



**ORGANIZATION MEETING OF THE
COMMON COUNCIL**

Common Council Chambers

1:00 p.m.

Saturday, January 2, 2016

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL

III. NOMINATIONS AND ELECTIONS

1. Chairman
2. Vice – Chairman
3. Majority Leader
4. Minority Leader

IV. RESOLUTIONS:

1. Resolution R16-01 confirming appointment of City Chamberlain.
2. Resolution R16-02 confirming appointment of Corporation Counsel.
3. Resolution R16-03 adopting the 2016 Rules of Conduct and Procedure: By- Laws of the Common Council of the City of Poughkeepsie.
4. Resolution R16-04 adopting Robert's Rules of Order.
5. Resolution R16-05 setting bonds for Commissioner of Finance and City Chamberlain.
6. Resolution R16-06 authorizing the Commissioner of Finance to pay public debt, salary and wages for 2016.
7. Resolution R16-07 approving designation of banks for deposits.
8. Resolution R16-08 approving The Poughkeepsie Journal as the official newspaper.
9. Resolution R16-09 appointing the City Chamberlain and Deputy Chamberlain as a Marriage Officers for the City of Poughkeepsie.
10. Resolution R16-10 Adoption of City's purchasing policy.

V. ADJOURNMENT:

RESOLUTION
(R16-01)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the office of city chamberlain is appointed by the mayor pursuant to the City Charter §3.02(b); and

WHEREAS, the appointment of a City Chamberlain by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has appointed Deanne L. Flynn to the office of City Chamberlain and has submitted such appointment to the Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor's appointment of Deanne L. Flynn to the office of city chamberlain be, and the same hereby is confirmed.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-02)

INTRODUCED BY COUNCILMEMBER _____ :

WHEREAS, the office of corporation counsel is appointed by the mayor pursuant to the City Charter §3.02(b); and

WHEREAS, the appointment of a corporation counsel by the Mayor is subject to confirmation by the Common Council; and

WHEREAS, the Mayor has determined to appoint Paul Ackermann to the office of corporation counsel and has submitted such appointment to the Council for confirmation; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Mayor's appointment to be confirmed; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor's appointment of Paul Ackermann to the office of corporation counsel be, and the same hereby is confirmed.

SECONDED BY COUNCILMEMBER _____.

RESOLUTION
(R16-03)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Common Council adopts for use during the year 2016 the Rules of Conduct and Procedure of the Common Council of the City of Poughkeepsie, a copy of which is attached hereto and made a part of this Resolution.

SECONDED BY COUNCILMEMBER _____ .

***RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE
COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2016***

RULE I. Regular meetings of the Common Council shall be held on the first and third Mondays of each month at six thirty in the evening at the City Hall, or at such other place as the Chairperson shall appoint. The first regular meeting of January shall be held on January 2, 2016 at one p.m. at City Hall. In case of a holiday on any such day, the regular meeting shall be held on the Tuesday following at six thirty in the evening. The Common Council may adjourn when convened, to any other day or place, every such stated or adjourned meeting of the Council. In addition, there shall be informational meetings and special meetings held as provided in the Charter.

RULE II. The Common Council shall elect its Chairperson and Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall become Chairperson and the Council, at its next regular meeting and within thirty (30) days of the vacancy in Chairperson, shall elect, by majority vote, a new Vice Chairperson. In the event of a vacancy in the office of Vice Chairperson, the Council shall, by majority vote, elect a Vice Chairperson, at its next regular meeting and within thirty (30) days of vacancy of the office.

RULE III. Committee of the Whole, as so directed by the Chairperson of the Council, shall meet on either the 2nd Monday or the 4th Monday of the month at 6:30 p.m. The purpose of such meetings is for discussion, oversight, and strategic planning to those matters associated with **Finance** (tax/revenue, accounting, purchasing, payroll, risk management, human resources, budget management, data processing, debt management, treasury, assessor), **Public Safety/Public Works** (police department, neighborhood recovery, animal control, juvenile, communications, support services, fire department, fire suppression and prevention, code inspections, hydrant management, department of public works, engineering, building and grounds, garage, street maintenance, snow removal, street lighting, sanitation, transit, parking, water, sewer, trees, parks, and recreation), **Economic/Physical Planning/Development** (planning and zoning, property development, community development, Section 8 housing) and **Social/Community Issues** (senior citizens, youth programs, arts, schools, use of technology).

