

**AMENDED ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING**  
**CHAPTER 69, “PURCHASING PROCEDURES”, BY REPEALING AND REENACTING**  
**§69-2, “MATERIALS EXCLUDED”, §69-3 “RESPONSIBILITIES OF FINANCE**  
**DIRECTOR”, AND §69-5 “AWARDING OF BIDS”, TO INCREASE FROM \$30,000 TO**  
**\$150,000 THE VALUE OF THE CONTRACT THAT CAN BE NEGOTIATED BY THE**  
**CITY MANAGER WITHOUT GOING OUT TO BID, AND THE VALUE OF THE**  
**CONTRACT THAT CAN BE AWARDED BY THE CITY MANAGER INSTEAD OF**  
**THE MAYOR AND COUNCIL, TO REQUIRE THE CITY MANAGER TO REPORT**  
**SOLE SOURCE CONTRACT AWARDS OF MORE THAN \$50,000 TO THE MAYOR**  
**AND COUNCIL, AND TO MAKE CONFORMING CHANGES**

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality’s property; and

**WHEREAS**, pursuant to §5-205 of the Local Government Article, Annotated Code of Maryland, the City of College Park also has the express power to expend municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

**WHEREAS**, pursuant to this authority, the City enacted Chapter 69 “Purchasing Procedures” to establish the ways in which the City can acquire certain items, services and materials; and

**WHEREAS**, the value at which items, goods and services that are authorized in the budget for the current year, can be purchased on negotiation at the direction of the City Manager instead of a full bid process, and at which the City Manager can award the contract, is \$30,000; and

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
<u>CAPS</u>	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

**WHEREAS**, for efficiency and in recognition of the other safeguards included in City Code and procedures, the Mayor and Council have determined it is in the public interest to raise to \$150,000 the value at which items, goods and services that are authorized in the budget for the current year, as amended, can be purchased on negotiation at the direction of the City Manager instead of by a full bid process, and at which the City Manager can award a contract.

**Section 1.** NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 69 “Purchasing Procedures”, §69-2 “Materials Excluded” of the Code of the City of College Park be, and is hereby repealed, reenacted and amended to read as follows:

**§ 69-2. Materials excluded.**

A. Items, services or materials of not more than ~~[\$30,000]~~ \$150,000 in value and authorized in the Appropriation Ordinance for the current year may be purchased on negotiation at the direction of, AND IN A MANNER APPROVED BY, the City Manager [in a manner approved by him/her. Items, materials or services obtained from utility companies having exclusive franchises in the area are excluded from the provisions of this chapter. Items, materials or services supplied to the city by a contractor or developer as part of a permit-approved improvement are not subject to the provisions of this Chapter.

B. Whenever a federal, state, county or local government, or any agency or unit thereof, whose purchasing policies are comparable to those of the City of College Park, has conducted a bid and awarded a contract, the City Manager 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 City Manager elects to purchase an item, service or material from a

successful bidder of another jurisdiction as provided for in this section, the City Manager shall obtain a copy of the jurisdiction's purchasing policies.

C. Nothing in this section shall be deemed to require the City Manager to use another jurisdiction's bid process when purchasing items, services and materials. The City Manager 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 City Manager shall immediately notify the Mayor and Council of the purchase if **THE AWARD IS TO SOLE SOURCE AND VALUED AT MORE THAN \$50,000, OR IF OTHERWISE** requested to do so by the Mayor and Council. The notification shall contain:

- (1) A description of the item, service or material purchased;
- (2) The cost of the item, service or material;
- (3) Who is providing the item, service or material;
- (4) A description of the bid process used, IF ANY; [~~and~~]
- (5) **THE REASON(S) FOR AWARDED A CONTRACT TO A SOLE SOURCE; AND**
- (6) **IF APPLICABLE, [A] a** statement as to whether the successful bidder was the lowest most responsive and responsible bidder, and if not, why not.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 69, "Purchasing Procedures", §69-3, "Responsibilities of Finance Director", be and is hereby repealed, reenacted and amended to read as follows:

**§69-3. Responsibilities of Finance Director.**

It shall be the responsibility of the Finance Director to provide for the direction of the purchasing function, as specified in the Administrative Ordinance. In that connection and under the general supervision of the City Manager, [~~he/she~~] THE FINANCE DIRECTOR shall:

A. Provide for the bidding of all materials, supplies, services, equipment, etc., of over [~~\$30,000~~] \$150,000 in value and not excluded in § 69-2 of this chapter.

B. – E. \* \* \* \* \*

**Section 3.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Chapter 69, “Purchasing Procedures”, §69-3, “Awarding of bids”, be and is hereby repealed, reenacted and amended to read as follows:

§69-5 Awarding of bids.

The Mayor and Council shall approve all purchases in excess of [~~\$30,000~~] \$150,000 by formal motion requiring a simple majority for approval. Such actions shall be taken at a regular meeting or at a duly called special meeting for that purpose. Except as provided in this chapter, the Mayor and Council may, by an extra-majority vote, authorize the bypassing of any or all bid procedure steps in cases which, in the Council's judgment, warrant such action. By the same extra-majority vote, it may allow the City Manager to directly negotiate with any supplier if it is in the City's best interest to do so. Nothing herein shall be construed as limiting the City Manager to purchase by negotiation items, services or materials of not more than [~~\$30,000~~] \$150,000 in value.

**Section 4.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall

distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 13th day of December, 2022, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. That this Ordinance shall become effective twenty days after adoption provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park at a regular meeting on the 8<sup>th</sup> day of November 2022.

**ADOPTED** by the Mayor and Council of the City of College Park at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

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Suellen M. Ferguson, City Attorney