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CITY OF DANBURY
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June 24, 2008

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Danbury Code of Ordinances
Section 2-152

Dear Mayor Boughton and Council Members:

Please find enclosed a proposed amendment to the provisions of section 2-152 of the Code of Ordinances dealing with the award of contracts and purchase orders by the city. As things stand now, the ordinances prohibit such awards to bidders who have tax delinquencies or otherwise owe money to the city. As a result, the purchasing agent and the board of awards are sometimes unable to take advantage of the lowest bid and consequently the City sometimes pays more for goods and services than it otherwise would. The proposed amendment is an attempt to solve both the delinquency problem and the bidding problem at the same time. It would allow contracts and purchase orders to be awarded to debtors provided that the contract payments go toward paying off the delinquencies.

Please consider this proposal in the usual fashion. If you have any questions, please feel free to contact me.

Sincerely,

Laszlo L. Pinter
Deputy Corporation Counsel

cc: Mayor Mark D. Boughton
David St. Hilaire, Director of Finance
Chick Volpe, Purchasing Agent
Scott Ferguson, Tax Collector



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

Sec. 2-152. Determining award; contract limited to the lowest responsible bidder; delinquency in the payment of taxes.

(a) Subject to the provisions contained in this article, any contracts for the purchase of materials or supplies shall be awarded to the lowest responsible bidder. Any person or organization is deemed not to be a responsible bidder if the bidder:

(1) Is not an equal opportunity employer;

(2) Has been found by a court or administrative body of competent jurisdiction to be in violation of the National Labor Relations Act or State of Connecticut Department of Labor provisions concerning wage rates or local preference and relevant derivative regulations and that such violation continues to exist;

(3) Is in arrears to the city upon debt or contract or is in default as surety or otherwise upon any obligation to the city, including the payment of real or personal property taxes or sewer/water charges and other obligations.

The payment of any such obligation as hereinbefore referenced is to be construed as a condition to the receipt of any award of any contract for the performance of any work or the furnishing of any services or materials or equipment. The purchasing agent may require, prior to commencement of services or provision of materials or equipment, a written certification in a form acceptable to such agent indicating that any such obligations due and owing to the city have been fully paid.

(b) The purchasing agent shall have the power to reject any or all bids for one (1) or more commodities or contractual services when the public interest is served thereby, subject to the prior approval of the director of finance or the office of the corporation counsel.

(c) Whenever any contract is not awarded to the lowest bidder, a full and complete statement of the reason(s) for placing the order elsewhere shall be prepared by the purchasing agent and filed in his records with the other documents pertaining to the award. Any award other than to the low bidder shall only be made upon the prior approval of the board of awards.

(d) No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this article.

(e) A contract or purchase order may be awarded to a bidder who, but for the provisions of Subsection 2-152(A)(3), would be deemed to be the lowest responsible bidder, provided that the award is made contingent upon payment of the debt or obligation to the City out of the proceeds of the contract or purchase order so awarded.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 2-152 of the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of a new subsection to be designated 2-152(e) which said subsection reads as follows:

Sec. 2-152. Determining award; contract limited to the lowest responsible bidder; delinquency in the payment of taxes.

(e) A CONTRACT OR PURCHASE ORDER MAY BE AWARDED TO A BIDDER WHO, BUT FOR THE PROVISIONS OF SUBSECTION 2-152(A)(3), WOULD BE DEEMED TO BE THE LOWEST RESPONSIBLE BIDDER, PROVIDED THAT THE AWARD IS MADE CONTINGENT UPON PAYMENT OF THE DEBT OR OBLIGATION TO THE CITY OUT OF THE PROCEEDS OF THE CONTRACT OR PURCHASE ORDER SO AWARDED.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by ~~strikeouts~~.