



BOARD OF FINANCE

STAMFORD GOVERNMENT CENTER
888 WASHINGTON BOULEVARD
P.O. BOX 10152

STAMFORD, CONNECTICUT 06904-2152

October 8, 2015

***REPORT OF AUDIT COMMITTEE MEETING OF THE BOARD OF FINANCE HELD ON OCTOBER 8, 2015**

ATTENDEES: COMMITTEE CHAIR RICHARD FREEDMAN, COMMITTEE MEMBER GERALD BOSAK, JR., DIRECTOR OF ADMINISTRATION MICHAEL HANDLER, CITY CONTROLLER DAVID YANIK, INTERNAL AUDITOR TERESA VISCARIELLO

Chairman Freedman submitted the following report after the meeting:

AGENDA

1. Presentation of Purchasing Internal Audit Report FYE 2012-2014 (City and SWPCA): Chairman Freedman opened the meeting at 6:05, citing its purpose as noted and turned the presentation over to Internal Auditor Teresa Viscariello. Ms. Viscariello reviewed an Audit Report of the Purchasing Process that she conducted in accordance with the Purchasing Ordinance. Ms. Viscariello reported on 8 recommendations, of which 5 were cited as high priority and 3 as medium. Director of Administration Handler, Purchasing Agent Aveni & Controller Yanik were all on hand to provide their response to their areas where recommendations were made. The Committee reviewed this report and then adjourned this meeting at 6:32 PM (Also, see executive summary of report, attached.)

The Audit Committee of the Board of Finance conducted a meeting for the above stated purpose at the Stamford Government Center on Thursday, October 8, 2015 from 6:05-6:32 PM

*Note: Due to a recording system malfunction, the video portion of this meeting did not record. The audio portion was recorded by an alternate source and the City's IT department is working on setting this up on the City's website.

Thursday, October 8, 2015
6:00 PM

Richard Freedman, Audit Committee Chair

Gerald Bosak, Jr./John J. Louizos, Members

cc.: Mayor David Martin
Michael Handler, Director of Administration
Kathryn Emmett, Director of Legal Affairs
Lou Casolo, City Engineer

David Yanik, Controller
Ernie Orgera, Director of Operations
Karen Vitale Asst. Controller
Beverly Aveni, City Purchasing Agent

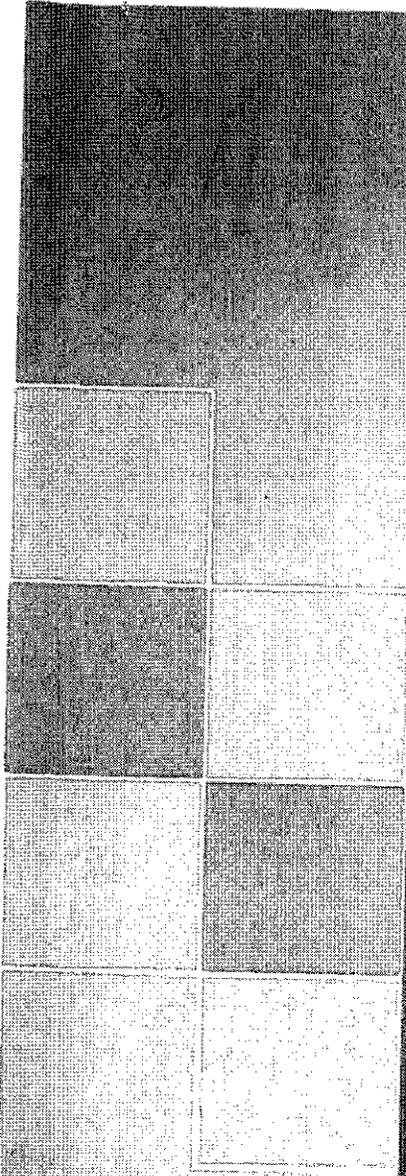
Randall Skigen, President, Board of Representatives
Jim Hricay, Director of OPM

Donna Loglisci, City and Town Clerk

City of Stamford Audit Committee
Executive Summary of Internal Purchasing Audit Results FYE (2012-2014)
Date: Wednesday, October 07, 2015

* See amended item 6&7 below from OPM & Purchasing Agent.

Item #	Priority Level	Internal Audit Recommendations	City's Department Responses	
			OPM & Purchasing Agent	Controller's Office
2	H	<p>a.) Best practice would be to request from all vendors in conjunction with input of the vendor master file changes or updates a completed and signed "IRS W-9" or "Substitute W-9" forms. Incomplete forms should not be entered.</p> <p>b.) City should consider implementing a process to authenticate vendor provide "IRS W-9" or "Substitute W-9" forms through IRS TIN matching program website.</p>	<p>Only fully completed new vendor forms are to be processed. Incomplete forms should not be entered. We will remind all parties of the need to be diligent in this process.</p>	N/A
1	H	<p>Process change should be implemented on the purchasing checklist form to indicate alternative payment accommodation and evaluated regularly.</p>	<p>Inactive contract appears to be an error and will work to ensure contract information is current.</p>	<p>Issue will be reviewed in conjunction with transition process to alternative payment, including ACH.</p>
6&7	M	<p>The Purchasing Agent should work with City's Controller and Legal Department to propose an amendment to current policy and procedure manual to permit under certain circumstances up to a 10% variance in the dollar amount of invoices submitted to accounts payable to avoid being in violation of the purchasing ordinance threshold amounts.</p>	<p>* Amounts above purchase order need to be authorized by the Purchasing Agent.</p>	<p>System controls within H.T.E software application require matching of amounts received and ordered before purchase order can be closed. Purchasing agent can always revise the PO to accommodate minimal overages that are acceptable to the Department Manager.</p>
8	M	<p>Specific language on responsibilities/duties of committee members who are asked to serve on behalf of the city in evaluating any proposals received should be required to disclose any potential for "conflict of interest".</p>	<p>We do agree with an acknowledgement or "ground rules" form and will work with the legal department to develop such a form for future RFP selection committees for participant to sign. Note as of 8-18-2015, the City's Purchasing Agent has been using the "RFP Evaluation Committee Conflict of Interest Certification" form which requires evaluation committee participants to certify that they have no known or foreseeable conflicts of or bias and include certification of confidentiality for all RFP.</p>	N/A



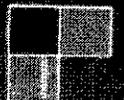
City of Stamford

(City & SWPCA Operating and Capital Purchases)

Internal Audit Purchasing Department

FYE 2012 -2014

Teresa Viscariello
City of Stamford, Internal Auditor
Report: September 22, 2015



**City of Stamford (City & SWPCA Operating & Capital Purchases)
Internal Audit Review of Purchasing Department**

Table of Contents

Table of Contents 1
Overview/Background.....2-3
Findings/Recommendations and Responses4-11
Work Performed..... 12-15
Narrative 16-17
Exhibits(A-C)/Samples (I-II)..... 18

Overview:

In conjunction with City's Internal Audit Plan for fiscal 2014/2015 and in compliance with the requirements of the City of Stamford Charter 23, Article II, Section 18.9 Audit "The purchasing process shall be audited every three (3) years by the City's Internal Auditor". The last purchasing ordinance audit report was completed in January 2011.

The objective of this internal audit was to determine whether the City (including the SWPCA but excluding the BOE) have policies and procedures in place and are in compliance with the City of Stamford Charter (Chapter 23, Article II) Purchasing Ordinance which regulates and governs the City's purchasing of supplies, materials, equipment, and professional services. A separate internal audit compliance report for the procurement of operational expenditures for the City's Board of Education will follow.

The internal audit was conducted in accordance with generally accepted government auditing standards. Those standards required that we plan and perform sufficient appropriate evidence to provide a reasonable basis for the findings and recommendations based on the internal audit objectives.

Background:

The City's Purchasing Ordinance was adopted on April 1, 1991, and enacted on October 7, 1991. There have been three amendments to the Ordinance: on February 1, 1991, April 4, 2001 and November 22, 2014.

On November 5, 2014 the City's legislative body (Board of Representatives) approved and passed an amendment to Charter (Chapter 23, Article II), Code of Ordinance No. 1177 effective November 22, 2014. The new purchasing ordinance contains updated language and new mandates (**See Exhibit A-1**).

Our audit was conducted in accordance with the previous municipal purchase ordinance No. 955 language and regulations in effect during the last three fiscal years ending June 30, 2012, June 30, 2013, and June 30, 2014. In addition, this internal audit was conducted in accordance with the City Legal Counsel Opinion memo for WPCA Bid Waivers process, dated 5-13-1999. (**See Exhibit A-3**)

The City's Purchasing Department is responsible primarily for administering centralized purchases for items such as;

- ❖ Supplies,
- ❖ Materials,
- ❖ Equipment, and
- ❖ Professional services related to operational and capital expenditures of the City and SWPCA and capital expenditures for the Board of Education.

- ❖ Professional services related to operational expenditures for the Board of Education are currently the responsibility of Board of Education Purchasing Department.

The City's Corporation Counsel, with written consent of the Mayor, may prepare all forms of contracts and employ counsel/or experts as designated to assist in conducting important cases it deems necessary. In addition, corporation counsel acts as the legal advisor to the City, Mayor, Board of Representatives, Finance, and Education and all other officers, departments, commissions, authorities, and agencies as required by ordinance. **(See Exhibit A-2).**

Oversight of the City's Purchasing Department falls under the Office of Administration's Office of Policy and Management.

Findings and Recommendations

High priority level:

1. Findings:

- a) **In the contract data base system, Bid No. #6263, North Atlantic Hauling was incorrectly flagged as "inactive" status. Direct Disbursements and Wire Transfers transactions do not get processed through the purchasing department so there is the risk that they may circumvent city purchasing requirements.**

Our audit revealed that Bid No #6283, North Atlantic Hauling appeared to be identified as an "inactive" contract in the contract database system. Further inquiry and discussion revealed that the relevant Department Manager had worked out alternative payment accommodations for this vendor. Wire transfer remittances do not require a purchase requisition nor a purchase order to be generated. The Purchasing Department was unaware that this had occurred and in the absence of any communication from the Department Manager switched the status in the contract database system. There was no indication in the purchasing contract file of any email or contract termination letter indicating this alternative payment accommodation was in place.

- b) **Once this contract was flagged as "inactive" in the contracts database the system automatically shuts off the generation of vendor extension letters.**

Extension option letters are usually provided to the relevant department manager. The Department Manager was unaware of the switch in the contract database system and had not seen any correspondence from the purchasing department's Contracts Compliance Officer with regard to any extension letter. This prompted the Department Manager to contact the Contracts Compliance Officer and ask for a review of the contract file while internal audit was conducting its purchasing audit. A follow up email was send to the Contracts Compliance Officer by the Department Manager to correct the contract's status. (See Exhibit B-1)

Recommendations:

- 1.a) A memo addressing the need for the alternative payment accommodation should have been sent to the Contracts Compliance Officer by the Department Manager indicating the contract should remain on "active" status. Process change should be implemented to include a new check marker either on the purchasing checklist form or a memo approved and provided by the appropriate Department Manager indicating the contract is still active with an alternative payment method.

This revised policy and procedure should be evaluated regularly.

1.b) Purchasing department should create and run a report with the assistance of the City's technology department of all contract data base expiring contracts and "inactive" contracts at the end of every month and request all department managers to confirm the "inactive" contracts and if no responses make the switch by a required deadline. The manager's responsible could quickly review and potentially catch any inaccuracies on a regular basis.

Responses:

Per the City's Director of OPM and Purchasing Agent:

1.a) The contract database does not include payment terms and the inactive status of the contract appears to be an error. The North Atlantic Hauling contract was always active and should not have been listed as inactive. We will work to ensure contract information is current.

1.b) Vendors (such as North Atlantic Hauling) with ACH payment terms are issued purchase orders. After a purchase order is issued, payment and distribution of payment is under the purview of the Controller's Office.

A purchase order should be in place at the start of each fiscal year and should be decreased each time a wire transfer is made. Purchasing Agent is aware that all wire transfers are approved by the City's Director of Administration and Controller.

Per the City's Controller:

1.a/b) Controller's Office is in the process of transitioning to alternate payment methods, including ACH. Issue will be reviewed in conjunction with that transition.

2. Findings:

Observation was made that there were a number of City (City/SWPCA/BOE) new/create "Vendor" forms that did not have the required documented support such as; vendors TIN (taxpayer identification number), nor an attached "IRS W-9" or "Substitute W-9" form.

Recommendations:

2.a) The IRS requires entities/businesses to obtain W-9 forms when making inventory or services purchases from a vendor to validate the vendor's TIN. When an entity/business pays an independent vendor/contractor \$600 or more over the course of a tax year, it is required to report these payments to the IRS on information return called form 1099-MISC. Entities/businesses use the name, address and Social Security or tax identification number from form W-9 to complete form 1099-MISC.

As a preventative measure to deter the creation of fictitious vendors, a policy should be put in place by the City's Purchasing Department that would require all new

vendors/contractors to provide and attach a completed and signed "IRS W-9" or "Substitute W-9" for. Best practice would be to request form from vendors in conjunction with the input of the vendor master file change or updates, as well. (See **Samples I & II**). The "IRS W-9" or "Substitute W-9" form certifies that a vendor has a valid TIN. Without a signature, there is no certification. Both the person filling it out and the entity receiving the completed form must guard the form carefully to protect against identity theft. You have to obtain this form only once from each vendor unless its business information has changed.

2.b) In addition, the City should consider implementing a process to verify the authenticity of all TIN and EIN numbers that were provided to the city either on the "IRS W-9" or "Substitute W-9" form. This verification process can be done for both the TIN and EIN number on file through the IRS TIN matching program website, currently a free service.

TIN Matching users can submit instant response for up to 25 TIN/Name combinations and bulk electronic files with up to 100,000 TIN/Name combinations and receive matching results by email from the IRS database with 24 hours.

Responses:

Per the City's Director of OPM and Purchasing Agent

2.a&b) Only fully completed new vendor forms are to be processed. Incomplete forms should not be entered. We will remind all parties of the need to be diligent in this process.

3. Findings:

Request for Proposal (RFP) 329A File is missing from Purchasing Department files.

