



MINUTES
FINANCE, WAGE & PERSONNEL STANDING COMMITTEE OF THE RTM
PUBLIC HEARING & SPECIAL MEETING
Thursday, March 18, 2021
7:00 P.M. - Waterford Town Hall
ZOOM Remote Access Only

The March 18, 2021 Public Hearing of the Finance, Wage & Personnel Standing Committee of the RTM was called to order by Chairperson David Lersch at 7:01 P.M.

ROLL CALL

Present: Susan Driscoll, Paul Goldstein, Kathleen Kohl, David Lersch, Liam O'Leary

Absent: None

Also Attending: Town Clerk David Campo, Town Attorney Robert Avena, Director of Finance Kim Allen, Purchasing Agent Rawle Dummett

PUBLIC COMMENT on proposed changes to Chapter 3.08 – Purchasing Ordinance.
(Draft 2)

Chairman Lersch requested that Finance Director Kim Allen summarize the rationale for raising the bidding limit to \$25,000.

Board of Finance member Bill Sheehan spoke in favor of the changes and expressed his support for keeping the change as general as possible. Mr. Sheehan also recommended that if it results in a purchasing procedure change that it should need approval by the RTM.

Town Attorney Rob Avena in response, informing Mr. Sheehan and the committee that any purchasing procedure change would need a recommendation by the Board of Selectman and approval of the RTM.

MOTION by Goldstein, seconded by Kohl, to close the public hearing at 7:11 P.M.

VOTING IN FAVOR: Unanimous

The March 18, 2021 Special Meeting of the Finance, Wage & Personnel Standing Committee of the RTM was called to order by Chairperson David Lersch at 7:12 P.M.

ROLL CALL

Present: Susan Driscoll, Paul Goldstein, Kathleen Kohl, David Lersch, Liam O'Leary

Absent: None

Also Attending: Town Clerk David Campo, Town Attorney Robert Avena, Director of Finance Kim Allen, Purchasing Agent Rawle Dummett

AGENDA ITEM 4: Minutes

MOTION by Goldstein, seconded by O'Leary, to approve the minutes from the March 4, 2021 meeting.

VOTING IN FAVOR: Unanimous with one member abstaining. (Driscoll)

AGENDA ITEM 6 A: Bidding Advantages for Local Businesses on Town Projects by amending Chapter 3.08 – Purchasing of the Waterford Code of Ordinances.

PRESENTATION: Town Attorney Robert Avena, Director of Finance Kim Allen, Discussion ensued.

MOTION by Driscoll, seconded by Goldstein, to recommend this version (Draft 2) of Chapter 3.08 – Purchasing of the Waterford Code of Ordinance to the RTM as presented because it incorporates the most current State and Federal guidelines.

VOTING IN FAVOR: Unanimous

MOTION by Goldstein, seconded by Kohl, to adjourn at 7:29 P.M.

VOTING IN FAVOR: Unanimous

Respectfully submitted,

David Lersch

Chairman

Title 3 – Revenue and Finance**Chapter 3.08 - PURCHASING**

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3.08.010 - Applicability—Cooperative purchasing.

- A. This chapter shall be applicable to all purchases of materials, equipment and contracts for services other than those encompassed in collective bargaining agreements or employment contracts with non-union personnel, made on behalf of the town by any town agency, board or commission except the board of education.
- B. This chapter is not applicable to contracts for the construction or alteration of real property when outside consultants are specifically authorized to perform the purchasing function; however, the agency, board or commission hiring such consultant shall require that purchasing under such contract be performed to standards at least equal to those contained in this chapter and that records and documents of such purchasing be filed with the purchasing agent of the town immediately upon their execution.
- C. When it is in the best interest of the town, the purchasing agent may make arrangements for purchasing in conjunction with other units of state and local government and other entities. Reports of such instances shall be accompanied by substantial backup verifying the sources utilized to secure the price, and this report shall be made available to each board or commission that must vote to authorize the proposal before the purchase is made.

(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part); R.T.M. 12-5-94 (part); R.T.M. 4-4-88; prior code § 2-37)

3.08.020 - Establishment, rules and duties of purchasing function.

- A. The office of town purchasing agent is established in the department of finance to coordinate the purchasing function of the town. The director of finance shall recommend a candidate for the position to be appointed by the first selectman.
- B. A uniform purchasing system and operating rules, consistent with state and federal laws, shall be established for the town which shall be devised by the purchasing agent, recommended by the board of selectmen, approved by the R.T.M. and administered in the department of finance. All purchasing transactions shall be processed and recorded within legal constraints as stated in this chapter and in Chapter 2.112, Disposition of Town Property.
- C. The duties of the purchasing agent are as follows:
 - 1. To promote the most effective and efficient procurement and disposition of town assets and services;
 - 2. To provide, upon request, information to support all purchasing operations and management analyses for decision-making purposes;
 - 3. To provide technical services for the review and recommendation of specifications and purchase orders;
 - 4. To implement the bidding/request for proposal process through advertising and posting notices of solicitation;
 - 5. To secure and record quotations/bids/proposals for purchases when multiple vendors are available;

6. To make purchases according to the requisitions and specifications of the user agency, board or commission;
7. To submit an annual report to the director of finance relative to the cost effectiveness and performance of purchasing operations in the town.

