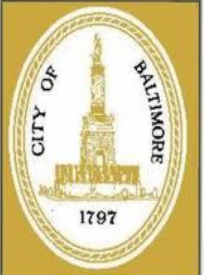


FROM	NAME & TITLE	Jason W. Mitchell, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 21-0068		

June 17, 2021

TO:

Public Safety and Government Operations Committee

I am herein reporting on City Council Bill 21-0068 introduced by President Mosby and Council Members Middleton, Ramos, Bullock, Stokes, Torrence, McCray, Porter, Glover, and Burnett.

The purpose of the Bill is to permit the City Purchasing Agent to waive minor irregularities in bids; permit a bidder to cure mistakes in a bid under certain conditions and to withdraw a bid under certain conditions; define certain terms; require the City Purchasing Agent to prepare a determination showing the relief that was granted or denied regarding a bid’s correction or withdrawal; and clarify the duties of the City Purchasing Agent notwithstanding this subtitle.

Article VII § 17 of the Baltimore City Charter delegates to the Department of Finance the responsibility for creating and managing a centralized system of procurement for all agencies to use. Finance is directed to procure, by purchase, lease or other acquisition all materials, supplies, equipment, and all services, through a competitive bid process. This purchasing process does not apply to public works done under contract, to records and briefs printed for the Department of Law, or to professional services.¹ The Board of Estimates is responsible for awarding contracts and supervising all purchasing by the City. Formal advertisement is required for supplies, materials, equipment, or services other than professional services. All purchases of services other than professional services are to be submitted to the Board for approval, and all professional services for the City are to be engaged in the manner prescribed by resolution of the Board.

¹ The Board of Estimates determines whether a proposed procurement is for public works, materials, supplies, equipment, services, or professional services. Article VI § 11 of the Charter details the procurement process to be taken by the Board of Estimates.

The Honorable President and Members
of the Baltimore City Council
June 17, 2021
Page 2

City Council Bill 21-0068, if approved, would permit the City Purchasing Agent (or designee) to waive a minor irregularity or inconsequential defect in a bid if it would not be prejudicial to other bidders and is advantageous to the City, or to allow the bidder to cure the deficiency. Mistakes discovered prior to bid openings could be corrected or withdrawn by the bidder with either written or electronic notice to the Purchasing Agent. Mistakes discovered during the open bidding period could be corrected or withdrawn by the bidder when the Purchasing Agent knows that an error has been made or the bid is unreasonably lower than other bids; the City Solicitor (or designee) has provided written approval to correct or withdraw a low bid with proof of error; or the City Solicitor (or designee) provides written approval or dissent within one business day of notification of a bidder's mistake. Mistakes discovered after award of contract may be corrected if the Purchasing Agent determines it would be unconscionable not to correct the mistake and submits the determination to the City Solicitor in writing, and the City Solicitor approves the corrections in writing.

Mayor Scott is committed to and has instituted a comprehensive reassessment of the City's procurement policies and practices, which is managed by a steering committee made up of the City Administrator, Director of Finance, and the Director of Information Technology. This Department is looking forward to the findings and recommendations that will result from this reassessment, and would prefer that any proposed changes to procurement processes wait for those results.

The Department of Public Works defers to the Departments of Law and Finance on the provisions specified in City Council Bill 21-0068.



Jason W. Mitchell
Acting Director

JWM/MMC

