



**ORGANIZATION MEETING OF THE
COMMON COUNCIL**

Common Council Chambers

7:00 p.m.

Monday, January 2, 2017

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 R17-01 confirming appointment of Corporation Counsel.
2. Resolution R17-02 adopting the 2017 Rules of Conduct and Procedure:
By- Laws of the Common Council of the City of Poughkeepsie.
3. Resolution R17-03 adopting Robert's Rules of Order.
4. Resolution R17-04 setting bonds for Commissioner of Finance and City Chamberlain.
5. Resolution R17-05 authorizing the Commissioner of Finance to pay public debt, salary and wages for 2017.
6. Resolution R17-06 approving designation of banks for deposits.
7. Resolution R17-07 approving The Poughkeepsie Journal as the official newspaper.
8. Resolution R17-08 appointing the City Chamberlain and Deputy Chamberlain as a Marriage Officers for the City of Poughkeepsie.
9. Resolution R17-09 Adoption of City's purchasing policy.
10. Resolution R17-10, approving an appointment to the Joint Water Board.

V. ADJOURNMENT:

RESOLUTION
(R17-01)

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, on January 2, 2017 the Mayor appointed and the Common Council confirmed the appointment of Paul Ackermann as Corporation Counsel; and

WHEREAS, the Common Council finds that it is in the best interest of the City of Poughkeepsie for the Paul Ackermann continue to be the duly appointed Corporation Counsel; and

NOW, THEREFORE,

BE IT RESOLVED, that the confirmation of Paul Ackermann is reaffirmed by the Common Council.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R-17-2)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Common Council adopts for use during the year 2017 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 2017***

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 9, 2017 at six thirty o'clock in the evening 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., as needed. 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 audio and/or video recording device. The archived 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, a fee shall be charged 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, 2017

Resolution R-17-02

RESOLUTION
(R17-03)

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 2017.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R17-4)

INTRODUCED BY COUNCILMEMBER _____ :

BE IT RESOLVED, that the Commissioner of Finance be and 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 2017, and be it further

RESOLVED, the Commissioner of Finance, upon presentation to 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 2017.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
(R17-05)

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
(R17-6)

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
(R17-7)

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 _____.

RESOLUTION
(R-17-8)

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 2017.

SECONDED BY COUNCILMEMBER _____ .

**RESOLUTION
(R-17-9)**

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 2017 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER _____ .

CITY OF POUGHKEEPSIE



PURCHASING HANDBOOK POLICIES AND PROCEDURES

Jan. 1. 2017

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 of by a local law adopted prior to September 1, 1953, all contracts for public work involving an expenditure of more than Thirty Five Thousand dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand dollars (\$20, 000.00), 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.”

BIDDING PROCEDURES:

General Municipal Law Sections 103 and 104-b require annual purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsive/responsible bidder meeting the intent of the specifications after public advertising requesting submission of sealed bids.

In determining the necessity for competitive bidding, the **aggregate cost** of like items or commodities estimated to be purchased citywide in a 12- month period are considered.

The using department(s) in conjunction with the Purchasing Department shall prepare bidding specifications; all bids shall include a non-collusion certification and indemnification agreement and all other documents required by General Municipal Law.

Formal bids/quotes containing a renewal clause shall be for a term of 12 months with optional renewals for two- twelve months periods if mutually agreeable by the vendor and the City of Poughkeepsie Board of Contracts and Supply. Exceptions to this are for contracts such as elevator maintenance, software, etc where a vendor will not enter an agreement at certain pricing unless it is for a longer specified period of time. Contact Purchasing for assistance if you have such a product/service.

The advertisement for bids shall at a minimum contain a description of the goods and/or services being solicited, a statement of the time and place where all bids will be publicly opened and read, the time and place of any pre-bid meetings and a

description of where and how bid documents may be obtained. At least five days must lapse between the first publication and the date specified for the opening and reading. All bid openings will be conducted at a public meeting unless otherwise specified, and all interested parties may attend.

