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December 9, 2022

TO: Clerk of Court

RE: Town of Keedysville: RESOLUTION NO. 2022-5
RESOLUTION/ORDINANCE TO ENACT CHAPTER 28, PURCHASING AND
COMPETITIVE BIDDING

To whom it may concern:

Please record the above-mentioned document in Acts, Ordinances and Resolutions for
Washington County.

Please mail the original documents to Lisa Riner, Town Administrator, Town of
Keedysville, Town Hall, P.O. Box359, Keedysville, Maryland 21756

If you should have any questions, do not hesitate to Contact this office. Thank you.

Very truly yours,

Kuczynski & Kuczynski, P.A.

By: *Edward L. Kuczynski*

Edward L. Kuczynski

ELK/lck
Encl: as noted
Corr: clerk 12/09/22

ORDINANCE 2022-05

A RESOLUTION/ORDINANCE TO ENACT *CHAPTER 28, PURCHASING AND COMPETITIVE BIDDING*

RECITAL

The *Charter* of the Town of Keedysville, Section 62, *Purchasing and Contracts*, authorizes the Mayor and Council to enact an Ordinance to regulate the bidding, purchasing and contract process. To create consistency and fairness in the bidding process, the Mayor and Council have determined that it is in the best interests of the citizenry of the Town of Keedysville to enact an Ordinance to regulate purchases and competitive bidding and to amend the *Code of Ordinances of the Town of Keedysville* to add new *Chapter 28, Purchasing and Competitive Bidding* attached hereto and incorporated herein as **Exhibit "A"**.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED as follows:


1. The **RECITAL** is made a part hereof and incorporated herein by reference.
2. The *Code of Ordinances of the Town of Keedysville* be and is hereby amended to add *Chapter 28, Purchasing and Competitive Bidding* attached hereto and incorporated herein by reference.
3. CHAPTER 28 of the *Code of Ordinances of the Town of Keedysville* be and is hereby **adopted** as set forth in Exhibit 'A' which is attached hereto and incorporated herein by reference.

ATTEST:

**MAYOR AND COUNCIL OF
KEEDYSVILLE**



Lisa Riner, Town Administrator



Kenneth Lord, Mayor

Date of Introduction: November 2, 2022

Date of Passage: December 7, 2022

Effective Date: December 27, 2022

EXHIBIT "A"

**CHAPTER 28
PURCHASING AND COMPETITIVE BIDDING**

§ 28-1 Purchasing in general.

- A. The Town Administrator is authorized to act as purchasing agent or contract for all supplies and contractual services needed by the Town of Keedysville, or any using agency or department, which derives its support, wholly or in part, from the Town of Keedysville, in accordance with the following procedures set forth in this chapter and such other rules and regulations which may, from time to time, be prescribed by the Mayor and Council by ordinance.
- B. In addition to any specific powers and duties prescribed by this chapter, the Town Administrator shall:
- (1) Act to procure for the Town the highest quality in supplies and contractual services at the lowest expense to the Town.
 - (2) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
 - (3) Recommend to the Mayor and Council that they establish and amend, when necessary, all rules and regulations authorized by this chapter and any other necessary to its operation. The Mayor and Council shall make such changes by ordinance.
 - (4) Keep informed of current developments in the field of purchasing, pricing, market conditions, and new products, and secure for the Town the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.
 - (5) Prescribe and maintain such forms as shall be found reasonably necessary to the operation of this chapter.
 - (6) Exploit the possibilities of buying in bulk so as to take full advantage of discounts.
 - (7) Act so as to procure for the Town all federal and state exemptions to which it is entitled.
 - (8) To advise the Mayor and Council as to vendors who default in their contractual obligations, quotations, and irresponsible bidders and to keep the Mayor and Council fully apprised of same so that the Mayor and Council may make a determination as to whether or not to deal, negotiate, and/or contract with said vendors.
 - (9) Compile and maintain a list of qualified bidders and vendors.

§ 28-2 Competitive bidding.

