

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 26-0190

Introduced by: The Council President

Cosponsored by: Councilmembers Parker, Dorsey, Gray, Bullock, Porter, Blanchard, Jones, and Ramos

At the request of: Charter Review Special Committee

Introduced and read first time: May 11, 2026

Assigned to: Charter Review Special Committee

Committee Report: Favorable

Council action: Adopted

Read second time: June 8, 2026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Procurement Reform

FOR the purpose of repealing the requirement for the Board of Estimates to make a bid award to the lowest responsive and responsible bidder; setting a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to repeal
Article VI - Board of Estimates
Section ~~1(h)(i)(ii)~~ 11(h)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the City Charter is proposed to be amended to read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

RULE 12-2 ** THIRD READER
PREPARED AND REVIEWED
DEPARTMENT OF LEGISLATIVE REFERENCE

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Baltimore City Charter

Article VI. Board of Estimates

§ 11. Procurement.

~~(h) Bid awards.~~

~~(1) — (i)~~

[(h) Bid awards.]

[(1) (i) All bids made to the City in response to the formal advertising procedures contained in this section, for materials, supplies, equipment, services, or public works, or for any other purpose, unless otherwise provided in the Charter, shall be opened by the Board of Estimates.]

[(ii) After opening the bids, the Board of Estimates shall award the contract, as an entirety to the lowest responsive and responsible bidder or by items to the respective lowest responsive and responsible bidders, or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder, or shall reject all bids. However, whenever alternative bids are invited for two or more different things, then, after all bids have been opened, the Board may select the particular item that will be procured, and shall award the contract to the lowest responsive and responsible bidder or in the case of Requests for Proposals to the highest scoring responsive and responsible bidder for that particular item.]

[(iii) In the event of tie bids, the using agency, with written notice to the Department of Finance, shall make a written recommendation and report to the Board of Estimates setting forth all pertinent considerations and the reasons for its recommendation. The Board, after also considering the recommendation of the Department of Finance, may then award the contract in its discretion, as long as the total cost to the City does not exceed the amount of the tie bid.]

[(iv) Once filed, bids are irrevocable.]

[(v) Any recommendation that is made by any municipal agency to the Board of Estimates as to the appropriate award to be made by the Board is advisory only and not binding on the Board.]

[(vi) Notwithstanding the competitive bid provisions of this Charter, the Board of Estimates may adopt rules and regulations that establish uniform procedures for providing, on a neighborhood service, neighborhood public work, or neighborhood public improvement contract, limited bid preferences to responsive and responsible bidders who are residents of, or have their principal places of business in, that neighborhood.]

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1 [(2) (i) All bids for construction contracts let for the Department of Public Works, the
2 Department of General Services, and the Department of Transportation and any
3 other contracts for public works shall be accompanied by a check or bid bond. For
4 all other contracts, the Director of Finance shall implement policies and procedures
5 to determine whether a bid bond is required for a contract, the term and face value
6 of the bond, and the manner in which the bond shall be provided and refunded.]

7 [(ii) Except as otherwise provided in this paragraph (2), the check shall be a certified
8 check of the bidder, a bank cashier's check, or a bank treasurer's check, drawn on a
9 clearing house bank. The check shall be in an amount provided by ordinance, by the
10 bid specifications, or by an order or regulation of the using agency. In the case of
11 bid checks of \$5,000 or less, the check may be of any type drawn on any banking
12 institution of the United States.]

13 [(iii) The bid bond shall be in the form and amount provided by the rules and
14 regulations of the Board of Estimates, and shall be filed by the bidder with the
15 Department of Finance.]

16 [(3)(i) The successful bidder promptly shall execute a formal contract, to be approved as
17 to its form, terms, and conditions by the City Solicitor.]

18 [(ii) For all construction contracts let for the Department of Public Works, the
19 Department of General Services, and the Department of Transportation and any
20 other contracts for public works , the bidder shall execute and deliver to the
21 Mayor a good and sufficient performance bond, irrevocable letter of credit, or
22 certification that the successful bidder meets the requirements under the City's
23 self-insurance program for performance coverage. For all other contracts, the
24 Director of Finance shall implement policies and procedures to determine whether
25 a performance bond is required for a contract, the term and face value of the bond,
26 and the manner in which the bond shall be provided.]

27 [(iii) The bond, letter of credit, or certification shall be:]

28 [1. in an amount equal to the full contract price; or]

29 [2. for each year in a multi-year contract (other than a construction
30 contract), in an amount equal to the estimated contract price for that year, as
31 determined by the Director of Finance.]

32 [(iv) Any successful bidder who fails to execute promptly and properly the required
33 contract, performance bond, irrevocable letter of credit, or certification, as
34 applicable, shall forfeit the amount deposited, or an equivalent amount under the
35 bid bond. This amount shall be taken and considered as liquidated damages and
36 not as penalty for the bidder's failure.]

37 [(4) When the successful bidder executes the contract and, if required, the
38 performance bond, the bid checks shall be returned to all bidders or the equivalent
39 amounts charged against their bid bond shall be released. If the City has deposited bid
40 checks, the City shall reimburse these bidders in the amounts of the bid checks.]

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1 [(5) If a bidder is not required to file a bid bond under the policies and procedures
2 adopted by the Director of Finance and the bidder fails to execute and perform any
3 contract awarded to that bidder, the exempted bidder shall forfeit the right to bid on
4 any future City contract for a period of time determined by the Board of Estimates,
5 and shall be liable for any costs incurred by the City as a result of the default.]

6 **SECTION 2. AND BE IT FURTHER RESOLVED,** That the provisions repealed by this Resolution
7 shall, upon approval by the legal and qualified voters of Baltimore City, become fully effective
8 upon the date of the next General Election conducted in Baltimore City or upon passage of an
9 ordinance or promulgation of a regulation governing the subject matter of the repealed provision,
10 whichever is sooner. To the extent of any inconsistency or conflict between such ordinance or
11 regulation and the repealed provision, the ordinance shall prevail.

12 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
13 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
14 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
15 City Solicitor.

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Certified as duly passed this _____ day of _____, 20____

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City