

TOWN OF WEST Tisbury - BY-LAWS ADOPTED AT TOWN MEETINGS

COMPETITIVE BIDDING BY-LAW

ATM 16th May 1978 - Book 4 p. 293

(This by-law does not supercede relevant provisions of the Massachusetts General Laws namely, Chapter 40 Section 4B and Chapter 149 Section 44A-L))

Section 1. No contract shall be awarded for any construction work, whether for repairs or original construction or for the purchase or lease of apparatus, supplies, materials or services, other than professional services, the estimated cost of which is \$2,000.00 or more, unless competitive bids for such contract or purchase or lease have been obtained first.

Section 2. This provision shall be strictly construed to apply to all contracts in which the Town is a party except the following:

a. Where in case of emergency prompt action is required for the preservation of life or the protection of property,

b. Where, by reason of patent rights or copyrights, fair competition cannot be obtained for example, research and survey materials,

c. Where, by reason of actual or natural monopoly, fair and reasonable competition cannot be obtained, for example, telephone service and utilities.

Section 3. If a contract or purchase is made without competitive bids under the exceptions allowed in Section 2., such contract or purchase or lease order shall have attached to it prior to payment a certificate by the officer, board or committee authorizing the same and setting forth the reasons why competitive bids were not obtained. All bids submitted, plans and specifications setting forth the reasons why competitive bids were not invited and contracts shall be kept on file at least three years with the Town Accountant and shall be open to public inspection at reasonable times.

Section 4. Nobid shall be so divided as to bring the amount below \$2,000.00 for the purpose of avoiding the provisions of this Article.

Section 5. Competitive bids shall be invited as follows:

a. Competitive bids shall be invited by advertisement in two weekly newspapers serving the county of Dukes County at least ten days before the time advertised for the opening of bids. Notices inviting public bids shall be posted in the Town Hall in a prominent place.

b. Wherever practicable, in all cases of competitive bids, letters of invitation to bid shall be sent

to a significant number of vendors and contractors or other qualified person to insure fair competition. All such letters shall be mailed simultaneously.

c. Every advertisement and invitation to bid shall state the time and place where plans and specifications of proposed work or materials, supplies or equipment may be obtained and the time and place at which bids will be opened.

All bids shall be opened and awarded at a public meeting by the board or committee responsible for administering the contract.

d. In the case of purchase or leases and contracts for construction and public works, all invitations and advertisements shall reserve to the Town the right to reject any and all bids.

Section 6. Every contract for construction work, whether for alteration, repairs or original construction, the estimated cost of which exceeds \$2,000.00, shall be accompanied by a suitable bond for the performance of same, or by a deposit of money or security to the amount of such bond.

Approved by the Attorney General 16 August 1978

AMENDED: ATM 19 MAY 1981 - Book 4. page 395

To see if the Town will vote to amend the Town's Competitive Bidding By-Law adopted in May 1978 by deleting the figure of \$2,000.00 in Section I and IV and inserting the figure of \$4,000.00 in its place.

Approved by the Attorney General August 1981

AMENDED: ATM 15 May 1990 - Book 5. page 783

To see if the Town will vote to amend the Town's Competitive Bidding By-Law adopted in 1978 and amended in 1981 by deleting the figure of \$4,000.00 in Section I and IV and inserting the figure of \$10,000.00 in its place to comply with Chapter 30B of the MGL.

Approved by the Attorney General 13th August 1990

ARTICLE 15: To see if the Town will vote to rescind the Town Bylaw "Competitive Bidding" voted at the Annual Town Meeting May 16, 1978, amended ATM May 19, 1981, further amended ATM May 15, 1990. This bylaw was passed prior to the State enacting the Procurement Act, which regulates purchasing. (RECOMMENDED 4-0)

PASSED

Approved by the Attorney General - May 10, 2007 Book 9, ATM April 10/2007.