In order to promote community participation, the rules may be suspended at meetings of the Committee of the Whole to allow members of the public to speak on matters before the Committee.

The City Chamberlain will be responsible for maintaining the minutes of each meeting.

RULE IV. The City Chamberlain shall record the attendance at meetings. The order of business at regular meetings shall be as follows:

1. Pledge of allegiance and Roll Call.
2. Review of the minutes of the previous meeting.

3. Reading by City Chamberlain of any resolution or other item not listed on the printed agenda.
4. Public participation for a period not to exceed 45 minutes. At the outset of each meeting, individuals will be asked to register their intent to speak, providing their name and address. Each speaker may speak for up to three minutes on an agenda item or any aspect of City government or legislation. When the number of persons who have registered to speak requires that the allotted 45 minutes will be exceeded, an additional 15 minutes will be allotted for registered speakers, following all other business of the Council. Suspension of the rules will, as needed, be considered for those matters where further public participation may be warranted.
5. Mayor's comments
6. Chairperson's comments and presentations
7. Motions and resolutions.
8. Ordinances and local laws.
9. Presentation of petitions and communications.
10. Unfinished business.
11. New business.
12. Adjournment.

RULE V. The order of business may be departed from by majority vote of the members present.

RULE VI. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Common Council; the appeal to be taken without debate. The presiding officer shall designate the seating arrangement for Councilmembers and staff at Council meetings and the order of voting of Councilmembers on all matters coming before the Council for vote. The presiding officer may, if (s)he so desires, present motions and resolutions to the Common Council, and (s)he may debate on any question which is being considered by it. The presiding officer, if (s)he deems it appropriate, may allow Councilmembers or the Mayor to respond to or comment upon public comments made at each regular meeting during public participation (Item 4 of the Agenda set forth in Rule IV above), prior to the adjournment of the meeting.

RULE VII. When a question is under debate, no new motion shall be received, unless for the previous question, to amend it, to lay on the table, to commit it, to postpone it, or to adjourn.

RULE VIII. A motion to lay a question on the table shall be decided without amendment or debate, and a motion to postpone shall be decided without debate.

RULE IX. A motion to adjourn shall always be in order; and shall be decided without debate.

RULE X. Every member who shall be present when a question is put, shall vote for or against the same, or abstain with reasons for the abstention stated upon the record.

RULE XI. No question or motion, once put, or lost, shall again be put unless reconsidered; and a motion for reconsidering must be made not later than the next regular meeting after that on which the decision proposed to be reconsidered took place, and shall be made by a member who voted with the prevailing side. All motions for reconsidering must be passed by the affirmative vote of a majority of the voting power of the Common Council.

RULE XII. On the demand of any member, a roll call vote on any question shall be taken by ayes and nays; and it shall be the duty of the City Chamberlain to enter on the minutes the names of the members voting for or against the question, and also the name of the member demanding the roll call vote.

RULE XIII. All appointments of officers and fixing of salaries shall be by ayes and nays.

RULE XIV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless a majority of the Common Council consent for immediate action. This rule shall apply to:

- (a) The adoption of the budget
- (b) Ordinances
- (c) Resolutions amending the Rules and By-Laws of the Council
- (d) Resolutions appropriating money, amending the budget, or approving the execution of contracts.

RULE XV. In order to hear persons other than members of the Common Council, the Mayor, and members of City staff, it shall be necessary to pass a motion suspending the rules of order. A motion to suspend the rules may be made at any time during the meeting and shall be decided without debate. Any such person speaking shall confine himself-herself to the subject and not longer than three (3) minutes, unless the time is extended by the Chairperson. This rule shall not apply to public hearings.

RULE XVI. All meetings of the Common Council shall be recorded by means of a mechanical recording device. The taped results of the meetings shall be kept in the Office of the City Chamberlain, and shall be under his/her jurisdiction and control. A record of the proceedings shall be printed as soon as possible after each meeting and presented to the Common Council at its next meeting for its approval or correction. Twenty copies shall be bound annually in a volume to be preserved in the Office of the City Chamberlain. The minutes shall be available for public review in the Office of the City Chamberlain, and the City Chamberlain shall give a copy of the minutes to persons requesting the same to the extent that they are available. When a request is made for an annual record of the minutes, an annual fee of thirty (\$30.00) Dollars shall be made to

cover the expenses of the handling and recording and mailing if the record is on paper. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVII. An executive session is that portion of the meeting not open to the public because of the consideration of matters authorized for Executive Session pursuant to the New York State Open Meetings Law. Proposals, discussions, statements and transactions in executive session are intended to be and shall be held and maintained in confidence and shall not be disclosed.

