

FINANCE COMMITTEE LEWISTON, MAINE

**Minutes of
January 12, 2009**

PRESENT: Michael Marcotte, Stavros Mendros, Councilor Robert Reed, Ronald Paradis and Councilor Denis Theriault.

Meeting was called to order at 5:00 p.m. by the Clerk and accepted nominations for Chairperson of the Committee.

On motion of Mr. Reed , seconded by Mr. Theriault it was moved to elect Ronald Paradis as Chairperson.

On motion of Mr. Paradis, seconded by Mr. Marcotte it was moved to elect Stavros Mendros as Chairperson.

Mr. Paradis indicated that he would prefer not to serve as Chairperson and as a result, Councilor Reed and Councilor Theriault rescinded their motion.

On motion of Mr. Paradis, seconded by Mr. Marcotte it was

VOTED:

(1-2009) To elect Stavros Mendros s as Chairperson of the Finance Committee for the ensuing year.

VOTE: 5-0

The Committee considered the minutes of the meeting of December 15, 2008 for approval. Councilor Theriault indicated that the minutes be amended to reflect discussion in regards to the approval of a Task Order with Sebago Technics for work on local streets in the Lincoln Street area. Mr. Theriault indicated that a reference to concerns of ratifying this action when the Council is not familiar with the project had been discussed at the meeting and should be reflected in the minutes.

On motion of Mr. Theriault , seconded by Mr. Reed it was

VOTED:

(2-2009) To approve the minutes of the meeting dated December 15, 2008, with the following amendment, and to accept and place them on file:

VOTE: 3-0-2

Mr. Paradis and Mr. Marcotte abstained

Amendment:

The Purchasing Agent reviewed each Change Order authorized individually. The Committee took exception that the Task Order was authorized with Sebago Technics for survey work. Mr. Theriault raised concern that he and Council members were not aware of any proposal that would acquire the building.

The Public Services Director explained that the acquisition was part of a MDOT Project to make improvements to the intersection of Locust Street and Lincoln Street however, he was not aware that the Council had not been briefed on the Project.

Mr. Mendros moved to table action however, withdrew the motion because the work had already been authorized and the Committee was being asked to ratify the action. Both Councilor Theriault and Councilor Reed expressed their concern that the City Council had not be briefed. The Purchasing Agent and Public Services Director was instructed to follow-up on the matter.

The Committee considered adoption of rules to govern the Finance Committee for the ensuing year. Councilor Theriault indicated that he would like to consider changing the rules to allow preferences for local businesses in the bidding process. Councilor Reed indicated that he would not support a preference because of the additional cost it would add to the City.

The Clerk indicated that the local preference was a Purchasing Policy issue and it is not part of the Rules of the Finance Committee which outlined procedural methods of acting on items during the course of the year. Councilor Theriault indicated that he would bring up the local preference issue for consideration at a later meeting.

On motion of Mr. Reed , seconded by Mr. Theriault it was

VOTED:

(3-2009) To adopt the following Rules to govern the Finance Committee for the ensuing year as presented:

RULES OF THE FINANCE COMMITTEE

Regular Meetings:

- A. Time: The Finance Committee shall hold regular meetings twice monthly on **Mondays at 5:00 p.m.**
- B. Place: All regular meetings of the Finance Committee shall be held in the Administrative Conference Room of City Hall.

Special Meetings:

All special meetings shall be called in accordance with Chapter 2, Section 2-183 {c} of the Revised Code of Ordinances.

Parliamentary Procedure:

“ROBERT'S RULES OF ORDER” shall be regarded by the Finance Committee as the proper authority for parliamentary procedure in conduct of its meetings for the ensuing year.

Majority Vote:

All motions must be passed by a majority of the members (three) in order to constitute action on any matter.

Authorization for Contract Awards, Amendments and Change Orders:

The Committee authorizes the Purchasing Director, after consulting the Finance Director, to approve contracts, contract amendments or change orders for the purchase of goods and services under the following conditions:

C. Contracts

1. Award may be made to the low responsive bidder or sole responsive bidder when award is necessary to insure that the contract for goods or services is not delayed.
2. All contracts approved shall be forwarded to the Committee, for their ratification, at the next regular meeting with appropriate documentation and reasoning for proceeding with award of contract.

