

TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
www.trumbull-ct.gov

TOWN HALL  
Trumbull

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(203) 452-5005



LEGISLATION & ADMINISTRATION COMMITTEE  
AUGUST 27, 2014  
AGENDA

Suzanne Testani, Chairman  
50 Cranbury Drive  
Trumbull, CT 06611

Enrico Constantini, Vice Chairman  
5 Barry Place  
Trumbull, CT 06611

Joseph Pifko  
158 Plymouth Avenue  
Trumbull, CT 06611

Edna Colucci  
39 Kingsbury Drive  
Trumbull, CT 06611

Patrick Helfrich  
23 Evelyn Street  
Trumbull, CT 06611

Daniel Marconi  
40 Brookhedge Road  
Trumbull, CT 06611

Ken Martin, Sr., Alternate  
1676 Huntington Turnpike  
Trumbull, CT 06611

Thomas Christiano, Alternate  
831 White Plains Road  
Trumbull, CT 06611

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NOTICE is hereby given that the Legislation & Administration Committee of the Trumbull Town Council will hold a regular meeting Wednesday, August 27, 2014 at 7:00 p.m. at the Trumbull Town Hall, for the following purpose(s):

1. RESOLUTION TC25-94: To consider and act upon a resolution which would approve the acquisition of real property known as 6175 Main Street, Trumbull, CT and authorize the First Selectman to execute any agreements or take any necessary steps to complete the acquisition.
2. RESOLUTION TC25-112: To consider and act upon a resolution which would appoint William Haberlin of 351 Shelton Road as an alternate member of the Board of Finance for a term from December 3, 2012 extending to December 7, 2015. (Murphy)

3. RESOLUTION TC25-113: To consider and act upon a resolution which would approve the appointment of James Meisner of 62 Driftwood Lane as a member of the Pension Board for term from December 5, 2011 extending to the December 7, 2015. (Charland)
4. RESOLUTION TC25-114: To consider and act upon a resolution which would authorize the First Selectman to accept on behalf of the Town of Trumbull, a 2012 State of Connecticut Dept. of Social Services in the amount of \$20,000 to undertake renovations at the Trumbull Senior Center kitchen/snack bar and authorize the First Selectman to enter into and execute any and all agreements, contracts and documents necessary to obtain the aforementioned grant.
5. RESOLUTION TC25-115: To consider and act upon a resolution which would enact the Responsible Contractor Ordinance. (*Public Hearing September 4, 2014 Town Council Meeting*)

#### VIII ADJOURNMENT

COPY OF THE RESOLUTION ATTACHED HERETO

Carl A. Massaro, Jr., Chairman Trumbull Town Council

## RESOLUTIONS

1. RESOLUTION TC25-94: BE IT RESOLVED, That the acquisition of real property known as 6175 Main Street, Trumbull, CT is hereby approved; and  
BE IT FURTHER RESOLVED, That the First Selectman is hereby authorized to execute any agreements or take any necessary steps to complete the acquisition.
2. RESOLUTION TC25-112: BE IT RESOLVED, That William Haberlin of 351 Shelton Road, be and the same is hereby appointed as an alternate member of the Board of Finance for a term from December 3, 2012 extending to December 7, 2015.
3. RESOLUTION TC25-113: BE IT RESOLVED, That the James Meisner of 62 Driftwood Lane, be and the same is hereby appointed as a member of the Pension Board for a term from December 5, 2011 extending to the December 7, 2015.
4. RESOLUTION TC25-114: BE IT RESOLVED, That the First Selectman is hereby authorized to accept and enter into and execute any and all agreements, contracts and documents necessary on behalf of the Town of Trumbull, a 2012 State of Connecticut Dept. of Social Services in the amount of \$20,000 to undertake renovations at the Trumbull Senior Center kitchen/snack bar.
5. RESOLUTION TC25-115: BE IT RESOLVED AND ORDAINED, That the Responsible Contractor Ordinance is hereby enacted. (Full Ordinance Attached)

RESOLUTION TC25-115 Full Ordinance

Sec. \_\_\_\_\_. Authority to Debar and/or Disqualify

(A) Authority.

- (1) *Debarment and/or Disqualification.* After due notice to the Person (including any Candidate or Contractor, or affiliate thereof) involved, as set forth below, and reasonable opportunity for that Person to be heard, in accordance with the procedures for hearings on contested cases established in Chapter 54 of the General Statutes, the Chief Executive Officer, after consultation with the Purchasing Authority and the Town Attorney, shall have the authority to debar and/or disqualify a Person for cause from consideration for award of contracts or purchase orders by the Town. A debarment and/or disqualification shall not be for a period of more than two (2) years.
- (2) *Debarments and Disqualification* means the prohibition of any Contractor or Candidate from bidding on, applying for, or participating as a subcontractor on, Town procurements in response to a request for response or from being considered for the awarding of any agreement with the Town.
- (3) *Regulations and policies.* The authority to debar and/or disqualify shall be exercised in accordance with the General Statutes, this Article and regulations and/or policies, if any.

