



ORGANIZATIONAL MEETING OF THE COMMON COUNCIL

12:00 pm
Tuesday, January 3, 2023

I. PLEDGE OF ALLEGIANCE:

II. ROLL CALL

III. RESOLUTIONS:

1. **Resolution R-23-01**, Adopting the 2023 Rules of Conduct and Procedure: By- Laws of the Common Council of the City of Poughkeepsie.
2. **Resolution R-23-02**, Adopting Robert's Rules of Order.
3. **Resolution R-23-03**, Setting bonds for Commissioner of Finance and City Chamberlain.
4. **Resolution R-23-04**, Authorizing the Commissioner of Finance to pay public debt, salary and wages for 2023.
5. **Resolution R-23-05**, Approving designation of banks for deposits.
6. **Resolution R-23-06**, Approving The Poughkeepsie Journal as the official newspaper.
7. **Resolution R-23-07**, Appointing the City Chamberlain and Deputy Chamberlain as a Marriage Officers for the City of Poughkeepsie.
8. **Resolution R-23-08**, Adoption of City's purchasing policy.
9. **Resolution R-23-09**, Adoption of the Retention and Disposition Schedule for New York Local Government Records.

V. ADJOURNMENT:

**RULES OF CONDUCT AND PROCEDURE: BY-LAWS OF THE
COMMON COUNCIL OF THE CITY OF POUGHKEEPSIE FOR THE YEAR 2023**

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 3, 2023 at noon at City Hall. In case of a holiday on any such day, the regular meeting shall be held on another date. 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 Councilmember elected At-Large shall be designated as Council Chair, the presiding officer, and the Common Council shall elect its Vice Chairperson in the manner provided for in the Charter. In the event of a vacancy in the office of the 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. There shall be a standing sub-committee of the Common Council known as the Finance Committee. The members of the Finance Committee shall be appointed pursuant to the City Charter. The Chairperson may create additional such subcommittees or special committees as they deem necessary and appropriate.

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 items not listed on the printed agenda.
4. Public Participation-limited to 45 minutes.
5. Mayor's comments.
6. Chairperson's comments and presentations.
7. Reports of Committees and Boards.
8. Motions and resolutions.
9. Ordinances and local laws.
10. Presentation of petitions and communications.
11. Unfinished Business.
12. New Business.
13. Adjournment.

RULE V. The presiding officer shall set the agenda at all meetings of the Common Council. A councilmember may add items to New Business with the support of three (3) councilmembers. The order of business may be departed from with a motion, second, and by a majority vote of the members present. Any item added to an agenda must clearly identify a Councilmember as its sponsor.

RULE VI. 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 a vote. The presiding officer may, if they so desire, present motions and resolutions to the Common Council, and they may debate on any question which is being considered by it. The presiding officer, if they deem 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. The presiding officer shall have, to the fullest extent provided by New York State law, the sole authority to regulate public comment at any meeting as they, in their sole discretion, shall see fit, including, but not limited to, the authority to set priority for topics of comment and to declare any person to be out of order for failure to follow their directives in this regard. In governing the meeting and regulating public comment the presiding officer shall consider, but shall not be strictly bound by the following guidelines:

