



NEW CASTLE COUNTY COUNCIL ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

October 24, 2023
4:00 PM

VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call To Order/Roll Call

B. Approval of Minutes - October 10, 2023

C. Review/Discussion of Resolution(s)

R23-184: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2 REGARDING ORIGINATION OF PROPOSED LEGISLATION Introduced by: Ms. Durham, Ms. George

D. Review/Discussion of Ordinance(s)

°23-137: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Toole

°23-138: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233 IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-139: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°23-140: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-141: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 303 ("PURCHASING OF CONTRACT CONSTRUCTION") AND SECTION 502 ("PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES") Introduced by: Mr. Smiley, Mr. Cartier

E. New Castle County Grant Requests/Community Events

-10/24/23 Grant Matrix

F. Expense and Revenue Round Table

G. Other

-Council Office Renovations

H. Public Comment

I. Adjournment

AGENDA POSTED: Tuesday, October 17, 2023

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Introduced by: Ms. Durham, Ms. George
Date of introduction: October 24, 2023

RESOLUTION NO. 23-184

TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2 REGARDING ORIGINATION OF PROPOSED LEGISLATION

WHEREAS, from time to time, it becomes necessary to update or revise New Castle County Council's Procedural Rules to provide clarity and/or efficiency, in this case regarding the origin of proposed legislation; and

WHEREAS, Other legislative bodies identify the authors or origin of ordinances and resolutions on the face of their proposed legislation, often in the caption or in the bottom margin of the legislation; and

WHEREAS, it is in the best interests of County Council that Council's Procedural Rule 2 be amended as identified below.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby amends New Castle County Council Procedural Rule No. 2 by adding the material that is underscored and deleting the material that is struck through, as follows.

RULE NO. 2. ORDINANCES AND RESOLUTIONS (collectively, "LEGISLATION").

2.1. In General...

2.2 Content of Legislation...

2.2.1. Caption. The caption shall identify, by name, the prime sponsor(s) of the proposed legislation on the first line, followed by any co-sponsors on subsequent line(s). In addition, the caption shall identify the originator or source of the legislation, if other than the prime sponsor(s). Without limitation, the following provide examples of conformity with the above: "Introduced by: The President of Council at the request of the County Executive," and "Introduced by: The Chairperson at the request of the County Executive."

~~2.2.1~~ 2.2.2. Title...

~~2.2.2.~~ 2.2.3. Whereas clauses...

~~2.2.3.~~ 2.2.4. Enacting clause...

~~2.2.4.~~ 2.2.5. Body...

~~2.2.5.~~ 2.2.6. Effective date...

~~2.2.6.~~ 2.2.7. Synopsis...

~~2.2.7.~~ 2.2.8. Fiscal note...

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: The proposed revisions require that, in addition to the sponsors of legislation being identified in the caption, the source or originator of the proposed legislation also be identified, where different than the sponsor.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

ORDINANCE NO. 23-137

**TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS
WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS
SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX
BASED ON THE COST OF STREET LIGHTS**

WHEREAS, a petition has been filed with the Clerk of New Castle County Council for the establishment of a street light tax district in the **GARRETT WOODS SUBDIVISION** and for the installation of Granville with Ribs street lights with 100 watt light emitting diode (LED) bulbs, therein.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The County Executive is hereby authorized to execute a contract, in accordance with 9 *Del. C.* Chapter 21, to provide GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs, according to the standards established by the New Castle County Department of Land Use, to be erected along THOMAS GARRETT DR., REUSCH CIR., HARRIET TUBMAN LA., ARIANNA CT. and REGINALD JACKSON LA. as set forth in the petition.

Section 2. The properties set forth in the petition shall be subject to an annual tax based upon the full annual cost of the street lighting in an amount to be provided for in the Annual Revenue Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance approves the installation of GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs in the GARRETT WOODS SUBDIVISION.

FISCAL NOTE: This Ordinance provides for the installation of GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these GARRETT WOODS SUBDIVISION properties set forth in the petition filed with the Clerk of County Council will be billed in conjunction with the annual property tax billing. The increased expenditure to the County resulting from the installation and maintenance will be offset by the increased revenues realized from the light tax assessment.



OFFICE OF FINANCE

BUILDERS PETITION FOR STREET LIGHTING

STATE OF DELAWARE :

SS :

NEW CASTLE COUNTY :

TO: The Honorable President and Members of County Council of New Castle County, Delaware

BE IT KNOWN, that on this 11th Day of September, A.D. 2023 __ personally
appeared before me, the undersigned Notary Public, Paulette Baker

of the State of Delaware, known to me as such, and being first duly sworn by me according to law, stated and
said as follows:

1. Barry J. Baker holds
record title to Garrett Woods, LLC

a subdivision located in Newark Delaware, New Castle County,
Delaware, the metes and bounds for which are set forth in the Deed dated
19th of July 2023, between David M
Cantara and Matthew G. Jackson

as grantors, and Garrett Woods, LLC

as grantee, recorded in the
Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument
Number 20230719-0047492 and 20230719-00474496, a
copy of which is attached hereto and made a part hereof as EXHIBIT A. A substantially reduced copy of the
record subdivision plan for the portion of the lands known as Garrett Woods

New Castle County, Delaware, being known as Subdivision Instrument No. 20220323-0033210,
is attached hereto and made a part hereof as EXHIBIT B.

2. Barry J. Baker
as sole owner of _____ an
unincorporated community in Newark Delaware, New Castle County,
Delaware, hereby petitions New Castle County pursuant to 9 Del. C. 2101, et seq. (Rev. 1974) to enter into a
contract for the purpose of providing light for the streets running through and within _____
_____, the boundary lines of which are set forth on EXHIBIT A
attached hereto and made part hereof, and more visually represented in EXHIBIT B attached hereto and made
part hereof.

