased, where bid blanks and specifications may be secured and the time and place for opening bids. In addition, the City shall abide by all applicable State law requirements regarding advertising on e-marylandmarketplace.

\* \* \* \* \*

#### § 27 – 9 Purchasing transactions under [\$12,500]**\$30,000.00**.

- A. All purchases of supplies, contractual services and capital improvements estimated to be less than [twelve thousand five hundred dollars (\$12,500)]**THIRTY THOUSAND DOLLARS (\$30,000.00)** in value shall not be subject to the requirements of 27-8 of this chapter; provided, however, that the purchasing agent shall, whenever the amount thereof exceeds [one thousand dollars (\$1,000)] **TWO THOUSAND DOLLARS (\$2,000.00)**, secure two (2) or more quotations in the commodity area of the transaction. Written quotations from vendors shall be obtained where practical, although verbal quotations will be permitted, provided that the purchasing agent shall cause a written record of all such verbal quotations to be made and filed with the records of the transaction.
- B. **ALL PURCHASES OF SUPPLIES, CONTRACTUAL SERVICES AND CAPITAL IMPROVEMENTS ESTIMATED TO BE LESS THAN \$2,000 IN VALUE AND AUTHORIZED IN THE CITY'S APPROVED BUDGET FOR THE CURRENT YEAR MAY BE PURCHASED ON NEGOTIATION AT THE DIRECTION OF THE**

**PURCHASING AGENT IN A MANNER APPROVED BY THE PURCHASING AGENT.**

\* \* \*

§ 27-11. Negotiated contracts.

- A. The [Mayor] **PURCHASING AGENT** is authorized to negotiate a purchase or contract without regard to the formal advertising and bidding procedures required by § 27-8 of this chapter under the following circumstances:

\* \* \*

- (6) **WHEN UNITS ARE JOINABLE WITH EXISTING EQUIPMENT /SYSTEMS, THAT BEING THE MOST IMPORTANT CONSIDERATION , OR WHEN MANUFACTURER COMBINED MAINTENANCE IS DESIRABLE (IE. IN THE CASE OF UPGRADES TO EXISTING SOFTWARE OR OTHER COMPUTER SYSTEMS, HVAC SYSTEMS).**
- (7) **RIDING CONTRACTS OF OTHER PUBLIC JURISDICTIONS AS SET FORTH IN SECTION 27-14.**

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§27-14. Cooperative purchasing with other public jurisdictions.

- A. It shall be the duty of the Mayor **WITH THE ASSISTANCE OF THE PURCHASING AGENT** to develop[, to the maximum extent possible,] a program for the joint or cooperative purchasing of supplies, materials, equipment, construction of public improvements or contractual services with a state, county, municipality, or other governmental entity or quasi-governmental entity, bi-county agency or any consortium or purchasing alliance composed of any such entities, provided that such governmental entity or association has adopted procurement regulations that are comparable to those enacted by the City. **WHENEVER ANY SUCH FEDERAL, STATE, COUNTY OR LOCAL GOVERNMENT, OR ANY AGENCY OR UNIT THEREOF, OR ANY OTHER GOVERNMENTAL ENTITY OR QUASI-GOVERNMENTAL ENTITY, BI-COUNTY AGENCY OR CONSORTIUM OR PURCHASING ALLIANCE COMPOSED OF ANY SUCH ENTITIES HAS CONDUCTED A BID AND AWARDED A CONTRACT, THE PURCHASING AGENT MAY PURCHASE THE BID ITEM AT THE BID PRICE FROM THE SUCCESSFUL BIDDER, SUBJECT, WHERE REQUIRED, TO THE APPROVAL OF THE MAYOR AND COUNCIL. WHENEVER THE PURCHASING AGENT ELECTS TO PURCHASE AN ITEM, SERVICE OR MATERIAL FROM A SUCCESSFUL BIDDER OF ANOTHER JURISDICTION AS PROVIDED FOR IN THIS SECTION, THE PURCHASING AGENT SHALL OBTAIN A COPY OF THE JURISDICTION'S PURCHASING POLICIES.** Items so procured under a cooperative agreement with other jurisdictions shall be exempted from the provisions of 27-8, provided that such procurements are the result of competitive bidding.

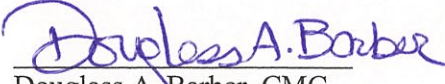
- B. he purchasing agent shall be authorized, without regard to the formal contracting procedures set forth herein, to make capital item purchases through joint or cooperative purchasing agreements with other state, county, municipal or other governmental entity or quasi-governmental entity, bi-county agency or any consortium or purchasing alliance composed of any such entities or agencies, all subject to the approval of the City Council.
- C. NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE THE PURCHASING AGENT TO USE ANOTHER JURISDICTION'S BID PROCESS WHEN PURCHASING ITEMS, SERVICES AND MATERIALS. THE PURCHASING AGENT RETAINS THE RIGHT TO ISSUE A REQUEST FOR PROPOSALS FOR ALL ITEMS, SERVICES AND MATERIALS PURCHASED BY THE CITY. UPON DECIDING TO AWARD A CONTRACT WHERE THE APPROVAL OF THE MAYOR AND COUNCIL IS NOT REQUIRED, THE PURCHASING AGENT SHALL IMMEDIATELY NOTIFY THE MAYOR AND COUNCIL OF THE PURCHASE.**

\* \* \*

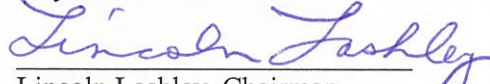
INTRODUCED BY THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON,  
MARYLAND ON THE 21<sup>ST</sup> DAY OF JUNE, 2017.

ADOPTED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW  
CARROLLTON, MARYLAND ON THE 19<sup>TH</sup> DAY OF JULY, 2017.

Attest:

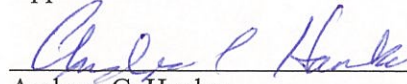
  
Douglass A. Barber, CMC  
City Clerk

City of New Carrollton

  
Lincoln Lashley, Chairman  
City Council

Date: July 19, 2017

Approved:

  
Andrew C. Hanko  
Mayor

Date: July 19, 2017

**[Bold Brackets ]:**

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**CAPITALS:**

Boldfaced brackets *denote* language deleted from the existing City Code.  
Asterisks *denote* language in the City Code that remains unchanged and is not reproduced.

Boldfaced capital letters *denote* language added to the City Code.