

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
AUGUST 7, 2013**

ATTENDANCE: Richard Paoletto, Co-Chair; Warren Blunt, Co-chair; Steven Stafstrom, Council President Thomas McCarthy; Richard Bonney; AmyMarie Vizzo-Paniccia (6:14 p.m.) Lydia Martinez (6:17 p.m.)

OTHERS: Mark Anastasi, City Attorney; Ron Pacacha, City Attorney's Office; Jodie Paul-Arndt, CitiStat; B. Tardy, Acting City Purchasing Agent; Jeanette Nadrizny, City Purchasing

CALL TO ORDER.

Council Member Paoletto called the meeting to order at 6:10 p.m. A quorum was present.

APPROVAL OF COMMITTEE MINUTES.

March 26, 2013 Regular Meeting

**** COUNCIL MEMBER BONNEY MOVED THE MINUTES OF THE MARCH 26, 2013 REGULAR MEETING.**

**** COUNCIL MEMBER BLUNT SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE MARCH 26, 2013 REGULAR MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

April 1, 2013 Public Hearings.

**** COUNCIL MEMBER BONNEY MOVED THE MINUTES OF THE APRIL 1, 2013 PUBLIC HEARINGS.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE APRIL 1, 2013 PUBLIC HEARINGS AS SUBMITTED PASSED UNANIMOUSLY.**

116-12 Council Review and Possible Revisions to the City's Purchasing and Procurement Ordinance, Chapter 3.08 City Contract and Purchasing Procedures.

Council Member Paoletto stated that this was the first of several meetings to review the purchasing process. He said that this particular meeting would be focused on the recent situation with the Sikorsky Airport.

Council President McCarthy said that the Airport situation has been a hot topic and there has been discussion about the next steps that needed to be taken. The council would like to review the process and discuss if any changes should be made to the process.

Council Member Vizzo-Paniccia joined the meeting at 6:14 p.m.

Council President McCarthy said that the Mayor and Ms. Paul-Arndt had been reviewing the Purchasing and Procurement Ordinance for some time. Therefore he would like to focus specifically on the Airport issues at this time.

Council Member Paoletto reiterated that this was not going to be a one time slam dunk to change things. There will be a number of meetings and it will conclude with a public hearing. There is no dead line, but it is important to insure that this ordinance is reviewed and the process is right.

Council Member Martinez joined the meeting at 6:17 p.m.

Atty. Anastasi said he had previously stated that the procurement process has been followed regarding this particular issue. He reminded everyone that the administration has been reviewing the overall process. He reiterated that the process was followed. He said that the Connecticut Post had discovered a business relationship that the City administration was not aware of.

There is a review process and a personnel investigation is underway. Atty. Anastasi said that he was not involved in this at all. There is also an independent analysis being done by John King, the New Britain City Attorney. He will be a fresh set of eyes and will bring in a broader perspective. He urged the Committee not to come to any conclusions until the independent analysis is presented in the near future.

Regarding the flaw that occurred in this particular procurement, Atty. Anastasi said that the administration has initiated an annual disclosure process for all department heads and others involved in the City business. Atty. Anastasi said that the Council would be presented with a suggested self-policing policy. He then reviewed the details of how this would be implemented.

He concluded that he believed that this process was followed appropriately, but in this instance, it did not prevent this situation. Atty. Anastasi reminded everyone that the employee involved has filed an appeal with Personnel.

Mr. Tardy came forward and reviewed the details involved in a qualified purchase, which is outlined on page 14, section G2 of the resolution. Mr. Tardy listed the various reasons Atty. Trachtenberg, who is the attorney for the Airport project, had requesting the waiver. Atty. Anastasi pointed out that there were Federal deadlines that were involved in this project. He went on to explain some of the other complex factors involved in this project.

Council President McCarthy said that while he understood that there were time concerns involved with this request, he wished to know how much weight was given to the timeline. Mr.

Tardy said that he was relying on the integrity of the staff and had no way to disprove the time schedule. Mr. Tardy pointed out that the permits had been pulled already. Rebidding the project would require the City to pay for the additional permits. Atty. Anastasi reviewed the reasons why Mark Four was the low bidder. He pointed out that additional quotes were submitted.

Council President McCarthy asked Mr. Tardy about the quotes. He replied that whenever there is a purchase request, he always tries to get additional quotes.