There was one selected RFP file that was completely missing from the Purchasing Department for "Premier Healthcare Resources". Internal Auditor has put out a request to the City's Legal Department and Department Director to see if they could possibly locate this file. It is a state mandated document retention policy to maintain original files in place and not remove or dispose of these documents until proper approval is requested from the state's Office of the Public Records Administrator. Another file was randomly selected during our audit to replace this purchasing file.

Recommendations:

3.) All municipal department managers should be reminded of the purchasing department procedures for contract document file viewing and retention.

Purchasing files should be created, maintained, and monitored, by the Purchasing Department staff and secured with no exceptions allowed. Department managers/employees who request viewing access should not be allowed to remove files from the Purchasing Department unless they complete a sign out card with the appropriate Purchasing Department staff. This sign out card should be placed in the

file cabinet as the file that was signed out. The signed out card should include the following data; the person's name that is going to be responsible to return the file, the department, and date.

Tighter internal controls should be implemented to safeguard these original purchasing documents which contain critical purchase ordinance compliance information (in addition to the executed contract) such as; vendor history, vendor selection committee scoring, conditional award letters, award letters, and the names of the individual who approved the documentation. Without this information purchasing process could potentially be circumvented and it would be very difficult to replicate the content of the original file.

Responses:

3.) Per the City's Director of OPM and Purchasing Agent

The contract files are currently stored under lock and key with access limited to the three employees of the Purchasing Department. The controls suggested have been in place for years.

4. Findings

Contract data for GSA ID #46 and Misc. ID #55 does not appearing on any contract database system search reports. Actual hard copy files have been located in the purchasing file cabinets.

During internal audit's review of contract database system it was noted that there were contract files that did not appear on any contract database reports. The numbering sequence built into the system automatically assigns a unique identifier and this is essential to tracking the life cycle of contracts entered into the contract database system. Internal audit discovered two contracts missing from the contract database system reports.

A. Last system assigned GSA ID number issued 65

Contract data base system reports count:

Active 19

Inactive 45

Total 64

- **Identified one GSA ID missing No #46 which does not appear on search reports in the contract data base system. However, the file does exist in the file cabinet.**

B. Last system assigned MISC ID number issued 400

Active 292

Inactive 107

Total 399

- **Identified one MISC ID missing No #55 which does not appear on search reports in the contract data base system. This file does exist in the file cabinet as well.**

Recommendations:

4.) The City's technology department should be contacted to explain why this information is inconsistent with the contracts data base system reports. For example, the summary report for all contracts does not tie to the search criteria reports for "active" and "inactive" contract types. A periodic report should be created, run, and reviewed by the purchasing agent to ensure the system files are accounted for and recorded properly.

Numbering sequence controls are essential for tracking purchasing activity and at the same time checking the approvals and authorization by the appropriate individuals in management and ensures that the financial statements are prepared accurately by recording all transactions which should have been recorded in the appropriate period.

Responses:

4.) Per the City's Director of OPM and Purchasing Agent

We will forward this finding to Technology Management Services. Please remember, if a requisition had been submitted, a purchase order would not have been issued by the Purchasing Agent until it was verified.

5. Findings

Bid #6302 Fail Safe Testing Inc., incorporated an approach to award the contract/ selecting the vendor that was somewhat unorthodox (the use of a coin toss).

Bid #6302, originally had three bidders respond on 11-8-12, when the bids were opened, the results were a tie with two vendors with the same pricing which totaled \$9,298.98. Those two vendors were asked back on 11-14-12, by the then purchasing agent who made the decision to use a coin toss (with the consent of both vendors) to award the bid.

Recommendations:

5.) Although the purchasing ordinances were not violated by the method used, the risk of collusion between the bidders was not mitigated and bidders could take turns take turns being the lowest bidder.

In the spirit of competitive bidding there are other more objective methods that should be considered and utilized by the purchasing agent to breaking a tie bid between two or more bidders and should be communicated publically such as;

- Score sheet for each vendor based on years of experience, interview and process them separately, etc.;
- Check vendor customer references;
- Best performance delivery;
- Research the financial condition of each vendor (including any outstanding legal claims for poor performance).

A more objective approach should be used going forward for breaking tie bids and the decision criteria documented appropriately.

Responses:

5.) Per the City's Director of OPM and Purchasing Agent

As stated there was no violation of the Purchasing Ordinance. We disagree with the auditors comment that there were other more "objective methods". After identifying a tie, the Purchasing Agent utilizing previous public purchasing experience decided to use a coin toss. However, prior to the toss, each of the low vendors was called and apprised of the circumstances. They were informed that if either side protested, the item would be re-bid. Since neither protested, the toss was used determine the winning bidder. In the end, the Purchasing Agent maintained the integrity of the process stressing a fair and competitive process. Other factors considered by Purchasing Agent were a 2-3 month delay if a re-bid was necessary (lead time) as well as the added expense of advertising (approximately \$300) on a low dollar commodity of \$9,298.88.

Medium priority level:

6. Findings

Bid Waiver 11/12-21 Allagash Valve & Controls, Inc. stated in requisition not to exceed \$3,644.00 the invoice was approved for \$3,758.49. This should not have occurred without approval from the City's Purchasing Agent.

Recommendation (see below)

7. Findings

Bid Waiver 12/13-75 Polydyne, Inc. stated in requisition not to exceed \$5,000.00 the invoice was approved for \$5,152.00. This should not have occurred with the approval from the City's Purchasing Agent.

Recommendation:

6/7.) Purchasing agent should work with the City's Controller and Legal Department to propose an amendment to the current Policy and Procedure manual to permit up to a 10% variance in the dollar amount of invoices submitted to accounts payable (under very specific circumstances) to avoid being in violation of the purchasing

ordinance threshold amounts. The potential does exist for a violation of the City's purchasing ordinance if the approved invoices exceed the threshold amounts even if the variances were appropriate and properly approved.

Responses:

Per the City's Director of OPM and Purchasing Agent

The Purchasing Agent issues Purchase Orders and guidance in accordance with the Purchasing Ordinances. Final payments exceeding amounts authorized in the Purchase Order are under the Controller's Office which handles disbursements.

Purchasing Agent is not in agreement with the Controller's Office utilizing the up to 10% variance without first consulting with the Purchasing Agent as numerous scenarios exist which could result in the dollar value increases violating limits of purchasing ordinances.

Per the City's Controller:

System controls within the H.T.E software application require matching of amounts received and amounts ordered before purchase order can be closed. Purchasing Agent can always revise the purchase order to accommodate minimal overages that are acceptable to the Department Manager.

8. Findings

During Internal Audit's observation of recently awarded RFP (>\$1M in value), it was noted that selection committee members responsibilities were not well understood by selection committee members.

Internal Audit was present when a selection committee member suggested that a City consultant review the vendor proposal information for this particular project. This committee member did not see the review as a potential conflict of interest nor a violation of confidentiality since the advisor would be participating with non-voting observer rights even though this consultant had bid on other city contracts. This area in the city's purchase ordinance is not specific enough and could potentially allow for circumvention. It does not state that selection committee member's cannot assign or delegate their responsibility and the resulting debate among the selection committee members on whether the consultant would be allowed to participate in this capacity. It should not have been left to the selection committee, a department head, or the purchasing agent to make the judgement call on whether to allow the consultant's participation or their access to any proprietary information received as part of the RFQ/RFP process.

Recommendation:

8.) To avoid and potentially eliminate any preferential treatment being given to a specific vendor, FOIA (freedom of information act) section 1-210 (B) (24) states "all documents and discussions related to final selection are to remain confidential until a contract is executed." This language should be incorporated into the purchase

ordinance and include specific language on the responsibilities and duties of committee members who are asked to serve on behalf of the City in evaluating any proposals received. Committee members should be required to disclose any potential for "conflict of interest".

If revision and amendment the Purchasing Ordinance is not possible the Purchasing Agent with the assistance of the City's Legal Department should create and obtain a signed form from committee members acknowledging that they have read the City's Purchasing Ordinance prior to participating in the RFP review process.

Responses:

8.) Per the City's Director of OPM and Purchasing Agent

The City is simultaneously embarking on two significant projects requiring great coordination. Through the diligent efforts of the Purchasing Agent and City Engineer a potential conflict of interest was identified in the makeup of an RFP selection committee. Once this conflict of interest was identified, the Purchasing Agent did what one would expect, she voiced her concerns and a dialogue was initiated. As a result the Purchasing Ordinance was followed, a conflict was avoided and the selection process was finalized to the satisfaction of all. We do not agree with the auditor's recommendation to amend the Purchasing Ordinance. The Purchasing Agent is responsible for acting in the best interest of the City which we believe was clearly demonstrated in this situation. We do agree with an acknowledgement or "ground rules" form and will work with the legal department to develop such a form for future RFP selection committees for participants to sign.

As of 8-18-15, the Purchasing Agent has been using the attached (**See Exhibit C**) RFP Evaluation Committee Conflict of Interest Certification Form which requires evaluation committee participants to certify that they have no known or foreseeable conflicts of or bias and includes certification of confidentiality for all RFP selection committee members.

Work Performed:

The internal audit scope covered all purchase orders made from the last three fiscal year ends from June 30, 2012 through June 30, 2014.

To accomplish our objectives internal auditor performed the following procedures for this report:

- Reviewed City's and WPCA purchasing ordinances and WPCA legal counsel written opinion for process on bid waivers, to understand existing processes;
- Interviewed staff of City departments that regularly utilize citywide drawdown purchase orders;
- Interviewed the Purchasing Department key personnel; the Purchasing Agent Contract Compliance Officer, and Buyer;
- Worked with City's Legal Department to resolve any contract open items.
- Analyzed fiscal year 2012 -2014 citywide closed and cancelled purchase order;
- Observed real time fiscal year 2014-2015 citywide progress purchasing processes such as; competitive Bids, RFQ's/RFP's, State Contract, COOP, and Bid Waivers;
- Performed data analytics by stratification of sample data by dollar thresholds and traditional tests of randomly selected samples for both observation and data mining;

Internal Audit test procedures included:

- ❖ Review of the City of Stamford Charter 23, Article II Code of Purchasing Ordinance No. 955.
- ❖ Legal Opinion for SWPCA Bid Waiver Approval Process dated 1999.
- ❖ Pulled each selected sample purchasing contract file
- ❖ Reviewed the City's online "e-bid" web based vendor system.
- ❖ Reviewed the City's contracts database system (Microsoft sequel server system).
- ❖ Performed comparative data analysis for the purpose of comparing input to output for consistency and accuracy of department records:

City of Stamford Completed/Cancelled Purchase Orders Stratification Table from the Subledger

Strata #	Dollars >=	Dollars <	Count	% of Total Count	Total Amount	% of Total Amount
1	-	3,500	4,477	77.24	3,993,635.21	6.60
2	3,500	7,500	617	10.65	3,218,193.39	5.32
3	7,500	10,000	132	2.28	1,130,360.07	1.87
4	10,000	25,000	276	4.76	4,317,532.94	7.14
5	25,000	50,000	132	2.28	4,390,583.32	7.26
6	50,000	100,000	74	1.28	5,202,116.25	8.60
7	100,000	250,000	40	0.69	5,617,945.38	9.28
8	250,000	500,000	21	0.36	7,303,928.64	12.07
9	500,000	1,000,000	12	0.21	8,244,052.16	13.62
10	1,000,000	1,500,000	6	0.10	7,744,992.39	12.80
11	1,500,000	2,000,000	2	0.03	3,417,771.97	5.65
12	2,000,000	4,000,000	2	0.03	5,929,841.20	9.80
< exceptions			5	0.09	0.00	0.00
>= exceptions			0	0.00	0.00	0.00
Totals			5,796	100.00	60,510,952.92	100.00

Note 1: Population size is taken from H.T.E all purchase orders completed and cancelled

Note 2: Random sample selected 20 (every 3rd) out of 43 PO's in the high dollar ranging from \$250,000 - \$4,000,000 covering approx \$32.6MM (54%) of the total amount \$60.5MM. The remaining \$27.9MM (46%) random sample selected 20 items (every 70th) covering ranges from \$250k - \$3K.

WPCA Completed/Cancelled Purchase Orders Stratification Table from the Subledger

Strata #	Dollars >=	Dollars <	Count	% of Total	Total Amount	% of Total
1	0	3000	704	66.04	636,187.41	3.98
2	3000	7500	173	16.23	841,622.05	5.27
3	7500	10000	38	3.56	310,250.28	1.94
4	10000	25000	64	6.00	1,010,840.55	6.33
5	25000	50000	50	4.69	1,860,201.32	11.64
6	50000	100000	17	1.59	1,277,837.44	8.00
7	100000	250000	7	0.66	948,183.17	5.93
8	250000	500000	5	0.47	1,913,595.00	11.97
9	500000	1000000	3	0.28	2,168,284.04	13.57
10	1000000	2000000	3	0.28	5,013,188.86	31.37
<u><</u> exceptions			2	0.19	0.00	0.00
<u>>=</u> exceptions			0	0.00	0.00	0.00
Totals			1,066	100.00	15,980,190.12	100.00

Note 1: Population size is obtained from H.T.E all purchase orders completed/cancelled.

Note 2: Random sample selected 5 out of 11 (every 2nd) PO's range high dollar from \$250,000-2,000,000, covering approx. \$9.1MM (57%) of the total amount \$16.0MM.

The remaining \$6.2MM (39%) random sample selected 15 items (every 25th) covering ranges from \$250k - \$3K.

Internal Audit Scope limitations:

- 1) Internal audit did not perform a review or test of the City's P-Card's.
- 2) Internal Audit did not test Segregation of Duties. To ensure proper segregation of duties, assign related buying functions to different people, no single person has complete control over all buying activities.