- A. The public shall be allowed to speak during the period of the meeting designated as "Public Participation" or as such other time as a majority of the Council shall suspend these rules, or at a duly called public hearing, or any other time required by state law or the City Charter. Speakers must sign-in and provide their name, address, and organization they represent, if applicable. Speakers must be recognized by the presiding officer. During the segment of the meeting designated "Public Participation", speakers shall limit their remarks to three minutes and will be advised by the presiding officer when three minutes have expired. Speakers are requested to conclude their remarks at that time. "Public Participation" is intended to afford persons an opportunity to express opinions on items on the Common Council's agenda. No Speaker shall be declared out of order, prevented from speaking or barred from attendance at any meeting because of any disagreement with the Speaker's position or view on any matter, because of the Speaker's identity or because of any disagreement with the content of relevant testimony.
- B. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the rules of decorum set forth in Subsection C below. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Chamberlain.
- C. Rules of decorum
 - 1. Purposes of rules of decorum.
 - a. To ensure that meetings of the Common Council are conducted in a way that allows the business of the City to be effectively undertaken.
 - b. To ensure that members of the public who attend meetings of the Common Council can be heard in a fair, impartial manner.
 - c. To ensure that meetings of the Common Council are conducted in a way that is open to all viewpoints and which is protective of the content of each speaker's speech and expression yet is free from hateful, abusive, obstructive or intimidating behavior.
 - d. To ensure that these rules of decorum are understood by persons attending Common Council meetings.
 - e. To ban egregious, inappropriate, and obstructive behavior at meetings of the Common Council.
 - 2. Sergeant At Arms. The Chief of Police or such member or members of the Police Department as they may designate shall be Sergeant-at-Arms of the Common Council and shall carry out all orders given by the presiding officer for purposes of maintaining order and decorum at the Council meeting. Any member of the Common Council may move to require the presiding officer to enforce the rules upon an affirmative vote of a majority of the Common Council.

3. Rules for the Speaker.
 - a. The speaker shall conduct themselves in a professional and respectful manner.
 - b. All remarks shall be directed to the Common Council, as a body, and not a City staff or any member of the public in attendance.
 - c. The speaker shall not defame, intimidate, make personal affronts, make threats of violence, or use profanity. Comments should be directed toward why the speaker either agrees or disagrees with an action, decision or proposal and not attacks or insults personally against the decisionmaker(s).
4. Rules for the public. Members of the public in the audience shall not engage in any of the following activities during a Common Council meeting:
 - a. Shouting, clapping, booing, heckling, unruly behavior, or speaking out when not recognized by the presiding officer. Such behavior is distracting to the members of the Common Council and other members of the public, interfering with their ability to listen to the current speaker.
 - b. Defamation, intimidation, personal affronts, threats of violence, or profanity.
 - c. Behavior that disrupts the orderly conduct of the meeting.
5. Rules for Councilmembers. While the Common Council is in session, the members must preserve order and decorum. Each Councilmember shall conduct themselves with decorum and shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Common Council, nor disturb any member while speaking or refuse to obey the orders of the presiding officer.
 - a. Speaker to be recognized by the presiding officer. No Councilmember wishing to speak shall proceed until they shall have been recognized by the presiding officer. After such recognition, the member shall confine discussion to the item at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the presiding officer, maintain a courteous tone and shall avoid interjecting a personal note into the debate.
 - b. Discussion of Resolutions, Motions, Ordinances, Laws. Any Councilmember, when recognized by the presiding officer, may speak on any Resolution, Motion, Ordinance, Law on the printed Agenda during the period of discussion following the introduction of the aforementioned items. The Councilmember(s) named as the sponsor(s) of a Resolution, Ordinance, Law or Motion have the privilege of speaking first. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
6. Persons Authorized to be within Rail. No person except members of the Common Council and City Staff shall be permitted within the rail without the consent of the presiding officer.

7. Enforcement of rules of decorum.

- a. Upon a violation of these rules of decorum, the presiding officer shall advise the person or persons violating a rule or rules to cease the violation with a brief description of the conduct that is in violation. The speaker or member(s) of the public shall be advised to cease the violating conduct and that further violations could result in removal from the meeting room.
- b. If a violation continues, the presiding officer shall issue a second and final warning to the person(s) that they continue to be in violation of the Rules of Conduct and Decorum and that they will be required to leave the Common Council Chambers if the violation continues.
- c. If the person or persons does not cease the violation(s) the presiding officer shall declare the person out of order and advise the person(s) that their right to continued attendance at the particular meeting has been revoked. The presiding officer, or his/her/their designee, shall contact the Police to arrange for removal of the person(s) from the meeting room. Said person shall be subject to all civil and criminal penalties that may apply to their conduct.

