

SPONSOR: Rep. Smyk & Sen. Lopez

150TH GENERAL ASSEMBLY  
HOUSE/SENATE BILL NO.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 14(b) of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the contract awarded to the lowest responsible bidder who submits a responsive bid; provided however, that competitive bidding shall not be required, but may be used, in any of the following circumstances:

- (1) The aggregate amount involved is not more than ~~Five-Ten~~ Thousand Dollars (~~\$5,000.00~~ \$10,000) ~~in a fiscal year~~, unless competitive bid is otherwise required by the terms of a grant or subsidy or for any other reason.
- (2) The purchase is for materials or services other than professional services greater than ~~Five-Ten~~ Thousand Dollars (~~\$5,000.00~~ \$10,000) to ~~Twenty-Five~~ Thousand Dollars (~~\$20,000.00~~ \$25,000.00); which then may be accomplished by soliciting letter quotations from not fewer than three (3) qualified responsible sources or providers.
- (3) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision.
- (4) The purchase or contract is for property or services for which it is impracticable to obtain competition.
- (5) The public exigency, as determined by the Mayor and Town Council, will not permit the delay incident to advertising.
- (6) A public emergency, as determined by the Mayor and Town Council, exists.
- (7) The purchase or contract is for personal or professional services. For purposes of this section personal or professional services shall include legal, accounting, engineering, planning or other professional services and personal services shall mean cleaning, domestic or other temporary services.

~~(8) The purchase or contract is for property or services for which If, at the completion of a competitive bidding process for the purchase or contracting of property or services, the Mayor and Town Council determines that the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition, the Mayor and Town Council shall announce this finding at its next Town Council meeting, and vote as to whether to open a new bidding process.~~

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

Section 2. Amend Section 29(b) of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

(26) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon on an annual basis and on a quarterly basis in supplement; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum equal to One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000); and provided further that there shall be no limitation upon the amount which may be raised from the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred;

#### SYNOPSIS

Section 1 of this bill amends the Charter of the Town of Milton relating to purchasing contracts. Specifically, the bill: raises the monetary thresholds to be more in line with the State of Delaware, Material and Non-Professional Service Purchase Thresholds, known as policy 5.3.1; clarifies that the Town need not competitively bid again if the results were unreasonable or not independently reached; and adds a new exclusion for purchases made pursuant to the State of Delaware procurement process or from a vendor on the General Services Administration Federal Supply Schedule.

Section 2 of the bill clarifies that the Town may levy and collect property taxes on an annual and on a quarterly supplemental basis.