Best practice is to have different people:

- ❖ Approve purchases orders
- ❖ Receive ordered materials
- ❖ Approve invoices for payment
- ❖ Review and reconcile financial records

Potential consequence of duties that are not separated:

- Unauthorized or unnecessary purchases made
- Improper charges made to department budgets
- Excessive costs incurred
- Goods purchased for personal use

Narrative:

The City's Purchasing Department staff consists for three key personnel; a Purchasing Agent, Contract Compliance Officer, and Buyer all of whom are involved in key processes such as:

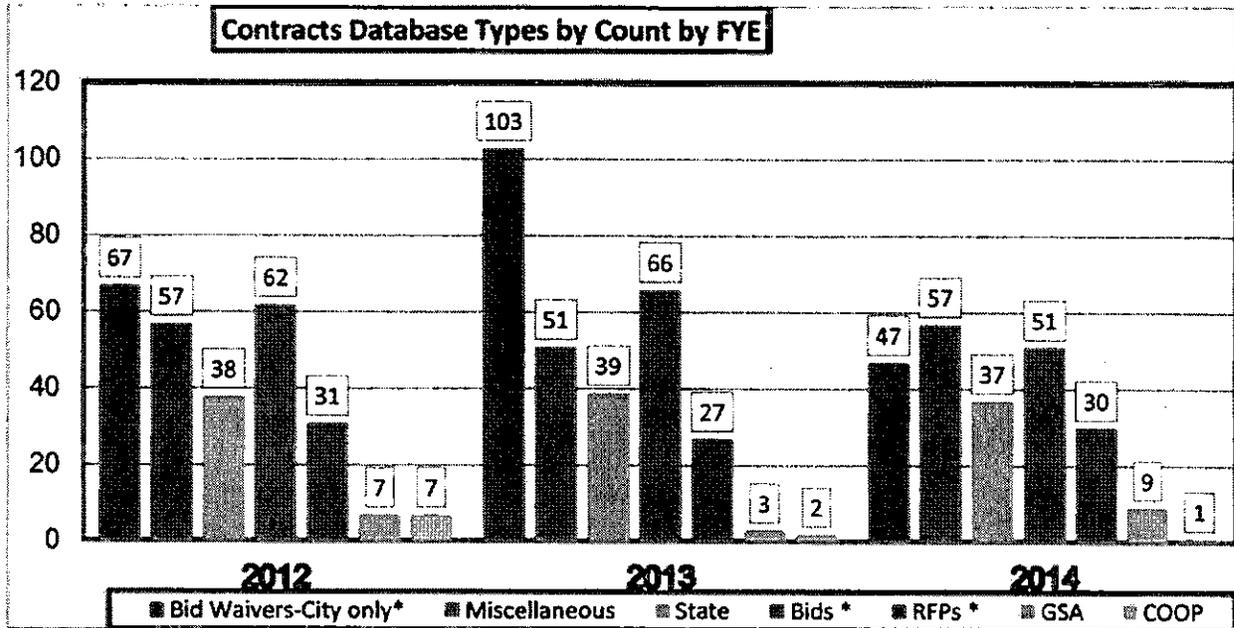
- ❖ Assist external vendors with the "eBid" system registration process.
- ❖ Place various media advertisements for Bids and RFP/RPQ.
- ❖ Establish and update vendor information in the City's general ledger system.
- ❖ Approve Purchase Order to ensure compliance with City's purchasing ordinance.
- ❖ Award conditional contract award letters for goods and professional services needed for individual department's capital/operational goals for both City/SWPCA and capital goals only for the Board of Education.
- ❖ Conduct competitive Bid process.
- ❖ Maintain the contracts database system tracking and all documentation.
- ❖ Report quarterly and semi-annual basis to City's respective boards as required by City's purchasing ordinance.
- ❖ Ensures proper approval is provided on all contract types as required by City's purchasing ordinance for; Requisition for Proposals (RFP's), Bids, State contracts, COOP's, Miscellaneous (GSA), and Bid Waivers.
- ❖ General FOI requests and inquiries for specific contract data.
- ❖ Prepares proposal and bid specifications for the procurement of professional services, and for the purchase of supplies, materials and equipment.
- ❖ Services on vendor selection committees for the procurement of professional services.

A Microsoft sequel server contract database system is used by the City's Purchasing Department to assign all various contracts a unique numbering by contract type by category see table statistics below:

FYE	2012	2013	2014	Total	3 yr. Avg Count	3 yr. Avg Chg.	3 yr. Avg % Chg.
Bids *	62	66	51	179	59.7	(1.0)	-1.7%
COOP	7	2	1	10	3.3	(2.7)	-80.0%
GSA	7	3	9	19	5.0	2.3	46.7%
Miscellaneous	57	51	57	165	54.0	2.7	4.9%
RFPs *	31	27	30	88	29.0	(0.3)	-1.1%
State	38	39	37	114	38.5	2.7	6.9%
Bid Waivers-City only*	67	103	47	217	85.0	(4.7)	-5.5%
Grand Total	269	291	232	792	280.0	(1.0)	-0.4%

increase trend over 3 yr

increase trend over 3 yr



Solicitation of vendors advertising is provided by the City to the public by various methods such as newspaper postings, State internet website, and municipal internet website “eBid” systems.

At the city level website “eBid” system contains all relevant vendor solicitations specifications and qualification requirement documents with amendments which are scanned and available for the public viewing via internet. In addition, a calendar is provided to all registered vendors with deadline dates for submission monthly upcoming proposal and bid openings. (See Exhibit B-2)

During the last three fiscal years the City’s trend has been moving more towards taking advantage of preferred contract pricing available under existing state or federal contracts and migrating towards piggybacking off of these contracts;

1. **GSA** – “Federal” Government Services Administration – These contract yield vendors on the list who would provide better pricing and service products based on volume to the government and would in turn extend the same pricing courtesy to the municipalities.
2. **State Contracts** - Again, these contracts yield better pricing and service product from vendor based on the volume they provide to the state agency similar to the Federal.
3. **COOP** – Cooperative type vendor contracts made up of combined towns, cities, municipalities, and multi-state. Examples of Coop contracts that the city has utilized; UHF (United Hospital Foundation) for medical equipment and supplies include, WSCH (Western State) for computer software/hardware, SWRPA for diesel, heating fuels, and hazardous environmental materials. Again, these contracts yield better pricing and service product from vendor based on the volume they provide to the state agency.

Exhibits:

Exhibit A-1:

Board of Representative approved City of Stamford Ordinance No. 1177 Supplemental Amended Chapter 23; Article II, Purchasing dated November 5, 2014

Exhibit A-2:

Charter Part 5: City Department, Division 2. Office of Legal Affairs Sec. C5-20-3. Legal Functions and Sec. C5-20-4. Special Counsel, Experts; Assistant Corporation Counsels

Exhibit A-3:

City's Legal Counsel Opinion for WPCA Bid Waiver Process

Exhibit B-1:

Reference email for finding #1

Exhibit B-2

eBid exchange Quickstart Guide for Vendors

Exhibit C

RFP Evaluation Committee No Known or Foreseeable Conflicts of Interest or Bias and Certification of Confidentiality

Samples:

Sample I: IRS Form W-9 Request for Taxpayer Identification Number and Certification

Sample II: Substitute W-9 City of Stamford Request for Taxpayer Identification Number and Certification

MAYOR
DAVID B. MARTIN



CITY OF STAMFORD
OFFICE OF POLICY & MANAGEMENT
200 WASHINGTON BOULEVARD
P.O. BOX 1900
STAMFORD, CONNECTICUT 06904-2100

Exhibit A-1

PURCHASING AGENT
BEVERLY A. AVENI
Phone: (203) 877-4107
FAX: (203) 877-4000
Email: baveni@stamford.gov

Memorandum

To: All City Employees

From: Beverly A. Aveni, Purchasing Agent
Beverly A. Aveni

Re: Amended Purchasing Ordinance

Date: November 20, 2014

The attached Ordinance, which amends the Purchasing Ordinance, is effective as of November 22, 2014.

The amendments to the Ordinance are delineated by striking out the previous language and inserting the new mandates.

The most important amendments to the Ordinance's guidelines are as follows:

Procurement of Goods and General Services (purchases of commodities, such as miscellaneous supplies, hardware, tools, etc., and one time small and/or minor repairs)

- Under \$3,000 – no quotes required
- 3 quotes required for purchases from \$3,000 - \$10,000
- Competitive Bids required if Greater than \$10,000

Procurement of Special or Professional Services (such as architectural, engineering, etc.) – No Amendments to this Provision

- Under \$10,000 – no quotes required
- 3 written quotes required for procurement of services from \$10,000 - \$25,000
- Written Competitive Proposals required for procurement of services greater than \$25,000

Contracts

- Purchase Order may be issued for Purchases less than \$50,000
- Purchases of \$50,000 or more requires a written contract

The Mayor is the only person authorized to sign documents on behalf of the City of Stamford.

Bid Waivers

- For either critical emergencies or other special circumstances specified in the Purchasing Ordinance in Section 23-18.3
- Requires approval by the Purchasing Agent, Director of Administration, and the Mayor
- Bid Waiver requests greater than \$100,000 require Board of Finance approval prior to authorization by the Mayor

If you ever have any questions concerning the Purchasing Ordinance, please do not hesitate to call me.

Purchasing Policies

Goods and General Services (Bid)

- Under \$3,000 – No Quotes
- 3 Quotes for \$3,000 - \$10,000 (except for drawdowns – up to \$10,000)
- Competitive Bids if Greater than \$10,000

Special or Professional Services (RFP)

- Under \$10,000 – No Quotes
- 3 Quotes \$10,000 - \$25,000
- Competitive Proposals (written) if Greater than \$25,000

Bid Waiver Process

- For either Critical Emergencies or other reasons specified in the Purchasing Ordinance
- Approval by Purchasing Agent, Director of Administration and Mayor
- If Greater than \$100,000 requires BOF approval prior to approval by Mayor

Contracts

- Contract required for services greater than \$50,000
- Purchase Order may be issued for services under \$50,000
- \$100,000 or more requires approval by BOF, BOR and Mayor

**ORDINANCE NUMBER 1177 SUPPLEMENTAL
AMENDING CHAPTER 23, ARTICLE II, PURCHASING**

WHEREAS, the present Purchasing Ordinance was adopted on April 1, 1991 as Ordinance No. 669 and amended in its entirety by Ordinance No. 683 on October 7, 1991; and

WHEREAS, the Purchasing Ordinance was amended substantially on February 1, 1999 by Ordinance No. 888; and

WHEREAS, the Purchasing Ordinance was last amended on April 4, 2001 by Ordinance No. 955 to create the position of Contract Compliance Officer; and

WHEREAS, the monetary thresholds in the Purchasing Ordinance have not been amended since 1999 and no longer reflect current economic realities; and

WHEREAS, the current Purchasing Ordinance hampers the ability of the Purchasing Department to operate in the best interests of the City of Stamford; and

WHEREAS, it has been determined that it is in the best interest of the City of Stamford that the Purchasing Ordinance be amended.

NOW THEREFORE BE IT ORDAINED BY THE 29th BOARD OF REPRESENTATIVES THAT:

Chapter 23, Article II of the Stamford Code of Ordinances be amended as follows:

Sec. 23-14. Regulations established.

Pursuant to C.G.S. § 7-148v, as amended, and Sec. C5-50-2(j) of the Charter of the City of Stamford, regulations governing the purchasing of supplies, materials, equipment and services are hereby established.

Sec. 23-15. Definitions.

For the purpose of this Article, the following definitions shall apply:

Bidder or service provider list. A list, maintained by the purchasing agent, of all suppliers, vendors, contractors or service providers who have requested, in writing, that they received notice of bids or requests for proposals sought by the city.

Competitive bidding. The procedure for obtaining goods or services in which sealed bids are submitted in response to specifications provided by the city. This method does not include negotiation with bidders after the receipt and opening of bids.

Competitive proposal. A procedure for obtaining special or professional services in which proposals are solicited by a request for proposals (RFP), and specific terms and prices may be negotiated by the city after receipt of the proposals.

Critical emergency purchases. Those purchases of goods or services which, if not purchased or ordered immediately, can result in injury or damage to human life or property. This shall include all goods or services needed on an emergency basis to comply with federal, state or local public health, safety or housing codes and emergency repair of city-owned property, buildings, infrastructure, equipment and vehicles.

Department. Any entity of the city, including but not limited to any office, agency, board, commission, department or part thereof.

Department head. Any Director of an Office, Bureau Chief or such other employee with purchasing authority commensurate with the purchase to be made.

Design/build services. A combination of professional and general services as defined under this chapter, to be performed by one contractor under the

Competitive Proposal Process with the approval of the Boards of Finance and Representatives.

General services. All services which result in a measurable end product which can be defined by bid specifications and all services used in the process of building, altering, improving or demolishing any city property, structure or building or any public infrastructure, but excluding architectural, engineering and other design services. Examples include, but are not limited to, electrical work, road resurfacing, sewer repair, building demolition, equipment maintenance and haul-away or disposal of waste products.

Lowest responsible qualified (or pre-qualified) bidder. The bidder whose bid is the lowest of those bidders possessing the skill, ability and experience necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility. Bidders may be excluded, provided that they have been disqualified pursuant to § 23-18.12 of this Code. Bidders may also be pre-qualified utilizing the Request for Qualifications Process described in § 23-18.1 B 1 of this Code or otherwise using recognized industry standards, provided that such pre-qualification criteria have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase.

Requests for qualification/quality based selection. A procedure for selecting pre-qualified proposers for the provision of special or professional services, or for the final selection of such proposers under § 23.18.1 A and B of this chapter, respectively, where the selection criteria may be primarily influenced by the qualifications or experience of the proposer in similar or related projects.

Special or professional services. The furnishing of judgment, expertise, design, advice or effort by persons other than city employees, not involving the delivery of a specific end product defined by bid specifications. This shall include consulting, professional, legal, financial, personal and technical services. Examples include, but are not limited to, architects, auditors, attorneys, physicians, real estate appraisers, actuaries, engineers, computer programmers, professional construction managers, and systems designers. Special services shall also include repair services for city-owned property, equipment and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is more important than the lowest cost.

Summary bid process. A competitive bid process which may be utilized among original responsible qualified bidders for a specific project or purchase when all bids exceed the budget appropriation for such project or purchase after deduction of all reasonably anticipated contingencies or the budget for such project or purchase, as is authorized under § 23-17 H of this chapter.

Supplies, material and equipment (Collectively referred to as goods). Any and all articles, whether purchased or leased, furnished to or used by any city department. Examples include, but are not limited to, fuel oil, desks, typewriters, paper, sand and high technology equipment such as computers, commercial software, telecommunications equipment and photocopying equipment.

Sec. 23-16. Purchase of supplies, materials and equipment and general services.

