

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

(continued)

In determining that Section 37 of the City Charter was inapplicable, it was stated:

"We are of the opinion that Section 37 of the City Charter does not in practice require that competitive bidding be asked on the work as outlined in the Sewerage Engineer's letter, and especially where an emergency exists. We are further of the opinion that in such cases the Board of Estimates would have the authority under the Charter to protect the people of the City of Baltimore by authorizing the department head to proceed with such work when the life, health and/or property of such citizens are immediately concerned."  
(Emphasis Supplied)

The question of the applicability of Section 37 of the Baltimore City Charter again was determined in the situation involving the razing of properties which constituted a menace to the health or safety of the public. In the Opinions of the City Solicitor, Vol. 35, p. 137, it was held that competitive bidding was not required in view of the emergency nature of the work to be done and that competitive bidding was inapplicable, inappropriate and impossible.

In considering whether or not competitive bidding is needed in connection with alleged emergency situations, McQuillin on Municipal Corporations (3rd Ed.) Vol. 10, Chapter 29, Section 29.38, at p. 285 states:

" \* \* \*. However, an emergency which will warrant dispensing with advertising for competitive bids must be present, immediate and existing, and not a condition which may or may not arise in the future or one that is about to arise, or a condition which reasonably may be foreseen in time to advertise for bids. The officers of a municipality cannot defeat the provisions of a statute requiring competitive bidding by declaring an emergency where none exists."

In the instant case it is plain that the work contemplated to be performed is not of a professional, specialized or monopolistic nature; that there are a number of persons available in the Baltimore metropolitan area who are in a position to, and who