

MINUTES OF MEETING HELD APRIL 9, 2018

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday April 9, 2018 at 7:00 p.m. with the following present: Council Members; Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, John Adams, Tom Eastham, David Burdine, Brian Dalton, and Jerry Wheeldon and Mayor Eddie Girdler, City Attorney Carrie Weise, and City Clerk Nick Bradley. Absent: Amanda Bullock

Mr. Wheeldon moved to approve the minutes of the regular meeting held on March 26, 2018 along with reports as mailed. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Mr. New moved to approve the following Resolution No 18-03: Kentucky Office of Homeland Security Application (Police Communications). Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

RESOLUTION 18-03

A Resolution of the City of Somerset, Kentucky authorizing the Mayor to make application for, and upon approval, to enter into and execute any documents and/or agreements with the KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS) which are deemed necessary by KOHS to facilitate and administer a project, and to act as the authorized correspondent for the project. This Resolution also establishes procurement policy for any KOHS approved project for the FY-2017 application cycle.

WHEREAS, the City of Somerset, Kentucky desires to make an application for United States Department of Homeland Security and/or Commonwealth of Kentucky funds for a project to be administered by KOHS; and

WHEREAS, it is recognized that an application for and approval of KOHS funds impose certain obligations and responsibilities upon the City; and

WHEREAS, the City of Somerset understands that there is a need to update law enforcement communications not just within the Somerset Police Department, but across the entire County, and plans to apply for monies provided by KOHS in order to enhance the City's law enforcement communications, as well as work with all law enforcement agencies across Pulaski County to ensure that our officers, fellow agencies, and our citizens benefit from the most up-to-date and advanced communications equipment, devices, and services available.

NOW, THEREFORE, be it resolved this 09 day of April, 2018, by the City of Somerset, Kentucky, that the Mayor is hereby authorized to execute and furnish all required documentation, including any Memorandums of Agreement, as may be required by KOHS for the furtherance of the above-referenced project, and further to act as the authorized correspondent for said project.

For the purpose of any KOHS funded projects using FY-2017 funds, the City will use the provisions of KRS 45A for the purchase of equipment and/or services. For any equipment and/or services under \$20,000 three (3) quotes will be obtained. For any equipment and/or services that exceeds \$20,000, the provisions of KRS 45A will apply.

Done this the 09 day of April, 2018 on a Motion made by Mr. New, and seconded by Mr. Wheeldon.

Members present voting in Favor: 14 Members Present voting against: 0

BY: E. Girdler
Edward Girdler, Mayor
City of Somerset

ATTEST: N. Bradley
Nick Bradley, City Clerk

Mr. Wheeldon moved to approve the following Resolution No 18-04: Kentucky Office of Homeland Security Application. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

RESOLUTION 18-05

A Resolution of the City of Somerset, Kentucky authorizing the Mayor to make application for and, upon approval, to enter into an agreement with the Kentucky Office of Homeland Security (KOHS) to execute any documents which are deemed necessary by KOHS to facilitate and administer the project and to act as the authorized correspondent for this project, specifically monies available for Emergency Services, including but not limited to EMS, Fire and Police. This resolution also establishes a procurement policy for any KOHS approved project for the FY-2018 application cycle.

WHEREAS, the City of Somerset, Kentucky desires to make an application for United States Department of Homeland Security and/or Commonwealth of Kentucky funds for a project to be administered by Kentucky Office of Homeland Security;

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the city;

NOW, THEREFORE, be it resolved this 22nd day of April, 2018, by the City of Somerset, Kentucky;

That the Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by KOHS for the furtherance of the above-referenced projects and to act as the authorized correspondent for said projects.

For the purpose of any KOHS funded projects using FY-2018 funds the city will use the provisions of KRS 45A for the purchase of equipment and/or services. For any equipment and/or services under \$20,000 three (3) quotes will be obtained. For any equipment and/or services that exceeds \$20,000 the provisions of KRS 45A will apply.

Done this 22nd day of April, 2018 on a Motion made by
Mr. [Signature] and seconded by Mr. [Signature]

Members present voting in Favor: 11
Members Present voting against: 0

BY: [Signature]
Mayor, Edward R Girdler
ATTEST: [Signature]
City Clerk, Tracy Bradley

Mr. New moved to approve the following Resolution No 18-05: KCDBG Procurement Code. Mr. Minton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Res. 18-05

KCDBG PROCUREMENT CODE

All procurements made by the Grantee/Subrecipient (hereafter referred to as "Grantee/Subrecipient") involving the expenditure of local, state and federal funds on CDBG Project [redacted] shall be made in accordance with the following procurement standards.

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The Grantee/Subrecipient shall not engage in procurement practices that may be considered restrictive in trade.

Purchases will be reviewed by the Treasurer to prevent duplication and to insure that costs are reasonable.

1. Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

A. SMALL PURCHASES

For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.

Purchases that cost more than \$50 but less than \$20,000 require quotations of rate, price, etc., but no legal advertisement is required. The Grantee/Subrecipient will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.

The Grantee/Subrecipient will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.

B. COMPETITIVE SEALED BIDS

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional exceeds \$20,000, an invitation for Bids (IFB) notice will generally be prepared. Per KRS 42A.120, this notice will be published at least once in a qualifying official newspaper

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of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the Grantee/Subrecipient must solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them.

