

**THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK
CITY OPERATIONS COMMITTEE**

July 12, 2021

Chairperson: *Vacant*

Members: Councilor Canales, Councilor Gibbs, Mayor Rosenquest

MINUTES

5:00 P.M.

Present: Chairperson Mayor Rosenquest, Councilor Jaime Canales, Councilor Elizabeth Gibbs, Councilor Mike Kelly, Councilor Jeff Moore
Absent: None

1. **Approval of minutes of the June 14, 2021 City Operations Committee**
By Councilor Canales; Seconded by Gibbs
(All voted in the affirmative)

2. **Mayor**
 - 2.1 **Presentation:** Cleargov – Rob Battaglia
 - 2.2 **Presentation:** IT update from Symquest
 - 2.3 **Presentation:** Police Department IT update from Captain Kiroy

3. **Community Events**
 - 3.1 **Draft Resolution:** “AUTHORIZE GRACE AVENUE CLOSURE FOR NEIGHBORHOOD BLOCK PARTY”
 - 3.2 **Draft Resolution:** “AUTHORIZING STREET CLOSURE –BRINKERHOFF (MARION TO MARGARET)”

4. **Public Comment: None**

5. **New Business:**

Councilor Gibbs states not really new business but old business regarding city wide garage sales.

6. **Executive Session:**

At 6:08 pm Motion to enter Executive Session to discuss a matter of public safety. The public discussion of which would imperil public safety and invited Casey Kourofsky and Captain Kiroy to participate. Councilor Kelly and Councilor Moore also attended.

By Councilor Gibbs; Seconded by Councilor Canales
(All voted in the affirmative)

At 6:41 pm Motion to return from Executive Session. No action taken.

By Councilor Gibbs; Seconded by Councilor Canales
(All voted in the affirmative)

7. Adjournment

Motion to Adjourn by Councilor Canales; Seconded by Councilor Gibbs
(All voted in the affirmative)

MEETING ADJOURNED: 6:42 pm

RESOLUTION 3.1 – 07/12/21

**RESOLUTION TITLE: AUTHORIZE GRACE AVENUE CLOSURE FOR
NEIGHBORHOOD BLOCK PARTY**

In accordance with the request therefore, the Common Council approves Jared Burns of 14 Grace Avenue to close down part of Grace Avenue (from Ash to Cornelia) on August 28, 2021 from 11 am to 5 pm to have a safe area for their block party.

Approved by the **CITY OPERATIONS COMMITTEE** at its meeting on **JULY 12, 2021**.

Motion by Councilor Gibbs; Seconded by Councilor Canales

Discussion: None

Roll Call: All voted in the affirmative

Absent: None

Motion carried

RESOLUTION 3.2 – 07/12/21

**RESOLUTION TITLE: AUTHORIZING STREET CLOSURE –BRINKERHOFF
(MARION TO MARGARET)**

Request from Strand Center for the Arts to close Brinkerhoff Street (from Marion to Margaret Street) for an Artisan Market. The requested date is Saturday, August 14, 2021 from 9am to 2:30pm.

Approved by the **CITY OPERATIONS COMMITTEE** at its meeting on **JULY 12, 2021**.

Motion by Councilor Gibbs; Seconded by Councilor Canales

Discussion: None

Roll Call: All voted in the affirmative

Absent: None

Motion carried

RESOLUTION 3.3 – 07/12/21

RESOLUTION TITLE: AUTHORIZING THE PROCUREMENT POLICES AND PROCEDURES FOR THE CITY OF PLATTSBURGH AS REVISED

Approved by the **CITY OPERATIONS COMMITTEE** at its meeting on **JULY 12, 2021**.

Motion by Councilor Canales; Seconded by Councilor Gibbs

Discussion: Yes

Roll Call: All voted in the affirmative

Absent: None

Motion carried

June 28, 2021

Memo to: Plattsburgh City Common Council

Mayor Chris Rosenquest

From: Plattsburgh City Ethics Board (Patrick McFarlin, Thomas Moran, Monticia Prather)

Re: Recommendation on City Procurement Policy

One of the roles of the City Ethics Board is to offer advisory opinions on ethics policy regarding city governance, accordingly we would like to recommend that the City add the following general provision to the City's Procurement Policy:

"City employees (or their immediate family members) may not enter into a private for profit contract with the City, for either goods or services, without the explicit approval of the Mayor and the Common Council. In cases where such contracts with city employees are approved, factors such as emergency situations, as well as issues of superior cost, quality or timeliness should be considered as relevant justifications."

