



## City of Norwich

Department of Finance – Purchasing Agent  
100 Broadway, Room No. 105  
Norwich, CT 06360

Phone: (860)823-3706  
Fax: (860)823-3812  
E-mail: [whathaway@cityofnorwich.org](mailto:whathaway@cityofnorwich.org)

### REQUEST FOR QUALIFICATIONS

**RFQ No.:** 20-02

**Opening Date and Time:** August 27, 2019 at 2:00 P.M.

**Title:** Consulting Engineering Services for the Franklin Square Modern Roundabout Design

**Special Instructions:**

The following information must appear in the lower left hand corner of the envelope:

Request for Qualifications No.: 20-02

Not to be opened until August 27, 2019 at 2:00 P.M.

**Return Proposals to:**

William R. Hathaway, Purchasing Agent  
City of Norwich  
100 Broadway, Room 105  
Norwich, CT 06360-4431



**RETURN THIS FORM IMMEDIATELY**

**CITY OF NORWICH, CONNECTICUT**

**Acknowledgement of Receipt of RFQ Documents**

**RFQ No.:** 20-02

**Title:** Consulting Engineering Services for the Franklin Square Modern Roundabout Design

Please take a moment to acknowledge receipt of the attached documents. Your compliance with this request will help the City of Norwich to maintain proper follow-up procedures and will ensure that your firm will receive any addendum that may be issued.

Date Issued: 08/05/2019

Date Documents Received: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Do you plan to submit a response? \_\_\_\_\_ Yes \_\_\_\_\_ No

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Received by: \_\_\_\_\_

**Note: Faxed or e-mailed acknowledgements are requested.**

**Fax No.:** (860)823-3812

**E-mail:** [whathaway@cityofnorwich.org](mailto:whathaway@cityofnorwich.org)

**Fax or e-mail this sheet only. A cover sheet is not required.**

**DO NOT FAX OR E-MAIL YOUR RESPONSE TO THIS RFP**

# **CITY OF NORWICH**

## **PROFESSIONAL SERVICES PROCUREMENT NOTICE REQUEST FOR QUALIFICATIONS**



### **FRANKLIN SQUARE MODERN ROUNDABOUT DESIGN**

**8/05/2019**

**CITY OF NORWICH  
PROFESSIONAL SERVICES PROCUREMENT NOTICE  
REQUEST FOR QUALIFICATIONS  
FRANKLIN SQUARE  
MODERN ROUNDABOUT DESIGN**

The City of Norwich is seeking to engage the services of a Consulting Engineering firm to provide engineering services for the preparation of contract plans and documents for the following transportation project: **Modern Roundabout Design for Franklin Square**. This project includes the design and specification preparation for a modern roundabout to be constructed at the intersection of Franklin Street and Main Street.

The firm selected may also be required to assist in gaining necessary regulatory permits and make presentations at public meetings. Firms responding to this request should be of adequate size and sufficiently staffed to perform the assignment described above.

The selected firm must meet all Municipal, State, and Federal affirmative action and equal employment opportunity practices. The City of Norwich is an Affirmative Action/Equal Opportunity Employer. Minority / Women /Disadvantaged Business Enterprises are encouraged to submit a proposal.

Interested individuals and firms should request the instructions for submitting a qualification statement from the Office of the Purchasing Agent 100 Broadway, Norwich, CT 06360 or via the City's website **[www.cityofnorwich.org](http://www.cityofnorwich.org)**. Responses to the Proposal must be submitted to the Purchasing Agent no later than **August 27, 2019 at 2:00 PM. LATE PROPOSALS WILL NOT BE CONSIDERED.**

William Hathaway  
Purchasing Agent

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## **SECTION I – GENERAL INFORMATION**

### ***EXECUTIVE SUMMARY***

Downtown Norwich is a bustling economic center where many local restaurants, law firms, banks and many other types of businesses are firmly established. At Franklin Square, downtown Norwich, is a 145 SY triangular green space located at the intersection of Main Street and Franklin Street. Though the Square is used primarily as a traffic island it is also used to host the City 25 foot Christmas tree every year. Both Main Street and Franklin Street are City owned streets. Main Street has an ADT of 9600 vpd and Franklin Street has an ADT of 5,100 vpd. Both Main Street and Franklin Street are classified as urban collector roads. On Main Street a single travel lane is provided in each direction with turning pockets at the intersections. An existing traffic signal located at the intersection of Franklin Street and Main Street is owned and maintained by the City of Norwich.