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measureable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Section 3 of the 1968 Housing Act, Section 106 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The Grantee/Subrecipient will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the Grantee/Subrecipient. The Grantee/Subrecipient will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the Grantee/Subrecipient makes the bid award, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The Grantee/Subrecipient may cancel an invitation for bid or reject all bids if it is determined in writing that such is in the best interests of the Grantee/Subrecipient. The Grantee/Subrecipient may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

Bid Overages:

The following options are available for awarding a bid following an overage:

1) Obtaining additional funds from another source and continuing with the original IFB.

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- 2) Rejecting all bids, revising project scope and bid specifications, and issuing a revised IFB (competitive sealed bid) open to the entire public; or
- 3) Conducting competitive negotiations with all bidders. (Grantees must seek pre-approval from DLG for this option).

Competitive negotiations under option (3) must take place under the following criteria:

1. If discussions pertaining to the revision of the specifications or quantities are held with any bidder, all of the bidders shall be afforded an opportunity to take part in such discussions.
2. After discussions with the bidders, the grantee shall revise the scope of work accordingly and issue an RFP open to all bidders, providing for expedited proposals. No advertisement is required, but the grantee shall allow at least seven days for bidders to submit proposals.
3. The RFP shall be awarded on the basis of lowest bid price.

C. COMPETITIVE NEGOTIATION

The Grantee/Subrecipient may utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional or personal in nature.

The use of the competitive negotiations procurement method for contracts other than architectural, engineering, planning or administrative services must be pre-authorized by DLG. With the exception of procurement of certain professional services (especially engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement; additionally, a Request for

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Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.

2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of goods response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The Grantee/Subrecipient may publish a Request for Qualifications. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiation is procurement through solicitation of a proposal from one source, and is often referred to as sole source procurement. A contract may be awarded by non-competitive negotiation only when the award is infeasible under small purchase procedures, competitive sealed bids, or competitive negotiations and one of the following circumstances applies:

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1. There is some public emergency that will not permit delay resulting from competitive solicitation (the grantee must declare an emergency as authorized by law); or
2. The results of the competitive negotiations are inadequate; or
3. The product or service is available only from a single source.

Caution: The use of the non-competitive negotiations procurement method must be authorized by DLG.

The following requirements apply to the non-competitive negotiations procurement process:

1. Negotiations must be conducted with the selected company regarding a scope of work and price; and
2. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whichever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The Grantee/Subrecipient shall make and document efforts to solicit participation of locally owned, minority owned, female owned and small businesses. Where

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feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. The Grantee/Subrecipient shall also consult this list when making small purchases.

VI. SECTION 3

Grantee/Subrecipient shall abide by its Section 3 action plan and shall, to the maximum extent feasible, as required by 24 CFR Part 135, award contracts to businesses that provide economic opportunities for low and very low-income persons residing in the project area.

VII. CODE OF CONDUCT

A. CONFLICTS OF INTEREST

In addition to the prohibitions set forth in 24 CFR 570.469(h) and 24 CFR 85.36(b)(3), the following prohibitions shall apply:

It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:

- (a) He, or any member of his immediate family has a financial interest therein; or
- (b) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or
- (c) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(2) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard,

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rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(3) It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(4) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefor.

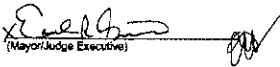
(5) It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

B. PENALTIES

Any elected official, employee or designated agent of the Grantee/Subrecipient who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of the Grantee/Subrecipient. Furthermore, such a violation of these procurement standards is grounds for dismissal by the Grantee/Subrecipient.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the Grantee/Subrecipient.

ADOPTED THIS 9th DAY OF April, 2018.


(Mayor/Judge Executive)

or

(Authorized Official of Subrecipient)

Mr. Mitchell moved to approve the following tax refund: \$48.88 for Homestead Exemption on 2017 previously paid taxes to Kathy Hamilton. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

Mr. New moved to approve the following Proclamation making April 2018 Fair Housing Month. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

**City of Somerset
PROCLAMATION**

FAIR HOUSING MONTH

WHEREAS, Fair Housing is a right protected by Federal and State Laws; and

WHEREAS, Housing discrimination is illegal; and

WHEREAS, Fair Housing means persons may freely choose a place to live without regard to race, color, religion, sex, national origin, sexual orientation, gender identity, or because persons are disabled or have children in the family; and

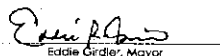
WHEREAS, Fair housing laws apply to persons viewing or renting an apartment; viewing or purchasing a home; applying for a securing a home loan; or purchasing homeowners or renters insurance.

NOW, THEREFORE, I, Eddie Girdler, Mayor of the City of Somerset, KY, do hereby proclaim the month of April, 2018 as

FAIR HOUSING MONTH

In the City of Somerset, recognizing the need for community education and awareness of fair housing.

WITNES, MY HAND and the official Seal of the City of Somerset, KY to be affixed this 9th day of April 2018.


Eddie Girdler, Mayor



Mr. Wheeldon moved to go into Executive Session pursuant to KRS 61.810(1)(g). Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mr. T. Eastham, Mr. Burdine, Mr. Dalton, and Mr. Wheeldon.

No action taken in executive session.

There being no further business the meeting adjourned.

APPROVED: 
MAYOR

ATTEST: 
CITY CLERK