

ORDINANCE NUMBER 865
ARTICLE II
Purchasing
[Adopted 4-1-1991 as Ord. No. 669,¹ amended in
its entirety 10-7-1991 by Ord. No. 6831

**§ 23-14. Regulations established. [Amended
12-2-1996 by Ord. No. 805]**

Pursuant to C.G.S. §7-148v, as amended, and Sec. C5-50-2(j) of the Charter of the City of Stamford, regulations governing the purchasing of supplies, materials, equipment and services are hereby established.

§ 23-15. Definitions.

For the purpose of this Article, the following definitions shall apply:

BIDDER OR SERVICE PROVIDER LIST - A list, maintained by the purchasing agent, of all suppliers, vendors, contractors or service providers who have requested, in writing, that they receive notice of bids or requests for proposals sought by the city.

COMPETITIVE BIDDING - The procedure for obtaining goods or services in which sealed bids are submitted in response to specifications provided by the city. This method does not include negotiation with bidders after the receipt and opening of bids.

COMPETITIVE PROPOSAL - A procedure for obtaining special or professional services in which proposals are solicited by a request for proposals (RFP), and specific terms and prices may be negotiated by the city after receipt of the proposals.

CRITICAL EMERGENCY PURCHASES - Those purchases of goods or services which, if not purchased or ordered immediately, can result in injury or damage to human life or property. This shall include all goods or services needed on an emergency basis to comply with federal, state or local public health, safety or housing codes and emergency repair of city-owned property, buildings, infrastructure, equipment and vehicles.

DEPARTMENT - Any entity of the city, including but not limited to any Office, agency, board, commission, department or part thereof.

DEPARTMENT HEAD – Any Director of an Office, Bureau Chief or such other employee with purchasing authority commensurate with the purchase to be made.

DESIGN/BUILD SERVICES – A combination of professional and general services as defined under this chapter, to be performed by one contractor under the Competitive Proposal Process with the approval of the Boards of Finance and Representatives.

GENERAL SERVICES - All services which result in a measurable end product which can be defined by bid specifications and all services used in the process of building, altering, improving or demolishing any city property, structure or building or any public infrastructure, but excluding architectural, engineering and other design services. Examples include, but are not limited to, electrical work, road resurfacing, sewer repair, building demolition, equipment maintenance and haul-away or disposal of waste products.

LOWEST RESPONSIBLE QUALIFIED (OR PRE-QUALIFIED) BIDDER - The bidder whose bid is the lowest of those bidders possessing the skill, ability and experience necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility. Bidders may be excluded, provided that they have been disqualified pursuant to §23-18.12 of this Code. Bidders may also be pre-qualified utilizing the Request for Qualifications Process described in § 23-18.1 B 1 of this Code or otherwise using recognized industry standards,

¹ Editor's Note: This ordinance also repealed former Art. II, Purchasing, adopted as 6-50 through &54 of the 1972 Code.

provided that such pre-qualification criteria have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase.

REQUESTS FOR QUALIFICATION/QUALITY BASED SELECTION – A procedure for selecting pre-qualified proposers for the provision of special or professional services, or for the final selection of such proposers under §23.18.1 A. and B. of this chapter, respectively, where the selection criteria may be primarily influenced by the qualifications or experience of the proposer in similar or related projects.

SPECIAL OR PROFESSIONAL SERVICES - The furnishing of judgment, expertise, design, advice or effort by persons other than city employees, not involving the delivery of a specific end product defined by bid specifications. This shall include consulting, professional, legal, financial, personal and technical services. Examples include, but are not limited to, architects, auditors, attorneys, physicians, real estate appraisers, actuaries, engineers, computer programmers, professional construction managers, and systems designers. Special services shall also include repair services for city-owned property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is more important than the lowest cost.

SUMMARY BID PROCESS – A competitive bid process which may be utilized among original responsible qualified bidders for a specific project or purchase when all bids exceed the budget appropriation for such project or purchase after deduction of all reasonably anticipated contingencies or the budget for such project or purchase, as is authorized under §23-17. H of this chapter.

SUPPLIES, MATERIAL AND EQUIPMENT (Collectively referred to as goods) - Any and all articles, whether purchased or leased, furnished to or used by any city department. Examples include, but are not limited to, fuel oil, desks, typewriters, paper, sand and high technology equipment such as computers, commercial software, telecommunications equipment and photocopying equipment.