3. The type of street lights being requested are Granville with Ribs with 100 watt LED
bulbs

4. List names of all streets you wish to have lights installed on Streets:
Thomas Garrett Drive, Reusch Circle, Harriet Tubman Lane, Arianna Court, Reginald Jackson
Lane

BY

Barry J. Baker

BY

SWORN TO AND SUBSCRIBED before me the day and year
aforesaid.

Notary Public

Paulette Baker



ORDINANCE NO. 23-138

**AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233
IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT
OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE
DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN
CAPITAL PROJECT**

WHEREAS, the Department of Public Works has received documentation certifying that the United States Department of the Interior, United States Fish and Wildlife Service has appropriated \$230,233 to New Castle County from the National Fish and Wildlife Foundation; and

WHEREAS, this funding will be used for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management; and

WHEREAS, this includes invasive plant control on mature forest, conversion of some turfgrass lawn to forest and enhancement of wetland and riparian forest; and

WHEREAS, this award is provided on the condition that these funds will be matched by \$230,000 in matching contributions; and

WHEREAS, the match will be provided by \$100,000 from the State of Delaware Department of Natural Resources and Environmental Control (DNREC), \$10,000 from Sarver Ecological via in-kind volunteer services, \$100,000 from New Castle County with funds already authorized within the Water Quality Improvement Plan Capital Project and \$20,000 in New Castle County staff time.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material that is stricken and adding the material that is underscored on the attached Exhibit "A."

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by adding the material on the attached Exhibit "B," which shall be considered underscored in its entirety.

Section 3. State funding in the amount of \$230,233 is appropriated to the Department of Public Works, Water Quality Improvement Plan Capital Project for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$230,233 in funding received from the United States Department of the Interior, United State Fish and Wildlife Service from the National Fish and Wildlife Foundation to the Water Quality Improvement Plan Capital Project for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating \$230,233 in funding received from the United States Department of the Interior, United State Fish and Wildlife Service from the National Fish and Wildlife Foundation to the Water Quality Improvement Plan Capital Project.

The revised FY2024 Capital Budget amount for the Water Quality Improvement Plan Capital Project will be \$230,233.

The revised FY2024 New Castle County Capital Budget grand total will be \$75,908,396.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-138

DEPARTMENT OF ADMINISTRATION

Land Use Information System	\$ 3,000,000
Subtotal	\$ 3,000,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	\$ 500,000
Executive SF Capital Contingency	250,000
Subtotal	\$ 750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln	\$ 85,000
Appoquinimink Library	\$ 7,000
Newark Library	\$ 19,200,000
Surratte Pool Renovations	125,000
Subtotal	\$ 19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment	\$ 950,000
Cardiac Monitor 2023	\$ 945,148
Communications Upgrade	550,000
Public Safety Equipment	91,000
Public Safety Vest Protection Program	201,840
Subtotal	\$ 2,737,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021	\$ 3,000,000
Electric Vehicle Infrastructure	1,800,000
Fleet Equipment 2021	(3,340)
Fleet Equipment 2022	(1,000,000)
Fleet Equipment 2024	6,179,272
General Roof Renovations	1,250,000
Government Center Electrical Upgrade	600,000
HVAC Replacement	2,400,000
Public Safety Parking Lot Lighting	300,000
Subtotal	\$ 14,525,932

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-138

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$	1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Carousel Park		276,120
Delcastle Park Improvements		1,100,000
Game Court Improvements 2021		100,000
General Parkland Improvements 2021		100,000
General Parkland Improvements 2024-2025		2,250,000
Historic Structure Rehabilitation		3,000,000
Middle Run Valley Reforestation		300,000
Open Space Preservation		1,000,000
Park Bridge Replacements		300,000
Pavilion Renovations		100,000
Play Area Improvements 2024-2025		2,000,000
Rockwood Park		1,800,000
Weiss Park Improvements		700,000
Subtotal	\$	17,026,120

Sewer/Stormwater

Asset Management	\$	100,000
Backwater Valve Improvement		50,000
Christina River Force Main		4,400,000
Countywide Drainage		500,000
DelDOT Coordination Project 2021		2,000,000
Edgemoor System Rehabilitation		600,000
General Sewer Improvements		750,000
General Stormwater Improvements		358,954
North Delaware Interceptor System		650,000
Pump Station Rehabilitation 2024-2025		2,000,000
Sewer Fleet Equipment 2022		(650,000)
Sewer Fleet Equipment 2024		2,162,169
Sewer Repairs and Rehabilitation 2024-2025		1,000,000
Stoney Creek Basin		500,000
Stormwater Basin Renovation		725,000
Terminal Avenue System Rehabilitation		275,000
<u>Water Quality Improvement Plan</u>		230,233
White Clay System Rehabilitation		2,800,000
Subtotal	18,221,123	\$ 18,451,356

CAPITAL BUDGET TOTAL

75,678,163	\$ 75,908,396
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EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): Water Quality Improvement Plan (C301903)					
Description: Develop and implement the Water Quality Improvement Plans (WQIP's).				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 3,004,900	\$ -	\$ 997,000	\$ 7,500	\$ 4,009,400
FY2024	-		-	-	
	-	230,233	-	-	230,233
FY2025	-	-	-	-	-
FY2026	1,000,000	-	-	-	1,000,000
FY2027	1,000,000	-	-	-	1,000,000
FY2028	1,000,000	-	-	-	1,000,000
FY2029	1,000,000	-	-	-	1,000,000
Future Years	2,000,000	-	-	-	2,000,000
Total	\$ 9,004,900	\$	\$ 997,000	\$ 7,500	\$ 10,009,400
		\$ 230,233			<u>\$ 10,239,633</u>
Available Authorizations:		\$ 3,612,300			
Available Funding:		\$ 381,885			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2023, net of obligations.