RULE XVIII. Members of the public shall be prohibited from approaching any Councilmember or the Council dais and seating area in Council chambers during any regular, committee, or special meeting of the Common Council.

RULE XIX. The Mayor may be invited to comment to and address the Council and the public on any issues of public concern raised by Councilmembers at the Council's regular meetings each month, prior to motions and resolutions being heard and at any time thereafter at the discretion of the Council chairperson.

RULE XX. All legislation, including local laws, motions, resolutions, and ordinances presented to the Common Council, except for procedural motions, such as motions to amend and motions to refer, shall be numbered to simplify the tracking of such legislation, with the number clearly marked below the title of each piece of legislation and on Common Council agendas, as follows:

- Local Laws: LL-Year- Sequential Number (LL01-1; LL01-2; etc.)
- Motions: M-Year-Sequential Number (M01-1; etc.)
- Resolutions: R-Year- Sequential Number (R01-1; etc.)
- Ordinances: O-Year- Sequential Number (O01-1; etc.)

RULE XXI. The Chairperson of the Common Council shall give an address in response to the Mayor's annual state of the City address presented pursuant to section 3.02 of the City Charter at the next regular meeting of the Common Council following the Mayor's address.

RULE XXII. The Chairperson, or Vice Chairperson in the Chairperson's absence, is authorized to excuse a Councilmember from attending up to three (3) consecutive regular meetings of the Common Council because of a medical injury or illness which physically prevents the Councilmember from attending the meeting(s), if the medical injury or illness and physical inability to attend the meeting(s) is documented by a physician's note. Absences beyond three (3) consecutive regular meetings, for no more than an additional three (3) consecutive regular meetings, may be excused by a majority vote of the entire Council, based upon a written physician's note documenting the medical injury or illness which physically prevents the Councilmember from attending the meeting(s).

RULE XXIII. The following rules shall apply to a legally required public hearing held before the Common Council:

- (a) Speakers shall register in writing prior to the beginning of the hearing by providing their name, address, and organization, if any. Individuals arriving after the commencement of the hearing shall be permitted to register upon arrival as long as the Chairperson has not closed the hearing.
- (b) The Chairperson shall recognize each speaker, in the order registered, when the hearing is commenced. Speakers shall identify themselves, their address and organization, if any, prior to the remarks.
- (c) Speakers must limit their remarks to five (5) minutes. Remarks shall be addressed only to the hearing issues. Speakers may not yield any remaining time they may have to another speaker.
- (d) All remarks shall be addressed to the Council as a body and not to any individual member thereof.
- (e) Speakers shall observe the commonly accepted rules of courtesy, decency, dignity and good taste. Any loud, boisterous individual shall be asked to leave Council chambers by the Chairperson and may be removed at the request of the Chairperson. Speakers addressing issues outside the scope of the hearing shall be asked to cease their comments.
- (f) Interested parties may address the Council by written communication. The statements shall not be read at the hearing, but shall be provided to all Councilmembers and entered in the minutes of the hearing by the Chamberlain.
- (g) The Chamberlain shall include in the minutes of the hearing the name, address and organization, if any, of each speaker, a summary of the remarks, and written statements submitted to the Council.

Adopted by the Common Council; January 2, 2016

Resolution R16-03

RESOLUTION
(R16-04)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that Robert's Rules of Order be and the same hereby are adopted as the Parliamentary Rules of the Common Council for the year 2016.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-05)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the amount of the faithful performance duty bond, to be executed by the Commissioner of Finance as City Treasurer, and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the amount of the faithful performance duty bond, to be executed by the City Chamberlain and filed in the Dutchess County Clerk's Office, pursuant to Section 2.12 of the Administrative Code of the City of Poughkeepsie be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and it is further

RESOLVED, that the amount of the faithful performance duty bond to be executed by the Clerk of the City Court and filed in the Dutchess County Clerk's Office pursuant to Section 5 of the Act Creating a City Court in and for the City of Poughkeepsie, New York, be and the same hereby is fixed at the sum of Five Thousand (\$5,000) Dollars; and be it further

RESOLVED, that the Commissioner of Finance be and s/he hereby is empowered and directed to procure a public employee's faithful performance blanket position bond in the sum of Five Thousand (\$5,000) Dollars covering every officer and employee of the City, with excess coverage in the amount set opposite the following office and position:

Collection in Department of Finance,
Treasury Division.....\$20,000;

and it is further

RESOLVED, that all the premiums which may become due on said bonds during the year 2016 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER _____ :

RESOLUTION
(R16-6)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Commissioner of Finance be and s/he hereby is authorized and directed to draw warrants in favor of Chase Bank, Key Bank of New York, M & T Bank, Riverside Bank a division of Salisbury Bank, Bank of America, TD Bank, Chase Manhattan Bank and Depository Trust Co., Rhinebeck Bank and Ulster Savings Bank for principal and interest on the public debt as it becomes due from time to time during the year 2016, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to her or him of properly approved payrolls, be and s/he hereby is authorized and directed to pay the monthly and bi-weekly salaries and wages to the officers and employee of the City who shall be entitled to receive the same during the year 2016.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-07)

INTRODUCED BY COUNCILMEMBER _____ :

RESOLVED, that Chase Bank, Riverside Bank, a division Salisbury Bank, TD Bank, Rhinebeck Bank and M & T Bank, all of which are located in the City of Poughkeepsie, be and they hereby are designated as the banks in which the Commissioner of Finance is empowered and directed to deposit all monies of the City of Poughkeepsie; subject to such rules and regulations as the Common Council may from time to time prescribe and subject to such laws and regulations as may be prescribed by the State and Federal Governments from time to time hereafter in relation hereto; and be it further

RESOLVED, that the Commissioner of Finance be authorized to invest idle cash balances in her or his custody with any bank or trust company authorized to do business in New York State and to otherwise make investments pursuant to the investment policy, as adopted and amended from time to time by the Common Council and subject to such laws and regulations in relation thereto as may from time to time be prescribed by the State and Federal governments; and be it further

RESOLVED, that the City Chamberlain be and hereby is directed to mail a copy of this resolution to each such depositories.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-08)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the "Poughkeepsie Journal" a newspaper published in the City of Poughkeepsie, be and is hereby designated as the official newspaper of the City of Poughkeepsie for the year 2016.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-09)

INTRODUCED BY COUNCILMEMBER

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

SECONDED BY COUNCILMEMBER

RESOLUTION
(R16-08)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the "Poughkeepsie Journal" a newspaper published in the City of Poughkeepsie, be and is hereby designated as the official newspaper of the City of Poughkeepsie for the year 2016.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-09)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the City Chamberlain and the Deputy City Chamberlain as Marriage Officers in accordance with and subject to the provisions of Domestic Relations Law §11-c; and be it further

RESOLVED, that the Marriage Officers are hereby appointed for a term of one year, subject to the pleasure of the Common Council.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R16-10)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER _____ .

PURCHASING HANDBOOK
POLICIES AND PROCEDURES

COMPETITIVE BIDDING - GENERAL MUNICIPAL LAW, SECTION 103

General Municipal Law, Section 103, contains the primary requirements and reads in part:

"Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than twenty thousand dollars and all purchase contracts involving an expenditure of more than ten thousand dollars, shall be awarded by the appropriate officer, board, or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

PURCHASE CONTRACTS

1. Purchases of commodities and equipment, not the purchase of land.
2. Public works contracts: involve services, labor and construction and may also include materials used.
3. Aggregate amounts:
 - a. bid when it is known or can reasonably be expected that the aggregate amount to be spent will exceed the bid limits within a fiscal year. Items of a similar nature which are generally handled by one vendor should be grouped together when determining the aggregate amount in one fiscal year.

EXCEPTIONS TO COMPETITIVE BIDDING - STATUTORY

1. Purchases through the Office of General Services;
2. Purchases under county contract;
3. Second hand goods or surplus items from the Federal or State government or another political subdivision;
4. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety of property of the inhabitants of a political subdivision, require immediate action which cannot await competitive bidding;

5. Municipal hospital purchases;
6. Purchases through agencies for the blind and severely handicapped;
7. Goods made in correctional facilities
8. Perishable foods - school districts only.

EXCEPTIONS TO COMPETITIVE BIDDING - COMMON LAW

1. Professional services - services which do not readily lend themselves to competitive bidding.

Guidelines:

- a. whether the services are subject to State licensing or testing requirements;
- b. whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c. whether the services require a personal relationship between the individual and municipal officials.

Examples:

services of a certified public accountant; services of an engineer engaged to prepare plans; securing insurance coverage or services of an insurance broker; printing services involving extensive writing, editing or art work; computer software or programming services for customized programs.