- A. Any purchase of supplies or contractual services, when the estimated or known cost thereof exceeds the amount specified in the Charter, shall be authorized by the Mayor and Council at a duly constituted meeting, and a contract shall be entered into for such services, contractual services, and/or supplies. Such purchases or contracts shall be entered into only after the taking of competitive bids, unless the taking of competitive bids, as hereinafter provided, is not required.
- B. Public notice of all required bidding shall be given in one issue of a newspaper having general circulation within the Town and such other newspapers or trade publications as may be considered appropriate for notifying a sufficient number of vendors to assure effective competition. Such public notice shall be published not less than 15 days prior to the opening of bids. Copies of the notice may be mailed to qualified vendors by the Town Administrator. The list of vendors shall include all responsible prospective suppliers who have requested their names to be placed on the list of bidders. Special attention shall be given to notifying vendors having offices or residing within the Town of Keedysville, Washington County, or which have qualified with the federal government, state or county as a minority-owned business enterprise. The notice required herein shall include a general description of the articles to be purchased or sold, or work to be performed, and shall state where bid specifications may be secured, and the time and place for opening of the bids
- C. The closing date and time for receiving bids shall be during normal business hours at the Town Hall or at the time of a meeting of the Mayor and Council. Bids shall be identified as bids on the sealed envelope. Bids shall be opened and evaluated by the Town Administrator following the Closing Date. All bids received shall be tabulated and a copy of the tabulation furnished to each vendor submitting an acceptable bid. The Town Administrator shall provide an analysis and tabulation together with the actual submitted bids to the Mayor and Council at the next public meeting following the opening of the bids for the Council's consideration and action.
- D. For purchases or contracts for which the taking of competitive bids is required, the Town Administrator shall furnish the Mayor and Council as soon as practical a tabulation and analysis of all bids, the Town Administrator's recommendation as to the bid and such other information as the Mayor and Council may need or shall require. The Mayor and Council shall consider the bids and then award the proposed contract if they deem advisable within their discretion to the most qualified and acceptable bidder in accordance with the provisions of this chapter.
- E. The Mayor and Council of the Town of Keedysville shall have the right to accept or reject any and all bids, either in whole or in part, within their absolute discretion and readvertise.
- F. The Town Administrator shall not accept the bid of a contractor who is in default on the payment of any taxes, licenses, fees or other monies due to the Town of Keedysville.
- G. In determining the best available bid, the Town Administrator shall consider and advise the Mayor and Council, for their determination and consideration, of the following matters:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality of performance of previous contracts or services with the Town of Keedysville and/or communities, businesses or projects the Mayor and Council are aware of.
- (5) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- (7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required.
- (8) The ability of the bidder to provide future maintenance and service of the items to be purchased, if required, and the convenience to the Town of the location at which such maintenance or service will be performed.
- (9) The number and scope of conditions attached to the bid.
- (10) The estimated life cycle costs of the items to be purchased when it is possible to reasonably estimate such costs.
- (11) The cost of delivery of supplies or services to be purchased or, if the Town must obtain delivery of supplies or receive services at a place other than the premises of the Town, the convenience of the location at which delivery or receipt is to be made.
- (12) Whether or not the bidder is a person or business located within the corporate limits of the Town of Keedysville, or a minority-owned business enterprise that has submitted a bid which has been adjudged to be equal in all other respects to the bids received from bidders which are neither minority-owned nor located within the corporate limits of the Town.
- (13) Such other information which, in the discretion of the Mayor and Council, may have a bearing upon the determination as to which bidder has offered the most acceptable bid under all of the surrounding circumstances.

§28-3 Exceptions to requirements.

- A. Subject to the approval of the purchase or contract by the Mayor and Council, the requirements for the taking of competitive bids SHALL NOT be required for the following:
 - (1) Lease and/or rental of property, except as may be required by the *Local Government Article*

of the *Annotated Code of Maryland*, § 1-706, pertaining to the sale and lease of property.

