

## **RESOLUTION – 03/03/2022**

### **7.33 ADOPTION OF LOCAL LAW P-1 OF 2022**

Introduced by Mayor Rosenquest on February 17, 2022 at a Regular meeting of the Common Council.

Public Hearing held on Thursday, March 3, 2022 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

A local law adding Article II entitled “Best Value Competitive Bidding and Procurement” to Chapter 64 “Finances” of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Chapter 64 “Finances” of the City Code of the City of Plattsburgh will be amended so that Article II entitled “Best Value Competitive Bidding and Procurement” is added and this new Article II will read as follows:

Chapter 64 “Finances”...Article II “Best Value Competitive Bidding and Procurement”.

Section 64-2. Legislative Intent and Purpose

The intent of this Law is to allow the City of Plattsburgh the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under §103 of the General Municipal Law on the basis of a low bid or “best value” as defined in §163 of the New York State Finance Law.

Section 64-3. Authority

This local law is enacted pursuant to the New York Municipal Home Rule Law, as authorized pursuant to New York State General Municipal Law §103 and the New York State Finance Law (including §163), and other provisions of law authorizing the City of Plattsburgh to enter into contracts and engage in contracting for services.

Section 64-4. Best Value Competitive Bidding

A. Award Based on Best Value. The Common Council may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance Law §163. All contracts or purchase orders awarded based on best value bidding bases shall require Common Council approval.

B. Applicability. The provisions of this Local Law apply to City purchase contracts involving an expenditure of more than \$20,000 and City contracts for services involving an expenditure of more than \$35,000, but exclude and any other contract that may be excluded under State law from the best value option. If the dollar thresholds of New York General Municipal Law §103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth

herein shall be superseded by such as §103 and this Local Law shall be read as if the numbers are amended to conform to said §103.

#### C. Standard for Best Value.

1. Goods and services procured and awarded on the basis of best value are those that the Common Council determines optimize quality, cost and efficiency among responsive and responsible bidders, as set forth in the Procurement Policy adopted by the City of Plattsburgh and as amended, hereafter and from time-to-time, by the Common Council.
2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors or the equipment and resources of the contractor; product life; product performance criteria; quality of craftsmanship; warranties; carbon emissions or sustainability.

D. Documentation. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

E. Piggybacking of Purchases. Notwithstanding the provisions of this Local Law, the City of Plattsburgh may, for purposes of public purchases for goods and services, utilize the provisions of General Municipal Law §103 with regard to so-called “piggybacking” of purchases. The City of Plattsburgh may piggyback whenever allowed by law, including but not limited to the following situations and criteria:

1. Pursuant to General Municipal Law §103 the City of Plattsburgh may purchase through the bids solicited and bid lists generated by the United States Government and New York State (and its political subdivisions and School Districts) whenever such bids or bid lists are generated in a manner as complies with said §103.
2. If not a bid or list generated by a New York State governmental body or agency, then whenever such contract or bid lists were let in a manner consistent with or materially equivalent to the requirements of the State of New York as reflected in the policy and language of said §103.
3. The City may also piggyback upon any contract or foreign bid or bid list specifically approved for piggybacking through the New York State Office of General Services, as well as foreign bids and bid lists (mainly, of sister States) that meet the above criteria for piggybacking as set forth in this Local Law, immediately above.

F. Procurement Policy Superseded Where Inconsistent. Any inconsistent provision of the City’s Procurement Policy, as adopted prior to the effective date of this Local Law by resolution of the Common Council, or as amended thereafter, shall be deemed superseded by the provisions of this Local Law.

#### Section 64-5. Severability

If any clause, sentence, sub-paragraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person

or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

**Section 64-6. Effective Date**

This Local Law shall take effect immediately upon approval by the Common Council and Mayor and filing with the New York Secretary of State.