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

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

RULE XV. The legislation described below shall be read and laid over until the next meeting of the Common Council unless consent for immediate adoption is approved by a majority vote of the Common Council. This rule shall apply to:

- (a) The adoption of the budget

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

RULE XVI. 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 5 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 themselves 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 XVII. All meetings of the Common Council shall be recorded by means of an 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 their jurisdiction and control. Minutes 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. 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 in accordance with the New York Open Meetings Law. A Ten (\$10.00) Dollar fee shall be paid if the record is digital.

RULE XVIII. 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 sessions are intended to be and shall be held and maintained in confidence and shall not be disclosed.

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.)

Additionally, any such item listed on the agenda must clearly identify a Councilmember as its sponsor.

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(h) 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). This medical information is confidential and shall not be disclosed or discussed by individual Council members other than to note that the requesting member has documented the need for their absence.

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. Failure to limit comments to the public hearing shall be enforced by the presiding officer in the same manner as a violation of the Rules of Decorum. Speakers may not yield any remaining time they may have to another speaker.

(d) Speakers at a public hearing shall follow the Rules of Decorum as set forth in Rule VII (b) & (c). Failure to follow the Rules of Decorum shall be enforced by the presiding officer.

(e) The Chamberlain shall include in the minutes of the hearing the name, address, and organization, if any, of each speaker, a brief synopsis of the remarks, and a list of written statements submitted to the Council and shall either attach the statements to the minutes or indicate that said statements are available in the Office of the Chamberlain.

Adopted by the Common Council; January 3, 2023

Resolution R-23-01

RESOLUTION
R-23-01

INTRODUCED BY CHAIRWOMAN BROWN

BE IT RESOLVED, that the Common Council adopts for use during the year 2023 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 _____

RESOLUTION
R-23-02

INTRODUCED BY CHAIRWOMAN BROWN:

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 2023.

SECONDED BY COUNCILMEMBER _____.

**RESOLUTION
R-23-03**

INTRODUCED BY CHAIRWOMAN BROWN:

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 be it further

RESOLVED, that all the premiums which may become due on said bonds during the year 2023 shall be paid by the City as a proper City expense.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
R-23-04

INTRODUCED BY CHAIRWOMAN BROWN:

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, 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 2023, 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 2023.

SECONDED BY COUNCILMEMBER _____ .

RESOLUTION
R-23-05

INTRODUCED BY CHAIRWOMAN BROWN:

RESOLVED, that Chase Bank, 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
R-23-06

INTRODUCED BY CHAIRWOMAN BROWN:

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 2023.

SECONDED BY COUNCILMEMBER _____.

RESOLUTION
R-23-07

INTRODUCED BY CHAIRWOMAN BROWN:

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

R-23-08

INTRODUCED BY CHAIRWOMAN BROWN:

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 _____ .



CITY of POUGHKEEPSIE

PROCUREMENT POLICY

Effective January 3, 2023

Hon. Marc S. Nelson, MPA
Mayor

Marc S. Nelson, MPA
City Administrator

Brian Martinez, PHD
Commissioner of Finance

This document is intended to outline the framework for procuring goods and services for the City of Poughkeepsie (City) in a timely manner and, at the same time, assuring the prudent and efficient use of public monies.

INTRODUCTION

In general, the provisions of the City's Procurement Policy are based on the requirements on General Municipal Law, Sections 103 and 104-b.

In part, GML, Section 103 reads "Except as otherwise expressly provided by an act of the legislature of the municipality, 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 but not limited to a soil conservation district, to the lowest possible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section."

GML, Section 104-b, states "Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption....."

BIDDING PROCEDURES

Competitive bidding will be utilized whenever required by law or when determined to be in the best interest of the City in accordance with GML, Section 104-b.

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

The requesting department with Finance Department, Purchasing Division shall be responsible for preparing bidding specifications. All bids received shall include a non-collusion certification, an indemnification agreement, and any and all other required documents as per General Municipal Law. All Requests for Bids or Requests for Proposals are to be advertised for a minimum of five days between the first publication date and the date specified for the bid opening, and 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. All bid openings will be conducted at a public meeting, unless otherwise specified, and all interested parties may attend. **BID PROCESS**

For projects or purchases exceeding the bidding threshold, the requesting department shall submit a completed *Request for Bid* form to the Purchasing Agent. The Purchasing Agent is delegated certain duties on behalf of the Commissioner of Finance, the Purchasing Agent for the City, in accordance with the City of Poughkeepsie Charter, Section 7.03.

