

CHAPTER 288
FORMERLY
SENATE BILL NO. 212
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 9, 22, AND 29 OF THE DELAWARE CODE RELATING TO STATE AND LOCAL GOVERNMENTS AND LEGAL NOTICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6902, Chapter 69, Title 29 of the Delaware Code by renumbering existing subsections (10)-(27) as subsections (11)-(28) and adding a new subsection (10) as shown by underlining as follows:

(10) 'Electronic procurement advertising system' means the advertising system on which all state agencies must submit public notice of contracts subject to the public advertising requirements of this Chapter.

Section 2. Amend Subsection 6923(b)(1), Chapter 69, Title 29 of the Delaware Code by making additions as shown by underlining as follows:

(1) If the probable cost of the material or nonprofessional services estimated to annually exceed the threshold amount(s) set by the Contracting and Purchasing Advisory Council pursuant to §6913 of this chapter, the procurement shall be made only after public advertising and the receipt of sealed bids as provided for in this subchapter. The advertisement for such bids shall be published at least once a week for 2 consecutive weeks in a newspaper published or circulated in each county of the State. Public advertising shall require electronic publication accessible to the public in a manner prescribed pursuant to 29 Del. C. § 6902(10) for two consecutive weeks.

Section 3. Amend Subsection 6962(b), Chapter 69, Title 29 of the Delaware Code by making additions as shown by underlining as follows:

(b) Advertising requirements. Each agency shall publicly announce, not less than once a week for 2 consecutive weeks in a newspaper published or circulated in each county of the State, each public works contract. Public advertising shall require electronic publication accessible to the public in a manner prescribed pursuant to 29 Del. C. § 6902(10) for two consecutive weeks. An agency may also maintain a register of prospective bidders which may be used to provide direct notification of contracts to be bid. This register shall not be used in a manner which will limit the competitiveness of the bidding process described in this subchapter. No agency shall be subject to a cause of action or be otherwise liable for any errors or omissions in administering a bid registry. The public announcement shall also state the nature of the contract under the following conditions:

Section 4. Amend Section 6981, Chapter 69, Title 29 of the Delaware Code making additions as shown by underlining as follows:

(c) Subject to the exceptions of subsection (b), each agency shall publicly announce each professional services contract subject to subsection (a) of this Section by electronic publication accessible to the public in a manner prescribed pursuant to 29 Del. C. § 6902(10) for two consecutive weeks.

Section 5. Amend Section 10004, Chapter 100, Title 29 of the Delaware Code by amending paragraph (e)(4) by making additions as shown by underlining as follows and by making deletions as shown by strike through as follows:

(4) Public notice required by this subsection shall include, but not be limited to, conspicuous posting of said notice at the principal office of the public body holding the meeting, or if no such office exists at the place where meetings of the public body are regularly held, and making a reasonable number of such notices available. In addition, for all non-county and non-municipal public bodies, public notice required by this subsection shall include, but not be limited to, electronic posting on a designated State of Delaware website, approved by the Registrar of Regulations by May 1, 2013, which shall be accessible to the public. In addition, all public bodies in the executive branch of state government that are subject to the provisions of this chapter shall electronically post said notice to the designated State of Delaware website approved by the Secretary of State.

Section 6. Amend Section 10115(b), Chapter 101, Title 29 of the Delaware Code by making additions as shown by underlining as follows:

(b) If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation a minimum of 20 days prior to such public hearing; and shall also be advertised at least 20 days prior to such public hearing by

electronic posting on a designated State of Delaware website, approved by the Registrar of Regulations by May 1, 2013, which shall be accessible to the public.

Section 7. Amend §10124, Chapter 101, Title 29 of the Delaware Code by making additions as shown by underlining as follows:

When required by law or when the parties do not consent to informal proceedings, or when the matters at issue involve price fixing, rate making or similar matters of general public interest, as determined by the agency, the agency shall conduct a formal, public, evidentiary hearing to which the following provisions shall apply:

(1) The notice required by §10122 of this title shall be published in at least 2 Delaware newspapers of general circulation and shall be advertised by electronic posting on a designated State of Delaware website, approved by the Registrar of Regulations by May 1, 2013, which shall be accessible to the public; and

Section 8. Amend §8707 (a), Title 29 of the Delaware Code by making additions as shown by underlining as follows:

(12) To set reasonable fees for and make available for all political subdivisions in this State either the electronic procurement advertising system, required by §6902(10) of this title if practicable or in lieu thereof another website allowing for the public posting of local government bid opportunities, and the website designed pursuant to §10004(e)(4), §10115(b) and §10124(1) of this Title. The fees establish pursuant to this paragraph shall approximately and reasonably reflect all costs necessary to defray the expenses of the Government Information Center's activities required in providing such websites for political subdivisions in this State.

Section 9. Amend Title 9, Delaware Code, by making additions as shown by underlining as follows:

§349. Public Advertising and Notices.

Notwithstanding any provision to the contrary, public advertising and notices by any county in the State of any nature may include use of the State's electronic procurement advertising system required by §6902(10) of Title 29 or other website allowing for the electronic posting of local government bid opportunities, and the website designed pursuant to §10004(e)(4), §10115(b) and §10124(1) of Title 29.

Section 10. Amend Title 22, Delaware Code, by making additions as shown by underlining as follows:

§114. Public Advertising and Notices.

Notwithstanding any provision to the contrary, public advertising and notices by any municipality in the State of any nature may include use of the State's electronic procurement advertising system required by §6902(10) of Title 29 or other website allowing for the electronic posting of local government bid opportunities, and the website designed pursuant to §10004(e)(4), §10115(b) and §10124(1) of Title 29.

Approved July 01, 2012