FY2024 Activity:

Construction of WQIP projects (Woodland Run), required by NPDES permit. Phase one of multiphase restoration for Banning Regional Park.

Future Activity:

Construction of WQIP projects, required by NPDES permit, including Dragon Run in coordination with DelDOT.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-139

**AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS
FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE
AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION,
RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT**

WHEREAS, this legislation will amend the FY2024 Capital Budget by appropriating \$129,000 in funds received from the Recorder of Deeds Technology Fee Account to the Department of Administration, Recorder of Deeds HOA Portal Capital Project; and

WHEREAS, funding in the amount of \$79,000 will be used for the migration of the TrakRecord Services software for the Office of the Recorder of Deeds to Software as a service (SaaS) and \$50,000 will be used for the cost of hosting services.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material that is stricken and adding the material that is underscored on the attached Exhibit "A."

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit "B."

Section 3. Funding in the amount of \$129,000 from the Recorder of Deeds Technology Fee Account is appropriated to the Department of Administration, Recorder of Deeds HOA Portal Capital Project, for move current TrackRecords Software to Cloud managed hosting service.

Section 5. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate funds from the Recorder of Deeds Technology Fee Account in the amount of \$129,000 to the Department of Administration, Recorder of Deeds HOA Portal Capital Project for the migration of the TrakRecord Services software for the Office of the Recorder of Deeds to Software as a service (SaaS) and for the cost of hosting services.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating funds from the Recorder of Deeds Technology Fee Account in the amount of \$129,000 to the Department of Administration, Recorder of Deeds HOA Portal Capital Project.

The revised FY2024 Capital Budget amount for the Recorder of Deeds HOA Portal Capital Project will be \$129,000.

The revised FY2024 New Castle County Capital Budget grand total will be \$75,807,163.

The balance in the Recorder of Deeds Technology Fee Account as of September 27, 2023 is \$347,825.68. The revised balance after this appropriation of funding will be \$218,825.68.

The appropriation of funding from the Recorder of Deeds Technology Fee Escrow Account is within the adopted Key Financial Policies.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-139

DEPARTMENT OF ADMINISTRATION

Land Use Information System		\$	3,000,000
<u>Recorder of Deeds HOA Portal</u>	<u> </u>		<u>129,000</u>
Subtotal	<u>3,000,000</u>	\$	<u>3,129,000</u>

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency		\$	500,000
Executive SF Capital Contingency			<u>250,000</u>
Subtotal		\$	750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln		\$	85,000
Appoquinimink Library		\$	7,000
Newark Library		\$	19,200,000
Surratte Pool Renovations			<u>125,000</u>
Subtotal		\$	19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment		\$	950,000
Cardiac Monitor 2023		\$	945,148
Communications Upgrade			550,000
Public Safety Equipment			91,000
Public Safety Vest Protection Program			<u>201,840</u>
Subtotal		\$	2,737,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021		\$	3,000,000
Electric Vehicle Infrastructure			1,800,000
Fleet Equipment 2021			(3,340)
Fleet Equipment 2022			(1,000,000)
Fleet Equipment 2024			6,179,272
General Roof Renovations			1,250,000
Government Center Electrical Upgrade			600,000
HVAC Replacement			2,400,000
Public Safety Parking Lot Lighting			<u>300,000</u>
Subtotal		\$	14,525,932

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-139

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,500,000
Banning Park Improvements	500,000
Bechtel Park Improvements	2,000,000
Carousel Park	276,120
Delcastle Park Improvements	1,100,000
Game Court Improvements 2021	100,000
General Parkland Improvements 2021	100,000
General Parkland Improvements 2024-2025	2,250,000
Historic Structure Rehabilitation	3,000,000
Middle Run Valley Reforestation	300,000
Open Space Preservation	1,000,000
Park Bridge Replacements	300,000
Pavilion Renovations	100,000
Play Area Improvements 2024-2025	2,000,000
Rockwood Park	1,800,000
Weiss Park Improvements	700,000
Subtotal	\$ 17,026,120

Sewer/Stormwater

Asset Management	\$ 100,000
Backwater Valve Improvement	50,000
Christina River Force Main	4,400,000
Countywide Drainage	500,000
DelDOT Coordination Project 2021	2,000,000
Edgemoor System Rehabilitation	600,000
General Sewer Improvements	750,000
General Stormwater Improvements	358,954
North Delaware Interceptor System	650,000
Pump Station Rehabilitation 2024-2025	2,000,000
Sewer Fleet Equipment 2022	(650,000)
Sewer Fleet Equipment 2024	2,162,169
Sewer Repairs and Rehabilitation 2024-2025	1,000,000
Stoney Creek Basin	500,000
Stormwater Basin Renovation	725,000
Terminal Avenue System Rehabilitation	275,000
White Clay System Rehabilitation	2,800,000
Subtotal	\$ 18,221,123

CAPITAL BUDGET TOTAL

	75,678,163	\$ 75,807,163
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EXHIBIT B**PROJECT PROFILES
ADMINISTRATION (continued)**

Project Name (Number): Recorder of Deeds HOA Portal (C122202)					
Description: Purchase and configure a new system for the Recorder of Deeds Homeowners Association portal.				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ 81,500	\$ 81,500
FY2024	-	-	-		
	-		-	129,000	129,000
FY2025	-	-	-	-	-
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ 81,500	\$ 81,500
				\$ 210,500	\$ 210,500
Available Authorizations:		\$ -			
Available Funding:		\$ -			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2023, net of obligations.