In 2018 The City of Norwich applied for a connectivity grant by proposing a roundabout as a means of improving traffic flow at the intersection of Main Street and Franklin Street. On January 18<sup>th</sup>, 2019 The City was awarded a grant under the Community Connectivity Grant Program (CCGP) by the State of Connecticut Department of Transportation. Therefore, the City is proceeding with an RFP for the design and construction on a modern roundabout at the intersection of Main Street and Franklin Street. It is expected that the roundabout would be 114' in diameter and be constructed during the 2020 Construction season. The roundabout may be constructed without a need for property acquisition, though sidewalk easement acquisition may still be necessary.

Appropriate aesthetic features would be expected to be included in the Consultant's design.

The chosen Consultant shall be tasked with design of ancillary features that promote increased pedestrian and bicyclist safety at the subject intersection.

The City's Local Traffic Authority has indicated that the Main Street/Franklin Street intersection is rated as a top priority for implementation of safety improvements.

### ***GENERAL SCOPE***

The City of Norwich is seeking to engage the services of a Consulting Engineering firm to provide engineering services for the preparation of contract plans and documents for this project. The Consulting Engineering firm selected may also be required to assist in gaining regulatory permits and make public presentations on the project. The design fee will be negotiated on a Lump Sum basis.

The project construction would be expected to be completed over one (1) construction season.

- Consultant services shall include the preparation of design drawings and preparation of Specifications suitable for public bidding and also topographic and boundary surveys including property maps necessary for right-of-way and easement acquisition. The Consultant shall also provide construction cost opinions for the roundabout. It is expected that City of Norwich Engineering Division staff will perform construction

inspection and administration duties. However, the Consultant may be retained for selected functions pertinent to the construction phase.

- Engineering services related to the proposed intersection improvements shall meet the requirements of the Connecticut Department of Transportation “Consultant Administration and Project Development” Manual, and “Traffic Signal Design Manual”, latest revisions, and other applicable Department of Transportation guidance documents.
- The Consultant will be required to obtain current traffic count information for subsequent use with industry standard microsimulation models. The chosen Consultant shall have experience using the VISSIM microsimulation model utilized by the Connecticut Department of Transportation. A preliminary design report shall be prepared. Said report shall predict peak period Levels of Service, average queue, and 95<sup>th</sup> percentile queue lengths on all approaches to the intersection. The Consultant shall perform additional analysis as necessary to ensure that resultant construction will not adversely impact businesses on main Street and Franklin Street.
- The Consultant shall prepare necessary details relative to aesthetic treatments utilized within and at the periphery of the roundabout.
- The Consultant shall investigate the feasibility and wisdom of installing pedestrian safety enhancements such as manually operated Rapid Flashing Beacons at the Roundabout approach.

## **SECTION II – CONSULTANT’S SERVICES**

- The Consultant shall perform professional services as stated and according to instructions received from the City. The Consultant’s services shall include all design related incidental services.
- All drawings, reports, and other documents prepared by the Consultant according to this Agreement shall be submitted to the City for its review and approval.
- No such approval shall in any way be construed to relieve the Consultant of responsibility for technical adequacy or operate as a waiver of any of the City’s rights under this Agreement. The Consultant shall remain liable to the City according to applicable laws and practices for all damages to the City caused by the Consultant’s negligent performance of any of the services furnished under this Agreement.
- The Consultant shall conduct regular meetings with the City, and other appropriate parties, at a location established by the City to review progress. The Consultant will provide written notes of each meeting to all attending parties before the next meeting. The Consultant shall attend and make presentations at public meetings for the purpose of gaining necessary approval and provide information to the general public.
- The Consultant’s services under agreements reached shall be as described above