D. Amendments or Change Orders

3. When the amendment or change order is necessary to insure that the contract for goods or services is not delayed.
4. The amount of the amendment or change order is no more than ten (10%) percent of the contract price, with an upset limit of \$10,000 for any single amendment/change order.
5. That should the levels set forth in Section 2 be exceeded and an amendment or change order is necessary to complete the project and to protect the best interest of the City, the City Administrator may authorize amendments or change orders as provided for in Section 3.2 of the Purchasing Policy.
6. The City Administrator has signed and approved the amendment/change order. If the City Administrator deems the circumstances to be an emergency, they will be documented and reported to the Finance Committee at the next regular meeting.
7. All amendments/change orders approved shall be forwarded to the Committee, for their ratification, at the next regular meeting.

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8. That should the amendment or change order amount exceed both Section 2 and Section 3 levels of authorization, a special meeting of the Finance Committee shall be called by the Chairman or ranking member of the Committee if the Chairman is not available.

Suspension of Rules:

Any of the foregoing rules may be suspended, amended or repealed providing a majority of the members vote therefore.

VOTE: 5-0

The Committee considered a Waiver of Competition to allow for the award of a contract for interior wood trim work at the Library in conjunction with the replacement of windows in the old section of the building. It was pointed out that Selmore Fixtures was a specialty company which deals with this interior wood trim work and the actual replacement of windows would be put out to bid to the window suppliers.

On recommendation of the Purchasing Agent and on motion of Mr. Paradis, seconded by Mr. Reed it was

VOTED:

(4-2009) To authorize a Waiver of Competition pursuant to Section 3.3.1 of the Purchasing Policy to award a contract to Selmore Fixtures for replacement of interior wood trim work in the old Library at a cost not to exceed \$14,470.

VOTE: 5-0

At this time, Councilor Reed indicated that he would recuse himself from the discussion and would abstain from voting on the contract for removal of recyclable materials at the Solid Waste Facility.

Proposals for removal of recyclable waste materials were received for hauling and bulk rate services for the recyclable waste generated at the Lewiston facility. The recommendation was to award the contract to the best proposal received, meeting specifications, which is FCR Goodman, Scarborough, Maine, and the recommendation was to award the contract based on their quoted prices set for a two (2) year period. Several members of the general public were present at the meeting and voiced opposition as well as questioned why the contract was not presented to the Solid Waste Committee. It was pointed out that this contract was following the existing practices to bid out the sale of these materials and that the previous contract had expired in the fall of 2008. Solid Waste Superintendent Rob Stalford indicated that the Solid Waste Facility is running out of space to store the materials which had been accumulating for a period of time because of the low prices in the market for the materials.

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Councilor Theriault indicated that he supported the recommendation to award the contract and did not have any information that would allow the City to award the contract to anyone other than the best proposal received which was from FCR Goodman.

Chairman Mendros questioned why the tabulation indicated EcoMaine and Maine Resource Recovery Association had no pricing in the tabulation. The Purchasing Agent indicated that EcoMaine sent their proposals single stream recycling which did not meet specifications and Maine Resource Recovery Association was non-responsive because they didn't indicate any firm pricing on the brokerage of the materials.

Councilor Theriault made a motion to award the contract to FCR Goodman which died for lack of a second. After further discussions Mr. Paradis indicated that he would second the motion of Councilor Theriault.

On recommendation of the Purchasing Agent and on motion of Mr. Theriault, seconded by Mr. Paradis it was

VOTED:

(5-2009) To award Bid 2008-068 on a contract for the Hauling and Brokerage Services for baled Recyclable Waste generated at the Lewiston Solid Waste Facility to FCR Goodman, Scarborough, Maine, for a two (2) year period based on the pricing proposals submitted.

VOTE: 3-1-1
Stavros Mendros opposed &
Councilor Reed abstained

On recommendation of the Purchasing Agent and on motion of Mr. Reed , seconded by Mr. Theriault it was

VOTED:

(6-2009) To table the award Bid 2009-004 on a 30 cubic yard Roll Off Container until the next regular meeting.

VOTE: 5-0

On recommendation of the Purchasing Agent and on motion of Mr. Reed, seconded by Mr. Theriault it was

VOTED:

(7-2009) To ratify the award of a Task Order with Sebago Technics to provide topographic survey services for the Lincoln Street Improvement Project at a cost not to exceed \$33,800.

VOTE: 5-0

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On recommendation of the Purchasing Agent and on motion of Mr. Theriault , seconded by Mr. Paradis it was

VOTED:

(8-2009) To ratify the award of the bid on #2 Fuel Oil for the 2009-2010 Heating Season to Downeast Energy, Lisbon Falls, Maine, low bidder at a fixed price of \$1.8192 per gallon for large loads and \$2.0192 per gallon for small loads.

VOTE: 5-0

VOTED:

To adjourn at 6:12 p.m.

Richard T. Metivier
Clerk
Finance Committee