FY2024 Activity:

Complete the development of the New Castle County HOA Portal Search Website. Migraation of the TrakRecord Services software to Software as a service (SaaS).

Future Activity:

Sunset project as of July 1, 2024.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-140

**AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN
FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT
WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF
ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES
BUDGET LINE ITEM**

WHEREAS, this legislation will amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item; and

WHEREAS, these funds will be used for the purpose of modifying the image cash letter for acceptance by our new banking institution; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit "A."

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023 and shall be effective retroactively as though incorporated initially in the Annual Operating Budget Ordinance.

Section 3. The provisions in this Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item for the purpose of modifying the image cash letter for acceptance by our new banking institution.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item.

The revised FY2024 Approved Operating Budget will be \$332,743,358. There will be no fiscal impact to FY2025 and FY2026.

The balance in the New Castle County Technology Fee Account within the Office of the Recorder of Deeds as of September 27, 2023 is \$359,938.25. The revised balance in the Recorder of Deeds Technology Fee Account after this appropriation of funding will be \$351,938.25.

COUNTY COUNCIL

Salaries and Wages		\$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			71,004
Communication and Utilities			17,849
Materials and Supplies			60,926
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges			431,482
Operating Transfer Charges			161,959
Total		\$	4,855,223
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			15,698
Materials and Supplies			22,236
Contractual Services			148,565
Equipment			1,000
Grants and Fixed Charges			743,000
Contingency			55,000
Operating Transfer Charges			82,016
Total		\$	3,922,521
Total Authorized Full-Time Positions	15		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,223,612
Benefits			8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,308,491
Materials and Supplies			158,147
Contractual Services	6,762,985		<u>6,770,985</u>
Equipment			392,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total	<u>26,379,623</u>	\$	<u>26,387,623</u>
Total Authorized Full-Time Positions	167		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,594,391
Benefits		14,346,471
Training and Civic Affairs		42,945
Communication and Utilities		24,785,917
Materials and Supplies		4,523,681
Contractual Services		10,366,975
Equipment		484,333
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,843,006
Operating Transfer Credits		(7,438,785)
Total	\$	77,777,691
Total Authorized Full-Time Positions		384

DEPARTMENT OF LAND USE

Salaries and Wages	\$	8,375,178
Benefits		4,899,879
Training and Civic Affairs		68,665
Communication and Utilities		111,017
Materials and Supplies		113,127
Contractual Services		1,541,973
Equipment		55,175
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,136,835
Operating Transfer Credits		(803,217)
Total	\$	15,555,132
Total Authorized Full-Time Positions		118

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,754,322
Benefits		5,318,947
Training and Civic Affairs		20,232
Communication and Utilities		949,832
Materials and Supplies		1,383,163
Contractual Services		2,335,462
Equipment		19,900
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,231,237
Operating Transfer Credits		(190,829)
Total	\$	25,932,415
Total Authorized Full-Time Positions		160

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	\$	67,200,807
Benefits		39,140,036
Training and Civic Affairs		178,869
Communication and Utilities		1,010,888
Materials and Supplies		1,040,811
Contractual Services		2,195,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	\$	126,028,498
Total Authorized Full-Time Positions		711

REGISTER OF WILLS

Salaries and Wages	\$	1,111,172
Benefits		634,647
Training and Civic Affairs		35,275
Communication and Utilities		12,374
Materials and Supplies		10,625
Contractual Services		62,668
Equipment		1,950
Operating Transfer Charges		85,180
Total	\$	1,953,891
Total Authorized Full-Time Positions		20

RECORDER OF DEEDS

Salaries and Wages	\$	1,232,844
Benefits		712,707
Training and Civic Affairs		43,170
Communication and Utilities		33,977
Materials and Supplies		12,398
Contractual Services		79,718
Equipment		6,150
Grants and Fixed Charges		18,350
Operating Transfer Charges		148,002
Total	\$	2,287,316
Total Authorized Full-Time Positions	23	

SHERIFF

Salaries and Wages	\$	1,260,692
Benefits		737,678
Training and Civic Affairs		29,452
Communication and Utilities		16,189
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		144,938
Total	\$	2,271,207
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Salaries and Wages	\$	474,736
Benefits		279,250
Training and Civic Affairs		14,130
Communication and Utilities		5,168
Materials and Supplies		5,424
Contractual Services		30,043
Equipment Replacement		6,000
Operating Transfer Charges		31,776
Total	\$	846,527
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Debt Service	\$	45,540,069
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
Total	\$	45,540,069
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	38,000
Benefits		3,385
Training and Civic Affairs		10,500
Communication and Utilities		1,922
Materials and Supplies		2,450
Contractual Services		290,642
Equipment		500
Operating Transfer Charges		6,699
Total	\$	354,098
Total Authorized Full-Time Positions		0

COUNCIL CONTINGENCY

Contingency	\$	250,000
Total	\$	250,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	600,000
Total	\$	600,000
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(4,293,340)
Personal Services - Employee Benefits	\$	(2,525,429)
Total	\$	(6,818,769)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,619,958
Total	\$	1,619,958

NEW CASTLE COUNTY

Salaries and Wages		\$	128,178,603
Benefits			74,360,214
Training and Civic Affairs			676,771
Communication and Utilities			35,269,322
Materials and Supplies			7,354,247
Contractual Services	24,123,384		<u>24,131,384</u>
Equipment			2,444,736
Grants and Fixed Charges			15,970,763
Debt Service			45,540,069
Land and Structures			35,000
Contingency			2,979,958
Operating Transfer Charges			16,333,443
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>	<i>332,735,358</i>	\$	<u>332,743,358</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,661</i>		

