

Special Meeting - City of Port Jervis Common Council :

A Special meeting of the City of Port Jervis Common Council was held in the Council Chambers at 20 Hammond Street, Port Jervis, New York on Thursday September 15, 2022, at 6:00 p.m.

Attendance-

Regis Foster	1st Ward	Absent
Elizabeth Miller	1st Ward	Present
Maria Mann	2nd Ward	Present
Misty Fuller	2nd Ward	Absent
Denis Livingston	3rd Ward	Present
Michael Decker	3rd Ward	Absent
Timothy Simmons	4th Ward	Absent
Melissa Newhauser	4th Ward	Present
Stanley Siegel	Councilman-At-Large	Present
Mayor Decker	Mayor	Present

Also present :

Deputy Clerk Bobbie Jo Muller.

Meeting opened at 6:00 pm by Mayor Kelly Decker.

Mayor Decker

- Consideration of Resolution 2022-0915-050
Motion D. Livingston second E. Miller
AYE: 5 ABSENT: 4 NAYS: 0 ABSTAIN: 0 CARRIED
- Consideration of MOA with CSEA re T. Topel Uniform Allowance
Motion S. Siegel second by D. Livingston
AYE: 5 ABSENT: 4 NAYS: 0 ABSTAIN: 0 CARRIED

Motion to adjourn at 6:07 pm. Motion S. Siegel Second M. Newhauser
AYE: 5 ABSENT: 4 NAYS: 0 ABSTAIN: 0 CARRIED

Respectfully,
Laura Quick
City Clerk Treasurer

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT JERVIS
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ACCEPT A BID FOR THE 2022 PIKE
STREET SIDEWALK REPLACEMENT PROJECT-PHASE 1**

WHEREAS, the Common Council of the City of Port Jervis previously authorized the Director of Public Works to solicit bids from contractors in connection with Phase 1 of the Pike Street Sidewalk Replacement Project, inclusive of labor and materials (the "Project"); and

WHEREAS, all submitted bids were solicited, opened and reviewed on August 30, 2022 under the supervision of Farr Engineering, Consulting Engineers, on behalf of the City; and

WHEREAS, the City is required under New York State Law to award such a contract to the lowest responsible bidder; and

WHEREAS, the City received two (2) bids for the Project. Following the opening of the bids, the City's Consulting Engineer and DPW Director reviewed the bid packages and commenced a review of same, including a diligent inquiry into the references submitted by each bidder to determine whether the bidder's past performance on public works projects was satisfactory; and

WHEREAS, with respect to the bidder which submitted the lowest proposed contract price, identified herein as "DC"^a, the reference inquiry identified multiple reports of unsatisfactory performance, including, but not limited to the following:

- i) Difficulty in working with DC
- ii) Failure to complete projects in a timely fashion
- iii) Failure to arrive at job sites when scheduled to do so
- iv) Failure to follow plans
- v) Failure to take directions from municipal engineers or municipal officials
- vi) Failure to adequately communicate with municipal representatives
- vii) Difficulty in forcing contractor to make repairs
- viii) In one instance, municipal attorneys were engaged to compel project completion; and

WHEREAS, on September 14, 2022, the City's Consulting Engineer and DPW Director spoke directly with the owner of DC and afforded him the opportunity to explain and/or rebut the reports listed in the preceding paragraph. In response, he stated that he had no explanation with respect to such reports; and

WHEREAS, a municipality's discretion to reject a bid based upon a contractor's past work practices and prior inadequate performance of public works contracts constitutes a rational basis upon which such municipality may conclude that said contractor is not the lowest responsible bidder; and

WHEREAS, based upon the results of the investigation of the references provided by DC and DC's failure to refute said results, upon the recommendation of the City's Consulting Engineer and DPW Director, the Common Council hereby determines and concludes that DC is not the lowest responsible bidder with respect to the Project and hereby rejects the bid submitted by DC; and

WHEREAS, following the aforesaid investigation and further inquiry into the other bid package received by the City in connection with the Project, the lowest responsible bidder has been identified by the City's Consulting Engineer and DPW Director,

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Common Council of the City of Port Jervis hereby authorizes and directs the Director of Public Works to accept the following bid for the Project:

Hufcut Concrete Corp.-Circleville, New York: \$203,400.00, and it is further

^a The full name of the contractor identified as "DC" is on file in the office of the Clerk-Treasurer of the City of Port Jervis and is not included in this resolution as a courtesy to said contractor.

pg 1 of 2

RESOLVED, that the Mayor, or his designee, is hereby authorized to execute all documentation necessary to effectuate the intent of this Resolution, subject to approval of the form and content of such documentation by the Corporation Counsel and the City's Consulting Engineer.

Motion : D. Livingston

Second by: E. Miller

Regis Foster	1st Ward	ABSENT
Elizabeth Miller	1st Ward	AYE
Maria Mann	2nd Ward	AYE
Misty Fuller	2nd Ward	ABSENT
Denis Livingston	3rd Ward	AYE
Michael Decker	3rd Ward	ABSENT
Timothy Simmons	4th Ward	ABSENT
Melissa Newhauser	4th Ward	AYE
Stanley B. Siegel	Councilman-At-Large	AYE

DATED: September 15, 2022


City Clerk Treasurer