(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part); R.T.M. 12-5-94 (part); R.T.M. 6-6-88; R.T.M. 4-4-88; prior code § 2-38)

3.08.030 - Purchase categories—Bids/proposals required—Specifications authorized.

- A. Public competitive bidding and Purchases of material and equipment and services will be categorized and established and administered, by pursuant to CGS §7-148 v(a), at the following levels:
 1. ~~All authorizations for purchases of items in an amount up to one thousand five hundred dollars will be consolidated as appropriate with other like requests by the purchasing agent, and will be purchased on an "or equal" basis unless accompanied by a detailed specification and justification approved by the head of the user agency, board or commission, in accordance with the operating rules established under subsection B of Section 3.08.020.~~
 2. ~~For purchases in an amount exceeding one thousand five hundred dollars, but not exceeding seven thousand five hundred dollars, at least two written quotations must be solicited by the requesting agency with the purchasing agent's assistance in accordance with the operating rules established under subsection B of Section 3.08.020.~~
 3. ~~For purchases in an amount exceeding seven thousand five hundred dollars, but not exceeding fifteen thousand dollars, a formal quote process through the purchasing department must be completed. The requesting agency will submit specifications or description of item or services needed. The purchasing agent will solicit for formal quotes.~~
 4. ~~For purchases exceeding fifteen twenty-five thousand dollars, a formal bid process is required as authorized in subsection B of Section 3.08.020 of this section and Section 3.08.040.~~
 2. Under twenty-five thousand dollars, the Town purchasing agent's operating rules shall govern all other purchasing transactions, and may allow for local vendor preferences as established under the operating rules.

(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part); R.T.M. 12-5-94 (part); R.T.M. 6-6-88; R.T.M. 4-4-88; prior code § 2-39)

3.08.040 - Bid process—Opening of bids/proposals—Rejecting bids/proposals—Awards of contract.

- A. No purchases or contracts which require a formal bid or proposal process shall be made or entered into until the purchasing agent has placed a public advertisement in a newspaper, having a daily circulation in the town, and placed on the town web site. Said advertisement shall appear not less than fourteen days prior to the receipt of bids/proposals, shall contain information as to the time that sealed bids/proposals will be received and opened, and the place prospective vendors may obtain information about the specifications with respect to the materials, equipment or services required.
- B. Each bid/proposal shall be opened publicly at the time stated in its advertisement. A public record shall identify all present at the opening and all vendors and the amounts of their bids/proposals.

- C. Contracts shall generally be awarded to the qualified vendor with the lowest price. Compliance with specifications, ability of the contractor to perform the contract, prior performance, and the ability to complete the contract terms in a timely manner are all criteria to be used in the evaluation process. With respect to materials and equipment, contracts shall be awarded to the vendor with the lowest price whose product has met quality requirements. The purchasing agent shall recommend a bid/proposal award to the user agency, board or commission.
- D. Contracts shall be reviewed by the user agency, board or commission, the purchasing agent and the town attorney to ensure all quality, fairness and legal parameters are met before said contracts are considered final and approved and may be executed.
- E. The board of selectmen is authorized to make an award, or reject any and all bids/proposals, or any part of any bids/proposals, when it is in the best interest of the town. All bids/proposals, will be awarded by the board of selectmen regardless of funding source, with the sole exception of bids/proposals funded by use of funds from the sewer enterprise fund, the sewer development/maintenance fund and the water fund, accounts under the sole discretion of the utility commission. The purchasing agent shall be notified of the decision and the reason for any rejection by either body.

(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part); R.T.M. 12-5-94 (part); R.T.M. 4-4-88: prior code § 2-40)

3.08.050 - Waiver of bid/proposal process.

- A. In case of emergency, the head of any town agency, board or commission may purchase directly any item(s) or service(s) essential to prevent public harm or delays in work. An authorization document, a copy of the invoice, and a report of the circumstances shall be sent to both the board of selectmen and the purchasing agent.
- B. After conferring with the purchasing agent and, other than as excepted below, upon a unanimous vote of all members of the board of selectmen present at any regular or special meeting, a bid/proposal process may be waived under Sections 3.08.030 and 3.08.040 when deemed to be in the best interest of the town. No board, commission or agency is authorized to enter into a contract without compliance with said process except bids/proposals using funds under the sole discretion of the utility commission. When such funds are involved, after conferring with the purchasing agent, the utility commission, by unanimous vote of all members present at a regular or special meeting, is authorized to waive the bid/proposal process when deemed to be in the best interest of the town. Whenever any bid waiver is approved pursuant to this chapter, a copy of the minutes that state the reason why it is in the best interest of the town to waive the formal bid/proposal process shall be forwarded to the purchasing agent along with a copy of the contract award. Such contracts shall be reviewed by the user agency, board or commission, the purchasing agent and the town attorney to ensure all quality, fairness and legal parameters are met before such contracts are considered final and approved and may be executed.

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