RESERVE ACCOUNTS AS OF SEPTEMBER 12, 2023

Tax Stabilization Reserve Account (Unaudited)	74,008,702
Sewer Rate Stabilization Reserve Account (Unaudited)	8,484,160
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
<i>Total Reserves:</i>	<u>145,957,584</u>

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-141

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 303 (“PURCHASING OF
CONTRACT CONSTRUCTION”) AND SECTION 502 (“PURCHASING OF SUPPLIES
AND CONTRACTUAL SERVICES”)**

WHEREAS, in order to make the procurement process more transparent, to centralize the process and to standardize the process, it has been determined that it would be beneficial to shift the responsibility, in large part, for the procurement of contract construction from the Office of Technology and Administration Services to the Department of Public Works.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 5 (“Department and Offices”), Division 2.05.300 (“Department of Public Works”), Section 2.05.303 (“Purchasing of contract construction”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 2.05.303. Purchasing of contract construction.

A. *Definitions.* The following words, terms, and phrases, when used in this Section, shall have meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Material means materials, equipment, tools, supplies and other tangible personal property used in connection with or for the performance of a ~~[special services]~~ public works contract or which becomes a component part of the finished project resulting from contract construction.

B. ...

C. *Duties.* The ~~[Office of Technology and Administrative Services]~~ Department Public Works shall have charge of and be responsible for the purchasing of all contract construction for the County and all County agencies and using agencies and the entering into of all public works contracts for such contract construction, and the Department of Public Works shall perform its functions and duties and exercise its power and authority for such purchasing and such contracting in accordance with the terms and conditions of this Section.

D. *Procedures.*

1. *Procurement of public works contracts – Formal Bid.*

- a. All contract construction shall be performed by public works contracts entered into on the open market after competitive bidding in accordance with the terms of this Section, except only in the following specified instances where competitive bidding shall not be required:
 - i. Where the probable cost of the contract construction is estimated not to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00).

- j. If the probable cost of the contract construction is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00), the [~~special services~~] public works contract for such contract construction shall be obtained only after public advertising and competitive bidding and the receipt of sealed bids as provided for in this Section.

2. *Plans and specifications for competitive bidding; descriptions; public advertisement.*

- a.
 - i. In addition to contracts subject to the bid requirements of this Section, when the County or a using agency or a County agency proposes to enter into a public works contract [~~and the probably cost of such contract is estimated to exceed twenty thousand dollars (\$20,000.00)~~], the County, the using agency or the County agency as the case may be, shall cause suitable plans and specifications for such project to be prepared for it by registered and licensed architects or engineers who shall sign such plans and specifications and affix their seals thereto; provided, however, that when the plans and specifications for the public works contract are identical to plans and specifications similarly signed and sealed for previous public works contracts awarded under this Section, such identical plans and specifications may be utilized without new or updated signatures and seals of the registered and licensed architects or engineers; provided, further, that any architect or engineer who signed and sealed the original of such identical plans will have no liability arising from the use of such architect's or engineer's plans and specifications other than the use contemplated by the contract pursuant to which the original of such plans and specifications

was created, signed and sealed, unless such architect or engineer reviews and approves such different use. The County, the using agency or the County agency, as the case may be, shall publish such plans and specifications as part of the proposed public works contract and prescribe such other terms and conditions as it deems necessary. The description of work and/or material and the plans and specifications may use a brand or trade name specifically when it is in the best interests of the County to match its existing inventory.

ii. When the County or a using agency or a County agency proposes to enter into a public works contract [~~for a public building project, not a highway and heavy project~~], and the probable cost of the contract is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00), there shall be a prebid meeting of prospective bidders (attendance [~~is not~~] may be mandatory) held with and called publicly upon reasonable notice by the County, the using agency or the County agency, as the case may be, at a place and time stated in such notice, which meeting shall be at least fifteen (15) calendar days before the date for the submission of bids; at the meeting all the participants, including the County, the using agency or the County agency, as the case may be, shall attempt to agree upon a listing of all subcontractor categories to be included in the bids for performing the public works contract as required by Subsection D.9. If all the participants do not agree on such a listing at the meeting, the County, the using agency or the County agency, as the case may be, itself, at least ten (10) calendar days before the due date for submission of bids, shall determine the subcontractor categories to be included in the listing. The listing, whether agreed to by all of the participants at the meeting or determined in the absence of the unanimous agreement of the participants at the meeting by the County, the using agency or the County agency, as the case may be, itself, shall be published by the County, the using agency or the County agency, as the case may be, at least ten (10) calendar days before the due date for the submission of bids, by mailing the listing to each of the participants at the meeting and to such other industry organization, as shall be determined from time to time by the County or the County agency or the using agency, as the case may be. The listing, determined in either of the manners specified in this Subsection and as so published, shall be final and binding upon all bidders and the County, the using agency or the County agency, as the case may be, and it shall be filled out completely in full without any abbreviations.

- b. When the probable cost of the proposed public works contract is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00) and after or in connection with compliance with Subsection D.2.a.i and, if applicable, Subsection D.2.a.ii, the County, the using agency or the County agency, as the case may be, shall then advertise for formal sealed bids for the public works contract. The advertisement for such bids shall be published at least once a week for two (2) consecutive weeks in a newspaper published and of general circulation in each county of the State. The advertisement shall state the name of the procuring or awarding agency; shall indicate with reasonable accuracy the character, quantity and location of the work and/or the characters and quantity of material; shall state the time and place of the submission and opening of bids, which place in each instance shall be within the County, and where in the County the plans and specifications or descriptions and such other terms and conditions as shall have been prepared for the contract by the County or the using agency, as provided in Subsection D.2.a.i, may be obtained.

