



Mayor of Providence

David N. Cicilline

July 12, 2010

The Honorable Providence City Council
City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Re: Veto of Amendment to Section 21-26

To The Honorable City Council:

On July 1, 2010, the City Council passed an amendment to Section 21-26 to add a requirement that the Council approve a variety of contracts entered into by the City of Providence, including the Providence Water Supply Board and the Providence School Department. This amendment ignores both the balance of power reflected by the Providence Home Rule Charter, and existing protections (built in by the Charter and enhanced by various legislative actions incorporated in the Providence Code of Ordinances) that require various matters to be taken to the Board of Contract and Supply.

The Council is undoubtedly aware of Section 1007(c)(1) of the Home Rule Charter, which allots to the Board of Contract and Supply the responsibility:

“To make all contracts for purchase of materials, supplies, services, equipment and property on behalf of the city, the price or consideration of which shall exceed five thousand dollars (\$5,000.00), on the basis of sealed bids solicited through public advertisement in a newspaper of general circulation in Providence, such bids to be submitted, opened, and considered in accordance with rules and regulations approved by the board.”

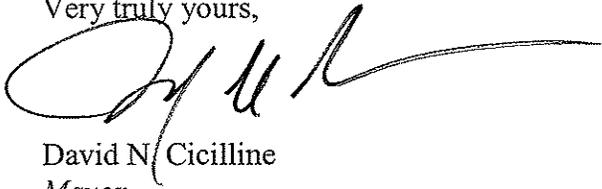
Apparently, the Council now seeks to interject a second level of review for certain types of contracts or leases. In addition to making it extremely difficult to exercise appropriate and timely contracting by interposing a second referral (to Council, and then to City Property Committee and thence back to Council for approval), there is no principled basis for distinguishing which contracts are asserted to require this greater level of scrutiny. Indeed, some of the newly added items are redundant; already, the City Council is required to approve leases which have a duration of more than one year.

City of Providence, Rhode Island 02903
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Creating this additional bureaucratic process will make it unnecessarily difficult for vendors and service providers to do business with the City of Providence and will cause substantial delays in the awarding of necessary contracts. This will result in a serious reduction in competitive bidding and in the number of companies and businesses likely to participate in the bid process ultimately resulting in increased costs to the Providence taxpayers. Such a result is unacceptable.

Finally, this ordinance reflects a fundamental misunderstanding about executive functioning. A careful reading of the Home Rule Charter, Section 301, shows that the executive and administrative powers of the city are vested in the office of the mayor. These responsibilities are clearly set forth in the City Charter. It is critical that the incoming administration be given the latitude necessary to operate our city, with the prudent oversight of the Board of Contract and Supply. If the Council feels such oversight is inadequate, a more appropriate remedy would be to exercise the rights currently available to the Council under Section 1007(b).

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Cicilline', with a long horizontal flourish extending to the right.

David N. Cicilline
Mayor

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2010-28

No. 249 AN ORDINANCE IN AMENDMENT OF SECTION 21,
ARTICLE II, SECTION 21-26, BY ADDING
SUBSECTION (2), AS AMENDED

EFFECTIVE ~~XXXXXXX~~ July 15, 2010

Be it ordained by the City of Providence:

Section 21-26, is hereby amended by adding the following section:

- 2) Any and all contracts entered into by the City of Providence, including the Water Supply Board and School Department, must be first approved by the Providence City Council in any of the following circumstances:
 - a: Any and all contracts for more than \$500,000.00 including materials, or for a duration of more than 1 year, excluding contracts for accountancy and/or legal.
 - b: Any contract for which there is a purported "sole source" vendor award.
 - c: Any leases entered into by the City of Providence for an amount of more than \$200,000.00 or duration of more than 1 year.
 - d: Any change order constituting an increase of 20% or more over the original bid amount or \$100,000.00, whichever is the lesser.
 - e: Any extension of any contract beyond a year or \$100,000.00.

IN CITY COUNCIL
JUN 17 2010
FIRST READING
READ AND PASSED

Anna M. Stetson
CLERK

IN CITY COUNCIL
JUL 1 - 2010
READ AND PASSED

Richard S. Mancini
PRES.

Anna M. Stetson
CLERK

IN CITY COUNCIL
JUL 15 2010 (SP)

READ AND MAYOR'S VETO
NOT SUSTAINED

Anna M. Stetson
CLERK

VETO

HEREBY DISAPPROVE
AND VETO.

[Signature]
MAYOR
7/12/2010

Effective without the
Mayor's Signature:

Anna M. Stetson
Anna M. Stetson
City Clerk