## **SECTION III - SUBMISSION OF QUALIFICATIONS STATEMENT**

### ***MINIMUM REQUIREMENTS***

- Firm/Individual shall be registered with the Secretary of the State of Connecticut, the State of Connecticut Board of Examiners for Professional Engineers and Land Surveyors, or other appropriate State of Connecticut licensing boards.
- Firm/Individual shall have demonstrated successful experience with similar roundabout design within the past five (5) years. Firm/Individual shall have demonstrated experience utilizing the VISSIM microsimulation model.
- Respondents are advised that there may be a Disadvantaged Business Enterprise (DBE) sub-consultant goal for this project. Likewise, this project may include a Connecticut Small Business (SBE) and Minority Owned Business Enterprise (MBE) sub-consultant goal. However, no determination has been made at this time.
- The Consulting Engineering firm selected for this project may be required to participate in the Small Business Participation Pilot Program (SBPPP). However, no determination has been made at this time. To be eligible to participate in the SBPPP, firms must be currently certified as one of the following: a Connecticut Department of Transportation certified Disadvantaged Business Enterprise (DBE), a Connecticut Department of Administrative Services (DAS) certified Small/Minority Business Enterprise (SBE/MBE), or certified under one of the United States Small Business Administration's Programs;



(8(a) firm; Small Disadvantaged Business(SDB); HUB Zone; US SBA Loan recipient (Loan Note documentation required).

- The selected firm must meet all Municipal, State, and Federal affirmative action and equal employment opportunity practices.

### **TERM OF SERVICE**

The selected firm will be expected to commence services within 15 days of contract execution or on such other schedule as may be agreed to with the City. The City anticipates allocating up to five (5) months for the design project described herein, including data collection, meetings, consultant design, and preparation of bid documents, etc.

### **PROPOSAL INSTRUCTIONS**

- By submitting a Qualifications Statement, you represent that you have thoroughly examined and become familiar with the Scope of Services outlined in this RFQ and you are capable of performing the work to achieve the City's objectives.
- All firms are required to submit an original and seven (7) copies of their Qualifications Statement to William Hathaway, Purchasing Agent, 100 Broadway, Norwich, CT by the date and time listed in the proposal response page. All Qualifications Statements will be opened publicly and recorded as received. Respondents may be present at the opening; however, there will be no public reading. Qualification Statements received later than the time and date specified will not be considered. The Qualifications Statement must be submitted in a sealed envelope or package and the outside shall be clearly marked with the Respondent's Company Name, Address and the following:

**SEALED REQUEST FOR QUALIFICATIONS  
PROFESSIONAL SERVICES PROCUREMENT NOTICE  
FRANKLIN SQUARE ROUNDABOUT DESIGN  
August 27, 2019  
TIME – 2:00 P.M.**

- All respondents are required to submit the information detailed below. **Responses shall be organized and presented in the order listed below to assist the City in reviewing and rating proposals.** Responses should be presented in appropriate detail to thoroughly respond to the requirements and expected services described herein.
  1. Table of Contents to include clear identification of the material provided by section and number.
  2. A letter of transmittal indicating the firm's interest in providing the service and any other information that would assist the City in making a selection. This letter must be signed by a person legally authorized to bind the firm to a contract.

3. Name and telephone number of person(s) to be contacted for further information or clarification.
4. Current Federal Form SF330.
5. A background statement including a description of the firm/individual submitting the proposal and any sub-consultants.
6. A detailed statement describing the organizational structure under which the firm proposes to conduct business. Proposed sub-consultants should be clearly identified, and their relationship to any "parent" firm or subsidiary firm, with any of the parties concerned, must be clearly defined.
7. A list of key staff members who would be involved with the project, including their assigned roles and a description of their background and experience.
8. A litigation statement indicating any claims, disputes or arbitration proceedings, including any governmental agencies that have occurred over the last three (3) years. Indicate who they were with, the nature of the claim, dispute or arbitration proceeding, the outcome and the current status of each.
9. A description of relevant engineering experience of the firm, including specific reference to similar services as required by the City under this proposal.
10. List of similar projects completed over the past five (5) years with the contact name, address, and telephone number of the owners' representative in each project.
11. Overall approach to the engineering needs of the City for the roundabout project.
12. Proposed schedule for completion of engineering services as required to meet the City's intended schedule.
13. A concluding statement as to why the respondent is best qualified to meet the needs of the City.
14. Proposal Response Form (**ATTACHMENT A**).
15. Respondent is required to review the City of Norwich Code of Ethics adopted May 21, 2012. Respondent shall acknowledge that they have reviewed the document in the area provided on the attached Ethics Acknowledgement form included on **ATTACHMENT A**. The selected respondent will also be required to complete and sign a Consultant Acknowledgement Form prior to award. The Code of Ethics and the Consultant Acknowledgment Form can be accessed on the City of Norwich. If the respondent does not have access to the internet, a copy of these documents can be obtained through the Purchasing Department at the address listed within this proposal.
16. Statement of Non-Collusion (**ATTACHMENT B**).

