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**Sec. 2-376. Authorization of contracts to be executed one year from date, and non-bid contracts in excess of one hundred thousand dollars.**

- (a) Unless expressly authorized by law or by vote of the board of alders, the city shall not be bound by any contract executed after one (1) year from the date thereof. The board of alders prior approval is necessary for any city contract that does not go to bid that costs more than one hundred thousand dollars (\$100,000.00).
- (b) The determination of whether a contract is to be executed after one (1) year shall include its initial term plus all automatic renewals and options to renew. Any renewal which materially alters the terms or conditions of a contract shall be resubmitted to the board of alders for approval.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-376 amends and supersedes former § 2-40 which derived from the Code of 1928, § 462; Ord. of 9-4-90, §§ 1, 2; Ord. of 3-12-01; Ord. of 4-2-01.

**Sec. 2-451. Purchasing and bidding procedures.**

- (a) *Declaration of policy.* The City of New Haven hereby declares that it narrowly construes the types of personal services that can be provided through the bidding procedures set forth in city charter section 74 as amended from time to time. This policy is premised upon the following grounds:

- (1) City charter section 156 as amended from time to time, provides for a civil service board and a department of personnel consisting of a personnel director and such other employees as shall be provided in the budget;
- (2) City charter section 158 as amended from time to time, sets forth a broad mandate and duty of the civil service board to ascertain the competency of applicants for all positions or promotions in the city government by competitive examination except for specified exceptions;
- (3) Unless city charter section 74 is narrowly construed, the purchasing agency could usurp the position and authority of the civil service board and the personnel director and their clear charter mandate to provide for employment based upon merit selection.

- (b) *Definitions.* The following are defined terms for the purposes of this article:

*Municipal employee* means any person who holds employment with the municipal government of New Haven for which such person receives financial compensation from the city:

- (1) Whether such employment is in the classified or unclassified service;
- (2) Whether such employment is part-time or full-time; and
- (3) Whether such employment is permanent or temporary.

*Independent contractor* means any individual(s), firm, partnership or corporation in business for himself/herself/itself who contracts to do certain specified work according to his/her/its own methods and means, and without being subject to the control or supervision of any municipal employee except as to the result of the work.

*The municipal government of the City of New Haven* means:

- (1) The City of New Haven, and all departments, agencies, authorities, boards, commissions, bureaus and offices created by and existing under the city charter;

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- (2) The City of New Haven and all departments, agencies, authorities, boards, commissions, bureaus and offices created by or existing under an ordinance or resolution of the board of alders of the City of New Haven (whether or not such ordinance or resolution was adopted pursuant to a state statute authorizing such ordinance or resolution).

*Expert professional consultant* means any independent contractor as defined herein providing highly technical, specialized and advanced advice and/or work product, and whose responsibilities shall not include any job duties:

- (1) For which a civil service test (or classification) currently exists; or
  - (2) Which are assigned to any current member of a city bargaining unit.
- (c) Scope of purchasing agent's authority to bid contracts pursuant to city charter section 74:
- (1) The purchasing agent shall process requests for proposals only for work to be performed by independent contractors, as defined herein. However, the following types of independent contractors are specifically excluded from the purchasing and bidding procedures set forth in charter section 74 as amended from time to time:
    - a. Architects;
    - b. Engineers;
    - c. Land surveyors;
    - d. Physicians/Medical doctors;
    - e. Dentists;
    - f. Lawyers/Attorneys;
    - g. Accountants;
    - h. Artists;
    - i. Actuaries;
    - j. Expert professional consultants; and
    - k. Such other professional or technical services as the board of alders may provide by ordinance.
  - (2) Contracts with the excluded classes of independent contractors shall only be entered into by the mayor on behalf of any municipal department, authority, board, commission, bureau or office, or by the president of the board of alders on behalf of the board of alders.
  - (3) The city's purchasing agent shall immediately cease and desist from utilizing the purchasing and bidding procedures of city charter section 74 as amended from time to time to procure personal services, except and unless the provider of the services is an independent contractor, as defined herein. Contracts with expert professional consultants shall be initiated through a written proposal describing the program and the personnel involved.
  - (4) For the purposes of requests for proposals for work performed by independent contractors for professional services, whether the business is a "city-based business," as defined in Code section 2-483(a), shall be a factor considered in the selection of such contractor.
  - (5) The City of New Haven's policy on city-based businesses shall be stated in the request for proposal.
- (d) Authority of the purchasing agent to determine status as an independent contractor and/or exempt professional, subject to review:

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- (1) The purchasing agent shall determine in the first instance whether a "request for proposal" is properly seeking work to be done by an independent contractor as defined herein;
  - (2) Upon the determination that a "request for proposal" is properly seeking work to be done by such an independent contractor, the department initiating said request selects the proposing party to perform such work.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-451 amends and supersedes former § 2-146 which derived from Ord. of 6-6-83; Ord. of 12-21-92; Ord. of 8-2-93.