Our concern is not so much with the precise wording of the policy, however, as it is with its underlying principles. We recognize that several provisions of both Plattsburgh City and New York State ethics guidelines and laws address the issue of conflict of interest and therefore including the provision we are recommending in the City's Procurement Policy may appear to some to be unnecessarily redundant. But we believe that it will provide additional transparent, public scrutiny of these types of contract decisions and further assure citizens of the community that City employees do not benefit inappropriately from their positions.

Appendix D - PROCUREMENT AND PURCHASING POLICIES AND PROCEDURES

PROCUREMENT POLICIES AND PROCEDURES FOR THE CITY OF PLATTSBURGH

IT IS HEREBY RESOLVED BY, the Common Council of the City of Plattsburgh , County of Clinton, State of New York that to conform with the requirements of General Municipal Law, Section 104-b, Procurement Policies and Procedures, and

IT IS FURTHER RESOLVED, that environmentally friendly purchasing is a key element of the Common Council's efforts to reduce waste, greenhouse gas emissions and combat climate change, both in its own operations and throughout the community. Buying environmentally-friendly products and services harnesses the purchasing power of the City to reduce waste and greenhouse gas emissions and encourages others to do likewise. Such purchasing practices include purchasing products that are durable, contain recycled content, are energy efficient, and promote waste reduction and reuse. It also can include doing business with service providers who engage in climate-friendly practices. Accordingly, the Common Council is committed to purchasing specific environmentally-friendly products to the extent practicable; and

IT IS FURTHER RESOLVED, that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, 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. To further these objectives, the Common Council is adopting internal policies and procedures governing all procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

I. Procedures for determining whether procurement is subject to bidding. The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: All procurement must be examined and categorized as follows:

1. GML Section 104-b Non-competitive Bidding:

- a). Purchase under \$20,000.00.
- b). Contract for public work below \$35,000.00.
- c). Articles manufactured in a New York State correctional facility (Corrections Law Section 184, 186).
- d). Purchases from agencies for the blind or severely handicapped (State Finance Law Section 175b).
- e). Purchases under a County contract (GML Section 103(3)).
- f). Purchases under a State contract (GML Section 104).
- g). Emergency purchases (GML Section 103(4)).
- h). Sole source purchases (GML Section 104-b).
- i). Professional Services (GML Section 104-b).
- j). True leases (GML Section 104-b).
- k). Insurance (GML Section 104-b).
- l). Second-hand equipment from another government (GML Section 103(6)).

m) State or federal contract lists that comply with GML section 103.16.i

2. GML Section 104-b - Competitive Bidding:

a). Purchase contract of \$20,000.00 or more.

b). Contracts for public work of \$35,000.00 or more.

3. Other Analysis:

a). Purchases should be evaluated to determine whether, over the course of the fiscal year, the City of Plattsburgh will spend in excess of the competitive bidding thresholds for the same or similar items or services. Prior year's budgetary appropriations should be referred to for this information and compared with current projections.

4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.

5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

C. Statutory Exceptions from These Policies and Procedures:

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or GML section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), 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 or procurement which furthers the purposes of General Municipal Law, Section 104-b.

1. City of Plattsburgh Purchases under County, State and Federal Contracts

A. When there is only one provider of an item of equipment, material, product or service competitive pricing is not required.

B. When there is more than one provider of the same (or functionally equivalent) item of equipment, material, product or service, the prices offered by all vendors shall be compared and the purchase made from the one offering the lowest price, taking transportation or shipping costs into consideration.

C. When an item is available for purchase on the GSA Schedule Contracts, also known as Federal Supply Schedules, and at a price that is lower than the state contract price, or if the item is not listed on the state contract and the price is less than \$20,000 dollars, the item may be purchased on the GSA Schedule Contracts.