2. Sole source situations;
3. Leases - true leases, not installment purchases;
4. Concessions;
5. Work performed by municipal employees under municipal cooperation agreements.

FTA THIRD PARTY CONTRACTING REQUIREMENTS

CITY OF POUGHKEEPSIE TRANSIT SYSTEM

STANDARDS OF CONDUCT

Every City of Poughkeepsie employee and dept. involved in the award or administration of contracts will be given a copy of the City's standards of conduct, and will be required to sign a statement that they are familiar with and will abide by these standards.

1. Employees must not engage in outside employment which is inconsistent with their City responsibilities. For example, furnishing advice or services to a firm bidding on or planning to bid on a contract with the City, or which is doing business presently with the City.
2. No employee, officer, agent, immediate family member, or Board member of the City of Poughkeepsie shall participate in the selection, award, or administration of a contract supported by FTA funds if a conflict of interest, real or apparent, would be involved.
3. The City of Poughkeepsie's employees, officers, agents, or Board members will neither solicit or accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
4. Employees occupying positions which are directly involved in government procurement processes are required to disclose any investments in businesses which engage in bid activities with the City.

Failure to abide by these standards of conduct will result in disciplinary action, up to and including, termination. If said employee is a member of a union and is bound by a collective bargaining agreement, the sanctions undertaken will be addressed within the agreement.

BIDDING PROCEDURES

1. Bid notice must be published in the municipality's official newspaper, if any, or otherwise in a newspaper designated for such purpose. The law only requires a statement of the time and place where bids received will be opened.

At least five days must elapse between the first publication and the date specified for opening and reading.
- 1.01 In the case of an FTA funded procurement, the FTA website, (the current Master Agreement and FTA Best Practices Procurement Manual, found on the FTA Website, should be checked for the FTA required clauses.) shall be checked for FTA required clauses at the time of the FTA funded procurement. Changes/additions/deletions shall be made accordingly.

2. Bid specifications - documents which describe what the municipality is purchasing.

Municipality fixes standards or limitations of proposal.

3. The statute requires that some type of security be required - bid bonds, retained percentage, or bid deposit.
4. Non-Collusion Certificate--GML §103-d--required in every bid or proposal.

STANDARDIZATION - GML §103(5)

Bidding for a particular brand, make, or model

1. Adopt a resolution by a vote of 3/5 of the governing body explaining reasons for standardization.

Guidelines:

- a. a substantial amount of equipment of the same make is presently being used by the municipality and uniformity of the make is essential to economy or efficiency
- b. service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically
- c. the municipality has on hand a substantial supply of spare parts for a particular make of equipment and they cannot be disposed of except at a substantial loss
- d. the design, plan or method of construction of an installation is peculiarly suited to a particular make of equipment and cannot be altered economically
- e. local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others;
- f. employees are trained to operate one make of equipment and cannot be trained economically to operate other makes.

BID OPENING

"...all bids received shall be publicly opened and read at the time and place so

specified..."

1. Governing body may designate any officer or employee to open bids
2. The bids must be recorded in the manner provided by the governing body and reported to the governing body at the next regular or special meeting.
3. Bid mistakes - bidder makes a unilateral mistake in calculating the proposal. Bidder may withdraw the bid within three days after opening or before awarding the contract, whichever is shorter if:
 - a. the price the bid was based is an error of such magnitude that enforcement would be unconscionable
 - b. the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error
 - c. the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, or services made directly in the compilation of the bid, which error can be clearly shown and
 - d. it is possible to place the municipality in status quo. The bid is withdrawn and the security is returned. The municipality cannot agree to amend or reform the bid to rectify the mistake.

AWARD OF BIDS

All contracts "shall be awarded by the appropriate officer, board or agency ... to the lowest responsible bidder furnishing the required security after advertisement for sealed bids."

1. Non-compliance with bid specifications

Municipality may decline bids which fail to comply with the literal requirements of the bid specifications, or it may waive a technical non-compliance with bid specs if the defect is a mere irregularity and it is in the best interests of the municipality to do so. Where the variance between the bid and the specification is material or substantial, the defect may not be waived and the municipality must reject the bid.

2. Responsibility of bidder

Governing body determines based on: accountability, reliability, financial responsibility, capital resources, skill, judgment, Integrity, prior criminal activity or moral worth.

REJECTION AND RE-ADVERTISEMENT

Governing body in its discretion, may reject all bids and re-advertise.