**Secs. 2-452—2-480. Reserved.**

**Sec. 2-481. Disability insurance required of bidders on city contracts.**

- (a) Whenever the city purchasing agent advertises for invitations to bid for contracts, he/she shall require that the contractors maintain a worker's compensation insurance policy, a binder for such a policy, or evidence of adequate self-insurance protecting company workers against injury. This requirement shall be a condition precedent to the award of any contract. The general contractor shall certify for all subcontractors.
- (b) Any such worker's compensation insurance policy shall be issued by a company authorized to write such policies in Connecticut, and shall be in such form that is satisfactory to the city purchasing agent.
- (c) The city purchasing agent shall require and affirm that no bidders, including all general contractors and subcontractors, are in arrears to the state's second injury fund.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-481 amends and supersedes former § 2-22.2 which derived from Ord. of 11-18-85; Ord. of 8-2-93.

**Sec. 2-482. Minimum bidding requirements.**

- (a) Except as otherwise required by federal and/or state law or regulation, sealed bidding shall not be required for contracts or purchases of supplies, materials or equipment and non-construction related services having a value less than or equal to ten thousand dollars (\$10,000.00). Contracts and purchases for said items and services having a value greater than five hundred dollars (\$500.00) but less than ten thousand dollars (\$10,000.00) shall be awarded in accordance with procedures established by the purchasing agent, which shall include preference for city-based businesses as defined in Code section 2-483 and consistent with the procedures set forth therein.
- (b) Except as otherwise required by federal and/or state law or regulation, sealed bidding shall not be required for construction and construction related contracts and services having a value less than or equal to fifty thousand dollars (\$50,000.00). Contracts and purchases for construction and such related services having a value greater than five hundred dollars (\$500.00) but less than fifty thousand dollars (\$50,000.00) shall be awarded in accordance with informal quotation and informal bidding procedures established by the purchasing agent, which shall include preference for city-based businesses as defined in Code section 2-483 and consistent with the procedures set forth therein.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-482 amends and supersedes former § 2-151 which derived from Ord. of 10-15-90; Ord. of 12-21-92; Ord. No. 1292, § 5, 11-19-01.

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### **Sec. 2-483. Preference for city-based businesses.**

- (a) For the purpose of this section "city-based business" shall mean a business with its principal place of business located within the City of New Haven. A business shall not be considered a "city-based business" unless evidence satisfactory to the purchasing agent has been submitted with each bid to establish that said business has its bona fide principal place of business in New Haven. Such evidence may include evidence of ownership of or a long-term lease of the real estate from which its principal place of business is operated, or payment of property taxes on the personal property of the business. A "city-based business" shall maintain such status throughout the term of any contract with the City of New Haven. Failure to maintain such status shall be grounds for the city to terminate said contract.
- (b) On any contracts or purchases the lowest responsible bidder shall be determined in the following order:
  - (1) On contracts or purchases involving a total contract price of one million dollars (\$1,000,000.00) or less: any city-based bidder that submitted a low bid not more than ten (10) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than ten (10) percent higher than the lowest bid, and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.
  - (2) On contracts or purchases involving a total contract price of over a million dollars (\$1,000,000.00) but less than five million dollars (\$5,000,000.00): any city-based bidder that submitted a bid not more than five (5) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than five (5) percent higher than the lowest bid, and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.
  - (3) On contracts or purchases involving a total contract price of over five million dollars (\$5,000,000.00): any city-based bidder that submitted a bid not more than three (3) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than three (3) percent higher than the lowest bid, and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.
  - (4) The responsible low bidder.
- (c) The City of New Haven's policy on city-based businesses shall be stated in the invitation to bid.
- (d) Paragraph (b)(1), (2) and (3) shall apply to any contracts or purchases that are put out to competitive bid, and the city and the contractor are to share in the revenue generated by the contractor's services.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-483 amends and supersedes former § 2-153 which derived from Ord. of 12-21-92.

### **Sec. 2-484. Definitions.**

[For the purposes of Code sections 2-485 and 2-486, the following definitions apply:]

- (a) *Contract* means any public contract as defined hereafter.
- (b) *Person* means one (1) or more individuals, partnerships, corporations, associations or joint ventures.

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(c) *Public contract* means any agreement or formal commitment that the city enters into to expend funds in return for work, labor, services, supplies, equipment, materials or any combination of the foregoing, or any lease, lease by way of concession, concession agreement, permit or permit agreement whereby the city leases, grants or demises property that the city owns, or otherwise grants a right or privilege to occupy or use said property.

(d) *City* means any official, agency, board, authority, department, office, or other subdivision of the City of New Haven.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-484 amends and supersedes former § 2-154 which derived from Ord. of 12-21-98)

