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COMMENTARY: Procurement needs transparency, public notice

June 11, 2016 · by Rebecca Snyder · Comments

Nobody likes being left in the dark. That expression conveys a certain exclusion — somebody knows something that you don't. Far too often, that's how many of us feel when we are dealing with government. Who is making important decisions and how are they making them? We'd all like to be "in the know," but getting information is not always as simple and straightforward as it should be, especially around government procurement.

Procurement is especially important, because it is our tax dollars that are being spent for government contracts. Citizens want to know how their money is used and what government is intending to buy. Contracts need bidders. Ensuring that the broadest cross section of businesses have the opportunity to bid of government contracts helps government keep costs down. It also helps small and minority businesses gain traction in the marketplace.

How do citizens and businesses learn about opportunities to bid on government contracts? Local laws vary, but most jurisdictions are required to have multiple or competitive bids for proposed contracts and are required to seek bidders for at least some of those proposed contracts through publication in local newspapers.



Rebecca Snyder

This provides a firm, independent record in the procurement process and ensures the notice goes to a wide cross-section of readers. Governments have a fundamental responsibility to ensure adequate notification to the public of its actions.

The city of Wilmington seeks to change that. Through House Bill 324 the City wants to raise contract amount required for multiple bidders from \$5K to \$15K and for competitive bidding from \$25K to \$60K. Further, it wants to eliminate the publication of bid notices in local newspapers and post notices seeking bidders only on its own website. HB 324 has overwhelmingly passed the House. Luckily, some senators are taking a closer look. Delaware senators have the opportunity to keep Delaware procurement transparent.

What's the big deal with posting notices of a city website instead of the local newspaper? The procurement process must be fair and unbiased, and focus on reaching the broadest cross section of citizens and potential bidders through independent sources. Further, the process must be verified and documented to prove that government is doing

what it says it will do.

Government websites inherently cannot perform those functions, but your local newspaper can, and does. What is important in the bidding process?

- Independence. Newspapers are separate from, and independent of, the governments whose actions may be called into question if the adequacy of a particular notice is later challenged. Newspapers are the "gold standard" of public notice because they are independently verifiable; it can be proven what was published in a newspaper on a particular day. This assures citizens the process is conducted openly and above board.

- Audience. The Internet does have a role to play in expanding the pool of bidders. For this reason, your newspaper posts notices such as requests for bid on their own websites as well as printed in the publication. Notice on the Internet should supplement printed notice, not supplant it.

- Accessibility. The public won't see bid notices if they don't have computer or internet access, and significant segments of society either lack the desire to find information in this way or lack the financial means to purchase a computer. Newspapers offer readers a single, convenient location to find public notices, provided in the context of community news and information. If the city of Wilmington only publishes bid notices on their own website, that creates another place potential bidders need to check.

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Chance of Rain

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Today's Newspaper

•Verification. The websites of local governments are used for information purposes, such as posting trash pickup schedules. They may not have the highest level of security. However, public notices are legal documents.


Even minor alterations could have major unforeseen consequences, potentially dragging the government into costly and wasteful litigation. Printed notices prove that the notice was correct and was given in a timely fashion. They offer a permanent, publicly available record of government action.

If enacted, House Bill 324 will reduce competition for government bids and lessen transparency in the procurement process. That translates into higher prices for government, and ultimately taxpayers. Although this particular bill focuses on the city of Wilmington, it is an opportunity for Delaware senators to stand for transparency and a level playing field for all citizens. Delaware should stay open for business with a transparent and fair procurement process.


EDITOR'S NOTE: Rebecca Snyder is the executive director of The Maryland/Delaware/DC Press Association.

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Sen. Peterson blames 'religious right' for legislation's failure

By Matt Miller

DELWARE — A bill to amend the state constitution to guarantee religious practitioners against discrimination for people of all races, genders, religions and sexual orientations was tabled for the Senate due to lack of support on Thursday.

Sen. Peterson, R-Delaware, would add to the constitution a line stating, "Religious practitioners of any faith shall not be denied or discriminated against on the basis of race, sex, age, religion, sexual orientation or gender identity or expression."

He is a sponsor of the bill, but other senators are skeptical of its passage. Peterson said the bill is not a religious issue, but a civil rights issue. He said the bill is not a religious issue, but a civil rights issue. He said the bill is not a religious issue, but a civil rights issue.

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By Jay Reeves

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Sen. Peterson retires after 14 years

By Matt Miller

DOVER, Del. — Sen. Peterson announced today that he will not seek re-election in 2018. He will be retiring after 14 years in the Senate.

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