

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER 6,
CONTRACTS AND BIDDING, TO INCREASE BIDDING MONETARY AMOUNTS
ORDINANCE 160-11 (SECOND READING)
(Sponsored by Council Members Voveris and Fields)**

This ordinance amends Chapter 6, "Contracts and Bidding," § 6-1 Bidding procedure and § 6-2 Purchase orders to:

- Increase the monetary amounts required for the solicitation of competitive bids, and to
- Increase minimum monetary amounts allowed in purchase orders.



ORDINANCE NO. 160-11

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 6, **Contracts and Bidding**, to increase the monetary amounts.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 6 ("Contracts and Bidding") be amended as follows (additions are **highlighted** and deletions **marked through**):

"Contracts and Bidding"

§ 6-1. Bidding procedure.

- A. When bidding is required, it shall be in accordance with the Town's current Purchasing Policy. The Town Council shall cause to be published at least once in at least two newspapers, one having general circulation in the Town, and the second having a regional circulation, notice of the solicitation of bids for such provision of goods and/or services. Such notice of the solicitation of bids shall also be posted on the Town's website. All solicitations for bids shall be made no less than 30 days prior to the deadline for submitting such bids.
- B. All such contracts for which competitive bids are sought shall be awarded to the lowest responsible and responsive bidder, unless, however, in the opinion of a majority of the members of the Town Council, the interests of the Town would better be served by awarding the contract to another bidder. Such decision shall include a public statement, recorded in the minutes of the Town Council, of the reasons therefor~~e~~.
- C. Anything in this chapter to the contrary notwithstanding, the Town Council reserves the right to reject any and all bids if deemed in the best interests of the Town.
- D. A responsible bidder is one whose bid conforms in all material respects to the requirements and criteria set forth in the proposed contract specifications and plans.

- E. The Town Council shall determine that a bidder is responsible before awarding such bidder any contract. Factors to be considered in the determination of responsible bidder shall include:
- (1) The bidder's financial, physical, personnel or other resources, including subcontractors.
 - (2) The bidder's record of performance and integrity, both within and without the Town.
 - (3) Any other specific criteria for a particular contract which the Town may from time to time establish; provided, however, that such special criteria shall be contained in the notice of request for bids published pursuant to Subsection A above.
- F. If two or more responsive and responsible bidders bid an equal amount for the same contract and such amount is the lowest bid, the Town Council may award the contract to either of them or reject all bids and begin the process anew, at the discretion of the Town Council.
- G. The solicitation of competitive bids shall not be required in the following circumstances:
- (1) The aggregate amount of the contract involved is not more than ~~\$5,000~~ **\$10,000**;
 - (2) The contract is for goods or services for which it is, as determined by Town Council, impracticable to obtain competitive bids;
 - (3) The contract is for any service rendered by a university, college or other educational institution;
 - (4) The contract is for any service to be supplied by the State of Delaware or any political subdivision thereof;
 - (5) The Town Council determines that, due to an emergency or special exigency, the time required for competitive bidding is inadequate;

- (6) The contract is for motor vehicles, equipment of any kind, tools, materials and other personal property which the State of Delaware has purchased or has chosen for purchase pursuant to the procedure provided by 29 Del. C. § 6901 et seq. or the vendor of such personally has a contract with the Federal General Services Administration and, as a result, has been placed on the G.S.A. Federal Supply Schedule.

§ 6-2. Purchase orders.

- A. The Town shall use a standard purchase order for all purchases in excess of \$250 and a standard contract for all expenditures in excess of ~~\$5,000~~ **\$10,000**. The standard purchase order and standard contract may be modified by approval of the Mayor and Council.
- B. All contracts shall be in writing with appropriate specifications where applicable. A standard contract shall be used in all cases. **The Mayor, and in the absence of the Mayor, the Town Manager, may shall** sign all contracts ~~with monetary values of \$10,000 or less,~~ provided **the** Town Council has approved the expenditure. ~~and no changes are made to the standard contract.~~
- ~~C. The Mayor, Council, Treasurer, and Town Attorney, in addition to the Town Manager, shall review and initial all contracts with a monetary value in excess of \$10,000 and any changes made to the language of the standard contract for contracts of lesser monetary value.~~

Effective date: This ordinance shall become effective upon the date of adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY,
SUSSEX COUNTY, DELAWARE, ON THE ____ OF _____ 2012.**

SEAL:

Joseph I. Headman, Jr., Mayor

George Junkin, III, Council Secretary

ATTEST: _____

1st Reading: 12/9/11
2nd Reading: 2/10/12
3rd Reading:

Sponsored by Councilwoman Voveris and Councilman Fields

PV/JF/phs:Ordinance 160-11 Second Reading

CERTIFICATION FOR REGULAR ORDINANCES

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on _____ and posted on the Town's website on _____, prior to the first reading.

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on _____ and posted on the Town's website on _____, after its adoption.