The requesting department(s) shall, in conjunction with the Purchasing Agent, prepare bidding specifications. Specifications should be clearly written. They should provide prospective bidders a common standard by which to be measured, and provide assurance that bidders will be competing on a fair and equal basis. The specifications should indicate the basis by which bids and offers will be evaluated. Specifications should provide prospective bidders with sufficient information for them to formulate bids.

All bids shall include a Non-Collusion Certificate, an Iran Divestment Certification, Indemnification Agreement and all other documents required by General Municipal Law.

A Bid Bond, generally 5% of the bid, may be required on certain projects including service contracts. This bond is intended to protect the City in the event that a bidder refuses to enter into a contract after the contract is awarded or the bidder withdraws his bid before the award.

Performance Bonds in the amount of 100% of the bid are required for all construction projects. This bond offers the City protection in the event of the contractor's failure to perform in accordance with the awarded contract terms.

Prevailing wage rates apply to all projects subject to Articles 8 and 9 of the NYS Department of Labor.

All bids shall be advertised on the Empire State Purchasing Group website, www.bidnetdirect.com/newyork, and on the City website, www.cityofpoughkeepsie.com. Bids for projects or purchases that are federally or state funded may be advertised on the New York State Contract Reporter website, www.nyscr.ny.gov.

On March 10, 2016, The Common Council of the City of Poughkeepsie adopted Resolution *R-2016-27, Amending the Purchasing Policy to Encourage Local Employment*. The resolution directs "the Purchasing Agent to consider as a weighted factor the percentage of City of Poughkeepsie residents employed by a business when considering an award of a contract not subject to competitive bidding if such bidder is otherwise deemed responsive and responsible." If a bidder wishes to request this consideration, he/she must make this request specifically in his/her bid response and provide verifiable documentation of the percentage of his/her employees who are City residents.

Any contractor or subcontractor who bids on a construction project having an anticipated value in excess of \$100,000 must have apprenticeship agreements appropriate for the type and scope of work to be performed. The apprenticeship program must have been registered with the New York State Commissioner of Labor in accordance with Article 23 of the Labor Law.

BID OPENING and AWARD

The Board of Contract and Supply will have the option to reject all bids and re-advertise at its discretion.

All bid openings will be opened publicly and read at the time and place specified in the advertisement for bids unless otherwise specified. Bid openings can be attended by any and all interested parties.

Bids received after the specified bid opening time will not be accepted, and will be returned unopened to the prospective bidder.

The BOCS shall be comprised of the Commissioner of Finance, Commissioner of Public Works, the Corporation Counsel, and the City Engineer. The City Administrator will act as an ad hoc member of the BOCS to break tie votes. The BOCS will normally be assisted by the Purchasing Agent acting as the recording secretary at all meetings and awards. The Purchasing Agent will generally be in attendance at bid openings but will have no voting rights and cannot be included in the Quorum.

The following rules will govern:

1. The Purchasing Agent and the requesting department will designate any person to open and read the bids aloud.
2. The bids will be recorded in the manner provided by the BOCS and will be recorded and reported at the next regular or special meeting of the BOCS.
3. Copies of original bids will be provided to the Department Head of the originating department to determine that the bids opened meet the bid specifications.
4. A tabulation sheet shall be prepared recording all pricing submitted by responding bidders. The Purchasing Agent will assist the requesting department to evaluate bid responses and prepare a bid evaluation. If a Best Value award is to be made, the submittal will be reviewed in accordance with the criteria established in Local Law 2014-2. Local Law 2014-2 excludes purchase contracts required for the completion of a public works contract pursuant to Labor Law Article 8. The Commissioner of Finance shall determine that sufficient appropriations are contained within the originating department's budget or that other means are available to fund the project or purchase.
5. The BOCS may reject any and all bids that do not meet the bid specification.
6. The originating Department Head will recommend the award and certify in writing that the prospective awardee has submitted a bid or proposal that meets the intent of the bid specifications.
7. The BOCS shall determine the responsibility and responsiveness of the prospective awardee. The originating department will notify any low bidder of a rejection based on a determination that the bidder is not responsible or responsive.
8. A majority of the BOCS must then concur with the award.
9. If federal funds are to be expended for the project or purchase, The Purchasing Agent shall be responsible to determine that the proposed awardee is eligible by all Federal standards.
10. In the event that two or more responsive/responsible bidders submit identical low bids, the BOCS will determine which is awarded the contract.
11. The Purchasing Agent shall draft and submit a proposed contract to the Corporation Counsel for approval. Once approved, the Purchasing Agent will forward three (3)