After the public opening of a sealed bid a tabulation sheet shall be prepared recording all pricing as submitted by the responding vendors. Purchasing shall evaluate the bid responses and prepare a bid evaluation. This along with the tabulation sheet, copies of the bid responses and all supporting documentation needed to evaluate the bid responses shall be forwarded to the using department for review and award. Once the using department and the Purchasing Department are in agreement as to the responsive/responsible vendor, the using department will then make recommendation to The Board of Contracts and Supply, The Board of Contracts and Supply must concur to make final award.

If during the evaluation of the bid results, it is determined not to proceed with a bid award, the using department shall make recommendation to reject all bids, and may elect to re-advertise. The Board of Contracts must concur and Purchasing will place documentation into the procurement file.

The issuing department shall also be responsible for the approval of any renewal award by contacting the Purchasing Office.

Where Common Council action will be required to award a bid, request for proposal or request for expression of interest, the Common Council shall approval the appropriate document prior to it being issued.

Bid Approval Process

Bids for goods and services will be awarded by the City of Poughkeepsie Board of Contracts and Supply after the following conditions are met:

1. Sufficient appropriations are contained within the departments' current budget (or budget transfer has been completed)
2. The department head or their designated representative have certified in writing that the bids were received and meet the intent of the specifications
3. The award is made to the bidder submitting the lowest responsive and responsible bid per the specifications
4. The using department shall document the rejection of any low bid deemed non-responsive or non-responsible. The using department shall notify the Purchasing Agent in writing, documentation shall contain explanation for the rejection, said documentation shall be attached to the bid evaluation form in the bid folder.

Conflict of Interest

Any City employee who has, will have, or acquires an interest in, any actual or proposed contract with the City of which he/she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the Board of Contract and Supply as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be made part of the official minutes of the Board of Contracts and Supply. **If an officer or employee has a reason to believe that he/she may have a conflict of interest, the office of the City Attorney should be contacted immediately.**

Public Works Contracts

How do you define a "Public Works Contract"? Any time an item or project involves labor or both materials and labor (other than simple delivery of goods) it qualifies, such as contracts for construction, demolition, remodeling, maintenance, painting, paving and repair contracts.

When do I need prevailing wages? Whenever you employ laborers, workmen or mechanics you need to pay prevailing rates according to Article 8 and 9 of the New York State Labor Law, no matter what the dollar amount. Certified payrolls are required to be kept on file by the designated lead department or agency.

CERTIFICATES OF INSURANCE:

Before the CITY can enter into a contract with a vendor, valid insurance forms must be on file; this includes proof of workers compensation, form C105.2 or equivalent, Liability, ACORD form, and disability forms as required by New York State Workers Compensation and Disability Laws.

APPRENTICESHIP PROGRAM:

Any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000.00, must have apprenticeship agreements appropriate for the type of work 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. See Resolution R-11-34 for additional information.

QUOTES:

All quotations not secured by the Purchasing Department shall be done by use of a "REQUEST FOR QUOTATION" Short Form. This form may also be used for obtaining quotes for state contract, sole source purchases and/or use of other commodities or services. Please refer to the CONTRACT THRESHOLD CHART for the required number of quotes per project or purchase. All Public Works projects must have a PRC# obtained through the Department of Labor, in addition to proof of Workers Compensation and General Liability. PRC# can be obtained through the Purchasing Office. Upon request, the quotes secured by departments are subject to review by both Audits and Accounts and the Purchasing Department.

Local Preference: On contracts not subject to competitive bidding, The City of Poughkeepsie shall consider a weighted factor the percentage of City of Poughkeepsie residents of whom are employed by a business if such bidder is otherwise deemed responsive and responsible. See Resolution R-16-27 for additional information.

BEST VALUE:

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.

- A. The Criteria used to determine "Best Value" shall be made on an objective and quantifiable analysis of such criteria. The criteria may include, but is not 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
 - Price

- B. Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified. A criteria evaluation team must be made before solicitation.
- C. The basis for award shall be documented in the procurement file and in advance of the initial receipt of offers. See Local Law (LL-14-2) for additional information.