23-16. Purchase of supplies, materials and equipment and general services.

A. Purchases requiring formal competitive bid process. All purchases of goods and general services, as defined above which are listed on a requisition to an individual vendor, and which are anticipated to exceed the limit set annually by the Board of Finance shall be made by sealed competitive bid as described in § 23-17 of this article. Purchase requisitions shall not be split to avoid this requirement. In accordance with C.G.S. §7-148v, as amended, said limit set by the Board of Finance shall not exceed \$7,500 or such other maximum amount as set by said statute. **[Amended 12-2-1996 by Ord. No. 805]**

B. Purchases requiring informal competitive quotation process. Purchases of goods or general services which are in excess of three thousand dollars (\$3,000.) but are less than the limit set by the Board of Finance, shall be based upon price quotations. Purchase requisitions shall not be split to avoid this requirement. Upon compliance with this section, a purchase order shall be issued.

(1) Price quotations, either oral or written, shall be solicited from at least three (3) vendors or service providers or obtained from current catalogues or price sheets. The refusal to quote from an otherwise valid supplier shall qualify as a quotation. The process shall be documented in writing by the purchaser. If a single reasonable source exists for the purchase, this shall be documented in writing.

(2) A purchase of goods or general services shall be counted as one (1) purchase for like items. Unlike items, grouped together on one (1) purchase requisition, shall require price quotations only for those items on the purchase requisition that are in excess of three (\$3,000.) thousand dollars. The determination of like and unlike items shall be based on the commodity codes assigned such items under the then current City financial system.

(3) The soliciting of price quotations may be waived for any critical emergency, as defined above, or for any of the reasons for waiving a bid process in § 23-18.3B. Said waivers shall require the approval of the department head or designee, who shall certify in writing to the purchasing agent the need for a waiver, and the approval of the purchasing agent or designee. No further approval shall be required. Said waivers shall be included in the purchasing agent's quarterly report.

§ 23-17. Competitive bidding process.

For each purchase of goods or services made by competitive bid, the following shall apply.

A. All requirements, terms and conditions sought by the city, including quality, delivery terms and vendor or contractor qualifications shall be contained in the bid specifications. For purchases requiring a contract, a draft contract shall be made a part of the bid specifications whenever possible.

B. The purchasing agent shall publish a notice inviting sealed competitive bids at least once in a daily newspaper in the City of Stamford. The notice shall be published not less than ten (10) working days before the final date for submitting bids. Said notice shall contain a general description of the goods desired, the place where the bid specifications may be obtained and the day, hour and place the bids will be opened.

C. The purchasing agent shall, in addition to the notice required, solicit sealed bids from all qualified potential suppliers who have requested that their names be placed on the bidder list by sending them copies of the newspaper notice or any other form of publicly available notice that will acquaint them with the proposed purchase at least ten (10) working days before the final date for submitting bids. Mailings made by the purchasing agent to qualified potential suppliers shall be solely for the convenience of suppliers. The failure of the purchasing agent to provide any supplier with notice of any bid shall not invalidate the bid process nor shall it prejudice the City in any manner.

D. The purchasing agent may revise the bidder lists by dropping vendors and service providers who have not responded to three (3) consecutive bid notices sent to them and have not given written notice of interest in remaining on the list.

E. All bids shall be submitted sealed to the purchasing agent and shall be accompanied by security in the form of certified check or bond in the amount stated in the public notice. The bids shall be opened in public at the time and place stated in the notice.

F. For each purchase made by competitive bidding, a record of all bids submitted, giving the names of the bidders and amounts of the bids and indicating the successful bidder, together with the originals of all sealed bids and any other pertinent documents, shall be preserved by the purchasing agent for not less than three (3) years in a file which shall be open to public inspection.

G. The contract for which the sealed bids are submitted shall be awarded to the lowest responsible qualified or pre-qualified bidder who meets the requirements, terms and conditions contained in the bid specifications.²

H. In the event all bids submitted by responsible qualified bidders exceed the budget appropriation for such purchase after deduction of all reasonably anticipated contingencies, or the budget for such purchase, at the request of the department head the purchasing agent shall provide a summary bid process open only to such responsible qualified bidders that originally submitted a bid. Such summary bid process may include a post-bid conference, and shall permit resubmission of such original bids or the submission of new bids in not less than three (3) days from the mailing of notice to the original bidders, and may provide for the deletion or modification of one or more alternates or specifications provided in the original bid package as determined by the department head.