copies of the contract along with a Notice of Award to the awardee for signature and required documents. After execution by the awarded, contract will be forwarded to the Mayor for signature. On receipt of all executed contracts, the Commissioner of Finance acting as the Purchasing Agent of the City will issue a Notice to Proceed.

12. The Purchasing Agent will issue the Non-Award Notice(s) and return all bid bonds to the bidder(s) who were not selected.
13. The BOCS may also request that a notice of Intent to Award be issued in the event that additional time is needed before making an actual award.

BID ERRORS

In the event that a submitted bid or proposal contains a unilateral error in calculation, the responder may withdraw the bid or proposal within three days of the bid opening or before the awarding of the contract, whichever is shorter if:

1. The error is of such magnitude that enforcement would be unconscionable, or against the public interest.
2. The bid or proposal was submitted in good faith, and the responder submits credible evidence that the mistake was merely a clerical error.
3. The error in the bid or proposal is 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 or proposal, which error can be clearly shown and;
4. It is possible to maintain the status quo ante, the bid or proposal may be deemed withdrawn and any security returned. Neither the City, its agents or employees, nor members of the Board of Contracts may agree to amend the bid or proposal in order to rectify the error.

BID PROTEST PROCEDURES

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

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

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

Bid Protest
Purchasing Agent
City of Poughkeepsie
62 Civic Center Plaza

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

The Purchasing Agent will deliver all relevant information to the BOCS. The BOCS shall review the information relevant to the bid and shall render a decision on the protest. not longer than thirty (30) days after the bid protest was received.

The decision shall contain the action taken and the rationale for such action, and shall be mailed by certified mail, return receipt requested, to the protestor at the address set forth in the bid protest. A copy of the decision shall be maintained by the Corporation Counsel and distributed to the Department, the BOCS, and the Commissioner of Finance with copies to be retained by the Purchasing Agent.

An appeal of the decision may be made either by the department or the protestor as applicable. An appeal may be commenced by delivering seven (7) copies of the following within seven (7) calendar days of the release of the decision.

1. A Notice of Appeal to the Purchasing Agent,
2. A statement of the nature and the reason(s) for the appeal, including claimed errors,
3. A complete set of the documents submitted to the Purchasing Agent.

The Purchasing Agent shall promptly deliver the copies to the BOCS which shall set a hearing date for the appeal to commence, which date shall 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 BOCS and may be accompanied by counsel if desired.

Upon the conclusion of the appeal, the BOCS shall issue a decision within thirty (30) days of the conclusion of the appeal. The decision of the BOCS shall be final and conclusive.

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.

BEST VALUE

The Common Council of the City of Poughkeepsie has adopted Local Law No. 2014-2 allowing the City's Finance Commissioner the "authority to accept Best Value" in awarding purchasing contracts subject to the requirements of GML, Section 103. The Local Law excludes any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8.

A "Best Value" award is defined as a basis for awarding contracts "to the offeror which optimizes quality, cost and efficiency among responsive and responsible offerors."

A determination must be made in writing by the Commissioner of Finance in detailing why a “Best Value” award will be made before the solicitation of bids can occur.

When it has been determined that a “Best Value” award is to be made, the criteria by which the “Best Value” will be evaluated and the process by which the evaluation and selection will be made must also be documented and included in the bid package.