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 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 or other municipal contract; Piggybacking
3. Second-hand goods or surplus items from Federal or State government or another political subdivision;
4. Emergency: In the case of 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 wait competitive bidding;
5. Purchases through agencies for the blind and severely handicapped;
6. Goods made in correctional facilities; Corecraft

7. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84

Emergency Purchase

What is considered an Emergency? GML 103 (4) defines it as “a public” emergency arising out of an accident or other unforeseen occurrence or condition, whereby circumstances affecting public buildings, public property or the life, safety or property of the inhabitants requires immediate action”. Lack of anticipation or planning cannot be deemed as a cause for declaring an emergency.

A true emergency does not exclude the need for securing competitive pricing, only the formal bidding process. Purchasing should be contacted as soon as the emergency need is identified to secure pricing. **Emergency Declaration must be signed by the Mayor and sent to Purchasing.**

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 requires 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.

Professional Services are not subject to competitive sealed bidding requirements, but are subject to the guidelines of GML 104-b for competitive pricing to be obtained for these services.

Whenever possible, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement for services listed above.

2. Sole Source;

A sole source can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered a sole source, a letter on the manufacturer's official letterhead must be on file with the Purchasing Agent detailing their sole source status.

3. Single Source;

A single source could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Prior to a vendor being considered single source, a letter on the manufacturer's official letterhead must be on file with Purchasing Agent detailing their single source status.

4. Leases- true leases, not installment purchases

5. Work performed by municipal employees under municipal cooperation agreements.

FTA THIRD PARTY CONTACTING REQUIREMENTS

CITY OF POUGHKEEPSIE TRANSIT SYSTEM

If requested FTA Manual is available in the Purchasing Office

STANDARDS OF CONDUCT

Every City of Poughkeepsie employee and department involved in the award or administration of contract 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 nor 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 lapse between the first publication and the date specified for opening and reading

In the case of an FTA funded procurement, the FTA website, (the current Master Agreement and FTA Best Practices Manual, found on the FTA Website, should be checked for the FTA required clauses.) shall

be checked for FTA required clause at the time of the FTA funded procurement. Changes/addition/deletions shall be made accordingly.

2. Bid specifications-documents which describe what the municipality is purchasing
3. The statute requires that some type of security be required-bid bonds, retained percentage, or bid deposit.
4. Non-Collusion Certificate- GML-§103d-required in every bid or proposal.
5. Iran Divestment Act Document –GML §103g –Required in every bid or proposal.
- 6.

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 reason 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

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements. Standardization, restricts the purchase to a specific

model or type of equipment or supply, but does not limit the vendors it can be purchased from.

Standardization should be used very sparingly and only after careful consideration of the ramifications to future purchases and maintenance costs as this tends to reduce or in some cases, eliminate completely, competition thus costing the City more than it may save by standardizing.

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 calculation 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 the 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 \$500,000 be prepared so as to permit separate bidding for:

1. Plumbing and gas fitting;
2. Steam heating, hot water heating, ventilation and air conditioning apparatus; and
3. Electric wiring and standard illumination fixtures.

INTENT:

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

The authorization for all payment 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 service:

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 or other County Contract, or what will be involved in the purchase of that item.
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 "Request for Authorization" for the purchase of the commodity or public works service.

After the generation of the RFA, a modified flow chart of the routing is as follows:

- CITY DEPARTMENT:

Invoice or Purchase Order

TO

- AUDITS & ACCOUNTS AND/OR PURCHASING DEPARTMENT:

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 make from a single Purchase Order Number. The flow will not be broken, the only difference will be in the number of payment sent to the vendor.

In ALL instances, purchase orders must be completed before a purchase is made. The only exception is an emergency purchase as described on page 7.

Purchase Orders:

The requesting department will enter and attach the following information to the Purchase Order to be approved:

1. Award number if using State or other contract
2. Grant number if applicable
3. Complete description of what is being purchased.
4. Vendor
5. Ship to location
6. Quantity and unit of measure
7. Account number to be charged-Please check you budget before entering
8. Attach all back up documents, IE Grants, contracts, quotes etc.
9. Comments

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/LOGOS System by Department. Invoice is signed by Department 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.