- A. Purchases requiring formal competitive bid process. All purchases of goods and general services, as defined above which are listed on a requisition to an individual vendor, and which are anticipated to exceed the limit set annually by the Board of Finance shall be made by sealed competitive bid as described in § 23-17 of this article. Purchase requisitions shall not be split to avoid this requirement. In accordance with C.G.S. § 7-148v, as amended, said limit set by the Board of Finance shall not exceed ~~\$7,500~~ ten thousand dollars (\$10,000.00) or such other maximum amount as set by said statute.

- B. Purchases requiring Informal competitive quotation process. Purchases of goods or general services which are in excess of three thousand dollars (\$3,000.00) but are less than ~~the limit set by the Board of Finance in~~ thousand dollars (\$10,000.00), shall be based upon price quotations. Purchase requisitions shall not be split to avoid this requirement. Upon compliance with this section, a purchase order shall be issued.
- (1) Price quotations, either oral or written, shall be solicited from at least three (3) vendors or service providers or obtained from current catalogues or price sheets. The refusal to quote from an otherwise valid supplier shall qualify as a quotation. The process shall be documented in writing by the purchaser. If a single reasonable source exists for the purchase, this shall be documented in writing.
 - (2) A purchase of goods or general services shall be counted as one (1) purchase for like items. Unlike items, grouped together on one (1) purchase requisition, shall require price quotations only for those items on the purchase requisition that are in excess of three (\$3,000.00) thousand dollars. The determination of like and unlike items shall be based on the commodity codes assigned such items under the then current City financial system.
 - (3) The soliciting of price quotations may be waived for any critical emergency, as defined above, or for any of the reasons for waiving a bid process in § 23-18.3B. Said waivers shall require the approval of the department head or designee, who shall certify in writing to the purchasing agent the need for a waiver, and the approval of the purchasing agent or designee. No further approval shall be required. Said waivers shall be included in the purchasing agent's quarterly report.

Sec. 23-17. Competitive bidding process.

For each purchase of goods or services made by competitive bid, the following shall apply.

- A. All requirements, terms and conditions sought by the city, including quality, delivery terms and vendor or contractor qualifications shall be contained in the bid specifications. For purchases requiring a contract, a draft contract shall be made a part of the bid specifications whenever possible.
- B. The purchasing agent shall publish a notice inviting sealed competitive bids at least once in a daily newspaper in the City of Stamford. The notice shall be published not less than ten (10) working days before the final date for submitting bids. Said notice shall contain a general description of the goods desired, the place where the bid specifications may be obtained and the day, hour and place the bids will be opened.
- C. The purchasing agent shall, in addition to the notice required, solicit sealed bids from all qualified potential suppliers who have requested that their names be placed on the bidder list by sending them copies of the newspaper notice or any other form of publicly available notice that will acquaint them with the proposed purchase at least ten (10) working days before the final date for submitting bids. Mailings made by the purchasing agent to qualified potential suppliers shall be solely for the convenience of suppliers. The failure of the purchasing agent to provide any supplier with notice of any bid shall not invalidate the bid process nor shall it prejudice the city in any manner.
- D. The purchasing agent may revise the bidder lists by dropping vendors and service providers who have not responded to three (3) consecutive bid notices sent to them and have not given written notice of interest in remaining on the list.
- E. All bids shall be submitted sealed to the purchasing agent and shall be accompanied by security in the form of certified check or bond in the

amount stated in the public notice. The bids shall be opened in public at the time and place stated in the notice.

- F. For each purchase made by competitive bidding, a record of all bids submitted, giving the names of the bidders and amounts of the bids and indicating the successful bidder, together with the originals of all sealed bids and any other pertinent documents, shall be preserved by the purchasing agent for not less than three (3) years in a file which shall be open to public inspection.
- G. The contract for which the sealed bids are submitted shall be awarded to the lowest responsible qualified bidder or pre-qualified bidder who meets the requirements, terms and conditions contained in the bid specifications.
- H. In the event all bids submitted by responsible qualified bidders exceed the budget appropriation for such purchase after deduction of all reasonably anticipated contingencies, or the budget for such purchase, at the request of the department head the purchasing agent shall provide a summary bid process open only to such responsible qualified bidders that originally submitted a bid. Such summary bid process may include a post-bid conference, and shall permit resubmission of such original bids or the submission of new bids in not less than three (3) days from the mailing of notice to the original bidders, and may provide for the deletion or modification of one or more alternates or specifications provided in the original bid package as determined by the department head.

Sec. 23-17.1. Awarding of contracts which contain alternates.

- A. All bid specifications for a project for which alternates are to be included shall have the alternates listed in their order of priority.
- B. Prior to awarding a contract for which the bid specifications list alternates to be included, the purchasing agent shall be informed which alternates are to be included in the contract.

Sec. 23-18. Special or professional services and design/build services.

- A. Services requiring formal competitive proposal process. Purchases of special or professional services, as defined above which are anticipated to exceed twenty-five thousand dollars (\$25,000.00), or design/build services shall be made by a competitive proposal process as described in § 23-18.1 of this Article. The award of any contract for design/build services shall require the approval of the Boards of Finance and Representatives. Notwithstanding the requirements of this section, said purchases may be made by competitive bid if the selection of a provider can reasonably be based upon the lowest possible price as determined by the department head.
- B. Purchases requiring informal competitive proposal process. Purchases of special or professional services which do not exceed twenty-five thousand dollars (\$25,000.00) but are in excess of ten thousand dollars (\$10,000.00) shall be based upon a reasonable and documented attempt to solicit proposals.
 - (1) Proposals shall be solicited from at least three (3) qualified or pre-qualified service providers. The refusal to submit a proposal from an otherwise valid provider shall qualify as a proposal. The process shall be documented in writing by the purchaser. If a single reasonable source exists for the service, this shall be documented in writing.
 - (2) The soliciting of proposals may be waived for any critical emergency, as defined above, or for any of the reasons for waiving a proposal process in § 23-18.3B. Said waivers shall require the approval of the department head or designee, who shall certify in writing to the purchasing agent the need for a waiver, and the approval of the purchasing agent or designee.

No further approval shall be required. Said waivers shall be included in the purchasing agent's quarterly report.

Sec. 23-18.1. Competitive proposal process: Requests for Proposals and Quality Based Selection.

A. Requests for Proposals. Except as authorized pursuant to § 23.18.1 B, for each purchase of special or professional services in excess of twenty-five thousand dollars (\$25,000.00) made by competitive proposal, the following shall apply:

1. Preparation of the request for proposals.
 - (a) Requests for proposals shall be prepared by the department head requesting the service. The purchasing agent shall assist in the preparation if needed. For purchases which require an additional appropriation, the request for proposals shall clearly state that the awarding of a contract is contingent upon the appropriation of funds.
 - (b) For requests for proposals for services anticipated to exceed \$100,000.00, a selection committee shall be formed which shall review the proposals. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.
 - (c) All requirements, terms and conditions, including provider qualifications, desired by the city in the proposal shall be contained in the request for proposals. Whenever possible, a draft contract shall be made a part of the request for proposals.
2. Solicitation of proposals.
 - (a) Unless preceded by a Request for Qualifications process as provided in § 23-18.1B1. of this Code, the purchasing agent shall publish notice of the request for proposals at least once in a daily newspaper in the City of Stamford at least ten (10) working days prior to the deadline to submit proposals. Whenever the service requested is so specialized that few appropriate providers can reasonably be expected to respond to said notice, it shall also be published in other newspapers or periodicals appropriate to the nature of the service requested.
 - (b) The notice shall include a general description of the services sought, the location where requests for proposals may be obtained and the deadline for the acceptance of proposals.
 - (c) In addition to the notice required, proposals shall be solicited from persons or firms thought to be qualified potential providers of the requested service and from qualified potential service providers who have requested that their names be placed on a service provider list. Solicitation shall be made by sending copies of the newspaper notice or any other form of publicly available notice that will acquaint providers with the proposed purchase of services at least ten (10) working days prior to the deadline to submit proposals. All mailings made by the purchasing agent to qualified potential proposers shall be solely for the convenience of proposers. The failure of the purchasing agent to provide any proposer with notice of any request for proposal shall not invalidate the proposal process nor shall it prejudice the City in any manner.
 - (d) The proposal process may be waived for any critical emergency, as defined above, or for any of the reasons contained in § 23-18.3B. Said request for a waiver shall be carried out in accordance with § 23-18.3B of this Article.

3. Awarding of contract.

- (a) Procedures and criteria for reviewing and evaluating proposals shall be defined by the department head or selection committee in advance of the deadline to submit proposals. For projects anticipated to exceed one hundred thousand dollars (\$100,000.00), the committee shall, if possible, interview the most qualified proposers.
- (b) No proposal shall be reviewed by the city until after the deadline for proposals.
- (c) The contract shall be awarded to the proposer whose proposal is deemed by the department head or selection committee to best provide the services desired, taking into account the requirements, terms and conditions contained in the request for proposals and the criteria for evaluating proposals.
- (d) For each purchase of services by competitive proposal, a record of all proposals submitted, giving the names of the proposers and indicating the successful proposer, together with the originals of all proposals and any other documents pertaining to the selection process, shall be preserved by the purchasing agent for not less than seven (7) years in a file which shall be open to public inspection. The basis for selection of the successful proposal shall be clearly stated.

B. Solicitation of Proposals using Quality Based Selection.

1. Quality Based Selection as Pre-Qualification.

- a. A Request for Qualifications process may be utilized in the pre-qualification of proposers in the purchase of special or professional services, or bidders in a competitive bidding process, where it is determined by the department head that such services are unique or that the nature of the project requires selection criteria primarily influenced by the past experience of a proposer in similar or related projects. Such determination shall be made in writing and approved by the Director with oversight responsibility for such department head. Copies of the written determination and Director's approval shall be immediately forwarded to the Boards of Finance and Representatives.
- b. The notification and publication requirements in §23-18.1B of this Code shall be deemed to have been satisfied where such procedures have been utilized in a preliminary process of Requests for Qualifications. Where a Request for Qualification has been so utilized, the Request for Proposals may be exclusively directed to the proposers deemed qualified by the selection committee.
- c. Requests for Qualification shall be prepared by the department head most closely involved in the project. A selection committee shall be formed which shall evaluate the responses. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.
- d. The selection committee shall review all qualifications submitted and shall interview not less than three proposers (or such lesser number as shall have submitted qualifications), and shall determine which of the proposers are qualified under such qualification criteria as shall have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase. The selection committee shall furnish a list of such pre-qualified proposers to the purchasing agent. Thereafter, a Request for Proposals process shall be utilized pursuant to §23.18.1A of this chapter. In the case of a purchase of

supplies, materials, equipment or general services a Competitive Bid Process pursuant to § 23-17 shall be utilized, except that bids may be solicited exclusively from the list of pre-qualified bidders.

2. Quality Based Selection as a final selection process.

- a. A Request for Qualifications process may be utilized in the purchase of special or professional services in lieu of the Request for Proposals process, where it is determined by the department head that such services are unique or that the nature of the project requires selection criteria primarily influenced by the past experience of a proposer in similar or related projects, and that the best interests of the City will be served by the use of such process. Such determination shall be made in writing and approved by the Director with oversight responsibility for such department head. Copies of the written determination and Director's approval shall be immediately forwarded to the Boards of Finance and Representatives.
- b. Requests for Qualification shall be prepared by the department head most closely involved in the project. A selection committee shall be formed which shall review and evaluate the responses. The committee shall include the purchasing agent and representation from all departments directly involved in the project. Additional members may be appointed by the Mayor. One (1) department head shall be designated as the lead department by the Mayor.
- c. The purchasing agent shall publish notice of the Request for Qualifications at least once in a daily newspaper in the City of Stamford at least ten (10) working days prior to the deadline to submit proposals. Whenever the service requested is so specialized that few appropriate providers can reasonably be expected to respond to said notice, the publication may be waived or limited to newspapers or periodicals appropriate to the nature of the service requested. The notice shall include a general description of the services sought, the location where requests for qualifications may be obtained and the deadline for the acceptance of proposals. Mailings made by the purchasing agent to potential proposers shall be solely for the convenience of proposers. The failure of the purchasing agent to provide any proposer with notice of any request for qualification shall not invalidate the proposal process nor shall it prejudice the city in any manner.
- d. In addition to the notice required, proposals may be solicited from persons or firms thought to be qualified potential providers of the requested service and from qualified potential service providers who have requested that their names be placed on a service provider list. Solicitation may be made by sending copies of the newspaper notice or any other form of publicly available notice that will acquaint providers with the proposed purchase of services at least ten (10) working days prior to the deadline to submit proposals.
- e. The selection committee shall review all qualifications submitted and shall interview not less than three proposers (or such lesser number as shall have submitted qualifications), and shall determine which of the proposers are qualified under such qualification criteria as shall have been certified in writing to the purchasing agent as commercially relevant by the department head and/or the Director responsible for the purchase. The selection committee shall rank the proposers based upon such qualification criteria in order of preference and shall provide a list thereof to the purchasing agent.
- f. The department head shall then negotiate a contract with the highest qualified firm with the assistance of the Office of Legal Affairs, at a compensation determined by the department head to be fair and

reasonable to the city, considering the estimated value, the scope, the complexity and the professional nature of the services to be rendered. Should the department head be unable to negotiate a satisfactory contract with such firm, negotiations shall be formally terminated. The department head shall then undertake negotiations with the second most qualified firm. Failing an agreement with the second most qualified firm, the department head shall formally terminate negotiations with that firm, and shall proceed to the next most qualified firm(s) in the order of rank and in the same fashion, until a contract is negotiated at a fair and reasonable compensation to the city.

- g. For each purchase of services by quality based selection, a record of all qualifications and proposals submitted, the names of all proposers and the selection committee's list and rank of the qualified vendors, together with the originals of all proposals and any other documents pertaining to the selection process, shall be preserved by the purchasing agent for not less than seven (7) years in a file which shall be open to public inspection.

Sec. 23-18.2. Office of Operations to be responsible.

The Office of Operations shall have the primary responsibility for all bid specifications and for all requests for proposals for technical services, including architectural and engineering services, for construction, alteration or demolition of city buildings or infrastructure, even if the building or structure being designed or constructed will be operated or used by another city department when finished.

Sec. 23-18.3. Waivers of competitive bid process or competitive proposal process.

