

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL, TOWN OF SORRENTO, TUESDAY, MAY 1, 2018, 6:00 P.M., SORRENTO TOWN HALL, SORRENTO, LOUISIANA

Members Present:

Councilmen: Randi Sutton, Patti Poche, Donald Schexnaydre, Randy Anny

Mayor: Michael Lambert

Town Clerk: Paige Robert

Absent: Wanda Bourgeois

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to approve the minutes of the regular meeting of the mayor and council taken Tuesday, April 3, 2018. Motion carried. Vote as follows:

YEAS: Patti Poche, Randi Sutton, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Wanda Bourgeois

Motion by Councilman Randy Anny and seconded by Councilman Donald Schexnaydre to approve the bills for the month of April 2018 in the amount of \$44,985.82. Motion carried. Vote as follows:

YEAS: Randi Sutton, Donald Schexnaydre, Randy Anny, Patti Poche

NAYS: None ABSENT: Wanda Bourgeois

Jacob Waguespack from Faulk and Winkler presented the budget to actual reports to the Mayor and Council for the month of March 2018. A copy is available at the town hall for review.

Councilman Donald Schexnaydre introduced ordinance 18-02, an ordinance amending the 2018 Budget and adopting the 2019 Operating Budget of Revenues and Expenditures. A public hearing was called for June 5, 2018 at 6:00 pm at the town hall in Sorrento to consider adoption of this ordinance.

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to reappoint Brent Alonzo to the planning and zoning board. Motion carried. Vote as follows:

YEAS: Donald Schexnaydre, Randy Anny, Patti Poche, Randi Sutton

NAYS: None ABSENT: Wanda Bourgeois

Motion by Councilman Randy Anny and seconded by Councilman Patti Poche to authorize the mayor to sign the survey permit for Exxon pipeline to survey land. Motion carried. Vote as follows:

YEAS: Donald Schexnaydre, Randy Anny, Patti Poche, Randi Sutton

NAYS: None ABSENT: Wanda Bourgeois

Mayor Lambert opened public hearing to discuss ordinance 18-01, an amendment to sec. 2-191 of the code of ordinances, Purchasing and Disbursement policies to add the following: (5) Compliance Requirements for Projects Involving Disaster Recovery CDBG Funds.

Mayor Lambert closed public hearing.

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to adopt ordinance 18-01. Motion carried. Vote as follows:

YEAS: Patti Poche, Randi Sutton, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Wanda Bourgeois

AMENDMENT TO SORRENTO MUNICIPAL CODE

DIVISION 4. PURCHASING AND DISBURSEMENT POLICIES

**SEC. 2-191. Purchasing and Disbursement policies and procedures.**

Add the following:

*(5) Compliance Requirements for Projects Involving Disaster Recovery CDBG Funds*

**CONTRACT PRICING**

Cost plus a percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. The Town of Sorrento shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications in accordance with the requirements of "Cost and Price Analysis for HUD Grantees and Funding Recipients". Costs or prices based on estimated costs for Disaster Recovery CDBG projects shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals [ 48 CFR Part 31]. Lump sum prices will only be utilized when there

is a definable work product and the quantity to be provided is certain and the contractor assumes all the risk for costs incurred. Unit prices can be utilized when there is a definable work product and the contractor assume all the risk for costs incurred, but the quantity is estimated. Cost reimbursement will be utilized when the task does not result in a definable work product or the contractor will not assume the risk of incurring the cost to complete the task. Cost reimbursement, unit or lump sum price, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined, such as a professional services contract. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract can only be awarded when fair and reasonable prices can be established through adequate price competition and the solicitation is based principally on price. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

#### PROCUREMENT RECORDS

The Town of Sorrento shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions:

- i. Contracts other than small purchase shall contain provisions that allow for administrative, contractual, or legal remedies if contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate.
- ii. All contracts in excess of \$10,000 shall provide for termination for cause and for convenience by the Town of Sorrento including the manner in which it will be done and the basis for settlement.
- iii. All construction contracts and subcontracts in excess of \$10,000 shall include provisions which require compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60).
- iv. All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick-Back" Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3).
- v. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5).
- vi. All construction or repair contracts or subcontracts in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment or mechanics or laborers, shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5).
- vii. Each contract shall include a notice of OCD/DRU requirements and regulations pertaining to reporting and patent rights under any contract involving respect to any discovery or invention which arises or is developed in the course of or under such contract, and of the state requirements pertaining to copyrights and rights in data.
- viii. All negotiated contracts shall include a provision that makes it possible for the OCD/DRU, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, or records of the contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions. Further, the contract must include a provision that all required records will be maintained by the contractor/firm

for a period of five years after the Town of Sorrento formally closes out each Disaster Recovery CDBG program.

- ix. All contracts, subcontracts, and subgrants in amounts in excess of \$100,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC 1857 h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- x. Contracts shall recognize mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).
- xi. The Town of Sorrento will be permitted to require changes, remedies, changed conditions, access and record retention, and suspension of work clauses approved by the OCD/DRU.

Motion by Councilman Randy Anny and seconded by Councilman Patti Poche to add 8119 Lee St. property to the agenda. Motion carried. Vote as follows:

YEAS: Patti Poche, Randi Sutton, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Wanda Bourgeois

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton authorize the town to cut the grass at 8119 Lee St. Motion carried. Vote as follows:

YEAS: Randi Sutton, Donald Schexnaydre, Randy Anny, Patti Poche

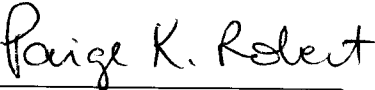
NAYS: None ABSENT: Wanda Bourgeois

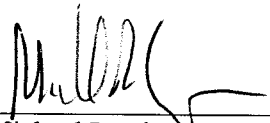
Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to add Payton St. to the agenda and to authorize the mayor to remove the abandoned trailer parked on Payton St. at the towns expense and to seek reimbursement through the town attorney for removing the trailer once the attorney has researched the issue and attempts to make contact with the owner. Motion carried. Vote as follows:

YEAS: Randi Sutton, Donald Schexnaydre, Randy Anny, Patti Poche

NAYS: None ABSENT: Wanda Bourgeois

There being no further business to be brought before the Mayor and Council, on motion duly made and seconded, the meeting was adjourned.

  
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Paige K. Robert, Town Clerk

  
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Michael Lambert, Mayor