- (2) Purchase of patented or manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer, and are a sole source.
 - (3) Contracts involving policies of insurance or surety company bonds.
 - (4) Purchases made through the state or against federal purchase contracts.
 - (5) Contracts with public utility service companies under tariffs on file with the Public Utility Commission, contracts made with another political subdivision of the State of Maryland or of another state adjoining the State of Maryland, the federal government and/or any agency of the State of Maryland or any municipal authority.
 - (6) Contracts involving the services provided by members of the medical or legal profession, architects, engineers, accountants, surveying or planning, environmental consultants, wastewater and water operators or other personal services involving professional expert advice or assistance and/or advice and service of a unique nature.
 - (7) Purchase of supplies and equipment required for parts or components being procured as replacement parts in support of equipment specifically designed by the manufacturer, where data available is not adequate to assure that the part or component is identical with the part it is to replace or where contemplated procurement is to match or complement equipment or components previously purchased.
 - (8) Purchase of technical, nonpersonal services in connection with the assembly, installation or servicing (or the instruction of personnel therein) of equipment of a highly technical or specialized nature.
 - (9) Purchase of items through the Maryland Department of General Services Office of State Procurement.
 - (10) Purchases through purchase agreements initiated and competitively procured by the federal, state, county or other municipal governments located in the State of Maryland for purchases in those categories pursuant to those agreements.
- B. Local preference. The Mayor and Council reserve the right to show preference to local bidders in the purchase of supplies, equipment and services. The amount shall not exceed 6% of the total amount bid or quote. A "local bidder" is defined as an individual or business who maintains a place of business in the Town of Keedysville or Washington County, Maryland; or maintains an inventory of merchandise in the Town of Keedysville or Washington County, Maryland; is subject to real and/or property taxes payable to the Town of Keedysville or Washington County, Maryland. Any local bidder in default on payments of any county, state or Town tax or license shall not be eligible to receive preference until all taxes and/or licenses due are paid. Notice of preference availability shall be included in the invitation to bid and in all advertisements.

§ 28-4 Purchase order forms and funds verification.

All purchases estimated to be in excess of \$1,000.00 shall be made by the Town Administrator and/or other person designated by the Mayor and Council on a written purchase order form. Prior to making any such purchase, the Town Administrator shall obtain verification of the availability of appropriated funds for the purchase and that funds have been budgeted for the amount of the estimated purchase. The Town Administrator will also verify that these purchases are consistent with the needs of the Town and annual budget requirements.

§ 28-5 Small purchases (less than \$1,000).

The Town Administrator may establish administrative simplified procedures for the purchase by department Administrators of supplies and services to support their departments' daily needs if the cost of supplies and/or services is less than One Thousand (\$1,000.00). Such procedures may provide for the authorizing of such purchases to be made at the departmental level without prior approval of the Town Administrator. Whenever purchases are authorized at the department level, it shall be the responsibility of the authorizing individual to ascertain that the purchase made shall not exceed the balance remaining of an appropriated fund and that the purchase is made in compliance with this Ordinance and the *Charter of the Town of Keedysville*.

§ 28-6 Sale of surplus equipment/stock.

- A. All using departments shall submit to the Town Administrator, at such times and in such forms as the Town Administrator prescribes, reports showing stock levels of all supplies, parts and/or equipment which are no longer used or which have become obsolete, worn or scrapped.
- B. The Town Administrator shall have the authority to transfer surplus stock and/or equipment to other departments, as needed.
- C. The Town Administrator, with the approval of the Mayor and Council, shall have the authority to sell all supplies and/or obsolete, worn equipment which has become unsuitable for public uses; or to exchange the same for, or trade in the same on, new supplies and/or equipment. Sales under this section shall be made to the highest responsible bidder, either through sealed bids or public sale.

§ 28-7 Requests for Proposals (RFP's)

Competitive Bidding may not be appropriate in connection with certain purchases, sales and/or services which may involve matters and products of a unique and/or specialized nature. In those circumstances, the Mayor and Council upon a motion approved by a majority of the Council may choose to proceed to obtain the most suitable person, firm and/or product by soliciting proposals from interested, qualified persons and firms. Unless otherwise specified, the procedures set forth in this Section shall be followed in connection with RFP's with the exception that awarding of the contract shall not be controlled solely by price. The Mayor and

Council, within its discretion and with the advice of the Town Manager, may utilize the factors set forth in §41-3(a)G in determining the most qualified person, product or firm for purposes of awarding the contract and/or project.