A. Critical emergency purchases.

- (1) Critical emergency purchases, as defined above, may be made by waiving the competitive bid or proposal process. Emergency procurement shall be limited to those supplies, services or construction items necessary to meet the emergency. Said purchases shall be authorized by the appropriate department head or designee with the written consent of the Mayor or the Director of Administration if the Mayor is unavailable.
- (2) Written certification of the emergency and the reason for the selection of the particular supplier, signed by the department head or designee, shall be submitted to the purchasing agent, the Director of Administration and the Mayor within five (5) working days of the authorization of the waiver and shall be made a part of the purchase file.
- (3) Notification of all such emergency purchases shall be made to the Board of Finance and Board of Representatives within two (2) weeks of authorization.

B. Other purchases made by a waiver of bid or proposal process.

- (1) Purchases of goods and services, other than critical emergency purchases, may be made by waiving the bid or proposal process for the following reasons:
 - (a) Only one (1) reasonable or qualified source can be identified. This shall include situations where only one (1) vendor or provider is manufacturer authorized or certified or where parts are available only through a single distributorship.
 - (b) A special source, including but not limited to a sale, purchasing plan, government discount or trade-in allowance, will provide a lower cost than that which would result from a bid process.

- (c) Time is a critical factor.
 - (d) A bid or proposal process would result in substantially higher costs to the city or inefficient use of personnel or cause disruption to city operations.
 - (e) Prices of goods or services are federal or state regulated.
- (2) Such purchases shall require the written certification of the reason for the waiver, signed by the department head, and the written approval of the purchasing agent, the Director of Administration and the Mayor. Purchases over ~~fifty thousand dollars (\$50,000.00)~~ one hundred thousand dollars (\$100,000.00) shall require the approval of the Board of Finance.
- (3) Sole source bid and proposal waivers shall clearly document that only one (1) reasonable or qualified source exists. Bid waivers for other reasons shall include price quotations sought from three (3) vendors, if available. All waiver documentation shall be made a part of the purchase or contract file.
- (4) A written record of all waivers of the competitive bid or proposal process shall be kept by the purchasing agent and be included in the quarterly report. This record shall include the reasons why a bid waiver was used.

Sec. 23-18.4. Contracts.

- A. Contract required. A written contract between the city and a contractor or service provider is required for any service which exceeds ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00). Said contract shall be reviewed and approved as to form by the Office of Legal Affairs, approved by the Risk Manager if insurance is required and signed by the Mayor in accordance with the procedure established by the Office of Legal Affairs. Purchases of services for less than ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) shall be made by purchase order on a form approved by the Office of Legal Affairs.
- B. Contract approval. All contracts for services which exceed one hundred thousand dollars \$100,000.00, obtained through the competitive proposal (Request for Proposals or Request for Qualifications) process or by bid waiver, shall require the approval of the Board of Finance and Board of Representatives in that order. If the Board of Finance does not act upon said contract within 30 days of receipt of the contract, or the Board of Representatives within 60 days or the second regular Board of Representatives meeting following said Board's Steering Committee meeting for which said contract was submitted, whichever occurs later, the contract shall be considered to be approved by that respective Board. Approval shall be by a majority of each board present and voting. If modifications are made to the contract after approval by the Board of Finance, said modifications need not be approved by the Board of Finance, provided that the Board of Representatives approves the revised contract by a majority vote of the entire Board.
- C. Contracts which exceed the contracted price. No extra work shall be authorized or paid for in connection with any service contract unless the following have been complied with:
- (1) Contracts for public improvements, including special or professional services associated with such contracts such as architectural, engineering and construction management, shall follow the procedure in Charter Sec. C5-50-2(d).
 - (2) Contracts for other services which required the approval of any board and which exceed the contract price by 15% or more shall require the approval of the Director of Administration, the Mayor, and the Board of Finance before the additional cost shall be paid. Said contracts shall

specifically refer to this section of the Code of Ordinances, and the city shall not be liable for payment of any additional costs unless this provision shall have been fully complied with.

D. Contract extensions.

- (1) No contract for goods or services which would require a formal bid or proposal process may be extended beyond the contracted time period unless the department head certifies the necessity of such extension and the purchasing agent approves and submits such request to the Mayor. For contracts for special services obtained by the request for proposals process, the department head shall certify the necessity of such extension directly to the Mayor. Extension of a contract for services which originally exceeds one hundred thousand dollars (\$100,000.00), or will exceed said sum after such extension, obtained by the request for proposals process shall require the approval of the Mayor and of the Board of Finance and Board of Representatives, in that order. The same procedure as that for contract approval, mandated by § 23-18.4B, above, shall apply to the approval of an extension of a contract. Extension of all other contracts shall require approval by the Mayor and the Director of Administration.
- (2) Contracts may be extended without formal bid or proposal for the following reasons:
 - (a) The contractor is the sole qualified or reasonable provider of such goods or services. This shall include exclusive service/maintenance contracts for existing equipment or vehicles.
 - (b) New competitive bids or requests for proposals would result in an increase in the cost of goods or services or significant disruption of city operations. Employee health and life insurance shall be included in this category. For contracts obtained by bid, an increase in price shall be documented by price quotations, if possible, in addition to a written quotation submitted by the present contractor.
 - (c) City services cannot be discontinued and a new contractor has not been acquired to replace the current contractor. There shall be a six-month limit on the contract extension.
 - (d) The option for an extension is included in the original contract.
- (3) The extension of all special or professional contracts awarded under the competitive proposal process shall be reported by the appropriate department head to the purchasing agent, who shall include said information, together with the extension or renewal of all bid contracts, in the quarterly report.

E. Subsequent purchases from a contractor. The city shall not purchase from a consultant or service provider engaged by the city any subsequent goods or services of any kind which are not provided for in the contract unless said goods or services are purchased in compliance with this Article or the contract is extended in accordance with this section.

Sec. 23-18.4.1. Set-off of property taxes owed to city.

A. Pursuant to Section 12-146b of the Connecticut General Statutes, as amended, the city shall have the right to set-off or withhold any payment, or portion thereof, due to any business enterprise pursuant to any contract or purchase order for the purchase of any supplies, material, equipment and services if any taxes levied by the city against any property, both real and personal, owned by such business enterprise are delinquent and have been so delinquent for a period of not less than one year; provided, however, that no such amount withheld shall exceed the amount of tax, plus penalty, lien fees and interest, outstanding at the time of withholding.

- B. A statement that the city shall have said right of set-off or withholding shall be included in all documents used for the purchase of goods and services, including but not limited to bid documents, requests for proposals, purchase orders and contracts. Pursuant to Sec. C5-20-3 of the Stamford Charter, the Corporation Counsel shall prepare or cause to be prepared all such documents. Any contractor or vendor signing a contract or executing a purchase order with the City of Stamford shall thereby authorize the city to execute such set-off.

Sec. 23-18.4.2. Procedure.

- A. Within one month after the due date for the payment of real and personal property taxes, the Tax Collector shall notify the City Controller and the Office of Legal Affairs of all property taxes delinquent for a period of one year or more. The City Controller, with the approval of the Corporation Counsel, shall have the authority to withhold any payment owed to any business enterprise as provided in § 23-18.4.1 above.
- B. Any contractor or vendor shall have the opportunity to dispute the delinquency and/or to negotiate a reasonable and acceptable payment arrangement. Pursuant to Sec. C5-20-3 of the Stamford Charter, the Corporation Counsel shall have the authority to make any such payment arrangement. The City Controller, at the direction of the Corporation Counsel, shall have the authority to withhold payment, pending resolution of such appeal.
- C. A procedure to accomplish the set-off or withholding of payments, as provided above, shall be developed by the Office of Legal Affairs, Director of Administration, City Controller and Tax Collector and shall be supplied to the Board of Representatives.

Sec. 23-18.4.3. Contract compliance officer.

- A. Designation of a Contract Compliance Officer. The Office of Administration shall hereby designate a Contract Compliance Officer of the City of Stamford who shall have, but not be limited to, the duties set forth in this ordinance.
- B. Tracking of contracts; biannual report.
1. The Contract Compliance Officer, with the assistance of the Office of Legal Affairs, shall maintain a system for the tracking of contracts for goods and services in excess of ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) or in an amount as set forth in § 23-18.4 A of the Code of Ordinances (Purchasing Ordinance: Contracts) as the same may be amended from time to time.
 2. The Contract Compliance Officer shall prepare a biannual report to the Board of Representatives, the Board of Finance and the Mayor to be delivered on or before January 15 and July 15 of each year and which shall provide the following information as of January 1 and July 1 of that year.
 - a. A list of all valid and approved contracts for goods and services, listed by the name of the contractor or service provider, for which payments by the City of Stamford exceed, or in the opinion of the Contract Compliance Officer are likely to exceed, one hundred thousand dollars (\$100,000.00) for each contract.
 - b. The expiration date of all such contracts, if applicable.
 - c. The scope of services for all such contracts.
 - d. The compensation provided for in all such contracts.
- C. Listing of contractors and providers providing goods and services without a contract. Said biannual report shall also list separately all contractors or service providers who, at the time of the report, are known by the Contract Compliance Officer to be providing goods or services without a valid and

approved contract with the City of Stamford, and to whom payments by the City of Stamford exceed, or in the opinion of said officer are likely to exceed, one hundred thousand dollars (\$100,000.00).

- D. ~~Effective date. This ordinance shall take effect on July 1, 2001 and the first report shall be submitted to the Board of Representatives, the Board of Finance and the Mayor on or before January 15, 2002. The Contract Compliance Officer shall additionally include in said biennial report to the Board of Representatives, the Board of Finance and the Mayor, a list of all contracts procured by state or federal bid, or by a cooperative association of municipalities, pursuant to Section 23-18.5 of the Purchasing Ordinance. Such report shall contain all such information as is set forth in Subsections "a" through "d" of Paragraph B.2. above.~~
- E. ~~Effective date. This Ordinance was effective on July 1, 2001. Part D of this Ordinance, as amended, shall take effect on January 1, 2015, such that the first biennial report containing the data required by Paragraph D above shall be submitted to the Board of Representatives, the Board of Finance and the Mayor on or before January 15, 2015.~~

Sec. 23-18.5. State and federal bids. Cooperative associations of municipalities.

- A. Contracts obtained by competitive bid by the State of Connecticut or by the Connecticut Hospital Association or its affiliates or by the federal GSA or through a cooperative association of municipalities, may be utilized when it is determined, in writing, by the purchasing agent to be in the best interest of the city, provided that proper bidding and awarding procedures have been used and the bid specifications are as stringent as city requirements.
- B. Said certification shall be made part of the contract file, and all such purchases shall be included in the quarterly report.

Sec. 23-18.6. Centralized purchasing.

- A. Purchased goods or services common to many departments, where the total annual purchases of such goods or services are in excess of \$25,000, shall be bulk purchased by the purchasing agent for all departments. Such goods or services shall include but not be limited to alarm services, personal computers, long-distance telephone services, office and general supplies and copying goods and services.
- B. Specific departments or specific goods or services may be excluded from centralized purchasing, provided that:
- (1) A written determination, with documentation, is made by the purchasing agent and signed by the Director of Administration that no significant savings in cost can be achieved through centralized purchasing; or
 - (2) A written determination is made by the appropriate department and signed by the Director of Administration that the unique requirements of that department require it to purchase specific goods or services separately from centralized purchasing.
- C. The purchasing agent, at his or her discretion, may purchase common items under one contract, or may obtain a master, or umbrella contract from which departments may obtain goods or services directly from the provider, subject to department budget limitations. In selecting a master contract, the total cost of all goods or services at the expected quantity or amounts to be purchased shall be used in determining the total cost of the proposal or bid.
- D. The purchasing agent shall solicit departmental requirements in the purchasing of centralized goods and services and, as appropriate, shall utilize committees drawn from the appropriate departments to set specifications.

- E. The proportionate cost of any centrally purchased goods or services utilized by an individual department shall be charged to that department.
- F. This provision shall take effect July 1, 1992.

Sec. 23-18.7. Exemptions.

Public utilities are not subject to the provisions of this Article.

Sec. 23-18.8. Reports.

- A. The purchasing agent shall prepare written quarterly reports to be submitted to the Director of Administration, the Mayor, the Board of Finance and the Board of Representatives. Said reports shall contain the following information:
 - (1) Contracts awarded by the competitive bidding process.
 - (2) Contracts awarded by the competitive proposal process.
 - (3) Waivers of the competitive bidding or proposal process.
 - (4) Contracts which have been extended.
 - (5) Contracts obtained through state bids.
 - (6) Waivers of informal bid and proposal process.
- B. A list of all contracts awarded by the City of Stamford for the purchase of goods and services shall be filed annually by the purchasing agent with the Town and City Clerk. Said list shall include the name, address and minority and/or female status of the vendor or contractor, the department making the purchase, the type of goods or services purchased and the total price paid by the city.

Sec. 23-18.9. Audit.

The purchasing process shall be audited every three (3) years by the City Internal Auditor. Notwithstanding this requirement, an audit may be performed at any time by an auditor hired by the Board of Finance.

Sec. 23-18.10. Violations and penalties.

Any deliberate and willful attempt to violate or circumvent the purchasing process established by this Article shall be a violation of the Code of Ethics of the City of Stamford. This section shall take effect on January 1, 1992.

Sec. 23-18.11. Purchases involving federal or state grant funds.

Notwithstanding the provisions of this chapter, in any situation wherein federal or state grant funds are utilized to support a city purchase of goods or services, and either a majority of the funding is provided by the federal or state government, or as a condition of such grant the city is required to follow the grantor's procurement regulations, such grantor's procurement regulations may be followed in lieu of compliance with this chapter.

Sec. 23-18.12. Disqualification of contractors from bidding on city contracts.

A. Purpose/definitions.

- (1) In order to help ensure that the city does business with qualified contractors, there shall be a system of disqualification of contractors created pursuant to C.G.S. § 7-148w., as amended.
- (2) As used in this ordinance, the term "contractor" means any person, firm or corporation which has contracted or seeks to contract with the city of Stamford, or to participate in such a contract, in connection with any public works of the city, including professional consultants.
- (3) As used in this ordinance, the term "hearing officer", shall mean a person, appointed by the Mayor, to hear and decide allegations that any

contractor should be disqualified pursuant to this ordinance, except that no hearing officer shall be appointed who has personally carried out the function of an investigator in any contested issue before that hearing officer.