WICKS GML §101

Separate specifications for all contracts for the erection, construction, reconstruction or alteration of buildings when the entire cost exceeds \$50,000 be prepared so as to permit separate bidding for:

1. plumbing and gas fitting;
2. steam heating, hot water heating, ventilating and air conditioning apparatus; and
3. electric wiring and standard illuminating fixtures

INTENT

It is the intent of this section to show the limits of purchase by City of Poughkeepsie Departments, with respect to the limitations set forth by the State of New York, General Municipal Law §103 and §103b.

Limits are as follows:	Commodity(s)	\$20,000.00
	Public Works Contracts	\$35,000.00

In addition to these limits, a procedure must be enacted by the local governing body (The Common Council) that sets forth the policy on purchases of goods and services which do not have to be bid.

The following will show the procedure that the City of Poughkeepsie will follow with respect to the purchase of goods, commodities and public works contracts.

AUTHORIZATION

The payment of all invoices is the responsibility of the City of Poughkeepsie Finance Department, through the efforts of the Audits and Accounts Division, City Auditor, and the Purchasing Agent, with the direct supervision of the Commissioner of Finance.

The authorization for all payments of invoices is the responsibility of the Department Head or authorized representative; conversely the Department Head is the only person authorized to order equipment or services.

METHODS OF PURCHASE

If a Department Head/Division Head has items and funds to purchase in the fiscal year's budget, the following procedure should be used to obtain the commodity or public works services:

1. Look at the estimated monetary amount allocated for the item, check the attached chart for the procedure to use, follow the procedure.
2. If the procedure required involves a request for proposal, or a full advertised bid or (3) or more written quotations, the Purchasing Department should be called, to find out if the item is on a New York State or Dutchess County Contract, or what will be involved in the purchase of that item. (Call City of Poughkeepsie Purchasing Dept. at 451-4048)
3. Once a method of purchase has been chosen from the attached chart(s), it will be the responsibility of the department head or designated representative to perform the following:

- a. Generate a "DIRECT VOUCHER" or "PURCHASE REQUISITION" for the purchase of the commodity or public works service. (Use Direct Vouchers for \$999.00 or Less) (Use Purchase Requisitions for \$1000.00 or More)

After the generation of the direct voucher or purchase requisition, a modified flow chart of the routing is as follows:

CITY DEPARTMENT
Invoice or Purchase Order

TO

AUDITS & ACCOUNTS
Invoice Becomes a Check
Purchase Order is approved and printed

TO

VENDOR
Purchase Order or check

CITY DEPARTMENT
Copy of Purchase Order

The above may be altered, as is the case in a Blanket Purchase Order or Public Work Contract Purchase Order, where multi payments may be made from a single Purchase Order Number. The flow will not be broken, the only difference will be in the number of payments sent to the vendor.

METHODS OF PAYMENT:

The payment for commodities and public work services are made in the following manner:

Goods or Services Delivered to the City Department

Vendor sends invoice for goods

Invoice entered into NWS by Dept. Invoice is signed by Dept. Head and sent to Audits & Accounts for payment processing (Audits & Accounts must have all of the paper work in place in order to cut a check to the vendor)

Check Sent To Vendor

SALE OF PROPERTY - REAL OR PERSONAL

Villages and cities have the power to sell real or personal property as required for municipal purposes. There are no statutory guidelines.

PROPERTY WHICH MAY BE SOLD

No requirement that property be declared surplus, but legislative body should make determination that property is no longer needed for public use.

Wharves, cemeteries and parks are held in public trust and may not be diverted to other uses or sold without State legislative authorization.

METHOD OF SALE

Legislative body determines method of sale and notice or public hearing requirements.

Method of sale should be the one which it is thought will bring the best price or maximum financial benefits:

1. public auction
2. private negotiated sale request for proposals
3. or any other reasonable method

PRICE

Fair market value must be received - best price available in the board's judgement or the most beneficial terms available. Cannot make a gift of property or sell for nominal consideration.

SALE WHEN NO MARKET VALUE

Make an attempt at sale of the property to prove no market value, then may discard or donate the items without being considered a gift.

