~CITY OF DANBURYCOMMON COUNCIL~

Committee of the Whole Meeting Minutes
Monday, September 15, 2008

Hon. Mark D. Boughton, Mayor
Common Council Members

President Joseph M. Cavo called the Committee of the Whole Meeting to order at 7:20 p.m. on Monday, September 15, 2008. Present were Council members: Louise P. McMahon, Shailesh Nagarsheth, Charles Trombetta, Benjamin Chianese, Thomas J. Saadi, Paul T. Rotello, N. Jane Diggs, Mary Teicholz, Robert F. Arconti, Philip D. Curran, Gregg W. Seabury and Colleen A. Stanley.

Absent: James H. Johnson, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, John J. Esposito, Jack Knapp, Warren M. Levy, Robert T. Riley.

Mr. Cavo reiterated the reasons for the absent Council members (see minutes to Public Hearing, September 15, 2008).

Also present were Laszlo L. Pinter, Corporation Counsel; David St. Hilaire, Director of Finance; Charles Volpe, Purchasing Agent; interested citizens; and members of the press.

Mr. Cavo asked Ms. Holding to call Roll.

PRESENT: 13 (which includes Mr. Cavo), ABSENT: 8

1. Ordinance—Awarding of Contracts—Section 2-152:

A motion was made by Councilman Nagarsheth and seconded by Councilwoman McMahon that the Common Council amend Ordinance Section 2-152 as proposed by incorporating subsection (e).

Councilman Saadi opposed the amendment in its current form. He suggested as part of the bid, the vendors be required to bring their tax standing with the City up to date. For the record, Councilman Saadi noted that Councilman Perkins and Councilman Levy opposed the amendment. C ouncilman C hianese asked if a delinquent bidder could use fees to pay his delinquent taxes. Mr. Pinter explained that a vendor has the option to be awarded the contract so long as they bring their taxes up to date. Councilman Cavo asked Mr. St. Hilaire to offer his recommendations. Mr. St. Hilaire explained that occasionally there are vendors that are delinquent in paying their taxes to the City all the while the City is paying them for contracted work for the City. This ongoing issue needs to be addressed which is the purpose of the proposal before the Council. The City would deduct whatever amount is owed in taxes from the amount owed to the vendor for the contracted work. He does not wish to see vendors discouraged from bidding on contracts as the City has a chance to recoup money owed. Councilman Curran felt that the City should not award contracts to vendors if money is owed to the City. Mr. St. Hilaire said that the vendors should be in good standing when a bid is awarded. However, during the course of a vendor performing work for the City, vendors may owe the City for services which are incurred during a contract which needs to be addressed. Councilman Rotello expressed

concern with contractors not having enough funds to pay their subcontractors if the City deducts what is owed which might expose the City to l iability is sues. M ayor B oughton o ffered a suggestion to refer the matter back to the Ad Hoc Committee to remove the section which references awarding contracts to vendors who owe money to the City while maintaining the ability to deduct money owed to the vendors should they fall in arrears during the life of a contract with the City. The matter could then be brought back before the Council at their October meeting.

Councilman Nagarsheth and Councilwoman M cMahon w ithdrew t heir motion.

A motion was made by Councilman Saadi and seconded by Councilman Rotello to refer the matter to the Common Council as a whole to recommit the matter and to redraft the provision with the intents brought forward during the meeting. The motion carried unanimously.

Respectfully submitted,

Amy Holding
Recording Secretary

Attest,

President Joseph M. Cavo

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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.