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To: Mayor Caroline Simmons

From: Thomas M. Cassone, Director of Legal Affairs

Re: Roxbury School Design, Owners Rep & Construction Manager

Date: October 16, 2024

The above referenced agreements for Concept and Schematic Design (TSKP Studio RFP 2024.0008), Owners Rep (Arcadis RFP 2024.0276) and Construction Manager (O&G RFP 2024.0300) have come to my attention, in particular with reference to the question of whether or not such agreements are subject to the contract approval process under the Purchasing Ordinance in Chapter 23 of the Code of Ordinances, including any necessity for approval by the Board of Finance or Board of Representatives. Section 23-18.11 of that chapter provides:

Sec. 23-18.11. - Purchases involving federal or state grant funds.

Notwithstanding the provisions of this chapter, in any situation wherein federal or state grant funds are utilized to support a city purchase of goods or services, and either a majority of the funding is provided by the federal or state government, or as a condition of such grant the city is required to follow the grantor's procurement regulations, such grantor's procurement regulations may be followed in lieu of compliance with this chapter.

Per Public Act 23-205 the City was awarded a DAS grant for 60% reimbursement of the eligible project costs for a new Roxbury school. Therefore, per the above ordinance, the City is permitted to follow the grantor's procurement requirements in lieu of that provided in the Purchasing Ordinance. Those requirements are contained in C.G.S. Section 10-287, which do not require any local legislative and/or other board approval. There is also no associated grant agreement for the Roxbury grant that requires local legislative and/or board approval. Therefore, it is my opinion that approval of the above contracts by the Board of Finance, as well as the Board of Representatives is not required. Let me know if you have any questions.

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