3. *Qualifying bidders – Contractor Responsibility Certifications.*

- a. The County or a using agency or a county agency shall require any person proposing to bid on a public works contract, as a condition to submitting a bid to it for consideration, to submit to the [~~Office of Technology and Administrative Services~~] Department of Public Works a Contractor Responsibility Certification for contracts where the probable cost of the contract is expected to exceed five hundred thousand dollars (\$500,000.00). Only bids approved by the [~~Office of Administrative Services~~] Department of Public Works as meeting all requirements for Contractor Responsibility Certification may be considered by the County or a using agency or a County agency. Such Contractor Responsibility Certification shall include, at a minimum, the following:

xiii. Certification that the bidder shall abide by the County's Small Business Enterprise Program.

- b. The [~~Office of Technology and Administrative Services~~] Department of Public Works shall require bidders and subcontractors to provide appropriate documentation of the

conditions specified in the respective responsibility certifications required by this Section.

- c. The ~~[Office of Technology and Administrative Services]~~ Department of Public Works may require from bidders or subcontractors any other additional information or documents as it deems necessary to evaluate the responsibility of bidders and subcontractors. Such information may include, but shall not be limited to, detailed financial information, references from prior contract customers, past performance evaluations from prior contracts, budget, schedule and change order information from prior contracts or other information deemed necessary for reviewing the bidder's technical qualifications, background, past performance and history of business integrity and law compliance.
- d. If a bidder fails to provide the Contractor Responsibility Certification required by this Section, the bidder shall be disqualified from bidding on the public works contract. If a bidder fails to provide other information or documentation required by the ~~[Office of Technology and Administrative Services]~~ Department of Public Works, it may be disqualified from being awarded the public works contract.

- f. If the ~~[Office of Administrative Services]~~ Department of Public Works receives no qualifying bids in response to its initial invitation to bid for a contract, the invitation shall be amended to exclude the certification requirement set forth in Subsection 2.05.303.D.3.a.viii.
- g. The award of a public works contract is contingent upon the ~~[Office of Administrative Services]~~ Department of Public Works receiving documentation from bidder verifying compliance with Subsections 2.05.303.D.3.a.i—~~[xii]~~ xiii. ~~[The Office of Administrative Services]~~ The Department of Public Works shall contact the agency or group administering bidder's apprenticeship program to further verify participation.
- h. Any contractor who is awarded a public works contract that was subject to the certification requirement found in Subsection 2.05.303.D.3.a.viii. must maintain participation in its apprenticeship program until the Department of Public Works issues conditional acceptance of the work unless the contractor graduates an apprentice from the program prior to completion of the public works contract or there is an unforeseeable circumstance that arises through no fault of the contractor. Upon completion of

the contractor's work under the public works contract, the contractor must provide the ~~[Office of Administrative Services]~~ Department of Public Works with a verification that it continued to participate in its apprenticeship program until the issuance of conditional acceptance of the work by the Department of Public Works. In the event the contractor is awarded a public works contract but cannot provide verification that it maintained participation in its apprenticeship program for the duration of the contract, the contractor shall be disqualified by the ~~[Office of Administrative Services]~~ Department of Public Works from bidding on any public works contracts for six (6) months from the date the ~~[Office of Administrative Services]~~ Department of Public Works determined that the contractor had failed to maintain participation in such program.

4. *Deposit required with bids; return of security.*

- a. If the probable cost of any public works contract is estimated to exceed ~~[ten thousand dollars (\$10,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00), all bids shall be accompanied by a deposit of either (i) a good and sufficient bond to the County for the benefit of the awarding agency, with corporate surety authorized to do business in this State, the form of the bond and the surety to be approved by the awarding agency, or (ii) a certified check of the bidder endorsed to or made payable to the order of the awarding agency, in either case for a sum equal to at least ten (10) percent of the bid. The bid bond need not be for a specific sum but may be stated to be for a sum equal to ten (10) percent of the bid to which it relates and not to exceed a certain stated sum, if such sum is equal to at least ten (10) percent of the bid.

5. *Opening of bids; award of public works contracts; right to reject bids; licenses required at time of award; mistakes, omissions and errors in preparation of bids.*

- c. Determination of contractor responsibility.
 - i. After bids have been publicly opened and the apparent low bidder has been identified pursuant to this Section, the ~~[Office of Technology and Administrative Services]~~ Department of Public Works shall provide such bidder with a written Request for Bidder Information that shall require the bidder to provide, within fourteen (14) calendar days, the subcontractor list and Subcontractor Responsibility Certifications required by this Section. A subcontractor listed pursuant to this Section shall not be substituted unless written

authorization is obtained from the [~~Office of Technology and Administrative Services~~] Department of Public Works and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.

- ii. During the period between the issuance of the Request for Bidder Information and the award of the contract, the [~~Office of Technology and Administrative Services~~] Department of Public Works shall undertake a review to determine whether the apparent low bidder and its listed subcontractors have provided all necessary information and documentation required by this Section and otherwise possess the necessary experience, financial resources, personnel resources and technical qualifications to successfully perform the public works contract and have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the [~~Office of Technology and Administrative Services~~] Department of Public Works may seek additional information from the bidder, prior customers of the bidder, or from any other relevant source.
- iii. If at the conclusion of its review, the [~~Office of Technology and Administrative Services, on the recommendation of the~~] Department of Public Works[,] determines that the qualifications, background and responsibility of the apparent low bidder and its identified subcontractors are satisfactory, it shall award the contract.
- iv. In the event that the [~~Office of Technology and Administrative Services~~] Department of Public Works determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this Section, the Department may, after informing the awardee, exercise one (1) of the following options:

- f. If the Office of Technology and Administrative Services and/or the Department of Public Works determines that a Contractor or Subcontractor [~~Qualification~~] Responsibility Certification, or any other documentation or information submitted by the bidder, contains false or misleading material information that was provided knowingly or with reckless disregard for the truth, or omits material information that was omitted knowingly or with

reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the County for a period of up to five (5) years, and shall be further subject to any other penalties and sanctions, including contract termination, available to the County under law. A contract terminated under these circumstances shall further entitle the County to withhold payment of any monies due to the firm as liquidated damages.

