

City of Bristol CT
Purchasing Committee for the Board of Finance
Meeting Minutes – February 13, 2020

Present: Ron Burns, Chair; Orlando Calfe; Nicolas Jones
Also present: Roger Rousseau, Purchasing Agent
Meeting was called to order at 5:31 pm.

To discuss incorporation of federal procurement guidelines per the National Defense Authorization Act, and to take any action as necessary.

Bristol's 2019 audit included a comment regarding the incorporation of federal procurement guidelines set forth in the National Defense Authorization Act approved in 2017, and directed for implementation by OMB in June 2018. The act requires that state and local governments accepting any form of federal funding must adopt and incorporate standards related to procurement. It was noted that Blum Shapiro cited roughly 80 to 90% of its municipal clients for fiscal year 2019, for non-compliance with the Act.

The federal articles 200-317 through 200-326 were reviewed, and generally summarized as follows:

- 200.317 states that the following regulations apply to non-federal entities.
- 200.318 states that no n-federal entities must establish general procurement standards.
- 200.319 states that procurement transactions must be conducted in a manner that allow for full and open competition.
- 200.320 identifies transactions below \$10,000 as "micro-purchases; transactions up to \$250,000 as subject to "small purchase procedures" (i.e. informal procurement methods); and transactions greater than \$250,000 subject to procurement by sealed bids.
- 200.321 states that non-federal entities must take steps to assure that minority and women-owned businesses are used when possible, via measures such as placing such businesses on solicitation lists.
- 200.322 states that non-federal entities must comply with Section 6002 of the Solid Waste Disposal Act, encouraging purchase of products containing recovered materials.
- 200.323 states that non-federal entities must perform a cost or price analysis with procurement actions.
- 200.324 states that the non-federal entity must have technical specifications available for inspection by a federal agency, if requested.
- 200.325 states that non-federal entities must secure performance and payment bonds for construction greater than \$250,000 (CT law requires such bonds at the threshold of \$100,000).
- 200.326 states that contracts for non-federal entities must contain provisions consistent with "Appendix II to Part 200"; these provisions include equal employment opportunity, Davis Bacon Act, Clean Air Act, and other federal proclamations.

None of the provisions outlined in these regulations appear to be contrary to Bristol's existing guidelines.

The Town of Glastonbury addressed incorporation of these guidelines via inclusion of a paragraph acknowledging incorporation of the federal regulations into its own regulations, and it is recommended that Bristol follow Glastonbury's model. It was noted that since the federal regulations included citations to other documents (e.g. Section 6002 of the Solid Waste Disposal Act, Appendix II to Part 200), that a link to such text should be included in Bristol's guidelines.

Motion was made by Orlando Calfe to recommend incorporation of **Federal Procurement Standards Regulations 2 CFR 200.317 through 200.326 Procurement Standards**, pursuant to the National Defense Authorization Act and subsequent OMB Memorandum M-18-18 issued June 20, 2018, into City of Bristol Purchasing Manual, to be effective upon approval by the Board of Finance; and to forward such recommendation to the Board of Finance; motion was seconded by Nicolas Jones, passed unanimously.

To discuss representation requirements for RFP review committees, and to take any action as necessary.

Current purchasing guidelines include a requirement that RFP review committees consist of the purchasing agent, department head, a representative from the relevant governing board, and City Council liaison to the governing board (other members may be added as appropriate to the project). Recent discussions have included potential removal for the requirement of a city council member on such panels, given consideration of other committees and assignments of councilors.

There is a source document from 1983, showing that the City Council at that time provided direction on committee content. The Office of Corporation Counsel has confirmed that purchasing policies are under the purview of the Board of Finance; in the interest of clarity, the City Council should rescind such action and properly address committee content via the Board of Finance. The City Council rescinded its 1983 action at its meeting on February 11, 2020, with referral to the Board of Finance.

Discussion was held on the time commitment to serving on such a committee; typically, committee members are expected to read proposals received, provide a scored evaluation, participate in a findings review, participate in interviews, and participate in selection of a consultant. Brief discussion was held on whether Finance board members would be better suited to sit on panels; it was generally agreed that since some RFP reviews may result in policy-related matters, it would be better left to a Council rep. It was recommended that if a Council liaison to a board was unavailable to sit on an RFP review committee, then the Mayor should have the flexibility to assign a different Council member.

Motion was made by Nick Jones to replace language within Section 4.D. RFP Review Committee from "**City Council liaison to the department**" to read "**City Council liaison to the department, or other Council liaison as assigned by the Mayor**"; seconded by Orlando Calfe, passed unanimously.

Motion was made by Orlando Calfe to adjourn, seconded by Nicolas Jones, passed unanimously. The meeting adjourned at 6:34 pm.