Whereas, 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 of public hearing requirements.

Method of sale should be the one which is thought to 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 judgment 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, than may discard or donate the items without being considered a gift.

Contract Threshold Chart

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

Bid Protest Policy

CITY OF POUGHKEEPSIE
BOARD OF CONTRACTS

BID PROTEST PROCUDURES

There are three basic types of protests, based on the time in the procurement cycle when they occur.

- A pre-bid or solicitation phase protest is received prior to the bid opening or proposal due date.
- A pre-award protest is a protest against making an award and is received after receipt of proposals or bids, but before award of a contract.
- A post-award protest is a protest received after award of a contract.

1. Form of Bid Protest. Each protest must be in writing and delivered to the Purchasing agent within ten (10) calendar days of the City's notice of intent to award, after receipt of proposal/bid prior to bid opening and shall be addressed as follows:

Bid Protest
Purchasing Agent
City of Poughkeepsie

62 Civic Center Plaza

Poughkeepsie, NY 12601

Specific contents of a protest shall include the name of the protester, the solicitation/contract number or description, and a statement of grounds for protest.

2. Notification of Bid Protest.

The Purchasing Agent shall contact the department responsible for the bid and inform him/her of the bid protest. The department shall gather the relevant information about the solicitation, evaluation, and award of the bid and provide it to the Purchasing Agent within ten (10) calendar days of notification of the Bid Protest.

3. Decision. The Purchasing Agent and the Board of Contract & Supply shall review the information relevant to the bid and shall render a decision on the protest, with the advice

of the Office of the Corporation Counsel, in a prompt manner but not longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the reasons for such action, and shall be mailed, certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be distributed to the Department, the Board of Contract & Supply, and the Office of the Corporation Counsel. All documentation concerning the bid protest and the decision shall be retained in the Purchasing Department.

4. Appeal Process. An appeal of the decision may be made by either the department or the protestor as applicable. An appeal may be commenced by delivering seven copies of the following within seven (7) calendar days of the release of the decision: 1) a notice of an appeal to the Purchasing Agent; a statement of the nature and the reasons for the appeal, including claimed errors; and iii) a complete set of the documents submitted to the Purchasing Agent. The Purchasing Agent shall promptly deliver the copies to the Board of Contract and Supply, which shall set a hearing date for the appeal to commence, which date should not be later than forty-five (45) days from the notice of appeal. The appellant and respondent will be presented with an opportunity to address the Board of Contract & Supply and may be accompanied by counsel if desired.

5. Appeal Decision. Upon the conclusion of the appeal, the Board of Contract and Supply shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the Board of Contract and Supply shall be final and conclusive

6. Responsibility for Settlement of Contract Issues/Disputes. The City of Poughkeepsie alone will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the City of any contractual responsibility under its contracts.

RESOLUTION
(R-17-10)

INTRODUCED BY _____ :

WHEREAS, in accordance with the Inter-Municipal Agreement between the City of Poughkeepsie and the Town of Poughkeepsie dated August 3, 1995, the Common Council of the City of Poughkeepsie is authorized to make appointments of City residents to serve on the Joint Water Board; and

WHEREAS, by resolution of the Common Council dated May 2, 1996, two (2) members of the Joint Water Board shall be appointed by the Common Council with one (1) member being a member of the legislative branch and (1) member shall be appointed by the Mayor; and

WHEREAS, there currently exists an opening on the Joint Water Board due to the resignation of Common Council Member Christopher Petsas; and

WHEREAS, it is in the best interest of the City of Poughkeepsie and its citizens that the Joint Water Board should have a full complement of members in order to properly conduct the business required of the Board; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby appoints the following Councilmember to the Joint Water Board for the respective term as indicated below:

Natasha Cherry (Expires: 12/31/19)

SECONDED BY _____ .