Council Member Stafstrom reviewed the fact that time was a critical factor, rather than the fact that there were only one available vendor or sole source, not a special source or the purchase involves items that have state or Federal regulated prices. Mr. Tardy said that this was so.

Council Member Stafstrom asked how the Council could make sure that the staff was not relying on waiting until the time factor became critical. Mr. Tardy said that having properly trained purchasing officers who are familiar with the ordinance would be important. Council Member Stafstrom said it would be important for the Council members to find a way to prevent people from looking for the exception to the rule.

Council Member Vizzo-Paniccia asked for clarification on the reason for the focus on the Airport situation. Council Member Council Member Paoletto said that this stated early in the meeting. She then asked why Atty. Trachtenberg was not present at the meeting. She also said that the City was known for being tardy in matters like this. Atty. Anastasi stated that Atty. Trachtenberg was not part of the task force and had been in Hartford all day working with the FAA on issues regarding the airport.

Council Member Vizzo-Paniccia said that she did not want to earmark the Airport issue as specific item. Council President McCarthy replied that this discussion did not mean that the Committee would be limited to the Airport issue. He pointed out that currently the Airport was the hot issue. Council Member Vizzo-Paniccia said that she was glad to hear this since there had been times in the past when the Council had pushed through a resolution or action and it had resulted in other problems.

Council President McCarthy asked if there had been a written justification for the qualified process (QP). Mr. Tardy said that there was. Council President McCarthy asked if Mr. Tardy could give the Committee members copies of that request. Mr. Tardy said that he would give the document to the Co-chairs. Council Member Paoletto requested that this document be emailed to him and that he would insure that the document would be properly distributed.

Council President McCarthy asked how many of the qualified purchases were done in a year. Mr. Tardy said that during July there are a number of requests because many of them are non-biddable items, such as textbooks, daycare or other similar items. Ms. Nadrizny explained that the Purchasing Department does keep track of the non-biddable item. The QP number is used to keep track of expenditures for later verification, and the actual QPs are most likely in the double digits. Ms. Nadrizny explained that the numbering system was only for internal departmental use

to make research for background information easier. Ms. Nadrizny said that she believe the number to be closer to 90. Atty. Pacacha said that he had spot checked files when he first got a list of the QPs. The ones that are most problematic are the ones that were classified under the timeliness issue. He said that he believed the number would be about 20 or 30.

Council President McCarthy asked about the amounts involved. Mr. Tardy said that they were all over \$7,500, but he had not noticed any particular pattern.

Council Member Stafstrom said that he would like to discuss Section G2§b and the fact that the ordinance required it to be reported to the Mayor, the Council and various other City officials within five days. Atty. Anastasi pointed out that not everything listed in the QP numbering system was actually a qualified purchase. The numbering system was for the internal department referencing.

Council Member Stafstrom asked how often the department reports to the administration on QPs. Mr. Tardy pointed out that originally, there were 13 people in purchasing, but now the department is down to four. He said that due to the staff cut backs, he had informed the Mayor that the department would not be able to provide all the reports that they were asked to do.

Council Member Stafstrom asked when the last time the qualified purchase was passed on to the Council. Mr. Tardy said that it was 2007. Council Member Stafstrom asked if the Airport purchase had been brought to the Council. Mr. Tardy said that it had not been brought to the Council.

Council Member Martinez said that she could understand with the limited staff that the Department did not bring it forward. Council Member Martinez said that she would like to have this discussed in depth in another meeting. She had concerns about the fact that the department makes such important financial decisions but does not pass the information to the Council.

Council Member Vizzo-Paniccia asked about the time constrains involved and that it appeared to be that the blame was being focused on the Purchasing Department rather than having a shared responsibility. Council Member Blunt said that there was no blame being assigned, but just information. Atty. Anastasi said there was no denial that the justification came from his department at the request of the Airport staff. No one was looking at Mr. Tardy to place blame. Mr. Tardy was performing his duties as outlined by the Charter.

Council President McCarthy had some questions about when the schedule started. He then asked Mr. Tardy when the date of the qualified purchase request was submitted. Mr. Tardy said that he believe it to be in April. Council President McCarthy asked what happened between September and early April. Atty. Anastasi said that Atty. Trachtenberg was attending several meetings a week with the FAA, the State and Town of Stratford to discuss the various solutions for the project. Council President McCarthy said that he would appreciate it if Atty. Anastasi could clarify this. Atty. Anastasi said that there were several issues that still have to receive approval.