17. The City of Norwich is dedicated to waste reduction and the practice of using and promoting the use of recycled and environmentally preferable products. Respondents are encouraged to submit RFQ responses that are printed double-sided (except for the signed proposal page) on recycled paper, and to use paper dividers to organize the RFQ for review. All proposal pages should be secured with a binder clip, staple or elastic band, and shall not be submitted in plastic binders or covers, nor shall the proposal contain any plastic inserts or pages. We appreciate your efforts towards a greener environment.
18. All questions regarding this RFQ shall be made in writing and directed to William Hathaway, Purchasing Agent, via email: [whathaway@cityofnorwich.org](mailto:whathaway@cityofnorwich.org)
19. All questions, answers, and/or addenda, as applicable, will be posted on the City's website at [www.norwichct.org](http://www.norwichct.org) (Upon entering the website, click on the Bids & RFPS icon"). It is the respondent's responsibility to check the website for addenda prior to submission of any proposal. Note: Responses to requests for more specific contract information than is contained in the RFQ shall be limited to information that is available to all respondents and that is necessary to complete this process. The request must be received at least five (5) business days prior to the advertised response deadline.
20. Failure to include any of the above-referenced items in the submitted proposal may be grounds for disqualifying said proposal.
21. This Request for Qualifications does not commit the City of Norwich to award a contract or to pay any costs incurred in the preparation of a proposal to this request. All proposals submitted in response to this Request for Qualifications become the property of the City of Norwich. The City of Norwich reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with the selected respondents, the right to extend the contract for an additional period, or to cancel in part or in its entirety the Request for Qualifications, if it is in the best interests of the City to do so.

### **EVALUATION CRITERIA**

- A Selection Committee, appointed by the Director of Public Works, will evaluate all proposals received for completeness and the respondent's ability to meet all requirements as outlined in this Request for Qualifications. The Selection Committee will then short list the specific firms whose proposals best meet all criteria required.
- The following factors will be considered by the City when evaluating the proposals:
  - Specialized design and technical competence of individuals assigned to the project including level of experience in utilizing the VISSIM microsimulation model.
  - Capacity and the capability to perform the work within the time allotted.

- Past record of performance on similar contracts with the City and other clients with respect to such factors as control of costs, quality of work, and cooperation with the client; including knowledge of Federal, State and Municipal procedures.
- Experience in roundabout designs, overall approach to meeting the technical needs of the City for the Roundabout project.
- Schedule
- Overall quality, thoroughness, and responsiveness to the City's requirements as summarized herein.

**SELECTION PROCESS**

- This request for qualifications does not commit the City of Norwich to award a contract or to pay any costs incurred in the preparation of a proposal to this request. All proposals submitted in response to this request become the property of the City of Norwich. The City of Norwich reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with the selected respondents, the right to extend the contract for an additional services, or to cancel in part or in its entirety the request for qualifications, and to waive any informality if it is in the best interests of the City to do so.
- A Selection Committee, appointed by the Director of Public Works, will evaluate all submittals received for completeness and the respondent's ability to meet all requirements as outlined in this RFQ. The Committee will then short list the specific firms whose statements best meet all criteria required and may conduct interviews with these firms. Upon completion of interviews, the Selection Committee will forward to the City Manager, a list of firms recommended for further consideration.
- Top rated firms will be asked to submit a specific Scope of Services and associated fee proposal. The City Manager shall review said proposals and negotiate an agreement based on those discussions.
- Additional technical information may be requested from any respondent for clarification purposes, but in no way changes the original qualification statement submitted.

**TIMELINE**

The City intends to adhere to the schedule listed below as closely as possible, but reserves the right to modify the schedule in the best interest of the City as required.