**CITY OF POUGHKEEPSIE
2014 PURCHASING POLICY**

PURCHASE CONTRACT	
ESTIMATED AMOUNT	REQUIREMENT
\$1,000 - \$4,999	N/A
\$5,000-\$9,999	2 Written or Electronic Quotations
\$10,000 - \$20,000	3 Written or Electronic Quotes
Above \$20,000	Formal Advertised Bid

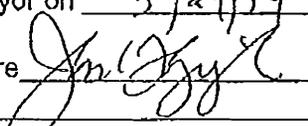
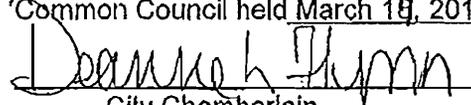
PUBLIC WORKS CONTRACT	
ESTIMATED AMOUNT	REQUIREMENT
\$1,000 - \$4,999	N/A
\$5,000 - \$9,999	2 Written or Electronic Quotations
\$10,000 - \$35,000	3 Written or Electronic Quotations
Above \$35,000	Formal Advertised Bid

RESOLUTION
(R-14-23)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the First Amendment to the purchasing policy which was adopted by the Common Council by Resolution R-14-8, of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER JOHNSON

<p>Submitted to Council: March 18, 2014 Council Action: Approved Roll call vote taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Ayes 7 Nays 0 Abstain 0 Absent 1 Approved by Mayor on <u>3/24/14</u> Mayor's Signature <u></u></p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>March 18, 2014</u> <u></u> City Chamberlain</p>
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**FIRST AMENDMENT TO THE PURCHASING HANDBOOK POLICIES AND
PROCEDURES**

The Purchasing Policy as adopted by the Common Council by Resolution R-14-8 on January 2, 2014 is hereby amended to reflect the additional Exemption to Competitive Bidding- Statutory:

9. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, where the use of the Schedule will result in cost savings after all factors, including charges for service, material and delivery, have been considered.

**LOCAL LAW AMENDING ARTICLE VII OF THE ADMINISTRATIVE CODE
TO ALLOW PURCHASING BASED ON BEST VALUE
(LL-14-2)**

INTRODUCED BY COUNCILMEMBER RICH

BE IT ENACTED, by the Common Council of the City of Poughkeepsie, in regular meeting convened a local law amending Article VII of the Administrative Code, to provide as follows:

SECTION 1- Legislative Intent: New York General Municipal Law §103(1) allows the City to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law §103 on the basis of "best value" as defined in §163 of the New York State Finance Law. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality and longer product life can be documented. The City hereby determines that it is the best interest of the City of Poughkeepsie and its residents for the City of Poughkeepsie to have the authority to award purchase contracts on the basis of "best value."

SECTION 2- Authorization to Accept the Best Value: Article XII of the City of Poughkeepsie Administrative Code entitled "FINANCE DEPARTMENT" is hereby amended to add a new section 7.08 entitled "Authority to accept best value" to read as follows:

On or after the effective date of this law, the City of Poughkeepsie may award purchase contracts subject to bidding under General Municipal Law §103, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of "best value," as defined in State Finance Law §163, to a responsive and responsible bidder or offerer.

- (a) Where the basis for award is the best value offer, the Commissioner of Finance as the purchasing agent shall document, in the procurement record and in advance of the initial receipt of offers, the criteria to be used to determine "best value." Whenever possible, the determination shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance and response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria, quality of craftsmanship
- (b) Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified within the procurement record to be considered by the Board of Contract and Supply in its determination of best value.

**RESOLUTION
(R-11-34)**

INTRODUCED BY COUNCILMEMBER HERMAN

WHEREAS, Labor Law Section 816-b authorizes municipalities to require that contractors and subcontractors on construction projects participate in an approved apprenticeship program prior to entering into the construction contract, notwithstanding the provisions of §103 of the General Municipal Law; and

WHEREAS, such apprenticeship programs must be approved by the Commissioner of the Department of Labor; and

WHEREAS, the Common Council desires to implement the provisions of Labor Law §816-b subject to certain limitations; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act as codified by NYCRR Part 617;

NOW, THEREFORE,

BE IT RESOLVED that the Common Council of the City of Poughkeepsie hereby authorizes the Commissioner of Finance to require that any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000, have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program(s) must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law. The contractor or subcontractor shall provide satisfactory evidence of registration with the New York State Commissioner of Labor on or before the deadline to submit its bid package for the construction project on which it is bidding; and be it further

RESOLVED, that this resolution shall apply only to construction contracts with an anticipated value in excess of \$100,000.00 dollars; and be it further

RESOLVED, that this resolution shall apply to construction contracts advertised for bid on or after the date on which this resolution is approved by the Mayor of the City of Poughkeepsie.