² Editor's Note: Former Subsection H. which provided for appeals by bidders. and which immediately followed & on, was repealed 12-2-1996 by Ord. No. 805.

23-17.1. Awarding of contracts which contain alternates. [Added 5-1-1995 by Ord. No. 7591

- A. All bid specifications for a project for which alternates are to be included shall have the alternates listed in their order of priority.
- B. Prior to awarding a contract for which the bid specifications list alternates to be included, the purchasing agent shall be informed which alternates are to be included in the contract.

§ 23-18. Special or professional services and Design/Build Services.

A. Services requiring formal competitive proposal process. Purchases of special or professional services, as defined above which are anticipated to exceed twenty-five thousand dollars (\$25,000.), or Design/Build Services shall be made by a competitive proposal process as described in § 23-18.1 of this Article. The award of any contract for Design/Build Services shall require the approval of the Boards of Finance and Representatives. Notwithstanding the requirements of this section, , said purchases may be made by competitive bid if the selection of a provider can reasonably be based upon the lowest possible price as determined by the department head.

B. Purchases requiring informal competitive proposal process. Purchases of special or professional services which do not exceed twenty-five thousand dollars (\$25,000.) but are in excess of ten thousand dollars (\$10,000.) shall be based upon a reasonable and documented attempt to solicit proposals.

(1) Proposals shall be solicited from at least three (3) qualified or pre-qualified service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the purchaser. If a single reasonable source exists for the service, this shall be documented in writing.

(2) The soliciting of proposals may be waived for any critical emergency, as defined above, or for any of the reasons for waiving a proposal process in § 23-18.3B. Said waivers shall require the approval of the department head or designee, who shall certify in writing to the purchasing agent the need for a waiver, and the approval of the purchasing agent or designee. No further approval shall be required. Said waivers shall be included in the purchasing agent's quarterly report.

§ 23-18.1. Competitive proposal process: Requests for Proposals and Quality Based Selection.

A. Requests for Proposals.

Except as authorized pursuant to §23.18.1 B, for each purchase of special or professional services in excess of twenty-five thousand dollars (\$25,000.) made by competitive proposal, the following shall apply:

1. Preparation of the request for proposals.

(a) Requests for proposals shall be prepared by the department head requesting the service. The purchasing agent shall assist in the preparation if needed. For purchases which require an additional appropriation, the request for proposals shall clearly state that the awarding of a contract is contingent upon the appropriation of funds.

(b) For requests for proposals for services anticipated to exceed \$100,000, a selection committee shall be formed which shall review the proposals. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.

(c) All requirements, terms and conditions, including provider qualifications, desired by the city in the proposal shall be contained in the request for proposals. Whenever possible, a draft contract shall be made a part of the request for proposals.

2. Solicitation of proposals.

(a) Unless preceded by a Request for Qualifications process as provided in §23-18.1 B 1. of this Code, the purchasing agent shall publish notice of the request for proposals at least once in a daily newspaper in the City of Stamford at least ten (10) working days prior to the deadline to submit proposals. Whenever the service requested is so specialized that few appropriate providers can reasonably be expected to respond to said notice, it shall also be published in other newspapers or periodicals appropriate to the nature of the service requested.

(b) The notice shall include a general description of the services sought, the location where requests for proposals may be obtained and the deadline for the acceptance of proposals.

(c) In addition to the notice required, proposals shall be solicited from persons or firms thought to be qualified potential providers of the requested service and from qualified potential service providers who have requested that their names be placed on a service provider list. Solicitation shall be made by sending copies of the newspaper notice or any other form of publicly available notice that will acquaint providers with the proposed purchase of services at least ten (10) working days prior to the deadline to submit proposals. All mailings made by the purchasing agent to qualified potential proposers shall be solely for the convenience of proposers. The failure of the purchasing agent to provide any proposer with notice of any request for proposal shall not invalidate the proposal process nor shall it prejudice the City in any manner.