Publicize RFQ	<b>08-05-19</b>
RFQ Due Date	<b>08-27-19 @ 2:00pm</b>
Shortlist of Proposals Received	<b>09-13-19</b>
Interviews with Top Respondents	<b>09-24-19</b>
Fee Proposal and Scope of Services	<b>10-29-19</b>
Contract Effective Date	<b>11-05-19</b>
Completion of Design	<b>04-09-20</b>

## **INSURANCE**

The following insurance requirements are the City's general requirements. Insurance requirements with the awarded respondent are subject to final negotiations, and all agreements may be subject to the Department of Transportation's insurance and audit requirements, as applicable.

The Respondent shall, at its own expense and cost, obtain and keep in force during the entire duration of the Project or Work the following insurance coverage covering the Respondent and all of its agents, employees, sub-contractors and other providers of services and shall name the City of Norwich, its employees and agents as an Additional Insured on a primary and non-contributory basis to the Respondent's Commercial General Liability and Automobile Liability policies. **These requirements shall be clearly stated in the remarks section on the Respondent's Certificate of Insurance.** Insurance shall be written with Carriers approved in the State of Connecticut and with a minimum Best's Rating of A-VIII. In addition, all Carriers are subject to approval by the City. Minimum limits and requirements are stated below:

1) Worker's Compensation Insurance:

- Statutory Coverage
- Employer's Liability
- \$500,000 each accident/\$500,000 disease-policy limit/\$500,000 disease each employee
- A Waiver of Subrogation shall be provided in favor of the City of Norwich and its employees and agents.

2) Commercial General Liability:

- Including Premises & Operations, Products and Completed Operations, Personal and Advertising Injury, Contractual Liability and Independent Contractors.
- Limits of Liability for Bodily Injury and Building Damage  
Each Occurrence \$1,000,000  
Aggregate \$2,000,000 (The Aggregate Limit shall apply separately to each job.)
- A Waiver of Subrogation shall be provided in favor of the City of Norwich and its employees and agents.

3) Automobile Insurance:

- Including all owned, hired, borrowed and non-owned vehicles
- Limit of Liability for Bodily Injury and Building Damage:  
Per Accident \$1,000,000
- A Waiver of Subrogation shall be provided in favor of the City of Norwich and its employees and agents.

4) Errors and Omissions Liability or Professional Services Liability Policy:

- Provide Errors and Omissions Liability or Professional Services Liability Policy for a minimum Limit of Liability \$2,000,000 each occurrence or per claim. The City, its employees and agents shall be named Additional Insured for this specific Project. The certificate shall specify that the City shall receive 60 days advance written notice of cancellation or non-renewal specific to this Project.

- The Respondent agrees to maintain continuous professional liability coverage for the entire duration of this Project, and shall provide for an Extended Reporting Period in which to report claims for five (5) years following the conclusion of the Project.

The Respondent shall provide a Certificate of Insurance as "evidence" of General Liability, Auto Liability including all owned, hired, borrowed and non-owned vehicles, and statutory Worker's Compensation and Employer's Liability coverage.

The Respondent shall direct its Insurer to provide a Certificate of Insurance to the City before any work is performed. The Certificate shall specify that the City shall receive 30 days advance written notice of cancellation or non-renewal. The Certificate shall evidence all required coverage including the Additional Insured and Waiver of Subrogation. The Respondent shall provide the City copies of any such Policies upon request.

### ***INDEMNIFICATION***

To the fullest extent permitted by law, the Respondent shall indemnify and hold harmless the City of Norwich and their respective consultants, agents, and employees from and against all claims, damages, losses, and expenses, direct, indirect or consequential (including, but not limited to, fees and charges of engineers, attorneys and other professionals, and court and arbitration costs) arising out of or resulting from the performance of the Respondent's work, provided that such claim, damage, loss, or expense is caused in whole or in part by any negligent act or omission by the Respondent, or breach of its obligations herein or by any person or organization directly or indirectly employed or engaged by the Respondent to perform or furnish either of the services, or anyone for whose acts the Respondent may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

As to any and all claims against the City of Norwich or any of its consultants, agents, or employees by any employee of the Respondent, by any person or organization directly or indirectly employed by Respondent to perform or furnish any of the work, or by anyone for whose acts Respondent may be liable, the indemnification obligation stated herein shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Respondent under worker's or workman's compensation acts, disability benefit acts, or other employee benefit acts.

The above insurance requirements are the City of Norwich general requirement. Insurance requirements with the awarded respondent are subject to final negotiations.