- g. To ensure compliance on public works contracts with equal employment opportunity laws and policies, and other County contracting laws and policies, the ~~[Office of Technology and Administrative Services]~~ Department of Public Works shall monitor such contracts and prepare a quarterly report to County Council that indicates the percentages of minority, women, apprentice and in-state workers employed on public works contracts. The quarterly report will be based on information submitted by the contractor in a format defined by ~~[the Office of Technology and Administrative Services]~~ the Department of Public Works at the time of request for bids and will include all active public works contracts. The report shall be considered a public document.

9. ~~[Public works contracts exceeding fifty thousand dollars (\$50,000.00) for contract construction of a public building project.]~~ Required Subcontractor Information - Any public works contract [for any contract construction of a public building project, but not of a highway and heavy project,] where the probable cost of the contract construction is estimated to exceed [fifty thousand dollars (\$50,000.00)] two hundred fifty thousand dollars (\$250,000.00), shall be subject to the following:

11. Prevailing Wage.

- k. The County is authorized to monitor all contract construction for compliance with this Section and/or investigate all claims that the prevailing wage rates as provided for under this Section are not being or have not been paid. Upon finding that an employer has not paid or is not paying the prevailing wage rates, the County shall provide the employer with a written notice of alleged violation(s) by personal service or by certified mail and shall make an effort to obtain compliance. The notice of violation shall describe the

violation(s), in addition to stating applicable sanctions and/or penalties. Upon failure to obtain compliance within ten (10) business days from the date the letter was received by the employer, the County may withhold so much of accrued payments as may be considered necessary to pay to laborers and mechanics the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics, and the accrued payments will be distributed upon resolution of the matter. An employer who disputes the alleged violation(s), sanctions or penalties may, within ten (10) days from receipt of the notice of violation, file a written request for a hearing before the General Manager of the Department of Public Works or his/her designee. The General Manager shall issue a final order within ~~[two (2)]~~ five (5) business days from the conclusion of the hearing. If no hearing is requested, the notice shall become a final order upon expiration of the ten (10) day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Failure to provide timely payment shall constitute a separate violation of this Section. Any sum collected as a fine or penalty pursuant to this Section shall be applied toward enforcement and administration costs of the Department of Public Works.

16. *Add-ons and overruns on public works contracts.*

- a. The County Executive may establish administrative policies to limit the allowable add-ons and overruns on public works contracts exceeding ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00) as originally executed. Such add-ons and overruns will only be allowed to account for differences between the construction specifications and drawings and actual conditions encountered during the execution of the contract.
- l. In no case shall additional work be added to a public works contract exceeding ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00), as originally executed, which is not within the scope of the original public works contract. The Office of Law ~~[Department]~~ shall determine if work is within the scope of the original public works contract. If it is not, the additional work must be contracted for pursuant to Subsection D.1.
- m. When contracts are let for less than ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00)

but due to add-ons and overruns exceed that limit, the excess must be bid unless otherwise determined by the County Executive.

18. Multiple source contracting. The County may award a contract for a particular contract construction project to two (2) or more firms if the General Manager of the Department of Public Works makes a determination that such an award is in the best interest of the County. If such a determination is made, the advertisement shall include a notification of the right of the County to make such an award and the criteria upon which such an award will be based.

19. Small Business Enterprise Program. Contracts awarded pursuant to this section shall be subject to the County's Small Business Enterprise program as further detailed in an administrative policy, which shall be made available to the public.

20. Procurement of public works contracts – Informal Public Works Contract Procedures.

- a. Applicability. Any public works contract for which the probable cost is less than or equal to two hundred fifty thousand dollars (\$250,000.00) shall be subject this section.
- b. Procedure. All informal public works contracts shall follow the procedures set by the Department of Public Works and shall include a simplified administrative process for obtaining competitive prices for contracts anticipated to be below two hundred fifty thousand dollars (\$250,000.00).
- c. Bid and performance bonds may be made a requirement for informal public works contracts made pursuant to this section.
- d. Informal public works contracts shall still be subject to the prevailing wage requirements set forth in Subjection D.11, the drug and alcohol testing requirements set forth in Section 2.05.305, and the Small Business Enterprise Program requirements set forth in Section _____ of the New Castle County Code.

Sec. 2.05.502. Purchasing of supplies and contractual services.

A. Generally

7. Exceptions generally.

- a. All purchases of and contracts for supplies and contractual services and all sales of obsolete or unusable personal property shall except as specifically provided in this Subsection, be based on competitive bids. Exceptions to competitive bidding will include repair parts for ~~[special]~~ specialized equipment, sole-source items, patented items, goods or services only available from one (1) source, professional services, relating to entertainers/performers, instructors, the purchase of insurance, the purchase of used vehicles and equipment for undercover operations, including all necessary maintenance and repairs, and emergency needs and the purchase and updates of technology and software for use by the Department of Public Safety in connection with its undercover operations. Also, the sale, donation and/or re-homing of any working animal that can no longer perform the duties for New Castle County for which the animal was originally obtained.

- c. If the cost of an exception exceeds ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00) for supplies and contractual services or one hundred fifty thousand dollars (\$150,000.00) for professional services relating to entertainment/performers or instructors, the concurrence of the Law Department must be obtained.

