

## LEGAL NOTICE

Notice is hereby given that the Town Government Structure & Administration Committee of the Representative Town Meeting will hold a Public Hearing on Monday, July 26, 2010 at [8:00 PM in Room 206 of the Darien Town Hall](#) to elicit comments from the public with regard to two (2) proposed changes to the Town Charter. The first addresses the publication timeframe for Darien's Town Budget. The second involves purchasing procedures.

**Rev. DRAFT 7/12/10**

**I. Chapter XI. Finance and Taxation, Section 39(c) of the Charter, Town of Darien, Connecticut is hereby amended to read as follows:**

**New language in caps and deleted language in brackets.**

**Sec. 39. Budget estimates; appropriations and tax rate.**

**(a) (2) The board of selectmen shall submit itemized estimates of the moneys necessary to be appropriated for all other expenses of said town for the next ensuing year, beginning the first day of July annually, and at the same time shall submit to said board of finance for each such item the amount expended in the preceding fiscal year, the amount appropriated for the current fiscal year, and the amount expended in the first six months of the current fiscal year. Such estimates shall be published in a LEGAL NOTICE THAT COMPLIES WITH STATE LAW [newspaper published in the town, if there be any, otherwise in a newspaper published in Stamford or Norwalk, at least three days before the second Tuesday] DURING THE SECOND WEEK in March annually.**

**(c) Such appropriations and the rate of taxation fixed by the board shall be filed in the town clerk's office on or before the third Tuesday in April annually and LEGAL NOTICE shall be PROVIDED IN ACCORDANCE WITH STATE LAW [published in a newspaper published in the town, if there be any, otherwise in a newspaper published in Stamford or Norwalk, on or before the last Tuesday] DURING THE FOURTH WEEK in April annually.**

**EFFECTIVE DATE JANUARY 1, 2011.**

**II. Chapter XII. Purchasing, Contracting and Expenditures, Section 46 of the Charter, Town of Darien, Connecticut is hereby amended to read as follows:**

**New language in caps and deleted language in brackets.**

**Sec. 46. Purchasing, contracting and expenditures.**

**(a) The board of selectmen is authorized to adopt rules, regulations and procedures regarding purchasing, contracting and expenditures by the town consistent with the provisions of the laws of the State of Connecticut, any applicable ordinances of the Town of Darien (the "Ordinances"), and this Section.**

(b) With the exception of the board of education, all town boards, commissions, departments, offices and agencies are to submit requisitions to purchase, lease, contract for or otherwise acquire goods, work or services (an "acquisition or contract") in writing and in such form as the board of selectmen may prescribe. A requisition is not valid until it is endorsed by the town finance director or his or her designee.

(c) Requirements for when sealed bids or proposals are to be invited for an acquisition or contract shall be set forth in the Ordinances.

(d) At a minimum, public notice of an invitation for a sealed bid or proposal shall be given in accordance with the laws of the State of Connecticut in all respects, including as to the manner and timing of such public notice.

(e) All submitted sealed bids or proposals shall be opened publicly.

(f) The bid or proposal submitted by the lowest responsive and responsible bidder shall be accepted, ~~[or all the submitted bids or proposals shall be rejected.]~~ IN DETERMINING THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ADDITION TO PRICE, THE FOLLOWING SHALL BE CONSIDERED:

- (1.) THE ABILITY, CAPACITY AND SKILL OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICES REQUIRED IN RELATION TO THE STANDARDS AND SPECIFICATIONS AS REQUIRED.
- (2.) THE ABILITY OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICE, OR WITHIN THE TIME SPECIFIED, WITHOUT DELAY OR INTERFERENCE.
- (3.) THE CHARACTER, INTEGRITY, REPUTATION, JUDGMENT, EXPERIENCE AND EFFICIENCY OF THE BIDDER.
- (4.) THE QUALITY OF PERFORMANCE OF PREVIOUS CONTRACTS OR SERVICES.
- (5.) THE SUFFICIENCY OF THE FINANCIAL RESOURCES AND ABILITY OF THE BIDDER TO PERFORM THE CONTRACT OR PROVIDE THE SERVICE.

(G) WHEN THE AWARD IS NOT GIVEN TO THE LOWEST BIDDER, A FULL AND COMPLETE STATEMENT OF THE REASON FOR PLACING THE ORDER ELSEWHERE SHALL BE REPORTED BY THE FIRST SELECTMAN AT THE NEXT MEETING OF THE BOARD OF SELECTMEN.

(H)~~(g)~~ [Records of all bids or proposals for an acquisition or contract shall be kept in the office of the first selectman for one year from the date of each such bid or proposal, and such records shall be available for public inspection] PURCHASING DOCUMENTS SHALL BE A PUBLIC RECORD AND SHALL BE RETAINED AND AVAILABLE TO THE PUBLIC AS PROVIDED UNDER FEDERAL AND STATE LAW.

(H)(h) An invitation for bids or proposals is not required when the first selectman has declared that the need for an acquisition or contract constitutes an emergency. As used here, an emergency is a condition which threatens damage or injury to property or health or the curtailment of town services. Any emergency declaration and action taken hereunder by the first selectman shall be reported at the next meeting of the board of selectmen.

EFFECTIVE DATE JANUARY 1, 2011.

The T G S & A Committee will consider the information gathered at the public hearing in making its recommendations to the full RTM.

Sarah C. Seelye, Chairman  
Darien, Connecticut

Debra McGarry Ritchie, Clerk  
July 13, 2010