**ATTACHMENT A  
PROPOSAL RESPONSE PAGE**



**CITY OF NORWICH  
PROPOSAL  
DATE ADVERTISED**

08-05-19

**DATE / TIME DUE**

08-27-19 @ 2:00 PM

**NAME OF PROPOSAL**

**FRANKLIN SQUARE ROUNDABOUT  
ENGINEERING SERVICES  
REQUEST FOR QUALIFICATIONS**

**The Respondent acknowledges receipt of the following Addenda:**

**Addendum #1** \_\_\_\_\_ (Initial/Date) **Addendum #2** \_\_\_\_\_ (Initial/Date) **Addendum #3** \_\_\_\_\_ (Initial/Date)

**CODE OF ETHICS:**

**I/We have reviewed a copy of the City of Norwich's Code of Ethics and agree to submit a Consultant Acknowledgement Form if I/we are selected. Yes \_\_\_\_\_ No \_\_\_\_\_ \***

**\*Respondent is advised that the City of Norwich cannot consider any proposal where the respondent has not agreed to the above statement.**

\_\_\_\_\_  
**Type or Print Name of Individual**

\_\_\_\_\_  
**Doing Business as (Trade Name)**

\_\_\_\_\_  
**Signature of Individual**

\_\_\_\_\_  
**Street Address**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**City, State, Zip Code**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Telephone Number / Fax Number**

\_\_\_\_\_  
**E-Mail Address**

\_\_\_\_\_  
**SS # or TIN#**

(Seal – If proposal is by a Corporation)

**ATTACHMENT B**



**CITY OF NORWICH, CONNECTICUT  
NON-COLLUSION CERTIFICATION**

The undersigned certifies under penalty of false statement that this proposal or contract has been made, submitted and executed in good faith and without collusion or fraud with any other person, and without any agreement designed to limit independent bidding or competition. As used in this certification, the word person shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

The undersigned further certifies that it has not provided or directed to be provided gifts, meals or gratuities, as defined in Section 2-54(c) of the City of Norwich Code of Ordinances, to any official or employee of the City of Norwich responsible for awarding of this bid or contract.

Please complete and sign

Legal Name of Bidder: \_\_\_\_\_

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Authorized Agent \_\_\_\_\_ Title: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires on \_\_\_\_\_



## ATTACHMENT C

### ARTICLE IV. - CODE OF ETHICS<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 909, §§ 1—6, enacted Nov. 13, 1978, did not amend the Code; hence, its codification as art. IV, §§ 2-51—2-56, is at the discretion of the editor.

**Cross reference**— Personnel, ch. 16.

**State Law reference**— Authority to adopt code of ethical conduct, G.S. § 7-148(c)(10)(B).

Sec. 2-51. - Declaration of policy.

The proper operation of municipal government requires that all officials and employees be independent, impartial and responsible to the citizens of the community; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. The purpose of this article is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by direct disclosure by such officials and employees of financial and personal interests in matters affecting the city.

(Ord. No. 909, § 1, 11-13-78; Ord. No. 1625, 8-3-09)

Sec. 2-52. - Definitions.

The following definitions shall apply in this article:

- (a) *Agency*. All departments, boards, commissions, committees and agencies of the City of Norwich, including the city council.
- (b) *Business entity*. Any business, proprietorship, firm, partnership, person in a representative or fiduciary capacity, association, venture, trust or corporation, whether paid or unpaid, including members of any board, committee or commission thereof.
- (c) *Complainant*. The party initiating a complaint alleging a violation of this section.
- (d) *Gift*. A payment, subscription, advance, forbearance, rendering of service, deposit of money, or anything of value unless consideration of equal or greater value is transferred in its place. The term "gift" shall not include a political contribution otherwise reported as required by law; services provided to support a political candidate or political party without compensation by persons volunteering their time; a commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business; anything of value received because of a family or other close personal relationship with the donor; food or beverage or both, consumed on a single occasion, the cost of which is less than fifty dollars (\$50.00) per person; an occasional nonpecuniary gift, insignificant in value; an award publicly presented in recognition of public service or any gift which would have been offered or given to the recipient if he or she were not a public official or municipal employee.
- (e) *Immediate family*. Spouse, child, parent, sibling, or any person unrelated by blood residing in the individual's household.
- (f) *Interest*. A direct or indirect pecuniary or material benefit accruing to an officer, official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of

similar benefits to all other persons and/or property similarly situated. For the purposes of this code, an officer, official or employee shall be deemed to have an interest in the affairs of:

- (1) Any person in his or her immediate family or the spouse of a person in his or her immediate family,
  - (2) Any person or business entity with whom a contractual relationship exists with the public officer or employee;
  - (3) Any business entity in which the officer, official or employee is an officer, director, member, or employee;
  - (4) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five (5) percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the officer, official or employee.
- (g) *Officer, official or employee.* Members of all departments, boards, commissions, committees or other agencies of the City of Norwich, including the city council, whether they be elected or appointed, paid or unpaid, full or part time, and all classified and unclassified employees of the City of Norwich.
- (h) *Respondent.* The party against whom a complainant has alleged a violation of this section.
- (i) *Transaction.* The offer of, or the sale, purchase or furnishing of any real or personal property, or services, by or to any person or entity directly or indirectly, as vendor or vendee, prime contractor, subcontractor or otherwise for the use and benefit of the city or of such other person or entity, for any form of consideration.

(Ord. No. 909, § 2, 11-13-78; Ord. No. 1625, 8-3-09)

Sec. 2-53. - Fair and equal treatment.

- (a) *Use of public property.* No officer, official or employee, unless so authorized, shall use or permit the use by others of city-owned property or publicly funded labor or service for personal convenience or profit.
- (b) *Impartiality.* No officer, official or employee shall grant any special consideration, treatment or advantage to any person beyond that available to all citizens.

(Ord. No. 909, § 3, 11-13-78; Ord. No. 1625, 8-3-09)

Sec. 2-54. - Conflict of interest.

- (a) *General conduct.* No officer, official or employee shall engage in any business or transaction or shall have an interest, which is incompatible or in conflict with the proper discharge of his or her official duties in the public interest or would tend to impair independence of judgment or action in the performance of official duties; nor shall he or she become involved in any contract with, sales to, purchases from, or compensable services made with or rendered to the city except where the same is covered by competitive bidding.
- (b) *Disclosure of information.* Except as may be required by law, no officer, official or employee shall disclose any confidential information concerning the property, business or affairs of the city or use such information to advance the private, financial or personal interest of himself or herself or others.
- (c) *Gifts and favors.* No officer, official or employee shall accept or solicit any gift from any person who, to his or her knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the city, or which gift may tend to influence him or her in the discharge of official duties or in granting any improper favor, service or thing of value.

- (d) *Incompatible employment.* No officer, official or employee shall appear in behalf of another person not a member of his or her immediate family before any agency of the city, nor shall he or she represent private persons or entities in any action or proceeding against the city in any litigation when said appearance or representation would be in conflict with or would tend to impair his or her independence of judgment and action in the performance of his or her official duties. However, an elected official may so appear on behalf of his or her constituents in the course of his or her duties as a representative of the electorate.
- (e) *Disclosure of interest.* Any officer, official or employee who has an interest in any matter concerning the city shall publicly disclose the true nature and extent of such interest and shall disqualify himself or herself from participating in such matter, if such interest is significant.

(Ord. No. 909, § 4, 11-13-78; Ord. No. 1625, 8-3-09)

Sec. 2-55. - Enforcement.