(B) Notice of hearing; Procedure for Debarment and/or Disqualification.

- (1) Subsequent to a determination made by either the Chief Executive Officer or Purchasing Authority that there exist one (1) or more causes for debarment and/or disqualification of any Contractor or Candidate, the Chief Executive Officer shall conduct a hearing, or may appoint a hearing officer to conduct such hearing, to determine whether there exists one (1) or more causes for debarment and/or disqualifying said Contractor or Candidate from bidding on, applying for, or participating as a subcontractor on, Town procurements in response to a request for response or from being considered for the awarding of any agreement with the Town for a period not more than two (2) years.
- (2) The Chief Executive Officer shall send written notice to the Contractor or Candidate of the proposed debarment and/or disqualification. Such notice shall include:
  - (a) A statement of the time, place and nature of the hearing;
  - (b) A statement of legal authority and jurisdiction under which the hearing is to be held;
  - (c) References to the particular sections of the statutes and regulations involved; and
  - (d) A short and plain statement of the reason asserted by the Town for debarment and/or disqualification. Copies of the notice shall be sent to the Town Attorney and the Purchasing Agent.
- (3) The hearing shall be conducted in accordance with the procedures for hearings on contested cases established in Chapter 54 of the General Statutes.

- (4) *Decision.* The Chief Executive Officer or appointed hearing officer shall issue a written decision. The decision shall:
  - (a) State the reasons for the action taken;
  - (b) If, the Contractor or Candidate is being debarred and/or disqualified, state the period of the debarment and/or disqualification; and,
  - (c) Inform the Contractor or Candidate involved of any rights to judicial review as may be allowed under state law.

The existence of a cause for debarment and/or disqualification shall not be the sole factor to be considered in determining whether the Contractor or Candidate shall be debarred or disqualified. In determining whether to debar and/or disqualify a Contractor or Candidate, the hearing officer shall consider the seriousness of the Contractor or Candidate's acts or omissions and any mitigating factors.

- (5) *Notice of decision.* The Chief Executive Officer or appointed hearing officer shall issue a written decision within ninety (90) days of the last date of such hearing, as determined by the Chief Executive Officer or appointed hearing officer. The hearing officer shall send the decision to the Contractor or Candidate by certified mail, return receipt requested and by regular mail.
- (6) *Finality of decision.* A decision under subsection (4) of this section shall be final and conclusive.

(C) *Causes for debarment and/or disqualification.* The causes for debarment and/or disqualification include, but are in no way limited to, the following:

- (1) 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;
- (2) Conviction or entry of a plea of guilty or nolo contendere for 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;
- (3) 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;
- (4) A willful failure to perform in accordance with the terms of one (1) or more public contracts, agreements or transactions;
- (5) A history of failure to perform or of unsatisfactory performance of one (1) or more public contracts, agreements or transactions.
- (6) A willful violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction; or
- (7) Evidence of debarment or disqualification by the State of Connecticut or the Federal Government; unless the Candidate can demonstrate why such rulings should not apply to the Town.

(D) *Imputed conduct as set forth in the General Statutes.* For purposes of a disqualification proceeding under this subsection, conduct may be imputed as follows:

- (1) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, Employee or other individual associated with a Contractor or Candidate may be imputed to the Contractor or Candidate when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor or Candidate and the Contractor or Candidate 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 or Candidate to rely on such advice.
  - (2) The fraudulent, criminal or other seriously improper conduct of a Contractor or Candidate may be imputed to any officer, director, shareholder, partner, Employee or other individual associated with the Contractor or Candidate who participated in, knew of or had reason to know of the Contractor or Candidate's conduct.
  - (3) The fraudulent, criminal or other seriously improper conduct of one (1) Contractor or Candidate participating in a joint venture or similar arrangement may be imputed to other participating Contractors or Candidates if the conduct occurred for or on behalf of the joint venture or similar arrangement and these Contractors or Candidates knew of or had reason to know of such conduct.
- (E) *Reduction of debarment or disqualification.* The Chief Executive Officer may reduce the period or extent of debarment and/or disqualification, upon the Contractor's written request, supported by documentation, for the following reasons:
- (1) Newly discovered material evidence;
  - (2) Reversal of the conviction upon which the debarment or disqualification was based;
  - (3) Bona fide change in ownership or management;
  - (4) Elimination of other causes for which the debarment or disqualification was imposed;
- or
- (5) Other reasons the Town deems appropriate.
- The decision to reduce the period or extent of debarment and/or disqualification shall be made at the sole and absolute discretion of the Chief Executive Officer. Said decision shall be in writing and sent to the Contractor within thirty (30) days of the Town's receipt of Contractor's written request for reduction. Notice of said decision shall be mailed certified mail, return receipt requested.
- (F) Interpretations for purposes of interpreting this provision the use of the statutory terms "contract or subcontract" shall be inclusive of all contracts, purchase orders and agreements as defined in this Article.

Secs. 2-598-2.609. Reserved for future use.