(d) The proposal process may be waived for any critical emergency, as defined above, or for any of the reasons contained in § 23-18.3B. Said request for a waiver shall be carried out in accordance with § 23-18.3B of this Article.

3. Awarding of contract.

(a) Procedures and criteria for reviewing and evaluating proposals shall be defined by the department head or selection committee in advance of the deadline to submit proposals. For projects anticipated to exceed one hundred thousand dollars (\$100,000.), the committee shall, if possible, interview the most qualified proposers.

(b) No proposal shall be reviewed by the city until after the deadline for proposals.

(c) The contract shall be awarded to the proposer whose proposal is deemed by the department head or selection committee to best provide the services desired, taking into account the requirements, terms and conditions contained in the request for proposals and the criteria for evaluating proposals.

(d) For each purchase of services by competitive proposal, a record of all proposals submitted, giving the names of the proposers and indicating the successful proposer, together with the originals of all proposals and any other documents pertaining to the selection process, shall be preserved by the purchasing agent for not less than seven (7) years in a file which shall be open to public inspection. The basis for selection of the successful proposal shall be clearly stated.

B. Solicitation of Proposals Using Quality Based Selection.

1. Quality Based Selection as Pre-Qualification.

- a. A Request for Qualifications process may be utilized in the pre-qualification of proposers in the purchase of special or professional services, or bidders in a competitive bidding process, where it is determined by the department head that such services are unique or that the nature of the project requires selection criteria primarily influenced by

the past experience of a proposer in similar or related projects. Such determination shall be made in writing and approved by the Director with oversight responsibility for such department head. Copies of the written determination and Director's approval shall be immediately forwarded to the Boards of Finance and Representatives.

- b. The notification and publication requirements in §23-18.1 B of this Code shall be deemed to have been satisfied where such procedures have been utilized in a preliminary process of Requests for Qualifications. Where a Request for Qualification has been so utilized, the Request for Proposals may be exclusively directed to the proposers deemed qualified by the selection committee.
- c. Requests for Qualification shall be prepared by the department head most closely involved in the project. A selection committee shall be formed which shall evaluate the responses. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.
- d. The selection committee shall review all qualifications submitted and shall interview not less than three proposers (or such lesser number as shall have submitted qualifications), and shall determine which of the proposers are qualified under such qualification criteria as shall have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase. The selection committee shall furnish a list of such pre-qualified proposers to the purchasing agent. Thereafter, a Request for Proposals process shall be utilized pursuant to §23.18.1 A of this chapter. In the case of a purchase of supplies, materials, equipment or general services a Competitive Bid Process pursuant to §23-17 shall be utilized, except that bids may be solicited exclusively from the list of pre-qualified bidders.

2. Quality Based Selection as a Final Selection Process.

- a. A Request for Qualifications process may be utilized in the purchase of special or professional services in lieu of the Request for Proposals process, where it is determined by the department head that such services are unique or that the nature of the project requires selection criteria primarily influenced by the past experience of a proposer in similar or related projects, and that the best interests of the City will be served by the use of such process. Such determination shall be made in writing and approved by the Director with oversight responsibility for such department head. Copies of the written determination and Director's approval shall be immediately forwarded to the Boards of Finance and Representatives.
- b. Requests for Qualification shall be prepared by the department head most closely involved in the project. A selection committee shall be formed which shall review and evaluate the responses. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.
- c. The purchasing agent shall publish notice of the Request for Qualifications at least once in a daily newspaper in the City of Stamford at least ten (10) working days prior to the deadline to submit proposals. Whenever the service requested is so specialized that few appropriate providers can reasonably be expected to respond to said notice, the publication may be waived or limited to newspapers or periodicals appropriate to the nature of the service requested. The notice shall include a general description of the services sought, the location where requests for qualifications may be obtained and the deadline for the acceptance of proposals. Mailings made by the purchasing agent to potential proposers shall be solely for the convenience of proposers. The failure of the purchasing agent to provide any proposer with notice of any request for qualification shall not invalidate the proposal process nor shall it prejudice the City in any manner.
- d. In addition to the notice required, proposals may be solicited from persons or firms thought to be qualified potential providers of the requested service and from qualified potential service providers who have requested that their names be placed on a service provider list. Solicitation may be made by sending copies of the newspaper notice or any

other form of publicly available notice that will acquaint providers with the proposed purchase of services at least ten (10) working days prior to the deadline to submit proposals.