SECONDED BY COUNCILMEMBER PARISE

<p>Submitted to Council: April 4, 2011 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 7 Nays 0 Abstain 1 Absent 0 Approved by Mayor on <u>4/5/11</u> Mayor's Signature <u>[Signature]</u></p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>April 4, 2011</u> <u>[Signature]</u> City Chamberlain</p>
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RESOLUTION
(R-12-10)

INTRODUCED BY COUNCILMEMBER RICH

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby adopts the purchasing policy of which a copy is attached hereto and made a part of this resolution.

SECONDED BY COUNCILMEMBER BOYD

<p>Submitted to Council: January 2, 2012 Council Action: Approved Roll call vote taken: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Ayes 8 Nays 0 Abstain 0 Absent 0 Approved by Mayor on <u>1/4/12</u> Mayor's Signature <u><i>Jim C. Boyd</i></u></p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>January 2, 2012</u> <u><i>Deanna L. Flynn</i></u> City Chamberlain</p>
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**RESOLUTION APPROVING AND ADOPTING PROCUREMENT
POLICIES AND PROCEDURES FOR THE CITY OF POUGHKEEPSIE
(R12-10)**

INTRODUCED BY COUNCILMEMBER _____

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid; and

WHEREAS, by earlier resolution in 2010, the Common Council of the City of Poughkeepsie has approved such a policy; and

WHEREAS, a recommendation has have been received from all officers in the City of Poughkeepsie involved in the procurement process that certain amendments of said policy are advisable

NOW, THEREFORE, BE IT

RESOLVED, that the City of Poughkeepsie does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

**PROCUREMENT POLICY FOR THE
CITY OF POUGHKEEPSIE**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once the determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchase; certain municipal hospital purchase; goods purchased from agencies for the blind or severely handicapped; goods purchases from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the

purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services not required to be publicly bid pursuant to General Municipal Law Section 103 will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that facilitates the purchase of goods and services at the lowest prices and that guards against favoritism, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the best value:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$5,000- \$9,999	2 written or electronic quotations
\$10,000 - \$20,000	3 written or electronic quotations
Above \$20,000	Formal advertised bid

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$5,000 - \$9,999	2 written or electronic quotations
\$10,000 - \$35,000	3 written or electronic quotations
Above \$35,000	Formal advertised Bid or Request for Proposal

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the

award will achieve the best value or the basis for the conclusion that the offerer was not responsible. A determination that the offerer is not responsible shall be made by the Commissioner of Finance or his/her designee and may not be challenged under any circumstances.

All awards from telephone, facsimile, electronic or written quotes shall be made to the supplier offering the best value to the City. In determining the best value for the City, the purchase price and whether the goods or services meet specifications are the most important considerations. However, the Purchasing Agent may consider other relevant factors, including:

- (a) Installation costs;
- (b) Life cycle costs;
- (c) The quality and reliability of the goods and services;
- (d) The delivery terms;
- (e) Indicators of probable supplier performance under the contract such as past supplier performance, the supplier's financial resources and ability to perform, the supplier's experience or demonstrated capability and responsibility, and the supplier's ability to provide reliable maintenance agreements and support;
- (f) The cost of any employee training associated with a purchase;
- (g) The effect of a purchase on agency productivity; and

All quotes (electronic, written or telephone) shall be documented in the procurement record and shall be filed in the respective year's quote files or attached to the Purchasing Division's copy of the purchase order or be electronically attached to the purchase order within the currently accepted accounting program software. All purchases resulting from a written, electronic or telephone quote shall have the quote number referenced on the electronic purchase order or voucher, thus creating an audit trail.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Poughkeepsie to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Commissioner of Finance shall take into consideration the following guidelines:

- (a) Whether the services are subject to State licensing or testing requirements;
- (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
- (c) Whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimate; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services, printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten public buildings, public property or the life, health, safety of property of the residents. The declaration of an emergency shall be made by the Mayor or his/her designee. This section does not preclude alternate proposals if time permits. A purchase order must be obtained as soon as possible.

c. Purchases of surplus and second-hand goods under \$20,000 from any source. If alternate proposals are required, the City of Poughkeepsie is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$5,000. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Purchase orders shall be required for each procurement of goods and services of \$1,000 and more. The appropriate number of quotes must be either electronically or physically attached to the purchase order.

8. This policy shall go into effect upon adoption and will be reviewed annually.

SECONDED BY COUNCILMEMBER _____