§ 28-8 Emergency purchases and contracts and Exceptional Circumstances

- A. Emergency purchases and contractual services are exempt from the above process, the total cost of such purchases and services on an emergency basis being unknown in advance. The Town should make reasonable efforts to establish written labor and equipment rates on a periodic basis with persons capable of supplying the labor, equipment and/or materials which it anticipates might be needed in specific types of emergencies.

- B. Under exceptional circumstances resulting from supply shortages, a time-frame that does not permit the bidding process outlined above or other situations which the Mayor and Council deem it necessary to waive the competitive bidding requirements, purchases and contracts may be made exempt by the Mayor and Council after a request by the Town Administrator, a finding of exceptional circumstances by the Mayor and Council and a majority vote of the Council.

§ 28-9 Severability.

If any provision of this chapter shall be deemed by a court of competent jurisdiction to be invalid, the remainder of the chapter shall remain in full force and effect.

Date of Introduction: November 2, 2022

Date of Passage: December 7, 2022

Effective Date: December 27, 2022

Send Certification to:

Ms. Lisa Riner, Town Administrator
Town of Keedysville
Town Hall
P. O. Box 359
Keedysville, MD 21756

JAN 24 2023

LIDET 15 F0110 945
Acts, Ordinances, Resolutions- Town
Clerk of the Circuit Clerk
Washington County

LR - Government
Instrument 0.00
Agency Name: Town of
Keedysville
Instrument List: Other
Describe Other:
Ordinance
Ref: 2022-05

Total: 0.00
01/23/2023 11:18
CC21-RZ
#16031054 CC0403 -
Washington
County/CC04.03.03 -
Register 03

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Kevin R. Tucker, Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee _____
Recording Fee _____
County Transfer Tax _____
Recordation Tax _____
State Transfer Tax _____
Non-Resident Tax _____
TOTAL _____

PROOF OF PUBLICATION

Lisa Riner
Town Of Keedysville
PO BOX 359
KEEDYSVILLE MD 21756

STATE OF MARYLAND, COUNTY OF WASHINGTON

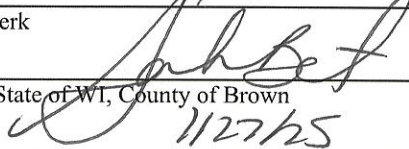
The Herald-Mail is a daily newspaper of general circulation, printed in the English language and published in the City of Hagerstown in said County and State, and that annexed hereto is a copy of a certain order taken from said newspaper in which the order was published.

Published in the issue dated:
12/13/2022

Sworn to and subscribed before on 12/13/2022



Legal Clerk



Notary, State of WI, County of Brown
11/27/25

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SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE

Notice is hereby given by the Mayor and Council of the Town of Keedysville, Maryland, a Municipal Corporation, existing under and by virtue of the Laws of the State of Maryland that pursuant to and in accordance with the powers contained in the Charter of the Town of Keedysville as adopted and subsequently amended and in accordance with and pursuant to the provisions of the powers vested in the Town under the Annotated Code of Maryland, the said Mayor and Council as the legislative body for the Town, at a duly constituted meeting of the Mayor and Council, on December 7, 2022, passed Ordinance to enact *Chapter 28, Purchasing and Competitive Bidding, of the Code of Ordinances of the Town of Keedysville.*

For purposes of economy, the entire Ordinance is on file in Keedysville Town Hall and is incorporated herein by reference and made a part hereto.

The effective date of said Ordinance shall be December 27, 2022.

MAYOR AND COUNCIL OF
THE TOWN
OF KEEDYSVILLE,
MARYLAND

Lisa Riner, Town
Administrator
Edward L. Kuczynski, Town
Attorney

8181979 12/13/22