**RESOLUTION – 03/03/2022**

**7.34 ESTABLISHING CAPITAL PROJECT H5110.87 – 2022 DOWNTOWN IMPROVEMENTS**

**WHEREAS**, the Capital Expenditure Plan adopted January 6<sup>th</sup>, 2022, includes a Downtown Improvements category, and

**WHEREAS**, the Infrastructure Division desires to establish a 2022 Downtown Improvements project for an item included in the Downtown Improvements category of the Capital Expenditure Plan adopted January 6<sup>th</sup>, 2022, and

**WHEREAS**, the cost of the 2022 Downtown Improvements project has been estimated by the Infrastructure Division for the costs of the planned expenditures to purchase items to be added to the capital expenditure plan for 2022, as follows:

	<b>2022 Capital Plan</b>	<b>2022 Estimated Cost</b>
Farmers' market improvements design	\$ <u>10,000</u>	\$ <u>10,000</u>
Total	\$ <u>10,000</u>	\$ <u>10,000</u>

Project Funding:

General Fund	\$ <u>10,000</u>	\$ <u>10,000</u>
Total	\$ <u>10,000</u>	\$ <u>10,000</u>

Now therefore,

**BE IT RESOLVED**, by the Common Council of the City of Plattsburgh, New York, this 3<sup>rd</sup> day of March 2022, as follows:

- 1) That, the amount of Ten Thousand and 00/100 (\$10,000.00) Dollars is hereby appropriated for the capital project **2022 Downtown Improvements (H5110.87)** for the cost of the item listed above and is hereby authorized to be expended for such purpose.

- 2) That, Ten Thousand and 00/100 (\$10,000.00) Dollars of such appropriation will be provided by the General Fund.

**RESOLUTION – 03/03/2022**

**7.35 AUTHORIZE DESIGN PROPOSAL FOR PHASE 2 FARMERS’ MARKET IMPROVEMENTS**

**WHEREAS**, the Plattsburgh Farmers’ and Crafters’ Market (PFCM) experienced issues in their Green St. building relating to roof leaks and ventilation during their 2021 season; and

**WHEREAS**, the City intends to address these issues in advance of the PFCM's 2022 season.

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council authorizes the Mayor to sign a professional services agreement with Architectural & Engineering Design Associates P.C. (AEDA) for architectural/engineering consulting services relating to improvements to the PFCM building on Green St.

**RESOLUTION – 03/03/2022**

**7.36 AUTHORIZING MUNICIPAL ADVISOR SERVICES AGREEMENT WITH  
MUNISTAT, MUNICIPAL FINANCIAL ADVISORY SERVICE**

Municipal Advisor Services Agreement (the Agreement) between Munistat, Municipal Financial Advisory Services and the City of Plattsburgh.

WHEREAS, Munistat is a Municipal Advisory firm specializing in municipal finance and municipal government related matters; and

WHEREAS, the City desires to engage Munistat to provide certain services relative to the issuance of the certain obligations as set forth in Appendix A (“Services”) of the Agreement, attached and made part of this resolution, and Munistat desires to provide services to the City in connection with issuance of such obligations.

NOW, THEREFORE, in consideration of the promises in the Agreement, be it known that the members of the Common Council, hereby authorize the Mayor the Agreement on behalf of the City of Plattsburgh and a copy of said Agreement is made part of the minutes of this meeting.

#### **RESOLUTION – 03/03/2022**

#### **7.37 REQUESTING STATE LEGISLATION TO ADD THREE POLICE OFFICERS TO THE 384(D) SECTION OF THE NYS POLICEMEN'S AND FIREMEN'S RETIREMENT SYSTEM 20 YEAR PLAN DUE TO A RETIREMENT BENEFIT ELECTION ERROR**

Whereas, under Article XIII, Section 2 of the Collective Bargaining agreement between the City of Plattsburgh and Plattsburgh Police Local 812, members are enrolled in 384(D) (20 year plan), and

Whereas, Police Officer's Nicholas Moore, Joshua Golden, and Nathan Kasprzak (on their respective dates of hire) selected the 25 Year plan as their retirement option through no fault of the City of Plattsburgh, and

Whereas, Police Officer's Nicholas Moore, Joshua Golden, and Nathan Kasprzak and Plattsburgh Police Local 812 are requesting that three said members be added to 384(D) (20 year plan), and

Whereas, the Common Council of the City of Plattsburgh is hereby requesting State Legislation add Plattsburgh Police Local 812 members Nicholas Moore, Joshua Golden, and Nathan Kasprzak to 384(D) (20 year plan), and

Whereas, the Common Council of the City of Plattsburgh are aware this may incur costs and city will bear any costs caused by this change, and

Now, therefore, be it resolved, that the Common Council authorizes the Mayor to forward this resolution to the Offices of Senator Dan Stec and Assemblyman D. Billy Jones.