D. CONSTRUCTION EQUIPMENT AND LABOR RENTAL. In 2018 Clinton County has contracts for the rental of construction equipment and labor which the City of Plattsburgh is permitted to piggyback on. The following guidelines apply to the use of such contracts:

a. All construction projects where the City Planner's, or other City Official or Independent Contractor designated by the Mayor, estimate of the total project cost is more than \$120,000 shall be competitively bid.

b. Where the estimated cost is less than \$120,000, equipment and labor may be rented under County Contract, provided:

i. The City Planner, or other City Official or Independent Contractor as designated by the Mayor, determines they have sufficient staff resources to monitor time and material expended on the job.

ii. The scope of work is specified in sufficient detail to permit a contractor to quote a lump sum price if requested to do so.

iii. All the labor and equipment used by the contractor performing the work is listed on the county contract.

iv. Before letting the work, the City Planner, or other City Official or Independent Contractor as designated by the Mayor, shall prepare an estimate of project cost which includes quantity time estimates for labor and equipment.

v. When there is more than one contractor who has the labor and equipment to perform the work, the cost from each contractor shall be estimated by the City Planner or other City Official designated by the Mayor, using their time quantity estimates. This estimate shall be kept confidential until the work is awarded.

vi. For work with an estimated cost of less than \$50,000, the work may be awarded to the contractor with the lowest estimated cost based upon the City's cost estimate, however, before the work is awarded, the contractor shall provide an estimate of time charges for labor and equipment.

vii. For work with an estimated cost of more than \$50,000, the City Planner or other City Official designated by the Mayor shall request labor and equipment time budgets from each qualified contractor and compare all estimates before deciding whether to award the work.

viii. In deciding whether to award the work under county contract, or competitively bid the work, the City Planner or other City Official designated by the Mayor may consider the accuracy of previous contractor time and cost estimates under county contract jobs, including county contract work for the county and other municipalities.

II. Methods of Competition to be used for Non-Bid Procurement:

The methods of procurement to be used are as follows:

Purchase Contracts for Goods Costing Less than \$20,000

ESTIMATED COST	WRITTEN QUOTES
\$100 to \$999	1
\$1,000 to \$2,999	2
\$3,000 - \$19,999	3

Public Works Contracts Costing Less than \$35,000

\$100 - \$15,000	2
\$15,001 - \$34,999	3

Notes to Table

(a) The head of the Purchasing Department may approve purchases of Goods costing less than \$1,000 without Mayoral approval. All other purchases require prior Department Head and Mayoral approval. When the Mayor is unavailable, the Mayor Pro Tem or the City Councilor who is liaison to the purchasing department may approve the purchase.

(b) If the suggested number of written quotes cannot be obtained, this fact should be noted on the purchase order.

(c) Written quotes should be kept in the purchasing department's file.

(d) Where three written quotes are required for Goods, at least one quote should be obtained from an internetbased vendor. The requirement for written price quotes for the purchase of goods may be satisfied by copying the internet page where goods are offered for sale, or from internet price comparison web sites that report prices from more than one vendor. If a vendor who sells goods over the internet is rated by customers, a relatively low customer rating may be used as a basis for purchasing goods from a vendor other than one who offers the lowest price.

(e) De minimis purchases of goods or services under \$100 do not require a written quote.

IV. Awards to Other Than Lowest Responsible Dollar Offeror:

Whenever any contract is awarded to other than the lowest responsible dollar Offeror, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b above shall be explained by the purchasing department head in writing and attached to the purchase order.

V. Items Excepted From Policies and Procedures by Common Council:

A. There may be circumstances where the solicitation of alternative proposals or quotations, or accepting the lowest price or offer, will not be in the best interest of the City. These circumstances might include:

1. Emergencies where time is a crucial factor.
2. Procurement for which there is not viable competition (sole source items).
3. Procurement of professional services. Professional services or services requiring special or technical skill, training, expertise or familiarity with the policies, procedures, past practices and operational decisions of the City. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the City, e.g., legal and accounting services, impact liability issues of the City and its directors, including securities liability in circumstances where the City is issuing bonds. These qualifications and the concerns of the City regarding its liability and the liability of its officers are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City shall take into consideration the following guidelines: (a) whether the services are subject to state

licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and the officers of the City. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of City-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Banking and insurance services shall be procured by RFP submitted to not less than three providers.

VI. Input from Officers:

Comments concerning the policies and procedures shall be solicited from city officers involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VII. Supersedes Prior Policy; Effective Date. This policy restatement supersedes all previous policies concerning the purchase of goods and services. It is effective on the date it is adopted by Common Council resolution with respect to purchases made after that date.

VIII. Annual Review. The Common Council shall annually review these policies and procedures. The Mayor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Mayor may designate.

VIII. Unintentional Failure to Comply: The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken, or give rise to a cause of action against the City of Plattsburgh or any officer or employee thereof.