The criteria used to determine Best Value shall be made in advance of the initial receipt of offers, and 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:

1. Cost of Maintenance,
2. Proximity to the end user if distance and response time is a significant term,
3. Durability,
4. Availability of replacement parts or maintenance contractors,
5. Longer product life,
6. Product performance criteria,
7. Quality of craftsmanship,
8. Price,
9. Local preference.

REQUEST FOR PROPOSAL

Professional Services, not subject to competitive bidding requirements, may be competitively solicited through the Request for Proposal (RFP) process and awarded subject to a pre-determined set of weighted criteria. RFP’s may be advertised similarly to bid advertisements, or they may be selectively directed and solicited from others.

The pre-determined criteria may include, but not be limited to the following:

1. Cost
2. Responsiveness –availability to meet project guidelines
3. Qualifications – project understanding and approach
4. Experience – similar services provided to public or private sector clients
5. Local Preference – experience with local projects

Where appropriate, the solicitation shall identify the relative importance and/or weight of each criterion identified.

A criteria evaluation team should be identified before solicitation.

The basis for award should be documented in the procurement file in advance of the initial receipt of offers.

WICKS GML, Section 101

Separate specifications for all contracts for the erection, construction, reconstruction, or alteration of buildings when the entire cost exceeds \$500,000.00 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.

GENERAL PROCUREMENT PROCESS

General Municipal Law, Section 104(b), requires that procedures be implemented to insure that municipal governments make the most prudent use of public monies.

The Common Counsel has enacted the following regarding the purchase of goods and services that do not have to be competitively bid, but that are intended to ensure that goal.

PURCHASE CONTRACT	
ESTIMATED COST	REQUIREMENT
\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get quotes - Purchase Order Required
\$5,000.00 - \$9,999.99	Request for Authorization and 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$19,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$20,000.00 and above	Formal Advertised Bid

PUBLIC WORKS CONTRACT	
ESTIMATED COST	REQUIREMENT
\$ 0.00 - \$1,999.99	No Request for Authorization – No Requirement to get quotes – No Purchase Order Required
\$2,000.00 - \$4,999.99	No Request for Authorization – No Requirement to get Quotes - Purchase Order Required

\$5,000.00 - \$9,999.99	Request for Authorization - 2 Written or Electronic Quotes – Purchase Order Required
\$10,000.00 - \$34,999.99	Request for Authorization – 3 Written or Electronic Quotes – Purchase Order Required
\$35,000.00 and above	Formal Advertised Bid

Department Heads have the responsibility, first and foremost, to manage to their respective budgets as adopted by the Common Council. Department Heads must first determine whether the item or service to be acquired is a Purchase or a Public Works contract. Then, based on the estimated cost of that product or service and the charts, requesting Departments will provide any/all documentation required to make purchases. Requests for Authorization, Quotes, and Purchase Orders shall be completed by the requesting department and processed by Finance Department **BEFORE** the purchase is made. Any purchase made that does not conform to these procedures is null and void and the employee responsible for the purchase may be subject to disciplinary action including written warnings that could lead to personal financial responsibility for unauthorized purchases.

EXCEPTIONS to the COMPETITIVE BIDDING REQUIREMENT

1. Purchases through the NYS Office of General Services
2. Purchases under county or other municipal contract (Piggybacking). In the interest of increased efficiency, the purchase of goods and services through the NYS Office of General Services contracts or the “Piggybacking” on contracts existing through the Dutchess County Office of Central Services or those of other political subdivisions is strongly encouraged. The use of the competitive bidding process for the purchase of commodities otherwise readily available through these contracts will normally not be necessary except under extenuating circumstances; e.g., immediate need and availability through another vendor.
3. Professional Services that do not lend themselves to competitive bidding subject to the following guidelines:
 - a. Service is subject to New York State Licensing or testing requirements,
 - b. Substantial formal education or training is a necessary prerequisite to the performance of the service,
 - c. Performance of the service would require a personal relationship between the entity and municipal officials.

Professional Services not subject to competitive bidding, but subject to the guidelines of General Municipal Law, Section 104-b, should require the issuance of a Request for Proposal and evaluation of all proposals received before a contract is offered.

