

BUFFALO FISCAL STABILITY AUTHORITY
RESOLUTION NO. 10-38
RETROACTIVE APPROVAL OF VARIOUS CONTRACTS RELATED TO THE
PURCHASE OF VARIOUS VEHICLES AND EQUIPMENT BY THE CITY OF
BUFFALO'S DEPARTMENT OF PARKS AND RECREATION

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 authorizes the Buffalo Fiscal Stability Authority ("BFSA") to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA reviews contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, pursuant to BFSA Resolution No. 06-28, the BFSA provided for a contract review process in which "any contract, settlement or other obligation binding or purporting to bind the City or covered organization with a value of \$50,000 or more will be reviewed and approved by the BFSA before it becomes effective"; and

WHEREAS, on March 22, 2010, the BFSA approved a \$2,000,000 budget modification to the City's 2009-10 Adopted Budget via Resolution No. 10-09; and

WHEREAS, it subsequently came to the attention of BFSA Staff that the City did not follow the aforementioned guidelines related to BFSA contract approvals for certain acquisitions of various vehicles and equipment and vehicles purchased between April - June 2010, which individual contracts entered into exceeded \$50,000; and

WHEREAS, the City entered into contracts for the acquisition of various vehicles and equipment in the amount of \$1,993,212; and

WHEREAS, the City did not comply with the established contract review process and purchased \$1,101,844 of various vehicles and equipment without BFSA approval; and

WHEREAS, the BFSA Staff performed a subsequent review of the unapproved contracts for such purchases and found no material noncompliance with bidding requirements or purchasing procedures; and

WHEREAS, the BFSA Staff performed a review of such expenditures noting that sufficient funds were available within the City's 2009-10 Revised Budget; and

WHEREAS, in recognition of the BFSA Act and related requirement governing BFSA approval of all City contracts which equal or exceed \$50,000.

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority hereby retroactively approves the procurement of various vehicles and equipment in the amount of \$1,101,844, as purchased by the City Department of Parks and Recreation.

This Resolution shall take effect immediately.

Approved September 29, 2010

/S/ George K. Arthur
George K. Arthur
Secretary