- e. The selection committee shall review all qualifications submitted and shall interview not less than three proposers (or such lesser number as shall have submitted qualifications), and shall determine which of the proposers are qualified under such qualification criteria as shall have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase. The selection committee shall rank the proposers based upon such qualification criteria in order of preference and shall provide a list thereof to the purchasing agent.
- f. The department head shall then negotiate a contract with the highest qualified firm with the assistance of the Office of Legal Affairs, at a compensation determined by the department head to be fair and reasonable to the City, considering the estimated value, the scope, the complexity and the professional nature of the services to be rendered. Should the department head be unable to negotiate a satisfactory contract with such firm, negotiations shall be formally terminated. The department head shall then undertake negotiations with the second most qualified firm. Failing an agreement with the second most qualified firm, the department head shall formally terminate negotiations with that firm, and shall proceed to the next most qualified firm(s) in the order of rank and in the same fashion, until a contract is negotiated at a fair and reasonable compensation to the City.
- g. For each purchase of services by quality based selection, a record of all qualifications and proposals submitted, the names of all proposers and the selection committee's list and rank of the qualified vendors, together with the originals of all proposals and any other documents pertaining to the selection process, shall be preserved by the purchasing agent for not less than seven (7) years in a file which shall be open to public inspection.

§ 23-18.2. Office of Operations to be responsible.

The Office of Operations shall have the primary responsibility for all bid specifications and for all requests for proposals for technical services, including architectural and engineering services, for construction, alteration or demolition of city buildings or infrastructure, even if the building or structure being designed or constructed will be operated or used by another city department when finished.

§ 23-18.3. Waivers of competitive bid process or competitive proposal process.

A. Critical emergency purchases.

(1) Critical emergency purchases, as defined above, may be made by waiving the competitive bid or proposal process. Emergency procurement shall be limited to those supplies, services or construction items necessary to meet the emergency. Said purchases shall be authorized by the appropriate department head or designee with the written consent of the Mayor or the Director of Administration if the Mayor is unavailable.

(2) Written certification of the emergency and the reason for the selection of the particular supplier, signed by the department head or designee, shall be submitted to the purchasing agent, the Director of Administration and the Mayor within five (5) working days of the authorization of the waiver and shall be made a part of the purchase file.

(3) Notification of all such emergency purchases shall be made to the Board of Finance and Board of Representatives within two (2) weeks of authorization.

B. Other purchases made by a waiver of bid or proposal process.

(1) Purchases of goods and services, other than critical emergency purchases, may be made by waiving the bid or proposal process for the following reasons:

(a) Only one (1) reasonable or qualified source can be identified. This shall include situations where only one (1) vendor or provider is manufacturer authorized or certified or where parts are available only through a single distributorship.

(b) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will provide a lower cost than that which would result from a bid process.

(c) Time is a critical factor.

(d) A bid or proposal process would result in substantially higher costs to the city or inefficient use of personnel or cause disruption to city operations.

(e) Prices of goods or services are federal or state regulated.

(2) Such purchases shall require the written certification of the reason for the waiver, signed by the department head, and the written approval of the purchasing agent, the Director of Administration and the Mayor. Purchases over fifty thousand dollars (\$50,000.) shall require the approval of the Board of Finance.

(3) Sole source bid and proposal waivers shall clearly document that only one (1) reasonable or qualified source exists. Bid waivers for other reasons shall include price quotations sought from three (3) vendors, if available. All waiver documentation shall be made a part of the purchase or contract file.

(4) A written record of all waivers of the competitive bid or proposal process shall be kept by the purchasing agent and be included in the quarterly report. This record shall include the reasons why a bid waiver was used.

§ 23-18.4. Contracts.

A. Contract required. A written contract between the city and a contractor or service provider is required for any service which exceeds twenty-five thousand dollars (\$25,000.). Said contract shall be reviewed and approved as to form by the Office of Legal Affairs, approved by the Risk Manager if insurance is required and signed by the Mayor in accordance with the procedure established by the Office of Legal Affairs. Purchases of services for less than twenty five thousand dollars (\$25,000.) shall be made by purchase order on a form approved by the Office of Legal Affairs..

