

ORDINANCE NO. 3827

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE REPEAL AND REENACT, WITH AMENDMENTS, SECTION 2-175 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PERTAINING TO PURCHASES OF SUPPLIES, MAINTENANCE/REPAIR CONTRACTS, PROFESSIONAL SERVICE CONTRACTS AND EQUIPMENT FOR THE PURPOSE OF ALLOWING SOLE SOURCE PURCHASES OF USED EQUIPMENT AND EQUIPMENT WHICH QUALIFIES AS NEW BUT WHICH IS OLDER THAN THE MOST CURRENT MODEL YEAR."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 2-171 of the Code of the City of Cumberland (1991 Edition), be and is hereby repealed and reenacted to read as follows: [NOTE: A text edited version showing the changes made is attached hereto as Exhibit A]

**Sec. 2-171. - Purchases of supplies, maintenance/repair contracts, professional service contracts and equipment.**

- (a) *Purchases requiring bidding.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment, the purchase price of which exceeds twenty-five thousand dollars (\$25,000.00), shall be made only after competitive bidding has been invited, except as otherwise set forth in this section.
- (b) *Purchases not requiring bidding.*
  - (1) *Purchases for \$500.00 or less.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment the purchase price of which is five hundred dollars (\$500.00) or less shall be made upon requisition of the department head if funds are available in an approved budget.
  - (2) *Purchases from \$501.00 to \$5,000.00.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment costing five hundred one dollars (\$501.00) or more but less than or equal to five thousand dollars (\$5,000.00) shall be made upon requisition of the department head if funds are available in an approved budget. It shall be the department head's responsibility to ensure the selection of a vendor

that can meet the specifications required for the purchase at the lowest cost.

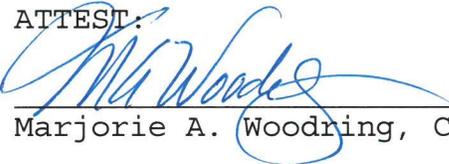
- (3) *Purchases from \$5,001.00 to \$25,000.00.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment costing five thousand one dollars (\$5,001.00) or more but less than or equal to twenty-five thousand dollars (\$25,000.00) may be made only after requests for quotations of price are made and, if received from suppliers of the supplies or equipment to be purchased, reviewed and approved by the appropriate department head. Where possible, quotations shall be requested from at least three (3) suppliers. Such purchases shall be made upon requisition of the department head if accounted for in an approved budget, or with the concurrence of the city administrator if the purchase is not a specific budget item.
- (c) *Sole source purchases.* sole source purchases include the purchases of supplies, maintenance/repair contracts, professional service contracts and equipment in circumstances where (i) there is a need for standardization or interchangeability of parts with respect to the city's machinery or equipment, (ii) the maintenance/repair contracts, professional service contracts or equipment is available only through a sole source or a source that has significant familiarity with the city resource for which the purchase is sought, (iii) the purchase is required for emergency use, (iv) through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities, or (v) the purchase of used equipment or a piece of equipment of a model year which is older than the most current year model available for purchase in the marketplace, provided in either case, that the equipment is deemed to be adequate for its intended purpose.
  - (1) The terms of subsection (c) do not apply to sole source purchases costing five thousand dollars (\$5,000.00) or less. Such purchases shall be subject to subsections (b)(1) and (b)(2) of this section except that all such purchases shall be reported to the mayor and city council.
  - (2) Sole source purchases costing more than five thousand dollars (\$5,000.00) but less than or equal to twenty-five thousand dollars (\$25,000.00) may be made upon requisition of the department head, funding approval of the comptroller, and final approval by the city administrator. All such purchases shall be reported to the mayor and city council. The requirements relative to obtaining quotes from at least three (3) suppliers as is set forth in subsection (b)(3) may be waived in the discretion of the city administrator.
  - (3) Sole source purchases costing more than twenty-five thousand dollars (\$25,000.00) may be made upon requisition of the department head, funding approval of the comptroller, and approval by the city administrator with final approval by the mayor and city council. Competitive bidding in such cases may be waived in the discretion of the mayor and council.
- (d) *Professional service contracts.* For purposes of this section, professional service contracts do not include employment or independent contractor contracts for positions or offices with the city which are identified in the city charter.

- (e) *Purchase orders.* with the exception of purchases for emergency repairs, postage, expense accounts, utilities and insurance, all purchases of supplies, maintenance/repair contracts, professional service contracts and equipment costing more than five hundred dollars (\$500.00) shall be accompanied by purchase orders which shall be submitted to the city comptroller.
- (f) *Purchasing policy abrogated.* In that the terms of the city's existing purchasing policy have been modified and fully integrated into the terms of sections 2-171 to 2-174 of this code, the said purchasing policy is hereby abrogated and of no further force and effect.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 5th day of December, 2017.