9. *Exception for emergency purchases.* When purchases are necessary to avoid serious danger to life, impairment to property or equipment, considerable monetary loss to the County, or when there is insufficient time for competitive bidding, the Chief of Technology and Administrative Services ~~[or]~~ and the general manager of the impacted department involved may declare an exception. If the probable cost of the purchase order or contract to be made on an emergency basis exceeds ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00), the County's Chief Administrative Officer must declare that an unusual emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against and which in the opinion of the general manager or head of the agency concerned requires immediate action. A complete record of the emergency purchase and the situation necessitating the purchase shall be forwarded within twenty-four (24) hours to the Chief of Technology and Administrative Services. If the purchase is in excess of ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00), a record shall also be sent to the Law Department and the Chief Administrative Officer.

11. *Formal bidding and contract procedures.* All supplies and contractual services, except as otherwise provided in this Subsection A, when the estimated cost thereof shall exceed

[~~twenty-five thousand dollars (\$25,000.00)~~] one hundred thousand dollars (\$100,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting sealed proposals. When any other interest of the County may prevail over cost factors, the invitation for bids shall so state, and award of the contract may be based in part upon those considerations.

- g. *Bids.* Bids shall be submitted sealed to Purchasing and shall be identified as bids on the envelope or may be submitted electronically to a specified e-mail address if instructions are provided within the bid document. Late bids shall be returned to the bidder unopened, and bids submitted electronically shall be rejected. Any bid which is not in the hands of Purchasing prior to or at the precise time stated in the invitation for bids shall be deemed to be a late bid. If a bid is delayed through the fault or error of a County employee, or a proven network issue within the County the bid shall be opened when received by Purchasing and evaluated with all other bids received. Bids shall be publicly opened in the County at the time and place specified in the notice and invitation to bid. A tabulation of all bids received shall be made available to the public on request. The Purchasing Agent shall not accept the bids of any disqualified bidder. The Purchasing Agent may waive minor irregularities in a bid. A minor irregularity shall be defined for these purposes as one which does not give the bidder in whose proposal it is contained an advantage or benefit not enjoyed by other bidders. A minor irregularity which may be waived or cured is any condition attached to the bid which does not change the terms of the purchase or unfairly prejudice other bidders. The Purchasing Agent shall have the authority to reject all bids, reject parts of all bids, or reject specific bids for anyone (1) or more supplies or contractual services included in the proposed contract, when it is in the best interest of the County.

13. *Sole source / single source procurement.*

- a. A contract may be awarded for material or nonprofessional services without competition if the agency head, prior to the procurement, determines in writing that there is only one source for the required material or nonprofessional service. Sole source or single source procurement shall not be used unless there is sufficient evidence that there is only one source for the required material or service and that no other type of material or service will satisfy the requirement of the agency. The Chief of Technology and Administrative Services and the agency shall examine cost or pricing data prior to an award

under this Section. Sole source procurement shall be avoided, except when no reasonable alternatives sources exist. A written determination by the Chief of Technology and Administrative Services stating the basis for the sole source procurement shall be included in the agency contract file with ~~[a copy]~~ notification sent to County Council a week prior to the award of the contract if the contract to be awarded is ~~[under fifty thousand dollars (\$50,000.00)]~~ over one hundred thousand dollars (\$100,000.00) for goods and contractual services or one hundred fifty thousand dollars (\$150,000.00) for professional services.

16. *Add-ons and overruns.*

- c. When contracts are let for less than or equal to ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00) for goods and services or one hundred fifty thousand dollars (\$150,000.00) for professional services, but due to add-ons and overruns exceed that limit, the excess must be bid.

19. *Small Business Enterprise Program.* Contracts award pursuant to this section shall be subject to the County's Small Business Enterprise program as further detailed in an administrative policy, which shall be made available to the public.

B. Professional services purchases and contracts.

3. *Scope.* Subsection B covers the purchase of and the contracting for all professional services by an agency where the probable cost of such services is estimated to exceed ~~[fifty thousand dollars (\$50,000.00)]~~ one hundred fifty thousand dollars (\$150,000.00) for professional services, or where the provisions of Section 2.03.103.C are invoked. Purchasing will insure that the provisions of Section 2.03.103.C are provided to all professional service contractors whose contracts are valued at more than five hundred dollars (\$500.00).

7. *Sole source / single source procurement.*

- a. A contract may be awarded for professional service without competition if the agency head, prior to the procurement, determines in writing that there is only one source for the required professional

service. Sole source procurement shall not be used unless there is sufficient evidence that there is only one source for the required professional service and that no other type of professional service will satisfy the requirement of the agency. The Chief of Technology and Administrative Services shall examine cost or pricing data prior to an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative sources exist. A written determination by the Chief of Technology and Administrative Services stating the basis for the sole source procurement shall be included in the contract file with a ~~[copy]~~ notification sent to County Council a week prior to the award of the contract if the contract to be awarded is [under fifty thousand dollars (\$50,000.00)] over one hundred fifty thousand dollars (\$150,000.00) for professional services.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This legislation will shift the responsibility, in large part, for the procurement of contract construction from the Office of Technology and Administrative Services to the Department of Public Works. The legislation also amends the thresholds for purchasing of contract construction, supplies and contractual services.

FISCAL NOTE: No discernable fiscal impact.

Grant Matrix 10/24/23

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Arbour Park Civic Association	\$1500/\$1500	Funds will be used to purchase/install a bench near basketball court	Yes/No	No	George
Wilmington Jaycees	\$2500/\$2500*	Funds will be used for their annual Christmas Parade in downtown Wilmington	Yes/Yes	No	Sheldon

**Funds for the Wilmington Jaycees Annual Christmas Parade have been earmarked in Council's FY24 budget and the funds will come out of Council's Community Event line.*