B. Contract approval. All contracts for services which exceed One Hundred Thousand Dollars \$100,000, obtained through the competitive proposal (Request for Proposals or Request for Qualifications) process or by bid waiver, shall require the approval of the Board of Finance and Board of Representatives in that order. If the Board of Finance does not act upon said contract within 30 days of receipt of the contract, or the Board of Representatives within 60 days or the second regular Board of Representatives meeting following said Board's Steering Committee meeting for which said contract was submitted, whichever occurs later, the contract shall be considered to be approved by that respective Board. Approval shall be by a majority of each board present and voting. If modifications are made to the contract after approval by the Board of Finance, said modifications need not be approved by the Board of Finance, provided that the Board of Representatives approves the revised contract by a majority vote of the entire Board. **[Amended 4-2-1996 by Ord. No. 771]**

C. Contracts which exceed the contracted price. No extra work shall be authorized or paid for in connection with any service contract unless the following have been complied with:

(1) Contracts for public improvements, including special or professional services associated with such contracts such as architectural, engineering and construction management, shall follow the procedure in Charter Sec. C5-50-2(d). **[Amended 12-2-1996 by Ord. No. 805]**

(2) Contracts for other services which required the approval of any board and which exceed the contract price by 15% or more shall require the approval of the Director of Administration, the Mayor, and the Board of Finance before the additional cost shall be paid. Said contracts shall specifically refer to this section of the Code of Ordinances, and the city shall not be liable for payment of any additional costs unless this provision shall have been fully complied with.

D. Contract extensions. [Amended 10-5-1992 by Ord. No. 698; 5-1-1995 by Ord. No. 754]

(1) No contract for goods or services which would require a formal bid or proposal process may be extended beyond the contracted time period unless the department head certifies the necessity of such extension and the purchasing agent approves and submits such request to the Mayor. For contracts for special services obtained by the request for proposals process, the department head shall certify the necessity of such extension directly to the Mayor. Extension of a contract for services which originally exceeds One Hundred Thousand Dollars \$100,000 , or will exceed said sum after such extension, obtained by the request for proposals process shall require the approval of the Mayor and of the Board of Finance and Board of Representatives, in that order. The same procedure as that for contract approval, mandated by § 23-18.4B, above, shall apply to the approval of an extension of a contract. Extension of all other contracts shall require approval by the Mayor and the Director of Administration.

(2) Contracts may be extended without formal bid or proposal for the following reasons:

(a) The contractor is the sole qualified or reasonable provider of such goods or services. This shall include exclusive service/maintenance contracts for existing equipment or vehicles.

(b) New competitive bids or requests for proposals would result in an increase in the cost of goods or services or significant disruption of city operations. Employee health and life insurance shall be included in this category. For contracts obtained by bid, an increase in price shall be documented by price quotations, if possible, in addition to a written quotation submitted by the present contractor.

(c) City services cannot be discontinued and a new contractor has not been acquired to replace the current contractor. There shall be a six-month limit on the contract extension.

(d) The option for an extension is included in the original contract.

(3) The extension of all special or professional contracts awarded under the competitive proposal process shall be reported by the appropriate department head to the purchasing agent, who shall include said information, together with the extension or renewal of all bid contracts, in the quarterly report.

E. Subsequent purchases from a contractor. The city shall not purchase from a consultant or service provider engaged by the city any subsequent goods or services of any kind which are not provided for in the contract unless said goods or services are purchased in compliance with this Article or the contract is extended in accordance with this section.

§ 23-18.4.1. Set-off of property taxes owed to city. [Added 7-7-1997 by Ord. No. 826]

A. Pursuant to Section 12-146b of the Connecticut General Statutes, as amended, the city shall have the right to set-off or withhold any payment, or portion thereof, due to any business enterprise pursuant to any contract or purchase order for the purchase of any supplies, material, equipment and services if any taxes levied by the city against any property, both real and personal, owned by such business enterprise are delinquent and have been so delinquent for a period of not less than one year, provided, however, that no such amount withheld shall exceed the amount of tax, plus penalty, lien fees and interest, outstanding at the time of withholding.

B. A statement that the city shall have said right of set-off or withholding shall be included in all documents used for the purchase of goods and services, including but not limited to bid documents, requests for proposals, purchase orders and contracts. Pursuant to Sec. C5-20-3 of the Stamford Charter, the Corporation Counsel shall prepare or cause to be prepared all such documents. Any contractor or vendor signing a contract or executing a purchase order with the City of Stamford shall thereby authorize the city to execute such set-off.