**Sec. 2-485. Obligations of persons seeking to contract with city; affidavits, disclosures and certifications.**

- (a) The city shall not award a contract to any person or entity until the bureau of purchases receives the following documents:
- (1) Such person's affidavit attesting that he/she/it does not owe delinquent taxes or other financial obligation to the city, provided, if such person has entered into an agreement to pay delinquent taxes in installment payments satisfactory to the tax collector, and the payments under said agreement are not in default, the affidavit shall recite that agreement;
  - (2) Such person's affidavit attesting that he/she/it has either filed a list of taxable personal property with the assessor for the most recent grand list as required by state statute, or that he/she/it is not required to file such list; and
  - (3) Disclosures as required by Code section 2-486 as amended from time to time.
- (b) If said affidavits and disclosures are not submitted as part of competitive bid provisions, the city agency, board, authority, office, department or official seeking the contract shall obtain them.
- (c) The city shall not award a contract to any person until the following certifications have been obtained:
- (1) A certification from the city assessor that such person has filed a current list of taxable personal property pursuant to Conn. General Statute section 12-40 as amended from time to time, or a certification that such person is not required to file such list; and
  - (2) A certification from the city's tax collector that such person or any affiliated entity, either directly or through a lease agreement, owes no back taxes; provided, that if the taxpayer owes back taxes, but he/she/it or another responsible party has executed an installment payment agreement with the city which is satisfactory to the tax collector, and such payments are not in default, then the fact that such person owes the city back taxes shall not be a bar to the contract.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-485 amends and supersedes former § 2-155 which derived from Ord. of 12-21-98.

**Sec. 2-486. Disclosures required by persons seeking to contract with city.**

- (a) Any person seeking to enter into a contract with the city shall disclose all names under which he/she/it has provided services or materials to the city within one (1) year of the disclosure submitted for each such contract as required by this section.
- (b) Any person seeking to enter into a contract with the city shall disclose:

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- (1) The names of all persons affiliated with such person's business;
  - (2) The names of all business organizations in which such person has an ownership interest;
  - (3) The names of all owners in such entity, provided, if such entity is a corporation, the names of its officers, and common stock holders who hold more than twenty-five (25) percent of its outstanding stock; and
  - (4) The identity of all affiliates, individuals or business entities that own or have owned taxable property situated in the city within one (1) year prior to the date of the disclosure required by this section.
- (c) Any person doing business under a trade name that is seeking to enter into a contract with the city to provide it with goods, materials or services, shall disclose where such entity is incorporated or registered to conduct such business, and the address of its principal place of business.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-486 amends and supersedes former § 2-156 which derived from Ord. of 12-21-98.

### **Sec. 2-487. Observation of Martin Luther King Day.**

The city shall not award any contract to any person, as defined in Code section 2-484(b), until and unless said person provides a written statement to the city affirming that the contractor, all associated subcontractors and all employees thereof performing work on a city contract shall observe Martin Luther King Day as a national holiday. The statement shall be in such form as may be prescribed by the corporation counsel, and shall be filed with affidavits, disclosures and certifications required by Code section 2-485 as amended from time to time. The purchasing agent shall promulgate this section's provisions, and include it with bid documents, contract applications, and other materials given to city bidders and contractors.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-487 amends and supersedes former § 2-157 which derived from Ord. of 1269, 8-7-00.

### **Sec. 2-488. Performance and payment bond.**

- (a) Pursuant to Conn. General Statutes section 49-41 as amended from time to time, and unless otherwise authorized, the city purchasing agent shall require that contractors obtain a payment bond and performance bond when their contracts involve the construction, alteration or repair of any public building or public work in excess of fifty thousand dollars (\$50,000.00). The bonds must be in amounts that are satisfactory to the city purchasing agent.
- (b) The city purchasing agent has discretion to require a performance bond for any contract exceeding twenty five thousand dollars (\$25,000.00) for the provision of supplies, materials or equipment.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-488 amends and supersedes former § 2-158 which derived from Ord. No. 1292, § 6, 11-19-01.

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**Secs. 2-489—2-510. Reserved.**

**Sec. 2-385. Same—Transfers; transfer committee established.**

- (a) Pursuant to section 60 of the city charter as amended from time to time, the controller shall not transfer any appropriation if the transfer is in the amount of fifteen hundred dollars (\$1,500.00) or more in a line item, and is not subject to the provisions of section 2-386 of this Code as amended from time to time, unless he/she receives prior approval from the mayor and the transfer committee. No city agency, official or employee can expend or obligate transferred moneys without the mayor's and the transfer committee's approval. If the transfer is subject to the provisions of section 2-386 of this Code as amended from time to time, the board of alders prior approval is necessary to effectuate such transfer.
- (b) The transfer committee shall consist of two (2) alders of different political parties, and are chosen by the board of alders. Additionally, the mayor appoints two (2) persons to serve on the transfer committee, who serve at his/her pleasure. All members of this committee shall serve for two (2) year terms, concurrent with the aldermanic and mayoral terms of office.

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-385 amends and supersedes former § 2-189 which derived from Ord. of 7-6-93; Ord. of 11-15-93.

**Sec. 2-386. Same—Aldermanic approval of certain actions.**

The board of alders prior approval shall be required for a transfer of appropriation or other action if the effect of such action would result in one (1) or more of the following:

- (1) To create a position not included in the budget as adopted, or to reclassify an existing and included position;
- (2) To increase the total annual salary estimate included in an appropriation for any reason; or
- (3) To change the board's previously approved appropriation by at least fifteen thousand dollars (\$15,000.00).

(Ord. No. 1391, 9-19-05)

Editor's note(s)—§ 2-386 amends and supersedes former § 2-190 which derived from Ord. of 7-6-93.