- (a) *Ethics commission.*
  - (1) There shall be an ethics commission consisting of five (5) members and four (4) alternate members. The council shall appoint commission members and alternate members who shall serve for a term of two (2) years. Upon the expiration of a term, the council may reappoint a commission member or alternate member to a new term, provided that no person who has served as either a member or alternate for three (3) consecutive terms may be reappointed.
    - a. All commission members and alternates shall be resident electors of the city.
    - b. Commission members and alternates may not be officers, officials, or employees of the city by virtue of service other than service on the ethics commission.
  - (2) This ordinance [amendment of this section by Ord. No. 1667] shall become effective July 1, 2012. The initial term of the new alternate members appointed hereunder shall expire on October 18, 2013, and they may thereafter be appointed to two (2) two-year terms pursuant to the provisions of subsection (a)(1).
- (b) *Organization.* The commission shall elect a chair and vice chair, who shall serve until the expiration of their current term of appointment by the council, at which time the commission shall hold a new election. The commission shall establish its own rules and procedures consistent with the generally applicable law, including, without limitation, Section I-82a(a) through (e) of the Connecticut General Statutes, as the same may be amended from time to time. Such rules and procedures shall provide for the seating of alternate members who when seated shall have all the powers and duties of regular members. The first rules and procedures shall be established within six (6) months of the date on which the council initially appoints members of the commission. The commission shall hold meetings at the call of the chair or any two (2) of the commission members and at such other times as may be provided by rules and procedures adopted by the commission.
- (c) *Procedure for receiving and hearing complaints.*
  - (1) *Generally.* The commission shall receive complaints from any person of any alleged violation of the code of ethics. Any complaint received by the commission must be in writing on a form prescribed by the commission and signed under penalty of false statement. A person shall be in violation of this section if the person submits a complaint containing a written statement that he or she does not believe to be true or that has been submitted with malice.
  - (2) *Limitation.* No complaint may be received by the commission more than eighteen (18) months after the date of the action complained of, except where the person to be named as the respondent has fraudulently concealed the existence of the action. In which case the herein time limitation shall run from the date the complainant first had actual or constructive notice of the action.

- (3) *Notices and investigations.* Upon receiving a complaint of an alleged violation of the code of ethics, the commission shall, within five (5) business days, notify in writing the person about whom said complaint has been filed, advising the concerned person of the specific nature of the complaint made and being investigated by the commission, and enclosing therewith a copy of the complaint. At least three (3) members of the commission, of which one (1) may be an alternate, shall make a probable cause investigation of the validity of the complaint. The confidentiality provisions of General Statutes § 1-82 shall apply to the investigation. A finding of probable cause shall require the affirmative vote of a majority of commission members or alternates conducting the investigation. Not later than five (5) business days after termination of the investigation, the commission shall inform the complainant and the respondent of its finding as to probable cause and provide them a summary of its reasons for making the finding. If no probable cause was found, the commission shall dismiss the complaint. If probable cause was found, the commission shall call for a public hearing. A hearing shall commence within sixty (60) days after the receipt of the complaint by the commission.
- (4) *Hearings.* In the event a hearing is held, a panel consisting of five (5) members or alternates shall hear it. In the event a hearing is continued to a new date, upon continuation a member or alternate may be substituted for one of the original panel members provided the member substituted was present for all prior hearings in the case. The respondent shall have the right to counsel, to cross examination of any witness, and to present evidence on his or her behalf. The commission may consider hearsay evidence as prescribed in its rules of procedure.
- (5) *Counsel for the commission.* Corporation counsel shall advise the commission in any matter at the request of the chair or vice chair of the commission. In the event corporation counsel is the respondent, the ethics commission may retain the services of another attorney licensed to practice law in the state.
- (6) *Findings.* A finding of a violation of this code shall require the affirmative vote of three (3) members of the hearing panel that there is clear and convincing evidence the respondent violated the code, and no member may vote who was not in attendance at all hearings. Clear and convincing evidence is evidence indicating the probability that the respondent committed a violation is substantially greater than the probability that he or she did not.
- (7) *Report of recommendations.* When there has been a finding of a violation the commission shall report the finding and a recommendation for action to the council. The commission shall also report to such other officer or board of the city with the power granted by the Charter or state statute to remove the officer, official, or employee found to have committed the violation, when such power of removal exists.
- (8) When the power of removal exists, the officer or board of the city with the power to remove the violator shall within sixty (60) days of receiving a report of violation report back to the ethics commission the disposition of the matter. In all other cases, a report of disposition may be made by the council at their discretion.

(Ord. No. 909, § 5, 11-13-78; Ord. No. 1625, 8-3-09; Ord. No. 1667, 5-21-12)

#### Sec. 2-56. - Advisory opinions.

Any officer, official or employee may seek from the commission, upon written request, an advisory opinion as to the application of any provision of this article to a particular situation or as to an interpretation of any such provision. The commission shall act on a written request within sixty (60) days of receipt. Such action may be an affirmative vote to decline ruling on the matter. In the event the commission fails to achieve a majority vote for any proposal, such failure shall be construed as an affirmative vote to decline ruling on the matter. The city clerk shall maintain a file of advisory opinions.

(Ord. No. 909, § 6, 11-13-78; Ord. No. 1625, 8-3-09; Ord. No. 1651, 2-7-11)

