

**TITLE 6
CONTRACTS AND PURCHASING**

ANNOTATED CODE OF MARYLAND REFERENCES

Written contracts for work to be done for counties — See Art. 25, § 29.
Interest of County Commissioners in contracts — See Art. 25, § 30.

Inapplicability of provisions concerning competitive bidding for county contracts to Calvert County — See Art. 25, § 3(1).

PUBLIC LOCAL LAW REFERENCES

County Treasurer — See Title 3.

Budget and finance — See Title 5.

**Subtitle 1
Contracts**

§ 6-101. Competitive bidding. [1985, ch. 715, § 2; 1989, ch. 69]

- (a) (1) Except as otherwise provided in this title, contracts for the purchase by the County of supplies or services involving \$30,000 or more shall be by formal bidding procedures and the contract shall be awarded at a regularly scheduled meeting of the Commissioners or by the official authorized to contract for the County to: **[Amended 1998, ch. 84; 2000, ch. 166; 2018, ch. 744]**
- (I) The lowest responsible bidder meeting specifications; or
- (II) For a request for proposals, the most responsible offeror.
- (2) For a revenue generating contract, the contract shall be awarded to the highest responsible bidder.
- (3) A contract may not be subdivided to avoid the requirements of this section.
- (b) The Commissioners or the official authorized to contract for the county shall invite proposals for all contracts subject to this section by publishing a notice in at least two county newspapers for two consecutive weeks. The notice shall state that in not less than three weeks the Commissioners or the official authorized to contract for the county will meet in public session to receive bids for the described purchase or contract, state the time and place of the meeting, and reserve the right to reject any and all bids. **[Amended 2000, ch. 166]**
- (c) In determining the “lowest responsible bidder,” in addition to considering price, the Commissioners or the official authorized to contract for the county shall consider:

- (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
 - (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - (4) The quality of performance of previous contracts or services;
 - (5) The previous and current compliance by the bidder with laws and ordinances relating to the contract or service;
 - (6) Whether the bidder is in arrears to the county on any debt or contract, is in default on any surety to the county, or is delinquent as to any taxes or assessments; and
 - (7) Any other information that may have a bearing on the decision to award the contract.
- (d) (1) (I) In this subsection the following words have the meanings indicated. **[Added 2018, Ch. 116²]**
- (II) "Nonresident bidder" means a bidder whose principal office is outside the County.
- (III) "Principal office" means the office, in or out of the state, where the principal executive office of a domestic or foreign corporation is located and that is designated in the annual report or application for authority to transact business in the state.
- (IV) "Resident bidder" means a bidder whose principal office is in the County.
- (2) The County shall give a preference to a resident bidder over a nonresident bidder that is equal to the preference given by the County or state in which the nonresident bidder has its principal office to bidders that have a principal office in that county or state.
 - (3) Notwithstanding Paragraph (2) of this subsection, any increase in the cost of a contract in which a preference is given under Paragraph (2) of this subsection may not exceed \$25,000.
- (e) If a contract is not awarded to the lowest bidder in price, the reasons for the decision shall be stated in the minutes of the meeting at which the contract is awarded.

§ 6-102. Exceptions to competitive bidding. [1985, ch. 715, § 2; 1989, ch. 69]

- (a) The following types of contracts may be awarded without complying with the bidding procedures otherwise required under this subtitle:

² Editor's Note: This chapter also redesignated former Subsection (d) as Subsection (e).

- (1) Purchases or contracts involving less than \$30,000; [**Amended 1998, ch. 84; 2018, ch. 744**]
 - (2) Purchases of supplies or services that are available only through one source;
 - (3) Contracts for professional services such as those of attorneys, physicians, architects, engineers, accountants, consultants, and others possessing a similar high degree of technical skill and expertise, provided that to the extent appropriate for the particular service to be provided, an attempt is made to secure competitive proposals for these services;
 - (4) Purchases or contracts made when the County Commissioners determine that an emergency exists, provided that the Commissioners publish an explanation of the circumstances deemed to constitute the emergency in at least two county newspapers for two weeks; [**Amended 2018, ch. 744**]
 - (5) Purchases based on federal, state, county, or municipal contracts that are established by a legal competitive process; and [**Amended 1997, ch. 402**]
 - (6) Purchases or contracts as provided for in Subsection (b) of this section. [**Added 2003, ch. 329**]
- (b) For purchases or contracts involving less than \$250,000 where the County is acting as the general contractor, the purchase or contract may be awarded after the County obtains quotes for the purchase or contract from at least three vendors or subcontractors. [**Added 2003, ch. 329**]