23-18.4.2. Procedure. [Added 7-7-1997 by Ord. No.826]

A. Within one month after the due date for the payment of real and personal property taxes, the Tax Collector shall notify the City Controller and the Office of Legal Affairs of all property taxes delinquent for a period of one year or more. The City Controller, with the approval of the Corporation Counsel, shall have the authority to withhold any payment owed to any business enterprise as provided in § 23-18.4.1 above.

B. Any contractor or vendor shall have the opportunity to dispute the delinquency and/or to negotiate a reasonable and acceptable payment arrangement. Pursuant to Sec. CS-20-3 of the Stamford Charter, the Corporation Counsel shall have the authority to make any such payment arrangement. The City Controller, at the direction of the Corporation Counsel, shall have the authority to withhold payment, pending resolution of such appeal.

C. A procedure to accomplish the set-off or withholding of payments, as provided above, shall be developed by the Office of Legal Affairs, Director of Administration, City Controller and Tax Collector and shall be supplied to the Board of Representatives.

§ 23-18.5. State and federal bids. Cooperative Associations of Municipalities. [Amended 5-1-1995 by Ord. No. 759]

A. Contracts obtained by competitive bid by the State of Connecticut or by the Connecticut Hospital Association or its affiliates or by the federal GSA or through a cooperative association of municipalities, may be utilized when it is determined, in writing, by the purchasing agent to be in the best interests of the City, provided that proper bidding and awarding procedures have been used and the bid specifications are as stringent as city requirements.

B. Said certification shall be made part of the contract file, and all such purchases shall be included in the quarterly report.

§ 23-18.6. Centralized purchasing.

A. Purchased goods or services common to many departments, where the total annual purchases of such goods or services are in excess of \$25,000, shall be bulk purchased by the purchasing agent for all departments. Such goods or services shall include but not be limited to alarm services, personal computers, long-distance telephone services, office and general supplies and copying goods and services.

B. Specific departments or specific goods or services may be excluded from centralized purchasing, provided that:

(1) A written determination, with documentation, is made by the purchasing agent and signed by the Director of Administration that no significant savings in cost can be achieved through centralized purchasing, or

(2) A written determination is made by the appropriate department and signed by the Director of Administration that the unique requirements of that department require it to purchase specific goods or services separately from centralized purchasing.

C. The purchasing agent, at his discretion, may purchase common items under one contract, or may obtain a master, or umbrella, contract from which departments may obtain goods or services

directly from the provider, subject to department budget limitations. In selecting a master contract, the total cost of all goods or services at the expected quantity or amounts to be purchased shall be used in determining the total cost of the proposal or bid.

D. The purchasing agent shall solicit departmental requirements in the purchasing of centralized goods and services and, as appropriate, shall utilize committees drawn from the appropriate departments to set specifications.

E. The proportionate cost of any centrally purchased goods or services utilized by an individual department shall be charged to that department.

F. This provision shall take effect July 1, 1992.

§ 23-18.7. Exemptions.

Public utilities are not subject to the provisions of this Article.

§ 23-18.8. Reports.

A.. The purchasing agent shall prepare written quarterly reports to be submitted to the Director of Administration, the Mayor, the Board of Finance and the Board of Representatives. Said reports shall contain the following information:

- (1) Contracts awarded by the competitive bidding process.
- (2) Contracts awarded by the competitive proposal process.
- (3) Waivers of the competitive bidding or proposal process.
- (4) Contracts which have been extended.
- (5) Contracts obtained through state bids.
- (6) Waivers of informal bid and proposal process.

B. A list of all contracts awarded by the City of Stamford for the purchase of goods and services shall be filed annually by the purchasing agent with the Town and City Clerk. Said list shall include the name, address and minority and/or female status of the vendor or contractor, the department making the purchase, the type of goods or services purchased and the total price paid by the city.

§ 23-18.9. Audit.

The purchasing process shall be audited every three (3) years by the City Internal Auditor. Notwithstanding this requirement, an audit may be performed at any time by an auditor hired by the Board of Finance.

§ 23-18.10. Violations and penalties.

