

Mr. G. V. Walters, Highways Engineer
Department of Public Works

(continued)

the Highways Engineer that an emergency exists. The agreement further makes provision for the payment to the contractor of the sum of \$10.00 per truck per hour for the "stand-by" time; the payment to the contractor of \$17.00 per truck per hour, including equipment, for the plowing phase of the snow operations, and the payment of various sums for the use of gradalls, motors, etc. per hour in connection with the snow removal phase of the work.

It is understood that there are now a number of contractors located within the Baltimore metropolitan area who are in a position to perform the work contemplated by the proposed agreement and who may be interested in performing all or part of the work.

The particular question involved appears to be whether or not the City has the legal authority to enter into the proposed contract without first advertising for bids as provided in Sections 37 and 38 of the Baltimore City Charter.

The Charter and Public-Local Laws of Baltimore City (Flack 1949 Edition), Section 37(a) and Section 38, in part, provide:

"Sec. 37(a) In contracting for any public work * * * involving an expenditure of two thousand dollars or more for the City or any municipal agency, unless otherwise provided for in the Charter, advertisements for proposals for the same shall be first published at least twice in two or more daily newspapers published in Baltimore City, the first publication to be made not less than ten nor more than twenty days prior to the day set for opening bids; and the contract for doing said work * * * shall be awarded by the Board of Estimates as provided in Section 38.

"Sec. 38 All bids made to the City for supplies or work for any purpose whatever, unless otherwise provided in the Charter, shall be opened by the Board of Estimates, and said Board after opening said bids, shall award the contract as an entirety to the lowest responsible bidder or by items to the respective lowest responsible bidders * * *. The successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by the City Solicitor * * *."