- (4) Any contractor may be disqualified for a period not to exceed two years from bidding on, applying for, or participating as a subcontractor under, contracts with the city for one or more causes set forth under § 23.18-12 C of this ordinance.

B. Hearing/Procedure.

- (1) The hearing shall be conducted in accordance with C.G.S. §§ 4-176e through 4-181a, as amended. The hearing officer shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the hearing officer shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The hearing officer shall send the decision to the contractor by certified mail, return receipt requested.

C. Disqualification/reinstatement/exception.

- (1) Causes for disqualification from bidding on, applying for or participating in, contracts shall include the following:
 - (a) Conviction or entry of a plea of guilty or nolo contendere for or admission to commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
 - (b) Conviction or entry of a plea of guilty or nolo contendere or admission to the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a municipal contractor;
 - (c) Conviction or entry of a plea of guilty or nolo contendere or admission to a violation of any state or federal antitrust, collusion or conspiracy law arising out of the submission of bids or proposals on a public or private contract or subcontract;
 - (d) A willful failure to perform in accordance with the terms of one or more public contracts, agreements or transactions;
 - (e) A history of failure to perform or of unsatisfactory performance of one or more public contracts, agreements or transactions; or
 - (f) A willful violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction.
- (2) For purposes of a disqualification proceeding under this ordinance, conduct may be imputed as follows:
 - (a) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor and the contractor knew of or had reason to know of such conduct. The term "other seriously improper conduct" does not include advice from an attorney, accountant or other paid consultant if it was reasonable for the contractor to rely on such advice.

- (b) The fraudulent, criminal or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of or had reason to know of the contractor's conduct.
 - (c) The fraudulent, criminal or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement and these contractors knew of or had reason to know of such conduct.
- (3) The city may reduce the period or extent of disqualification, upon the contractor's request, supported by documentation, for the following reasons:
- (a) Newly discovered material evidence;
 - (b) Reversal of the conviction upon which the disqualification was based;
 - (c) *Bona fide* change in ownership or management;
 - (d) Elimination of other causes for which the disqualification was imposed; or
 - (e) Other reasons the city deems appropriate.
- (4) The city may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination by department head and purchasing agent that there is good cause, in the interest of the public, for such action.

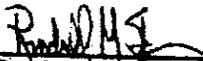
Sec. 23-18.13. Surplus personal property and equipment.

1. *Listing of Surplus Property.* Each city office, department, board, commission, authority, the Board of Education or other agency shall furnish to the Purchasing Agent, on such forms and at such time as the Purchasing Agent may prescribe, a statement of surplus or unusable supplies, material or equipment in its custody or control. To the extent that it is possible, using due diligence and inquiry, said statement shall include the date such items were purchased, the purchase price, and the use to which they were put from the date of purchase to the present. Copies of said statements shall be provided by the Purchasing Agent to the Board of Representatives.
2. *Disposal by Public Auction.* If the Purchasing Agent believes that the surplus or unusable supplies, materials or equipment cannot be used or made available for use by the City, the Purchasing Agent may dispose of such supplies, materials or equipment from time to time at public auction or upon sealed bids.
3. *Exemptions.*
 - (a) The provisions of this ordinance shall not require a public auction for the disposal of surplus or unusable supplies, materials or equipment which has a current value of one thousand dollars (\$1,000.00) or less. The Purchasing Agent may, at his or her own discretion, dispose of such property, either singularly, or in lots, by the sealed bid process.
 - (b) In the event that the Purchasing Agent determines that surplus or unusable supplies, materials or equipment have no market value, then he or she shall make a list of said property and forward said list to the Mayor. Upon written approval of the Mayor, the Purchasing Agent may throw out or otherwise dispose of said surplus or unusable supplies, materials or equipment.
4. *Donation of Surplus Property.* Upon written approval of the Mayor, the Purchasing Agent may donate city surplus or unusable supplies, materials or

equipment to not-for-profit agencies and/or causes, or other governmental or quasi-governmental agencies.

5. *Records to be Maintained.* The Purchasing Agent shall maintain records of all transactions made pursuant to this ordinance. Said records shall include, but not be limited to: lists of equipment that has been sold, including the name of the purchaser and the purchase price; lists of equipment that has been disposed of; and lists of equipment that has been donated, including the name and address of the donee, the date of the transaction and the approximate value of the equipment on the date that it was donated.

Randall M. Skigen, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing ordinance was approved by a machine vote of 28-3-1 by the 29th Board of Representatives at the Meeting held on Wednesday, November 5, 2014.



Randall M. Skigen, President
Dated this 12th day of November, 2014



Annie M. Summerville, Clerk
Dated this 12th day of November, 2014



David R. Martin, Mayor, City of Stamford
Dated this 12th day of November, 2014

EFFECTIVE DATE: November 12, 2014

cc: Mayor David R. Martin
Michael Handler, Director of Administration
Jim Hricay, Director of OPM
Ernie Orgens, Director of Operations
Thomas Madden, Director of Economic Development
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Donna Logiisci, Town Clerk

Stamford, Connecticut, Code of Ordinances >> - CHARTER >> PART 5. - CITY DEPARTMENTS >> DIVISION 2. - OFFICE OF LEGAL AFFAIRS >> SUBDIVISION A. LEGAL DIVISION >>

SUBDIVISION A. LEGAL DIVISION

Sec. C5-20-3. Legal Functions.

Sec. C5-20-4. Special Counsel, Experts; Assistant Corporation Counsels.

Sec. C5-20-5. Opinions.

Sec. C5-20-6. Action of Corporation Counsel on Building Violations.

Sec. C5-20-3. Legal Functions.

The Corporation Counsel shall act as legal advisor of the City, the Mayor, the Boards of Representatives, Finance and Education and all other Officers, Departments, Boards, Commissions, Authorities, Agencies and Bureaus in matters relating to their official duties. The Corporation Counsel or his/her designee shall appear for and protect the rights and interests of the City in all actions and proceedings brought by or against it or any of the municipal Officials, Departments, Boards, Commissions, Authorities, Agencies and Employees. The Officers, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsel. The Corporation Counsel shall have charge of all appeals in which the City or any Officer, Department, Board, Commission, Authority, Agency or Employee thereof is involved. Subject to the approval of the Mayor and within the appropriation therefor, the Corporation Counsel shall have the power to compromise any claim by or against the City. The Corporation Counsel shall prepare all forms of contracts and other instruments in which the City is concerned, and shall in all respects act as attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies. Notwithstanding the foregoing, the Board of Representatives may, by resolution jointly presented by the Majority Leader, Minority Leader, the President and Clerk and approved by the affirmative vote of not less than thirty-one (31) members, retain independent counsel to represent the Board of Representatives with respect to a specific case or controversy in rendering opinions and appearing in any proceeding and may appropriate monies to pay the fees and costs of such counsel.

Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004; Referendum 11-8-2012)

Sec. C5-20-4. Special Counsel, Experts; Assistant Corporation Counsels.

The Corporation Counsel, with the written consent of the Mayor, may employ counsel and experts to assist in the conduct of important cases or proceedings in which the City is interested and incur such expenses as the Corporation Counsel may deem necessary, provided an appropriation has been made therefor. The Corporation Counsel may appoint such assistant Corporation Counsels in the unclassified service as are provided for by ordinance, provided an appropriation has been made therefor.

Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-5. Opinions.

The Mayor, the President of the Board of Representatives, the Majority Leader, the Minority Leader and the Standing Committee Chairpersons of the Board of Representatives, the head of any City Department, or any elected or appointed City Board, Commission, Authority, Agency or Bureau may, in writing, request that the Corporation Counsel, and the Corporation Counsel shall, render an opinion, in writing, upon any question of law arising in connection with the exercise by the aforementioned, of their official powers and duties.

MAYOR
DANNEL P. MALLOY



CITY OF STAMFORD
OFFICE OF LEGAL AFFAIRS
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904-2152
(203) 877-4081
FAX (203) 877-5360

Exhibit A3

DIRECTOR OF LEGAL AFFAIRS
AND CORPORATION COUNSEL
ANDREW J. McDONALD

DEPUTY CORPORATION COUNSEL

ASSISTANT CORPORATION COUNSEL
BARRY J. BOODMAN
JAMES V. MINOR
JOHN W. MULLIN, JR.
KENNETH B. POVODATOR
BURT ROSENBERG

May 13, 1999

To: Jeanette Brown
From: Burt Rosenberg, Asst. Corp. Counsel *BR*
Re: WPCA - Bid Waivers

Per your request, this memorandum examines the issue of whether the WPCA is obligated to submit bid waivers to the Board of Finance.

§200-14 of the Code of Ordinances creates the WPCA. §200-15 establishes the WPCA pursuant to Chapter 103, §§7-245 through 273a of the Connecticut General Statutes.

Significantly, §200-25.B. states that:

The Executive Director [of the WPCA] shall have the authority to contract for the procurement of goods and services as may be necessary, in accordance with procedures established by the WPCA. Said procedures shall be as strict as those provided in Chapter 23 of the Code of Ordinances.

(Emphasis added).

Chapter 23 of the Code contains the Purchasing Ordinance, including §23-18.3 as to bid waivers. Based upon the requirement of §200.25.B., we need not reach the issue of whether the WPCA constitutes a "Department" of the City within the meaning of §23-15 of the Purchasing Ordinance. §200.25.B's requirement that the WPCA's purchasing procedures be as strict as those of the Purchasing Ordinance

pg 1/2

requires, in my opinion, that the WPCA obtain bid waivers in those instances in which the competitive bid process is not used. At the same time, however, the language of §200.25.B. anticipates that the WPCA's purchasing procedures shall be something other than the City's Purchasing Ordinance: the language does not expressly bind the WPCA to the Purchasing Ordinance; rather, it requires that the procedures employed by the WPCA be similar to those provided in the Purchasing Ordinance. Once we conclude that the WPCA is not bound by the Purchasing Ordinance, the requirement of §23.18B(2) that bid waivers be approved by the Board of Finance does not apply.

This conclusion is supported by the WPCA's status as an "authority" under state law. As mentioned supra, Code §200-15 establishes the WPCA pursuant to Chapter 103, §§7-245 through 273a of the Connecticut General Statutes. A municipal authority created under state legislation is regarded as a corporate agency of the state and not a creature, agent, or representative of the municipality organizing it. McQuillan, Municipal Corporations, §2.29a.

Our conclusion leaves one question unanswered: if the executive officer of the WPCA is obligated to obtain bid waivers which are not subject to approval by the Board of Finance, is any legislative approval required? §200-25.B. dictates that such approval be obtained, so as to maintain purchasing procedures as "strict" as those provided in the Purchasing Ordinance. Logic dictates that the Executive Director submit the bid waiver to the WPCA's Board of Directors for its approval. Under this arrangement, the Executive Director should abstain from voting on the bid waiver.

I hope I have addressed all of the issues raised by your memorandum.

Cc: Andrew H. McDonald, Director of Legal Affairs

pg 2/2

Viscariello, Teresa

Exhibit B-1

From: DiMartino, Leon
Sent: Thursday, May 28, 2015 4:09 PM
To: Viscariello, Teresa
Subject: FW: contracts

Teresa:

See Dan's email below.

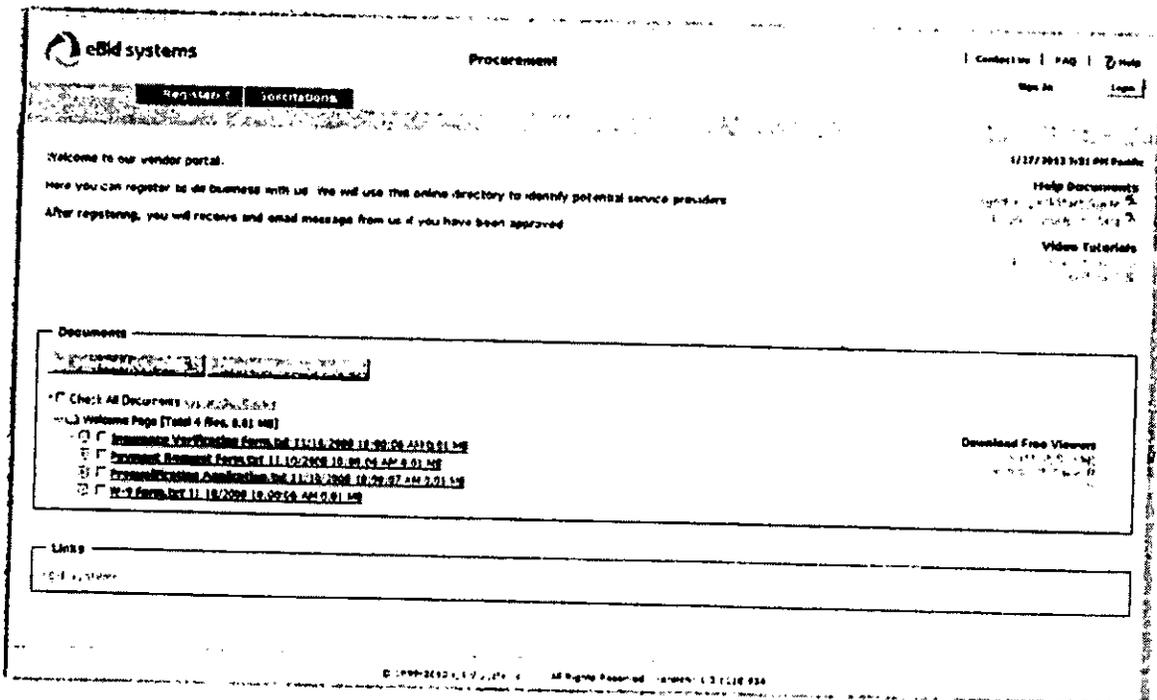
Leon

From: Colleluori, Dan
Sent: Thursday, May 28, 2015 2:32 PM
To: DiMartino, Leon
Cc: Aveni, Beverly
Subject: contracts

The contract for North Atlantic hauling for the Loading hauling and disposal of Municipal Waste Bid S 6283 is still in effect until October 2015, at which point we will renew the one year extension that we have.

eBid eXchange

Quickstart Guide for Users



eBid Systems
345 Knechtel Way NE, Suite 200
Bainbridge Island, WA 98110
888-291-8430
support@ebidsystems.com
www.ebidsystems.com

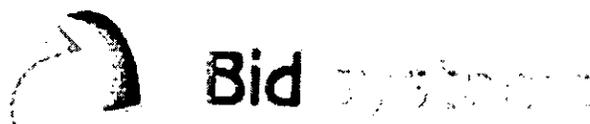


TABLE OF CONTENTS

1.0	OVERVIEW.....	3
2.0	LOGIN/PASSWORD.....	4
3.0	VENDOR REGISTRATION.....	5
3.1	Company.....	6
3.2	Contacts.....	7
3.3	Categories.....	7
3.4	Service Areas.....	8
3.5	Documents.....	8
3.6	Approval.....	8
4.0	SOLICITATIONS.....	9
4.1	Solicitation List.....	9
4.2	Solicitation Description and Events.....	9
4.3	Documents.....	10
4.4	Bidders (Planholders) List.....	11
4.5	Bidder Questions and Responses.....	11
4.6	Intent to Bid.....	12
4.7	Online Bidding.....	12
5.0	NOTIFICATIONS.....	14
6.0	BIDS/AWARDS.....	14
7.0	CONTACT US.....	15
8.0	FAQS.....	15

USING THIS QUICKSTART GUIDE

This Quick Start Guide is intended as a summary reference for eBid eXchange Users. More details can be found in the online help available by clicking on the Help link in the upper right of the website.

