

AD HOC REPORT
Code of Ordinance, Section 2-152
Awarding of Contracts

(29)

Honorable Mark D. Boughton, Mayor
Common Council Members

July 21, 2008

Chairman Joe Cavo called the meeting to order at 5:30PM.

In attendance were Council Arconti; Laszlo Pinter, Deputy Corporation Counsel; Charles Volpe, Purchasing Agent; David St. Hilaire, Director of Finance and ex-officio members Councilwoman Stanley and Councilman Trombetta and members of the public. Councilman Saadi was detained in traffic. Councilman Seabury entered the meeting at 5:40PM.

Atty. Pinter provided background information on the origin of the request to change the ordinance to allow vendors, who may have outstanding obligations to the City, to participate in the bidding process. Should a bid be awarded to a vendor owing a debt to the City, the funds would then be applied toward the delinquency. An administrative watch would be required to ensure adherence to the program.

Mr. St. Hilaire spoke in favor of the proposal stating that there are many different receivables which may need to be paid. The City will have the opportunity to make awards to the lowest bidder and collect outstanding debts from the vendors.

Discussion followed regarding bonds, protections on defaults and binding successors.

Councilman Arconti moved to recommend adding subsection (e). Councilman Cavo seconded the motion. **Motion carried by unanimous vote.**

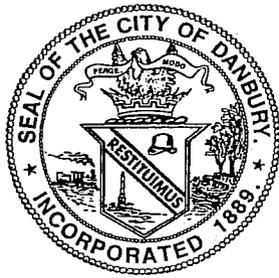
Councilman Arconti moved to adjourn at 5:45 P.M. Second by Councilman Cavo. **Motion passed unanimously.**

Respectfully submitted,

Joseph M. Cavo, Chairman

Robert Arconti

Thomas Saadi



ORDINANCE
CITY OF DANBURY, STATE OF CONNECTICUT
COMMON COUNCIL

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

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.

(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.

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(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.