



City of Methuen, Massachusetts

OFFICE OF THE MAYOR

The Searles Building, 41 Pleasant Street, Room 303
Methuen, Massachusetts 01844
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David P. Beauregard, Jr.
Mayor

ORDER

An Ordinance Amending Section 7-A of the City of Methuen's Municipal Code *Requested by Mayor Beauregard*

WHEREAS, the City of Methuen has a responsibility to administer municipal operations through clear, modern procedures that support effective governance; and

WHEREAS, the City must ensure that its contracting and administrative processes allow for efficient management and the timely delivery of municipal services to residents; and

WHEREAS, municipal contract reform will modernize and clarify existing practices, reduce unnecessary delays, and improve the City's ability to respond promptly to operational needs;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Methuen that Section 7-A of the City of Methuen Municipal Code is hereby amended as follows:

Section 7-A. Contracts Other Than Section 7-1 Contracts

Authority.

Pursuant to the Methuen Home Rule Charter, Section 3-2(j), all contracts within the jurisdiction of the Mayor require City Council approval, except as otherwise provided herein. Chapter 40, Section 21(1) of the General Laws authorizes the City Council to enact ordinances regulating the prudential affairs of the municipality.

Definition of Contract.

For purposes of Section 3-2(j) of the Home Rule Charter, the term "contract" shall mean any promissory agreement between the municipality and another person, firm, company, partnership, or corporation by which the municipality seeks to obtain services or goods in exchange for monetary consideration. The term "contract" shall further include all side letters to collective bargaining agreements; stipends paid to city employees in addition to salary; and any payments or allowances paid in addition to salary, including but not limited to mileage, clothing and cleaning allowances, travel, and vehicle maintenance, unless such payments or allowances are expressly provided for in a collective bargaining agreement approved by the City Council.

Exclusions.

For purposes of this section, the term "contract" shall not apply to the following:

1. The leasing of equipment to the municipality for a period of one month or less; provided, however, that this exclusion shall not apply to equipment leased for more than one month during the course of a year as

computed from the first day of the original lease, unless the Mayor declares an emergency and notifies the City Council within fourteen (14) days of such declaration.

2. Any transaction: (a) in which the consideration is less than Fifty Thousand Dollars (\$50,000) and the contract was procured pursuant to the request for proposal or bid procedures of General Laws Chapter 30B; Chapter 149, Sections 44A–44H; Chapter 30, Section 39M; or Chapter 7; or (b) in which the total consideration is less than Fifty Thousand Dollars (\$50,000).

This provision shall also apply to any expenditure or series of related expenditures, with or without a formal contract, the aggregate of which equals or exceeds Fifty Thousand Dollars (\$50,000). Routine payroll expenditures are exempt. The purpose of this provision is to prohibit unlawful bid splitting, which is subject to fines and penalties under Chapter 30B of the General Laws. All contracts subject to this provision shall be filed with the Office of the City Clerk.

3. Agreements made pursuant to the emergency provisions of General Laws Chapter 40, Section 4G; Chapter 30, Section 39M; and Chapter 149, Sections 44A–44H.

BE IT FURTHER ORDAINED that a certified copy of this ordinance shall be transmitted to the Office of the Mayor and the Chief Administrative and Financial Officer upon adoption.

Adopted:

Effective:

I hereby certify that at a meeting of the Methuen City Council at which a quorum was present, the foregoing ordinance was duly adopted.