

RESOLUTION OF THE BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

WHEREAS, pursuant to General Municipal Law Section 104-b, the Binghamton-Johnson City Joint Sewage Board has the authority to adopt policies and procedures governing the procurement of goods and services which are not required by law to be made pursuant to the competitive bidding requirements of Article 5-A of the General Municipal Law of the State of New York, and

WHEREAS, from time to time, the Board has declared emergencies as the result of conditions at the Binghamton-Johnson City Joint Sewage Treatment Plant that could result in personal injury and/or loss of property, or which could adversely affect the environment, the health of Plant employees or the general public, and/or the structural integrity of the Plant, and

WHEREAS, such emergencies warrant prompt action to alleviate the conditions causing the emergency, including waiver of compliance with Board policy and State law with regard to competitive bidding for purchases and public works, and the awarding of leases and professional service contracts; and

WHEREAS, the Board proposes to amend its procurement policy for the establishing the persons having authority, and the scope of that authority, to make purchases, award contracts for public works and professional services, and enter into leases for goods and other property appropriate and necessary to alleviate the emergency conditions; now therefore, be it

RESOLVED, that Section 1, Subdivision C of the Board's current Policy for Procurement Procedures is repealed: and be it further

RESOLVED, that Section 1 of the Board's Policy for Procurement Procedures is amended by adding the following:

- C. PURCHASE, PUBLIC WORKS, AND PROFESSIONAL SERVICES
CONTRACTS AND LEASES RELATED TO EMERGENCIES

Notwithstanding any other provisions of this policy, for purchases, public works contracts, leases of equipment (not to exceed 3 months in duration), and professional services related to detection and remediation of conditions at the Binghamton-Johnson City Joint Sewage Treatment Plant, for which the Board has determined that there exists a public emergency, the Plant Superintendent and the Board Chairman may jointly award contracts without securing quotes, bids or proposals as otherwise required by this policy or by State law, subject to the following limitations:

- 1) For purchases, public works, leases, and professional services related to detection and remediation of said condition, the Plant Superintendent and Board Chairman jointly shall have authority to award contracts not exceeding \$250,000.00 for each contract, provided that the total for all contracts awarded by the Plant Superintendent and Board Chairman pursuant to this authority shall not exceed \$1,000,000.00.
- 2) Before making any such purchase, or entering into a public works contract, lease, or professional service contract, the Plant Superintendent and Board Chairman shall receive written confirmation from the Business Manager that there are adequate funds in the Board's current budget to cover the cost thereof.
- 3) At least once monthly, before the Board's regular meeting, the Business Manager shall give written notice to the Board of all purchases, public works contracts, leases, and professional service contract which the Plant Superintendent and Board Chairman have awarded in accordance with the authority granted herein, together with the particulars of each contract.
- 4) Notwithstanding that contracts may be awarded without securing quotes, bids, or

proposals as otherwise required by this policy or by State law, the Plant Superintendent and Board Chairman shall take prudent action to secure the least total cost for said purchases, public works, leases, and professional service contracts.

- 5) Contracts awarded by the Plant Superintendent and Board Chairman pursuant to this authority shall not be counted towards the limits of the Plant Superintendent's authority set forth in Section 2 of the Board's procurement policy.
- 6) This authority shall expire simultaneously with expiration of the Board's emergency declaration, including any extensions of said emergency declaration.
- 7) Any awards made on or before the expiration date shall be honored even if the purchases, public works, leases, or professional service contracts are completed after that date.
- 8) If the Plant Superintendent or the Board Chairman is unavailable or is incapacitated, the Assistant Plant Superintendent may act in place of the Plant Superintendent and the Board's Vice-Chairman may act in place of the Board Chairman.