

**CITY OF MIDDLETOWN, NEW YORK  
COMMON COUNCIL  
RECORD OF VOTE**

*1888 --- 2013*

*125<sup>th</sup> City of Middletown Celebration*

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

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Sec'd by Ald. Sierra

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Date of Adoption 02-05-13

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Index No: 43-13

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NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Amodio		X		
Ald. Burr				X
Ald. Ramkissoon	X			
Ald. Smith	X			
Ald. Sommers	X			
Ald. Masi	X			
Ald. Sabnis	X			
Ald. Sierra	X			
Pres. Rodrigues	X			
TOTAL	7	1		1

Whereas, Section 104-4 of Chapter 104 (Procurement Policy) of the Code of the City of Middletown requires the City to procure services by competitive bidding if it is anticipated that the City will expend more than \$35,000.00 on an annual basis for such service or services, and

Whereas, the City must obtain services from time to time that are needed immediately and locally to protect the health, welfare or safety of the residents of the City, employees of the City or structures and equipment owned by the City, and

Whereas, such services include, but are not limited to, repairs to City vehicles such as sanitation trucks or trucks used in snow plowing or street repairs; repairs to City buildings and processes, such as electrical or plumbing work in or on the City's sewage treatment plant or water treatment plant; or assistance from outside companies for snow or garbage removal, and

Whereas, it is likely impossible for the particular Department head responsible for purchasing such services to determine, in advance, whether such services individually or collectively will total more than \$35,000.00 for the particular year, and

Whereas, the Board of Estimate and Apportionment has determined that it would be appropriate to amend the City's Procurement Policy to allow Department heads to procure such services on a day-to-day basis, often from local suppliers, as needed in order to protect the City as described above while still requiring bids for services that the Department head can easily determine will exceed \$35,000.00 for the year, and

Whereas, the Common Council wants to amend the Procurement Policy as recommended by the Board of Estimate.

Now, therefore, be it resolved by the Common Council of the City of Middletown that the existing Section 104-4 of Chapter 104 of the Code of the City of Middletown is hereby repealed and replaced in its entirety with the following:

§ 104-4. Other services.

In the event it can be anticipated that a particular service (e.g., painting services) may be required by the City for various projects which, in total, are expected to exceed \$35,000 for the year, then the procurement of those services will be subject to competitive bidding.

There are, however, certain types of services provided to the City that may be considered routine and delivered in the ordinary course of business that are not capable of precise cumulative monetary calculation but are necessary to be incurred promptly and/or locally to protect the health, welfare or safety of the residents of the City, employees of the City or structures and equipment owned by the City. Such services include, but are not limited to, repairs to City vehicles such as sanitation trucks or trucks used in snow plowing or street repairs; repairs to City buildings and processes, such as electrical or plumbing work in or on the City's sewage treatment plant or water treatment plant; or assistance from outside companies for snow or garbage removal. In such cases, the cumulative payment to those companies may total more than \$35,000.00 per year, but it is impossible to know from year to year whether such costs will exceed \$35,000.00. In such cases, and in accordance with Section 104-b (2) (g) of the New York General Municipal Law, it is the determination of the Common Council of the City of Middletown that the best interests of the City will not be served by competitive bidding in such cases, but that the department head charged with such purchases may obtain such routine services as needed by the City in the ordinary course of business from time to time.

Notwithstanding the foregoing, if the department head charged with such purchase determines that the anticipated service covered by that one purchase likely will exceed the cost of \$35,000.00 and such service is not the subject of any exception under this procurement policy (such as an emergency purchase or the purchase from a sole source supplier), then the procurement of such service will be subject to competitive bidding as set forth elsewhere in this Chapter.

Be it further resolved that this resolution shall take effect immediately.