

**CITY OF MIDDLETOWN, NEW YORK
COMMON COUNCIL
RECORD OF VOTE**

THE FOLLOWING WAS PRESENTED

By Ald. Ramkissoon

Sec'd by Ald. Kleiner

Date of Adoption 11-15-16

Index No: 339-16

NAMES	AYES	NOES	ABSTAIN	ABSENT
Ald. Ramkissoon	X			
Ald. Johnson	X			
Ald. Jean-Francois	X			
Ald. Sommers				X
Ald. Witt	X			
Ald. Kleiner	X			
Ald. Burr	X			
Ald. Masi	X			
Pres. Rodrigues	X			
TOTAL	8			1

WHEREAS, the City of Middletown has entered into a subrecipient agreement with the Governor’s Office of Storm Recovery, an office of the New York State Housing Trust Fund Corporation, that provides funds for eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures; and

WHEREAS, the subrecipient agreement requires procurement activities funded in whole or in part with CDBG-DR funds to be conducted in compliance with applicable United States Department of Housing and Urban Development (HUD) procurement regulations as well as applicable state and local law; and

WHEREAS, on December 26, 2013, the Office of Management and Budget (OMB) published (at 78 Federal Register 78608) the “2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” that superseded the HUD procurement provisions of 24 CFR Parts 84 and 85; and

WHEREAS, HUD has issued new procurement standards as set forth in Notice: SD-2015-01: Transition to 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance* and in Notice: CPD-16-04 *Additional Transition and Implementation Guidance for Recipients of Community Planning and Development (CPD) Funds for 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; and

WHEREAS, the City of Middletown desires to revise and amend its procurement procedures to be consistent with the HUD Notices on 2 CFR Part 200; and

WHEREAS, the City of Middletown desires to apply the amended and revised procurement procedures to future CDBG-DR procurements.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Middletown, on behalf of the City of Middletown, that for CDBG-DR procurement actions undertaken on or after January 1, 2017, the City of Middletown shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

BE IT FURTHER RESOLVED that Chapter 104: Procurement Policy of the Code of the City of Middletown shall be and is hereby amended by adding the following as a new Section 104-11, to read, in its entirety, as follows:

Section 104-11 Standards for federal CDBG-DR Procurement Actions

Notwithstanding anything else contained in this chapter to the contrary, eligible Community Development Block Grant – Disaster Recovery (CDBG-DR) expenditures and procurement actions undertaken on or after January 1, 2017, shall comply with the procurement standards as set forth in 2 CFR Parts 200.317 through 200.326, as the same may be amended from time to time. In the event of a conflict between State or local laws and regulations and the procurement requirements of 2 CFR Part 200, the more stringent requirements will apply.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.