4. “Sole source supplier” shall mean a manufacturer, software developer, or service provider that sells direct and there are no other sources offering an “or equal”. For

consideration of sole source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their sole source status.

5. Single source supplier is defined as a distributor/wholesaler/retailer that has a contractual agreement to provide services within a specific geographic territory to the exclusion of all others. For consideration of single source status, the entity must provide to the Purchasing Agent a letter, on official letterhead, detailing their single source status.
6. Emergencies defined as arising out of an accident or other unforeseen occurrence of condition whereby circumstances affecting public buildings, public property, or the life, health, safety of property of the inhabitants of the City of Poughkeepsie require immediate action which cannot await the competitive bidding process. An Emergency Declaration, signed by the Mayor of the City of Poughkeepsie, is required to be forwarded to the Purchasing Agent. Lack of anticipation or planning cannot be deemed as cause for the Emergency Declaration.
7. Purchases through agencies for the blind and/or severely handicapped.
8. Goods made by correctional facilities (Corecraft)
9. Second-hand goods or surplus from Federal, State or other political subdivision.
10. Products offered by the Federal Government, Government Services Administration (GSA) Schedules 70 & 84, 1122 Public Safety Purchasing Program, NJPA, and other cooperative agreements.
11. Leases defined as true leases, not installment purchases
12. Work performed by municipal employees under municipal cooperation agreements.

STANDARDIZATION – GENERAL MUNICIPAL LAW, Section 103(5)

Bidding for a particular brand or model requires that the Common Council adopt a resolution explaining the reason for standardization by a 3/5 vote.

Guidelines:

1. 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 of efficiency,
2. Service facilities are peculiarly adapted to the handling of a particular make of equipment and cannot be converted economically,
3. 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,
4. The design, plan or method of construction of an installation is particularly suited to a particular make of equipment and cannot be altered economically,

5. Local geographic or atmospheric conditions require the use of a particular make of equipment to the exclusion of all others,
6. 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, 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 way, eliminate competition thus causing the City more than it may save by standardizing.

PROCUREMENT CARDS

The intent of the Procurement Card (P-Card) Program is to provide a streamlined process for the procurement of goods and services costing less than \$999.00. Department Heads are responsible for annually designating which employees are given P-Cards, distributing a Procurement Card Program Policy to each designated employee, enforcing the Procurement Card Program Policy, and insuring that all purchases made by the card are accounted for on an expense report.

All employees should refer to the separate Procurement Card Program Policy and are responsible for compliance. Failure to comply with reporting requirements will result in suspension of P-Card privileges at the discretion of the Commissioner of Finance.

STANDARDS OF CONDUCT

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

Employees shall 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 of Poughkeepsie, or which is presently doing business with the City.

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 with the City if a conflict of interest real or apparent, would be involved.

City of Poughkeepsie 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 with the City.

Employees occupying position which are directly involved in the City of Poughkeepsie procurement process are required to disclose any interest 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 with the City of Poughkeepsie, the sanctions undertaken will be addressed within the agreement

PURCHASING RESPONSIBILITY

General Municipal Law, Section 104-b requires the identification of the individual or individuals responsible for purchasing and their respective titles. As such, the following identifications are made with the areas of responsibility:

Brian Martinez, PhD, – Commissioner of Finance and Purchasing Agent of the City

Karen Sorrell – Deputy Commissioner of Finance

Shirley Davison – Purchasing Agent

Rebecca A. Valk – Corporation Counsel

Key References

1. New York State GML § 103- Goods and Services
2. GML 104- Services
3. State Finance Law § 163-Best Value
4. Article 23 of the Labor Law-Apprenticeship
5. Uniform Guidance (2 CFR Part 200, Subparts A through F)- Federal Funded
6. City of Poughkeepsie Charter, Section 7
7. Local Law 2014-2

**RESOLUTION
R-23-09**

INTRODUCED BY CHAIRWOMAN BROWN:

BE IT RESOLVED, by the Common Council of the City of Poughkeepsie that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

SECONDED BY COUNCILMEMBER _____