Please pay particular attention to the comments enclosed in text boxes which are intended to highlight important business rules in eBid eXchange.

1.0 OVERVIEW

Following is an overview of the features of this eBid eXchange website.

Home Page - On the Home Page, you will see text information about using the site posted by the site owner. Optionally, you may also see links to relevant websites and documents. These documents are for general information and are typically not for a specific Solicitation.

Registration - Access to many features may require that you submit information about your company online. See the Vendor Registration section of this Help document for more information.

Logging In - You will create an online Account to which you will have sole access that will require that you login to access many areas of the website. After you have registered, each time you come to the website you should begin your session by logging in with your email and password. The Login button is in the upper right. Use the same button to Logout when your online session is complete.

Time Zone - The time that you logged into the website will be displayed in the upper right. Note that this is the time zone for the website owner. Please be aware that time zone may be different for each solicitation. You will need to convert your local time to that of the website to ensure that your information is submitted on time.

Solicitations - Solicitations are requests for quote, requests for information, requests for proposals, and invitations for bid issued by the site owner. Click on the Solicitations tab to access these opportunities. You will be required to Login to view and respond to many Solicitations.

Bids/Awards - At the discretion of the site owner, information about the bids received and award of vendor contracts may be posted under the Bids/Awards tab. This tab will not be visible if this feature has not been enabled.

Getting Help - Use this Help document to get more information about the specific features you are using. If you are still having trouble using the site, use the Contact Us link at the top of the page to request assistance.

Browser Settings - This site uses Javascript and pop-ups. Your browser must have Javascript enabled and you must disable your pop-up blocker while you are using this website.

2.0 LOGIN/PASSWORD

The Login button is in the upper right. Use the same button to Logout when your online session is complete.

You will be automatically logged out if you do not perform any actions within a period of 60 minutes. Simply login again to use the website.

If you have forgotten your password, enter your email address into the *Forgot Password* section and click the *Reset Password* button. You will receive an email message with a hyperlink that you must click to reset your password.

When you receive the *Forgot Password* email message, click on the *Click to Set New Password* link in the message, enter and confirm your new password on the form provided, and click the *Change Password* button.

If you have forgotten the email address you used to register, you must contact a System Administrator with your company who set up your initial registration so they can change your email address and reset your password. If you are the sole Contact with your company, contact the website owner for assistance.

What if I don't receive my initial account activation email?

All email messages that are generated from the system come from the eBid Systems mail server (mail.ebidsystems.com) with the sending address DoNotReply@ebidsystems. These messages are generated within a few seconds to a few minutes, so if you haven't received the message with an hour from your initial registration completion, there may be a problem in receiving mail from our server.

Occasionally, your email software may quarantine or reject the system messages as suspected spam. Depending on how you receive email, spam filters may be activated:

- On your desktop computer (i.e. Microsoft Outlook junk mail filters).
- On your company network email system (i.e. Microsoft Exchange server).
- On your Internet Service Provider's mail server.

To troubleshoot an instance where you have not received your account activation message, try the following:



Step 1 - Check to see if the message from DoNotReply@ebidsystems is in your junk mail folder. If so, add ebidsystems.com to your Safe Senders list in your email software, click on the activation link in the email message to complete your registration.

Step 2 - If the account activation message from DoNotReply@ebidsystems is not in your junk mail folder, add ebidsystems.com to your Safe Senders list in your email software.

Step 3 - Go to the ebidexchange.com website where you registered, click on the Login button in the upper right and enter your email address in the Forgot Password form. If you entered the email address correctly matching the address that you used at the time of first registration, the system will send another account activation message to your email address.

Step 4 - If you have not received an account activation message within a few minutes after following Steps 1, 2 and 3, you will need to contact your company network administrator and/or Internet Service Provider and have them add the ebidsystems.com mail server domain (I.P. Address 72.3.134.114) to your safe sender list. Once this has been done, go back to Step 3 to have the system resend your account activation email.

If the above steps do not work, we recommend that you set up a free email account with Microsoft (Hotmail.com) or Yahoo (Yahoomail.com). Our system has been tested with both of these email systems and our messages are not blocked by their spam filters.

I tried to re-register but the system says my email address is in use?

The system prevents duplicate email addresses from being associated with more than one account or contact. You must first ensure that you are able to receive email from ebidsystems.com using the above procedures. If necessary, you can ask the website owner to delete your existing account so that you can restart the registration process.

3.0 VENDOR REGISTRATION

To register as a new Vendor, click on the Registration tab, enter a Company name and email address, and click the Next button.

If there are no matching Company records in the vendor database, you will be sent an email message. Open the message and click on the specified link, enter and retype your personal password, click the Change Password button, and follow the instructions for completing your Company registration.

As the first person to create an account for your Company, you will have Company Administrator permission status. Only Company Administrators can edit Company information, Categories, Service Areas, and Documents. Only Company Administrators can add or edit additional Company Contacts.

If there are similar Company records in the vendor database, you will be presented with a list of companies that potentially match the company name you entered. If you are associated with one of the listed companies, click on the Company name link, and contact the Company Administrative Contact listed and have them add you as a company contact.

If you are not associated with one of the listed companies:

- Click on the Continue New Company Registration button to add a new Company and follow the instructions for No matching Companies above, or
- Click on the Enter Another Company Name button to return to Register as a New Vendor described above with a different company name.

3.1 Company

Fill out all required fields and hit Insert to save your entries, or Cancel to clear the form. After you have completed all steps of your registration, you will see a View Company Summary link at the top of the Company page that will provide a printable summary of your complete Company profile. To edit your Company profile, login and click on the Registration tab.

If you were the first person to create an account for your Company, you will have the Company Administrator Permission Role. Only Company Administrators can edit Company information. Only Company Administrators can add Company Contacts, who can view, but not edit Company information.

Account Approval

If the Account Approval function has been enabled, you will see an Account Approval section and status near the top of the Company page. Your Account will be initially given Pending status until the site owner has reviewed and approved your request to be a vendor in their system.

You will receive an email message when your Account has been Approved which will be reflected in the Account Approval Status on the Company page.

If you receive an email message indicating that your request for an Account has been denied, your Account will be inactivated and you will no longer be able to log in.

If the Approval feature has been enabled and you make changes to your profile, your approval status will automatically be set to Pending and must be re-approved by the site owner. Until your account is approved, you will be unable to respond to Solicitations.

3.2 Contacts

By default the first time you view the Vendor > Company screen, the Address Type will be set to Use Company Information, assuming that you share the same address as the Company. Selecting Enter Personal Information will allow you to enter personal address, phone, and fax information that is different than the Company information. Fill out the required fields and click the Update button to save your entries. If you have Company Administrator privileges you can add additional Company Contacts.

Company Administrator - If you were the first person to create an account for your Company, you will have the Company Administrator Permission Role. Only Company Administrators can edit Company information. Only Company Administrators can add Company Contacts, who can view, but not edit Company information. Company Administrators can also grant Company Administrator Permission Role to other Contacts.

Company Contacts - Any other Contacts that attempt to register under the same Company name will be shown a list of Company Administrators and directed to contact a Company Administrator to be added as an additional Company Contact. Company Contacts can view the online Company profile, edit their Contact information, and transact website business on behalf of the Company (optionally including download documents, ask questions, declare intent to Bid, and submit Bids).

Opting Out of Bid Notifications - If you no longer wish to receive email or fax announcements from the system click on the View link for the Contact, click on the Edit button for the Contact, and check the box "I wish to opt out of Bid Notifications". You will still be able to log in but will no longer receive system messages.

Changing Passwords (Company Administrator only) - If a Contact has forgotten their password or you want to change the existing password for a Contact, click the Reset Password button at the bottom of the page. This will send an email message to the Contact, requiring them to change their password.

3.3 Categories

Categories are used to define the products and services that your company provides. These Categories are used in matching bid opportunities with vendors that provide relevant products and services.

If the Categories feature is enabled, a Categories link will appear under the Registration tab. Only Company Administrators can edit Company Categories.

You must have the Permission Role of Company Administrator to add or delete Categories. Make sure to Save your selections after checking the relevant Categories.

3.4 Service Areas

Service Areas are used to define the geographic areas in which your company provides its products and services. These Service Areas are used in matching bid opportunities with vendors that provide relevant products and services in those areas. Service Areas are presented in an expandable tree view of geographic subdivisions.

If the Service Areas feature is enabled, a Service Areas link will appear under the Registration tab. Only Company Administrators can edit Company Service Areas.

Checking the parent Service Area will automatically include all child Service Areas.

3.5 Documents

If the Documents feature is enabled, a Documents link will appear under the Registration tab. You must have the Permission Role of Company Administrator to add or delete Documents.

On the Documents page, you will be presented with fields for one or more optional or required documents to be submitted as part of the registration process. To upload a document, click on Browse button, navigate to the folder that contains your document, highlight the document and click the Open button on the dialog box, and click the Save button to upload your documents.

If successful, the page will refresh and you will see an Account information updated message at the top of the screen. Your document filenames will appear as hyperlinks on the page, along with the date uploaded and the name of the user who uploaded the documents.

You can upload a new document that will overwrite the existing document file previously uploaded (you cannot delete a document). Follow the procedure for entering a new document.

3.6 Approval

If the Account Approval function has been enabled, you will see an Account Approval section and status near the top of the Company page. Your Account will be initially given Pending status until the site owner has reviewed and approved your request to be an Active vendor in their system.

You will receive an email message when your Account has been Approved which will be reflected in the Account Approval Status on the Company page. If you receive an email message indicating that your

request for an Account has been denied, your Account will be Inactivated and you will no longer be able to log in.

4.0 SOLICITATIONS

4.1 Solicitation List

Solicitations are Invitations to Bid, Requests for Information, Requests for Quote, or Requests for Proposal that are posted by the website owner. You can sort the listing by clicking on a column heading. If you are viewing the list prior to logging in, you will see a list of Public solicitations. After logging in, this list will also display Private Solicitations to which you have been specifically invited.

Solicitations shown may have the following Status:

- Open – Bids are being received up to the listed Closing Date/Time.
- Closed – The Date/Time for receiving Bids has passed.
- Pending Award – Bids have been received and are being evaluated.
- Awarded – One or more Vendors have been selected to receive a contract.
- Cancelled – The bidding process for this Solicitation was stopped.

4.2 Solicitation Description and Events

The Description page contains general information about the bid opportunity, and may also contain information on one or more scheduled Events.

An optional Event Registration feature may be enabled for a Solicitation. If you have not previously Registered for this Event, the Registration Status field will display *Currently Not Registered | Register*.

You must login first to Register. After you login, the word Register will become a hyperlink that you can click to Register your intent to attend the meeting. When you Register, your Company will appear on a list of prospective Event attendees.

After you click the Register link, the message in the Registration Status field will change to *Registered | Unregister*. If your plans change and you will be unable to attend the meeting, after you login, click the Unregister link to remove your name from the list of prospective attendees.

The online Event registration function is only available through the date and time displayed in the Registration Cutoff Date field.

4.3 Documents

If you are not logged in or if your account has not been approved, you can view the document filenames on this page, if present. However, download buttons and document hyperlinks are disabled.

Project Role

If the Project Role feature has been enabled by the site owner and you have not already made a selection for this Solicitation, a yellow message box will appear at the top of the page asking you to declare your intended role on the project, such as Prime Contractor, Subcontractor, Supplier, or Other. Make a choice from the flipdown box. You must contact the Solicitation Contact if you need to change your Project Role for this Solicitation.

Viewing Documents

Documents are presented in a hierarchical, expandable "treeview" of document folders and hyperlinks. You can expand or collapse the folders by clicking on the + or – symbol adjacent to a document folder.

Clicking on the document filename hyperlink will open the document using the viewing application that is associated with this document type on your computer, such as Adobe Acrobat.

Clicking on a file with the .TIF and .DWF extension will prompt you to download the free Brava Viewers that are available for each drawing type. This is a free viewer that is especially useful for viewing and doing takeoffs from drawings. After you download and install the Brava Viewer, each time you click on document link with these extensions, it will automatically be displayed in a new Brava Viewer window.

If you are logged in and you have not viewed a file, the word NEW in red font will appear to the left of the filename.

Downloading Documents

Downloading documents to your computer and viewing them locally is the most efficient way to work with documents provided online.

To download all listed documents:

- Click the Download All as Zip File button.
- A File Download dialog box will open.
- Click Save and a Save As dialog box will open.
- Navigate to the folder where you wish to save the documents.
- Optionally change the default filename and hit Save.

- A Download complete dialog box will open.
- Click Open to view the documents or Close if you wish to work with the documents later.
- The documents are now stored on your local computer.

To download selected documents:

- Check the box next to the document you wish to download
- Click the Download Selected as Zip File button
- A File Download dialog box will open.
- Click Save and a Save As dialog box will open.
- Navigate to the folder where you wish to save the documents.
- Optionally change the default filename and hit Save.
- A Download complete dialog box will open.
- Click Open to view the documents or Close if you wish to work with the documents later.
- The documents are now stored on your local computer.

