



SPONSOR: Rep. Dorsey Walker & Sen. Pinkney
Reps. Harris, Hilovsky, Lambert, S. Moore, D. Short,
Wilson-Anton

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

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:

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

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

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

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

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

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

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

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

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

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

30 § 7004. Department of Finance.

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

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

36 In the procurement of services or supplies, ~~supplies in excess of \$50,000 or as otherwise limited by the county~~
37 ~~government by ordinance, the Director of Finance shall follow contracting thresholds set forth by the State of Delaware's~~
38 Contracting and Purchasing Advisory Council pursuant to § 6913(d)(4) of Title 29 or otherwise set forth by state law.
39 ~~award of contracts may be made only after public advertisement of proposals for bids in at least 2 newspapers, 1 of which~~
40 ~~must have a general circulation in the County, for at least once a week for a period of not less than 2 weeks. For~~
41 competitive sealed bidding, the The Director of Finance shall follow the advertising and bid opening requirements of §
42 6923 (b) and (c) of Title 29. ~~receive and publicly open all bids at the time advertised, tabulate them, determine the lowest~~
43 ~~and best responsible bidder, or reject all bids if~~ If the Director of Finance deems it proper and necessary to protect the
44 interest of the County, ~~and~~ the Director of Finance shall recommend to the County Administrator what future action should
45 be taken should all bids be refused. The Director of Finance may require of such bidder or bidders security for the faithful
46 performance of the contract.

SYNOPSIS

This bill raises the public bidding thresholds for procurement of goods, contractual services, professional services and public works contracts by county governments to match the bidding thresholds set forth by the State of Delaware's Contracting and Purchasing Advisory Council or otherwise set forth by state law. Section 1 of this bill addresses the bidding thresholds set forth in 9 Del C. § 314. First, this bill removes subsection f, which exempted Kent County from subsection a, which will now apply to all counties. Second, this bill grants Sussex County the same power and authority with respect to sole source procurement, emergency needs, contract performance, multiple source contracting as granted to the State under Chapter 69 of Title 29, an authority already granted to the government of New Castle County and Kent County. Finally, this bill grants Sussex County the same power and authority as Kent County and New Castle County to grant contracts without requesting competitive bids and without awarding such contract to the lowest bidder when such contracts are for engineering, legal or other professional services requiring special skills or training. Section 2 of this bill modifies the procedure by which the Financial Officer of Sussex County may award public contracts and aligns it with the procurement procedure set forth in Section 1 of this bill.