Any deliberate and willful attempt to violate or circumvent the purchasing process established by this Article shall be a violation of the Code of Ethics of the City of Stamford. This section shall take effect on January 1, 1992.

§ 23-18.11. Purchases involving federal or state grant funds. [Added 9-7-1993 by Ord. No. 7151

Notwithstanding the provisions of this chapter, in any situation wherein federal or state grant funds are utilized to support a City purchase of goods or services, and either a majority of the funding is provided by the federal or state government, or as a condition of such grant the City is

required to follow the grantor's procurement regulations, such grantor's procurement regulations may be followed in lieu of compliance with this chapter.

§23-18.12 Disqualification of Contractors From Bidding On City Contracts [New]

A. Purpose/Definitions

- 1) In order to help ensure that the City does business with qualified contractors, there shall be a system of disqualification of contractors created pursuant to C.G.S. §7-148w., as amended.
- 2) As used in this ordinance, the term "contractor" means any person, firm or corporation which has contracted or seeks to contract with the city of Stamford, or to participate in such a contract, in connection with any public works of the city, including professional consultants.
- 3) As used in this ordinance, the term "hearing officer", shall mean a person, appointed by the Mayor, to hear and decide allegations that any contractor should be disqualified pursuant to this ordinance, except that no hearing officer shall be appointed who has personally carried out the function of an investigator in any contested issue before that hearing officer.
- 4) Any contractor may be disqualified for a period not to exceed two years from bidding on, applying for, or participating as a subcontractor under, contracts with the city for one or more causes set forth under §23.18-12 C of this ordinance.

B. Hearing/Procedure:

- 1) The hearing shall be conducted in accordance with C.G.S. §§4-176e through 4-181a, as amended. The hearing officer shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the hearing officer shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The hearing officer shall send the decision to the contractor by certified mail, return receipt requested.

C. Disqualification/Reinstatement/Exception:

1) Causes for disqualification from bidding on, applying for or participating in, contracts shall include the following:

- (a) Conviction or entry of a plea of guilty or nolo contendere for or admission to commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
- (b) Conviction or entry of a plea of guilty or nolo contendere or admission to the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a municipal contractor;
- (c) Conviction or entry of a plea of guilty or nolo contendere or admission to a violation of any state or federal antitrust, collusion or conspiracy law arising out of the submission of bids or proposals on a public or private contract or subcontract;
- (d) A willful failure to perform in accordance with the terms of one or more public contracts, agreements or transactions;

(e) A history of failure to perform or of unsatisfactory performance of one or more public contracts, agreements or transactions; or

(f) A willful violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction.

2). For purposes of a disqualification proceeding under this ordinance, conduct may be imputed as follows:

(a) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor and the contractor knew of or had reason to know of such conduct. The term "other seriously improper conduct" does not include advice from an attorney, accountant or other paid consultant if it was reasonable for the contractor to rely on such advice.

(b) The fraudulent, criminal or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of or had reason to know of the contractor's conduct.

(c) The fraudulent, criminal or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement and these contractors knew of or had reason to know of such conduct.

3) The City may reduce the period or extent of disqualification, upon the contractor's request, supported by documentation, for the following reasons:

- (a) Newly discovered material evidence;
- (b) Reversal of the conviction upon which the disqualification was based;
- (c) Bona fide change in ownership or management;
- (d) Elimination of other causes for which the disqualification was imposed; or
- (e) Other reasons the City deems appropriate.

4) The City may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination by department head and purchasing agent that there is good cause, in the interest of the public, for such action.

This ordinance shall take effect upon enactment.

Carmen L. Domonkos, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing ordinance was approved on the Consent Agenda by the 25th Board of Representatives at their regular monthly meeting held on Monday, February 1, 1999.

APPROVED:

Dated this ____ day of Feb., 1999

Carmen L. Domonkos, President

Dannel P. Malloy, Mayor
City of Stamford

Annie M. Summerville, Clerk

EFFECTIVE DATE: February ____, 1999

Dated this ____ day of February, 1999

cc: Mayor Dannel P. Malloy
Patricia Broom, Director of Operations
John C. Byrne, Director of Public Safety, Health & Welfare
Thomas M. Cassone, Esq., Director of Legal Affairs
Thomas M. Hamilton, Director of Administration
Lois PontBriant, Town & City Clerk