Ordering Documents

If the Document Ordering feature has been enabled, you will see Order Instructions and buttons for ordering document prints on the Documents page. Either click the Order Complete Set Prints button, or to Order Selected Prints, first check the individual prints you wish to Order, and then follow the on-screen instructions to place your order.

You will receive an email message confirming the placement of your document order. If you selected a reprographics company, they will contact you regarding payment. Once the reprographics company has received payment and processed your document order, you will receive a message when your documents have shipped or are available for pickup.

4.4 Bidders (Planholders) List

If public posting of the bidders list has been enabled by the site owner (Bidders link is present on the Solicitations tab), your company name and contact information will be automatically added to the Bidders List (also called Plan Holders List) when you download a document or order documents.

The Bidders list displays the Company address and specific points of contact for Companies that are on the Bidders List.

4.5 Bidder Questions and Responses

The Questions feature allows vendors to ask questions about a Solicitation and view Answers posted by the site owner. If the Questions feature has been enabled, you will see a Questions link on the Solicitations tab.

If you are not logged in or if your account has not been approved, you can view the Questions and Answers on this page, if present. However, you will not be able to submit new Questions.

To ask a question about the solicitation, click the Ask Question button, enter your Question in the text box provided, and click Save.

Note that Questions must be submitted before a cutoff date is displayed adjacent to the Ask Question button.

Questions are presented in a tabular format showing the Question asked, a posted Answer (if available), and the Posted Date of the Answer. When an Answer to your Question has been posted, you may also receive an email message with the Question and Answer. At the discretion of the site owner, you may also view online Answers to Questions posted by other Vendors and receive this information by email.

4.6 Intent to Bid

The Intent feature (short for Intent to Bid) allows Vendors to submit a Will Bid or No Bid response as an early indication of their intent to submit a bid or proposal in response to a Solicitation.

If you are not logged in or if your account has not been approved, the Edit button allowing you to submit an Intent to Bid will be disabled.

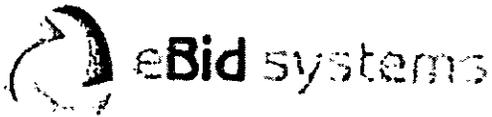
To submit an Intent to Bid response, click the Edit button, select either the Will Bid or No Bid response, enter any comments in the text box provided, and click Save.

If you have been invited to bid on specific categories of work, you can submit a separate Intent to Bid response for each category of work.

4.7 Online Bidding

Only users with online access to your company information can add, edit, or withdraw an electronic bid for your company. Bid information you submit is transmitted by secure connection. If designated as a Sealed Bid, the receiving organization will not be able to see submitted information until the Bids Due Date/Time has passed.

The time that you logged into the website will be displayed in the upper right. Note that this is the time zone for the website owner. Please be aware that time zone may be different for each Solicitation. You will need to convert your local time to that of the website to ensure that your information is submitted on time.



The Bid feature allows Vendors to submit an online Bid. Bids may consist of a combination of Lump Sum Price, Bid Document, Comments, Answers to Bid Questions, and Unit Prices for multiple line items. If the Bid feature has been enabled, you will see a Bid link on the Solicitations tab after you have selected a specific Solicitation.

If you are not logged in, your account has not been approved, or the Solicitation has Closed or been Cancelled, the Enter Bid button allowing you to submit a Bid will be disabled.

Entering a Bid

Click the Enter Bid link to enter your bid information. Depending on the information required in response to the Solicitation, you will be required to provide one or more types of information described below.

Lump Sum Bid - Enter a single price into the field provided.

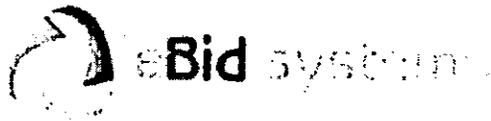
Bid Questions - You may be asked to answer specific Bid Questions posed by the buying organization. Enter an answer to each specific question in the field provided.

Line Item Bids - You may be required to enter prices for several specific items. If requested you will be presented with an online Bid Form. In this form you will have a field for entering your unit price for that item and any comments you wish to provide regarding your bid. Your comments could include information on alternate item specifications, availability, shipping, or other information you want the buyer to consider.

Note: You will never be asked to submit both a Lump Sum and Unit Prices. When you enter your Unit Prices, the system will automatically extend the prices and total your Bid. Also, you must enter a Price for all items in the Bid Form. Enter zero to No Bid an Item.

Bid Documents

With any Bid, you will have the opportunity to attach a single Bid document to your Bid that contains additional optional or required information regarding your Bid. After you upload a document, your document filename will appear as a hyperlink in the Current Bid Document field along with the date uploaded and the name of the user who uploaded the documents.



Certification Statement

Near the bottom of the screen is a Certification Statement that you must check before submitting your online bid information. This will signify an acknowledged bid. If the client organization then makes a change to the bid form, your acknowledgement may be reset until you view and confirm it again.

Editing or Withdrawing a Bid

You can edit a Bid at any time up to the stated closing date and time. Click the Withdraw button to delete all Bid information that you have submitted. This also applies to bids that need to be acknowledged again.

5.0 NOTIFICATIONS

Messages may be delivered to you via email or fax, depending on the preference of the website owner and whether you have email and/or fax addresses in the system database.

Email messages will contain a link to the website where you can get more information. Fax messages will typically have separate instructions on how to respond.

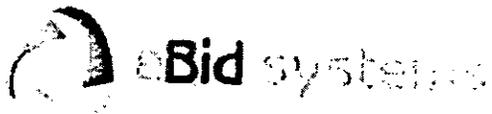
Some email messages may request that you "Acknowledge Receipt" of that message by clicking on a link in the message. Once you click on the link, you will see a message acknowledging that the system has recorded your response. If the system cannot acknowledge your response for some reason, you will see an error message displayed. If this happens you should call your point of contact on the Solicitation to let them know of the problem and to confirm your receipt of the message.

6.0 BIDS/AWARDS

If enabled by the client organization, the Bids/Awards feature allows Vendors to view Bid Results and Contract Awards. If enabled, you will see a Bids/Award tab at the top of the page to the right of the Solicitations tab.

After first clicking on the Bids/Awards tab, you will be presented with a tabular listing of Solicitations for which Bid Results and Contract Award information is being made available for viewing by Vendors. This information will be displayed for a certain time period determined by the website owner.

- Pending Award Status – Bids have been received and are being evaluated.
- Awarded Status – One or more Vendors have been selected to receive a contract.



Clicking on the View link will provide additional information about the status of the Bid. Such information may include the Vendors who Bid, Bid Results, Awards, and comments from the buying organization.

7.0 CONTACT US

Use the Contact Us form to contact the web site owner if you have questions about using the web site. If you are not registered and logged in, you will need to fill out all of the fields on the form. Click the Submit button to send your request. If you are logged in, the form will be pre-populated with your contact information. You need only fill out the Message field with specific information about your request for assistance.

8.0 FAQs

The FAQs feature provides a list of frequent questions and answers from Vendors, organized by subject category.

**RFP EVALUATION COMMITTEE
NO KNOWN OR FORESEEABLE
CONFLICT OF INTEREST OR BIAS
AND
CERTIFICATION OF CONFIDENTIALITY**

Please read this document in its entirety, complete as directed, initial each page, sign where indicated and return the original document to the Purchasing Agent, Beverly Aveni. Please retain a copy of the completed document for your records.

RFP Description _____

Evaluator Name _____

Project Manager _____

To protect the integrity of the City of Stamford's procurement processes, it is essential that responses to Requests for Proposals be evaluated in an unbiased manner and without conflict of interest, and that the contents of proposals remain confidential throughout the evaluation process. You have been selected as an evaluator/subject matter expert not only because of your managerial/technical expertise, but also because the Purchasing Agent, your supervisor and the Project Manager are not aware of any bias, business or family relationships, or any other conflicts that could affect, or which could be perceived to affect, your fair, honest and impartial participation in the evaluation of proposals.

As an evaluator/subject matter expert you are expected to: 1) discharge your duties impartially so as to assure fair, competitive access to City of Stamford procurement needs by responsible contractors, and 2) conduct yourself in a manner which fosters public confidence in the integrity of the City's procurement process.

Part I - No Known or Foreseeable Conflict of Interest or Bias

I certify that I have read the Purchasing Ordinance attached hereto.

I certify that I, and to the best of my knowledge, members of my immediate family, as defined in the City of Stamford Code of Ethics, Chapter 19 of the Code of Ordinances:

1. Are not current employees of or a consultant to any of the firms that have submitted a proposal.
2. Are not directors, officers, owners, partners, agents, or representatives of any of the firms that submitted a proposal.
3. Do not hold any stock or any financial interest in any of the firms that submitted a proposal.

I certify that I will not during the RFP process:

1. Solicit or accept, directly or indirectly, any promise of future employment or business opportunity from, or engage, directly or indirectly, in any discussion of future employment or business opportunity with, any director, officer, owner, partner, employee, representative, agent or consultant of an offeror that submits a proposal, or their proposed subcontractors.
2. Ask for, demand, exact, solicit, seek, accept, receive, or agree to receive, directly or indirectly, any money, gratuity, or other thing of value from any director, officer, owner, partner, employee, representative, agent, or consultant of an offeror that submits a proposal, or their proposed subcontractors for this project. I will advise my immediate family that the acceptance of any such gratuity may be imputed to me as a violation, and must therefore be avoided by them.

I understand that my obligations under this certification are of a continuing nature. I will immediately seek the advice of the Office of Legal Affairs and report the circumstances (within 48 hours of it being brought to my attention) to my supervisor, to the Project Manager and to the Purchasing Agent if at any time during the RFP process:

1. I receive a contact from an offeror that submits a proposal, or their proposed subcontractors, concerning employment or other business opportunity.
2. I receive an offer of a gift from an offeror that submits a proposal, or their proposed subcontractors.
3. I encounter circumstances where my participation might result in a real, apparent, or potential conflict.

Part II - Confidentiality

1. I certify that I will not divulge nor make known, in any manner whatsoever, to any person, other than a member of the RFP evaluation committee or other individual who has a confidentiality statement for the same procurement, or to an investigatory or law enforcement authority, after consultation with the City's Office of Legal Affairs, any information (which has not already been made available to the public or all interested offerors) pertaining to any and all aspects of the RFP, including but not limited to, the contents of offerors' proposals, the scoring method, points allotted, evaluator scores, costs, or any other confidential information regarding the RFP process.
2. I understand that unauthorized sharing of information may give an offeror an unfair advantage over another offeror and thereby render the process invalid.

Part III - Exceptions

Any exceptions to the certifications that I have made in completing this certification are listed below.
If additional space is needed, attach additional pages and initial each page of the addition.

Check here if there are no exceptions to the certifications.

Part IV - Signature

Name (please print)

Signature (Must be an original ink signature)

Date

Sample I

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:

Individual/sole proprietor or single-member LLC

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____

Other (see instructions) ▶ _____

C Corporation

S Corporation

Partnership

Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

				-			-				
--	--	--	--	---	--	--	---	--	--	--	--

OR

Employer identification number

				-									
--	--	--	--	---	--	--	--	--	--	--	--	--	--

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here

Signature of U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted
Future developments Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/w9

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

- By signing the filled-out form, you:
- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
 - Certify that you are not subject to backup withholding, or
 - Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
 - Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

21/4

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 1 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1 if the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name" if the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

pg 2/4

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 5832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" for any similar indication) written or printed on the line for a FATCA exemption code.

- A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B—The United States or any of its agencies or instrumentalities
- C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)
- E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(j)
- F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G—A real estate investment trust
- H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I—A common trust fund as defined in section 584(a)
- J—A bank as defined in section 581
- K—A broker
- L—A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

pg 3/4

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. **Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.
2. **Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.
3. **Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.
4. **Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).
5. **Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ¹
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ¹
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ¹
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.
² Circle the minor's name and furnish the minor's SSN.

² You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.
³ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.
 *Note. Grantor also must provide a Form W-9 to trustee of trust.
 Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

- To reduce your risk:
- Protect your SSN.
 - Ensure your employer is protecting your SSN, and
 - Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14038.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

29414

City of Stamford Audit Committee
Executive Summary of Internal Purchasing Audit Results FYE (2012-2014)
Date: Wednesday, October 07, 2015

* Amended on 10-7-15, item 6&7 below from OPM & Purchasing Agent.

Item #	Priority Level	Internal Audit Recommendations	City's Department Responses	
			OPM & Purchasing Agent	Controller's Office
2	H	a.) Best practice would be to request from all vendors in conjunction with input of the vendor master file changes or updates a completed and signed "IRS W-9" or "Substitute W-9" forms. Incomplete forms should not be entered.	Only fully completed new vendor forms are to be processed. Incomplete forms should not be entered. We will remind all parties of the need to be diligent in this process.	N/A
		b.) City should consider implementing a process to authenticate vendor provide "IRS W-9" or "Substitute W-9" forms through IRS TIN matching program website.		
1	H	Process change should be implemented on the purchasing checklist form to indicate alternative payment accommodation and evaluated regularly.	Inactive contract appears to be an error and will work to ensure contract information is current.	Issue will be reviewed in conjunction with transition process to alternative payment, including ACH.
6&7	M	The Purchasing Agent should work with City's Controller and Legal Department to propose an amendment to current policy and procedure manual to permit under certain circumstances up to a 10% variance in the dollar amount of invoices submitted to accounts payable to avoid being in violation of the purchasing ordinance threshold amounts.	* Amounts above purchase order need to be authorized by the Purchasing Agent.	System controls within H.T.E software application require matching of amounts received and ordered before purchase order can be closed. Purchasing agent can always revise the PO to accommodate minimal overages that are acceptable to the Department Manager.
8	M	Specific language on responsibilities/duties of committee members who are asked to serve on behalf of the city in evaluating any proposals received should be required to disclose any potential for "conflict of interest".	We do agree with an acknowledgement or "ground rules" form and will work with the legal department to develop such a form for future RFP selection committees for participant to sign. Note as of 8-18-2015, the City's Purchasing Agent has been using the "RFP Evaluation Committee Conflict of Interest Certification" form which requires evaluation committee participants to certify that they have no known or foreseeable conflicts of or bias and include certification of confidentiality for all RFP.	N/A

