

AN ORDINANCE OF THE TOWN OF AVON ESTABLISHING MINIMUM  
CONTRACTUAL STANDARDS FOR THE TOWN

WHEREAS, sound fiscal and risk management policies are essential to the long-term growth of the Town of Avon;

AND WHEREAS, the Town Attorney has recommended that certain minimum standards be established for all contracts in which the Town is a party;

AND WHEREAS, had these minimum standards been required in the past, the Town could have realized significant savings and avoided costly litigation;

AND WHEREAS, it is in the best interests of the citizens of the Town of Avon that the Town adopt a policy which includes these minimum standards for contracts.

IT IS, THEREFORE, ORDAINED AS FOLLOWS:

1. Section 1: A new section, §2-337, is hereby added to Chapter 2 of Article 19 of the Avon Town Code. This new section shall read as follows:

“§2-337 MINIMUM STANDARDS FOR TOWN CONTRACTS

(A) Applicability: For all contracts in which the Town is a party and the payment for services or goods exceeds Five Thousand Dollars, the minimum standards provided for in subsection (B) shall apply.

(B) Minimum Standards: All contract described in subsection (A), shall provide for the following minimum standards:

(1) Attorney's Fees and Litigation Expenses: If the other party breaches the agreement, the Town shall be entitled to collect from the other party reasonable attorneys fees, court costs, and litigation expenses incurred by the Town as a result of the breach.

(2) No interest: The town will not pay interest for late payments.

(3) Payments: Payments will be made to the other party only after the proper claim form and supporting documents are provided to the Clerk-Treasurer and approved by the Town Council. No payment shall be due in less than 60 days after the proper claims and supporting documents are submitted to the Clerk-Treasurer.

(4) Indemnification: the other party shall indemnify the Town and hold it harmless from any liability for claims or damages caused by the other party in the performance of the contract.

(5) Damages: The other party will be legally liable for any and all damages suffered by the Town as a result of the other party's breach.

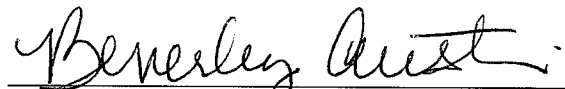
(6) Availability of Public Funds: The availability of public funds shall be a condition to all contracts."

(7) Instruments of Service: If any contract requires the other party to prepare drawings, plans, designs, blueprints, layouts, templates, guides, prototypes, models, or any instruments of service, the Town must be the owner of the instruments of service.

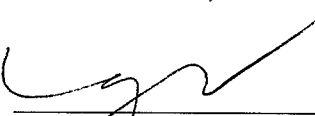
2. Section 2. Effective Date: This ordinance shall become effective on August 1, 2009.

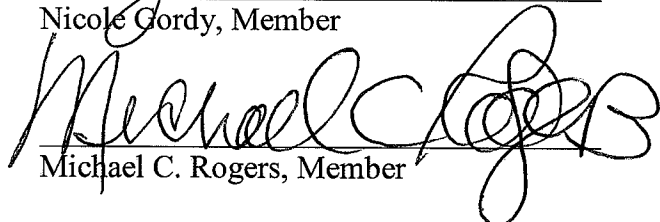
Adopted this 9th day of July, 2009.

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Gregory Zusan, President

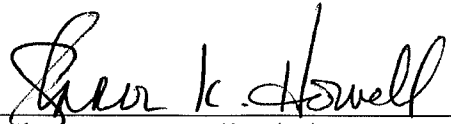
  
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Beverley Austin, Vice President

  
\_\_\_\_\_  
Charlie Dorton, Member

  
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Nicole Gordy, Member

  
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Michael C. Rogers, Member

Attest:



Sharon K. Howell, Clerk-Treasurer