

PUBLIC HEARING NOTICE
PROPOSED LOCAL LAW, INTRO. NO. 1
RE: CITY CHARTER, SECTION 143, PROVISIONS TO
CONTRACTS, OF ARTICLE XIII, CONTRACTS

NOTICE is hereby given that the City Council of the City of New Rochelle, New York, will hold a Public Hearing in accordance with the provisions of Section 16 of Article III of the Charter of the City of New Rochelle and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, in the Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York, on Tuesday, February 6, 2018, at 7:00 P. M., on a proposed Local Law, Intro. No. 1, as follows:

A LOCAL LAW, INTRO NO. 1, AMENDING SECTION 143,
PROVISIONS AS TO CONTRACTS, OF ARTICLE XIII,
CONTRACTS, OF THE NEW ROCHELLE CITY CHARTER.

BE IT ENACTED by the City of New Rochelle, as follows:

Section 1. Section 143, Provisions as to contracts, of the New Rochelle City Charter is hereby amended to read as follows:

Section 143. Provisions as to contracts.

§ 143 Provisions as to contracts.

A. Except as in this Charter otherwise expressly provides[d] below, all [contracts] awards for public work and/or local improvements and purchases shall be subject to the provisions of New York State General Municipal Law § 103 and § 104 and [involving an expenditure of more than \$20,000 and all purchase contracts involving an expenditure of more than \$10,000] shall be subject to the following provisions.

(1) Competition. They shall be awarded to the lowest responsible bidder or on the basis of best value, after such public advertisement and competition as the Council may prescribe. The City Manager shall have the power to reject all bids and may authorize that the contract be awarded to other than the lowest bidder.

(2) [Sealed proposals. They shall be awarded under sealed proposals. Each proposal must be secured by a deposit of cash or certified check or bid bond or annual guaranty bond from an approved bonding or insurance company, authorized to do business within the State of New York. Such security shall be in an amount of not less than 5% of the proposal submitted. No proposal shall be opened until the advertised time, at which time and at the designated place all proposals shall be opened and read in public view and thereafter tabulated. All deposits, except that of the successful bidder, shall forthwith be returned. If the successful bidder or

bidders refuse or neglect to enter into a contract in accordance with his proposals, the deposit shall be forfeited and retained by the city as liquidated damages.]

[(3)](2) Execution. They shall be in writing and signed[,if for supplies or material,] by the purchasing agent and if for any other purpose by such department head or other official as may be designated by the City Manager, but no such contract shall be valid as against the city until it has been countersigned by the City Manager or his/her designee and approved in writing by the Corporation Counsel as to form of contract, competency of contracting parties, methods of execution and execution thereof.

[(4) Bond or security. Upon the signing of a contract the City Manager shall require from the contractor a satisfactory bond or other security for the proper performance of the contract.]

[(5) Abandonment. In the event that the contractor abandons his work and the city elects to complete the work, it shall not be necessary to readvertise therefor.]

[(6)](3) Waiving competitive bids. When in the judgment of the City Manager the subject matter of a proposed contract is such that competition is impossible or impracticable, he/she may so report with his reasons to the Council or request Council approval for an [which may] exemption [such proposed contract] from competitive requirements.

[(7) Alterations in contracts. Whenever it becomes necessary in the opinion of the City Manager to make alterations in any contract, such alterations may be made when authorized by the Council upon the written recommendation of the City Manager. No such alteration shall be valid unless the new price to be paid for any supplies, material or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the City Manager prior to such authorization by the Council.]

[(8) Release of contractors. A contractor who has entered into a contract with the city shall not be released from such contract unless the Council shall have authorized the City Manager to make such release, and the form of such release shall have been approved by the Corporation Counsel.]

[(9) Notwithstanding the provisions of Subdivision (2) above, no deposit of cash or certified check, bid bond or annual guaranty bond shall be required on any proposal on a purchase contract where the total contract is less than \$20,000.]

B. All contracts not enumerated under Subsection A of this section shall be subject to such provisions as the Council (per City Code Chapter 62) may establish.

Matter [bracketed] deleted.

Matter underlined added.

PURPOSE AND JUSTIFICATION:

To reflect Municipal Law updates, increase thresholds that will allow a more efficient procurement process to implement the capital projects in the ten-year plan, and to provide a systematic and efficient procurement process for all City operations to follow.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated January 9, 2018, pursuant to Resolution No. 4.

**BENNIE F. GILES, III,
CITY CLERK**