



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: October 18, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scanlon, Scaringi

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND CHAPTER 127-7,
PROCUREMENT POLICY, EXCEPTION TO
CITY BIDDING, OF THE CODE OF THE CITY
OF BINGHAMTON, TO BE CONSISTENT WITH
STATE PROCUREMENT LAW

WHEREAS, the Corporation Counsel and the Comptroller of the City of Binghamton has recommended to amend the City Code Chapter 127, *Procurement Policy*, §127-7, *Exception to City bidding* to be consistent with New York State Law.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 127, *Procurement Policy*, §127-7, *Exception to City bidding*, to be consistent with State Procurement Law be amended as follows:

§127-7. Exception to City bidding. [Amended 10-18-2023 by Ord. No. 23-137]

D. Sole Source. Where only one vendor can supply the commodities, technology and/or perform the services required, before making an award to such sole source, the following determination shall be made:

- (a) the material and substantial reasons for such sole source status;
- (b) the alternatives considered; and
- (c) the basis upon which it determined the cost was reasonable.

1. Such determination shall be made by one (1) member of the City Council and two (2) additional individuals selected by the Board of Contract and Supply who may be helpful in reviewing the qualification and selecting the best-qualified firm for the project. Upon such approval of single source, a recommendation will be sent to the Board of Contract and Supply for their approval.

2. Such determination shall be supported by a letter on the contractor's letterhead confirming the sole source status, including, without limitation, and explanation of why the contractor is sole source; and an explanation of why the cost of the products or services are reasonable.

E. Single Source. Where two or more vendors can supply the commodity, technology and/or perform the services required by an agency, but the City selects one vendor over the others

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for unique circumstances or reasons such as special expertise or previous experience with similar contracts, before making an award to one contractor over others, the following determination shall be made:

- (a) the material and substantial reasons for such single source status including the unique circumstances or specific expertise which indicate a single source designation;
 - (b) the alternatives considered; and
 - (c) the basis upon which it determined the cost was reasonable.
1. Such determination shall be made by one (1) member of the City Council and two (2) additional individuals selected by the Board of Contract and Supply who may be helpful in reviewing the qualification and selecting the best-qualified firm for the project. Upon such approval of single source, a recommendation will be sent to the Board of Contract and Supply for their approval.
 2. Such determination shall be supported by a letter on the contractor's letterhead confirming the sole source status, including, without limitation, and explanation of why the contractor is sole source; and an explanation of why the cost of the products or services are reasonable.
- F. Whenever the method of procurement of any commodity is not covered by the bidding process a preference shall be given to businesses or sources located within the City of Binghamton, however, such preference maybe overcome if it would not serve the best interests of the City of Binghamton. Such reasons could be unusual delivery requirements, minimum quantities, location of vendor, commodity not available in a timely manner, a product with known defects being offered, incompatibility of a part to existing machinery, unfamiliarity with the facility or machinery, electrical or plumbing requirements, unique skills required, etc. In all such cases, the purchase records will document the reasons.
[Added 12-19-2005 by Ord. No. 05-88]

Section 2. That this Ordinance shall take effect immediately.

Introductory No. 023-139

Permanent No. 023-137

Sponsored by City Council Members:
Resciniti, Burns, Strawn, Scanlon, Scaringi

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BIDDING, OF THE CODE OF THE CITY OF
BINGHAMTON, TO BE CONSISTENT WITH
STATE PROCUREMENT LAW

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date 10/18/23

Joanne Faulkner
City Clerk

Date Presented to Mayor
10/19/23

Date Approved
10/19/23 *J M J*
Mayor

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley				✓
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi	✓			
Total	<u>6</u>	<u>0</u>	<u>0</u>	<u>1</u>

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 10/18/23. Approved by the Mayor on 10/19/23. *Jk*