  
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Brian K. Grim, Mayor

ATTEST:  
  
\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

1<sup>st</sup> reading: December 5, 2017  
2<sup>nd</sup> reading: December 5, 2017  
3<sup>rd</sup> reading: December 5, 2017  
Passed 5-0

EXHIBIT A

[NOTE: All additions to the text of the Code are in bold print and block capital. The deletions are in bold print and stricken through.]

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- (b) *Purchases not requiring bidding.*
  - (1) *Purchases for \$500.00 or less.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment the purchase price of which is five hundred dollars (\$500.00) or less shall be made upon requisition of the department head if funds are available in an approved budget.
  - (2) *Purchases from \$501.00 to \$5,000.00.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment costing five hundred one dollars (\$501.00) or more but less than or equal to five thousand dollars (\$5,000.00) shall be made upon requisition of the department head if funds are available in an approved budget. It shall be the department head's responsibility to ensure the selection of a vendor that can meet the specifications required for the purchase at the lowest cost.
  - (3) *Purchases from \$5,001.00 to \$25,000.00.* All purchases of supplies, maintenance/repair contracts, professional service contracts or equipment costing five thousand one dollars (\$5,001.00) or more but less than or equal to twenty-five thousand dollars (\$25,000.00) may be made only after requests for quotations of price are made and, if received from suppliers of the supplies or equipment to be purchased, reviewed and approved by the appropriate department head. Where possible, quotations shall be requested from at least three (3) suppliers. Such purchases shall be made upon requisition of the department head if accounted for in an approved budget, or with the concurrence of the city administrator if the purchase is not a specific budget item.
- (c) *Sole source purchases.* sole source purchases include the purchases of supplies, maintenance/repair contracts, professional service contracts and equipment in circumstances where (i) there is a need for standardization or interchangeability of parts with respect to the city's machinery or equipment, (ii) the maintenance/repair contracts, professional service contracts or equipment is available only through a sole source or a source that has significant familiarity with the city resource for which the purchase is sought, (iii) the purchase is required for emergency use, ~~or~~ (iv) through joint efforts with other agencies, such

as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities, ~~including, but not limited to, the purchase of used equipment if the equipment is proven satisfactory to those involved~~ **OR (V) THE PURCHASE OF USED EQUIPMENT OR A PIECE OF EQUIPMENT OF A MODEL YEAR WHICH IS OLDER THAN THE MOST CURRENT YEAR MODEL AVAILABLE FOR PURCHASE IN THE MARKETPLACE, PROVIDED IN EITHER CASE, THAT THE EQUIPMENT IS DEEMED TO BE ADEQUATE FOR ITS INTENDED PURPOSE.**

- (4) The terms of subsection (c) do not apply to sole source purchases costing five thousand dollars (\$5,000.00) or less. Such purchases shall be subject to subsections (b)(1) and (b)(2) of this section except that all such purchases shall be reported to the mayor and city council.
- (5) Sole source purchases costing more than five thousand dollars (\$5,000.00) but less than or equal to twenty-five thousand dollars (\$25,000.00) may be made upon requisition of the department head, funding approval of the comptroller, and final approval by the city administrator. All such purchases shall be reported to the mayor and city council. The requirements relative to obtaining quotes from at least three (3) suppliers as is set forth in subsection (b)(3) may be waived in the discretion of the city administrator.
- (6) Sole source purchases costing more than **TWENTY-FIVE THOUSAND DOLLARS** (\$25,000.00) may be made upon requisition of the department head, funding approval of the comptroller, and approval by the city administrator with final approval by the mayor and city council. Competitive bidding in such cases may be waived in the discretion of the mayor and council.
- (d) *Professional service contracts.* For purposes of this section, professional service contracts do not include employment or independent contractor contracts for positions or offices with the city which are identified in the city charter.
- (e) *Purchase orders.* with the exception of purchases for emergency repairs, postage, expense accounts, utilities and insurance, all purchases of supplies, maintenance/repair contracts, professional service contracts and equipment costing more than five hundred dollars (\$500.00) shall be accompanied by purchase orders which shall be submitted to the city comptroller.
- (f) *Purchasing policy abrogated.* In that the terms of the city's existing purchasing policy have been modified and fully integrated into the terms of sections 2-171 to 2-174 of this code, the said purchasing policy is hereby abrogated and of no further force and effect.