Council President McCarthy said that the ordinance required the Purchasing Department to notify the Council about the QPs. He said that one problem is that if the Council is never told, they assume that there aren't any QPs. The ordinance does not give the Department the option not to report the QPs.

Council Member Martinez asked for clarification on the reporting of QPs, which Council President McCarthy reviewed the process with her.

Council Member Vizzo-Paniccia pointed out that many of the details would not have been disclosed to the Council because it was a legal pending contract. Atty. Anastasi said that there was no disagreement with the fact that the Council was not satisfied with the amount of information they received. He stated that it was understood that the Council was expecting greater detail.

Council Member Stafstrom said that there appears to be a difference in approving the concept of building the access way as opposed to who was going to be building the access way. Atty. Anastasi said that he could not disagree with that statement. He added that there was broad language in the authorization that allows the administration to deal with the details of the individual contracts.

Council Member Blunt said that it was becoming clear that there was a strong indication of how important the process was since the Council depends on this. If everyone adheres to the process, everyone will have the information they need to make a decision.

Council President McCarthy said that he had some suggestions about how to handle this. One was a suggestion from Mr. Tardy about having the documents going up on BidSyn for more public exposure. He added that there should be some kind of ceiling regarding the dollar amounts. Atty. Anastasi said that he thought that time sensitive contracts would work, but special source and sole source would not work. Council Member Blunt asked for clarification on BidSyn. Mr. Tardy explained this is an electronic bidding service that resembles an electronic bulletin board.

Council Member Stafstrom suggested that the Committee redefine what a QP actually is. By doing this, the sole source or special source items would be separated out. Atty. Pacacha said that after hearing all the information, the emergency purchase definition fit the situation, which would give a clear distinction. Mr. Tardy said that if it was a critical emergency, it would be the contracting officer that would be responsible for notifying the administration. In this case, it would be the Airport manager.

Council Member Vizzo-Paniccia said that if the information was known to anyone in the administration, then they should have passed it along to the Council. She also pointed out that it would be difficult to put a cap on the amount. The problem was how the process happened because it came in under the radar. She added had concerns about qualifying it as an emergency purchase. Atty. Anastasi said that it wasn't an emergency purchase, but a QP. Council Member

Vizzo-Paniccia said that was not discussed with the Council. Atty. Anastasi said that there was no discussion about the access road.

Council Member Bonney requested that all the staff involved with the process present in a future meeting to present their actions. Council President McCarthy said that he was just giving some ideas on the concepts for the staff to think about. Council Member Paoletto said that the staff was present to answer questions, but the staff doesn't have a formal presentation to give. He reiterated that this was most likely the start of a series of meetings on this topic.

Council Member Paoletto suggested everyone re-read the document, which is 21 pages long. A number of items have been brought forth already in the meeting. This subject is very encompassing and will require an agenda totally devoted to it.

Council President McCarthy clarified that everyone understood that if there was another qualified purchase, the Council would be notified. Mr. Tardy said that he had previously sent them to Mr. White, as the Council liaison. Council President McCarthy said that until a solution is decided upon, he would prefer to receive the document. Council Member Bonney pointed out that it was normally the City Clerk's Office that would get 25 copies. Council Member Paoletto agreed. Council Member Vizzo-Paniccia requested that this be done in hard copy. It was agreed that the copies would be delivered to the City Clerk's Office. Council Member Paoletto said that Mr. Tardy had been in his job for many years and he had faith in Mr. Tardy's ability to perform his job.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE AGENDA ITEM 116-12 COUNCIL REVIEW AND POSSIBLE REVISIONS TO THE CITY'S PURCHASING AND PROCUREMENT ORDINANCE, CHAPTER 3.08 CITY CONTRACT AND PURCHASING PROCEDURES.**

**** COUNCIL MEMBER STAFSTROM SECONDED.**

**** THE MOTION TO TABLE PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER STAFSTROM MOVED TO ADJOURN.**

**** COUNCIL MEMBER MARTINEZ SECONDED.**

**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

City of Bridgeport
Ordinance Committee
Special Meeting
August 7, 2013