§ 6-103. Multiyear contracts. [1985, ch. 715, § 2; 2017, ch. 146, § 1, effective 10-1-2017; 2018, Ch. 744; 2020, Ch. 556; 2020, Ch. 486; 2021, Ch. 623, § 1, effective 10-1-2021]

- (a) When it is advantageous to the county to do so, the county may contract to purchase supplies or services for periods of more than one year if:
- (1) Funds for the total cost of the contract are available at the time the contract is executed; or
 - (2) Subject to Subsection (c) of this section, a contract requiring the payment of funds from appropriations of more than one fiscal year is approved by resolution of the Commissioners.
- (b) Notwithstanding Subsection (a) of this section, the County may enter into a contract for solid waste disposal that:
- (1) May include transportation;
 - (2) May require payment of funds from appropriations of the County or receipt of payment to the County; and

- (3) Is not for more than a twenty-year initial term.
- (c) A contract requiring the payment of funds from appropriations of more than one fiscal year, approved by resolution of the Commissioners, shall be awarded as: **[2022, ch. 104]**
 - (1) A one-year contract with the option to renew for not more than four one-year terms for a contract that is not governed by item (2) of this Subsection; or
 - (2) A multiyear contract for a period not to exceed 20 years, including the initial contract term and all options, if the contract is for:
 - (i) Banking and investment services;
 - (ii) Retirement and pension system management;
 - (iii) Health insurance; or
 - (iv) Information technology, including software and the provision of voice, data, and Internet services.
- (d) Notwithstanding Subsection (a) of this section, the county may enter into a contract for a cellular tower lease, including a cellular tower lease on a water tower, if the initial term of the lease is not more than 20 years.

§ 6-104. Contracts for sale of real property. [1985, ch. 715, § 2]

- (a) Notwithstanding any provisions of law to the contrary, the county may grant and convey any county interest in real property other than by formal bidding procedures if the Commissioners determine that it is in the best interest of the county to do so, provided that:
 - (1) The consideration for the transfer is not less than the highest of two independent appraisals, and
 - (2) The Commissioners set out on the record the reasons for their determination.
- (b) Before conveying any property interest under this section, the Commissioners shall publish a notice describing the property and the sale for at least two consecutive weeks in at least two county newspapers.

§ 6-105. [Added 2024, ch. 683]

- (a) (1) In this section the following words have the meanings indicated.
 - (2) “Nonresident business” means a business whose principal office is outside the county.

(3) “Principal office” means the office, in or out of the state, where the principal executive office of a domestic or foreign corporation is located and that is designated in the annual report or application for authority to transact business in the state.

(4) “Resident business” means a business whose principal office is in the county.

(b) (1) Notwithstanding § 6-101(d) of this title, the County Commissioners may enact an ordinance that gives a percentage preference under which a qualifying resident business that submits a responsive bid or offer that exceeds the lowest responsive bid or offer by a nonresident business by not more than a specified percentage may be awarded the contract.

(2) The County Commissioners shall comply with the provisions of §§ 9-105 and 9-106 of the Local Government Article of the Annotated Code of Maryland when enacting an ordinance in accordance with this section.

**TITLE 7
(RESERVED FOR FUTURE LEGISLATION)**

**TITLE 8
(RESERVED FOR FUTURE LEGISLATION)**

**TITLE 9
BOARDS AND COMMISSIONS**

ANNOTATED CODE OF MARYLAND REFERENCES

Authority of County Commissioners to provide for adoption of electrical code by ordinance — See Art. 25, § 3(t)(5).

Authority of County Commissioners to provide for adoption of plumbing code — See Art. 25, § 3(t-1).

Licensing of plumbers — See Business Occupations and Professions Article, 12-301 et seq.

Guarantee of loans to volunteer fire departments in Calvert County — See Art. 25, § 3(gg).

PUBLIC LOCAL LAW REFERENCES

County Commissioners generally — see Title 2.
Industrial Park Authority — See §§ 11-201 to 11-209.

Business regulation — See Title 10.

Retirement for volunteer fireman and rescue squadsman — See §§ 14-101 to 14-105.