IT IS HEREBY RESOLVED, that the foregoing **PROCUREMENT POLICIES AND PROCEDURES** shall become effective on October ____, 2018.

The foregoing **PROCUREMENT POLICIES AND PROCEDURES** were adopted by resolution of the Common Council at a regular meeting of the Common Council held on October ____, 2018.

GML 103.16 reads as follows: 16.[fn*] Notwithstanding the provisions of subdivisions one, two and three of this section, and section one hundred four of this article, any

officer, board or agency of a county, political subdivision or of any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such county, political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities.

The authority provided to counties, political subdivisions and districts therein pursuant to this subdivision shall not relieve any obligation of such county, political subdivision or district therein to comply with any applicable minority and women-owned business enterprise program mandates and the preferred source requirements of section one hundred sixty-two of the state finance law.

[fn*] NB Effective until 2017/08/01, pursuant to Laws 2012, ch. 308, Sec. 2

CITY OF PLATTSBURGH PURCHASING PROCEDURES

These instructions are for employees buying goods for the City of Plattsburgh and its departments. Please reference the City of Plattsburgh Purchasing Policy last revised January 13th, 2013, the City of Plattsburgh Charter at C6-15(D), the Procurement Policies and Procedures for the City of Plattsburgh adopted on July 26, 2012, and Common Council Resolution 7 dated January 26th, 2017, for specific requirements and procedures for procuring goods and services for the City of Plattsburgh.

1. The City of Plattsburgh is a New York State municipal corporation and is exempt from paying sales taxes on all purchases. Its Federal tax payer identification number is #14-6002376.

2. The purchase of all goods and services requires a Purchase Order authorized by the Mayor or in his absence the Mayor Pro Tem or the City Department Head before good or services are ordered for the City. A copy of the purchase order will be provided to the vendor when the order is placed, if required. The purchase order will have a "purchase order number" required for the vendor to reference for receiving payment.

3. A purchase order is created by entering a purchase requisition record within the City's business system by the employee initiating the purchase. At the time of entering the purchase requisition, all pertinent information is required as to vendor number, name and address, the account number having sufficient appropriations to be encumbered by the purchase order and eventually receive the invoice amount, the quantity of items being purchased and the item price. Adhering to the City purchasing procedures as to pricing is required such that two or three quotes are required depending on the amount of the purchase and can be attached to the purchase requisition in the most efficient manner – see City purchasing policy referred to above.

4. Purchase requisitions are approved by the Department Head via the City's electronic purchase requisition processing system. If the requisition is in excess of \$1,000, a requisition is then forwarded to the City Chamberlain for approval by the Common Council. Approved purchase requisitions are converted into purchase orders and created for printing or electronic record production for supplying to the vendor to ship goods, provide services and eventually invoice the City for payment.

5. The vendor must complete an IRS W-9 taxpayer identification number and certification if one is not on file. If a vendor record does not exist for requisition processing, then a vendor record has to be added by contacting the Finance Department.

6. Goods should be shipped to the "ship to" address on the purchase order and shipping papers or receiving documents should include the purchase order number.

7. If possible, the goods should be shipped with a reference copy of the vendor's invoice including the purchase order number, a copy of the signed purchase order and the W-9. The invoice for payment and any supporting documentation may be mailed, or sent as a pdf file by electronic mail, or sent by facsimile to the Finance Department where the invoice for payment must reference the purchase order number for it to be paid. If the Finance Department's email address or fax number do not appear on the purchase order please check the City website at <http://www.cityofplattsburgh-ny.gov/>, or call the Finance Department.

8. The vendor's invoice will be processed for payment after the goods are received and inspected. Payment is normally made by check within 3 to 4 weeks after receipt of the goods and invoice, unless specific payment terms apply.

9. When the City of Plattsburgh purchases good from a vendor under a purchase order, and the vendor accepts the order by shipping the goods, the vendor agrees that notwithstanding any terms on its invoice or other vendor document to the contrary, the amount due for the goods may be paid without interest if payment is issued within 30 days of when the goods are accepted and the vendor's invoice and supporting documents is received by the City, whichever last occurs.

10. The City of Plattsburgh may agree to different payment terms than those set forth above, but any change in the terms must appear on the approved purchase order, or in a separate writing signed by the Mayor, Chamberlain or director of the Department ordering the goods.