

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 105  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 72

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY BIDDING THRESHOLDS.

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

Section 1. Amend § 314, Title 9 of the Delaware Code by making deletions as shown by strikethrough and additions as shown by underline as follows and redesignating accordingly:

§ 314. Award of contracts for public work or goods.

(a) No elected official of the county governing body shall vote for or consent to the doing of any work and labor for any county or county government, or vote for or consent to the furnishing, having or using by or for the account of any county or county government of any merchandise, tools, implements, machinery or materials whatsoever, where the cost in any particular case will probably exceed the ~~sum of \$50,000~~ contracting thresholds set forth by the State of Delaware's Contracting and Purchasing Advisory Council pursuant to § 6913(d)(4) of Title 29 or otherwise set forth by state law, whether the work, labor, merchandise, tools, implements, machinery or materials shall be required for new work or for repairs upon old work, unless and until the county government shall publicly invite sealed proposals for the doing of such work and furnishing of such merchandise, tools, implements, machinery and materials, and give the contract resulting therefrom and therefor to the lowest responsible bidder or bidders.

(b) Bids so obtained shall be opened publicly in the presence of bidders, or their representatives, who may desire to attend.

(c) The county government may require of such bidder or bidders security for the faithful performance of the contract.

(d) Notwithstanding this section or any other law, ~~the governments each county government of Kent County and New Castle County~~ may contract for engineering, legal or other professional services requiring special skills or training without requesting competitive bids and without awarding such contract to the lowest bidder.

(e) This section shall not apply to the purchase of printed matter for public libraries. Printed matter shall be defined, for purposes of this section, as materials typically made available to the public by public libraries and shall include, but not be limited to, books and magazines.

~~(f) Subsection (a) of this section shall not apply to the officials and government of Kent County which shall be subject only to those bid laws found at Chapter 69 of Title 29.~~

(g) Notwithstanding this section or any other law, ~~the each county government of New Castle County shall have~~ has the same power and authority with respect to sole source procurement, emergency needs, contract performance, multiple source contracting granted to the State ~~pursuant to~~ under Chapter 69 of Title 29.

Section 2. Amend § 7004, Title 9 of the Delaware Code by making deletions as shown by strikethrough and additions as shown by underline as follows:

§ 7004. Department of Finance.

(c) Functions. — The Department of Finance, headed by the Director of Finance, shall perform the following functions:

(17) Provide for the procurement of all materials, supplies, equipment, and contractual services, except that the Director of Finance, with the approval of the County Administrator, may designate other offices or departments to perform such portions of these functions as the Director of Finance may from time to time deem proper.

In the procurement of services or supplies, ~~supplies in excess of \$50,000 or as otherwise limited by the county government by ordinance,~~ the Director of Finance shall follow contracting thresholds set forth by the State of Delaware's Contracting and Purchasing Advisory Council pursuant to § 6913(d)(4) of Title 29 or otherwise set forth by state law. ~~award of~~

~~contracts may be made only after public advertisement of proposals for bids in at least 2 newspapers, 1 of which must have a general circulation in the County, for at least once a week for a period of not less than 2 weeks. For competitive sealed bidding, the~~ The Director of Finance shall follow the advertising and bid opening requirements of § 6923 (b) and (c) of Title 29, receive and publicly open all bids at the time advertised, tabulate them, determine the lowest and best responsible bidder, or reject all bids ~~if~~ If the Director of Finance deems it proper and necessary to protect the interest of the County, ~~and~~ the Director of Finance shall recommend to the County Administrator what future action should be taken should all bids be refused. The Director of Finance may require of such bidder or bidders security for the faithful performance of the contract.

Approved July 21, 2023