

AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

July 7, 2009

Aldermen O'Neil, Garrity, Lopez,
Pinard, Osborne

4:30 PM

Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman O'Neil calls the meeting to order.
2. The Clerk calls the roll.
3. Appeal of the denial of a Peddler's License
A motion would be in order to enter non-public session under the provisions of RSA 91-A:3 II (c).
4. Communication from Matthew Normand, City Clerk, regarding proposed amendments to the peddler's ordinance.
Gentlemen, what is your pleasure?
5. There being no further business, a motion is in order to adjourn.



*Matthew Normand
City Clerk*

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

TO: Committee on Administration/Information Systems
Ald. O'Neil, Garrity, Osborne, Pinard, Lopez

FROM: Matthew Normand
City Clerk

DATE: June 29, 2009

RE: Amendments to the Peddler's Ordinance

Recently, I was asked that I look into revising the current ordinances that regulate City peddlers. As requested, I have submitted some suggested changes to Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester. While the majority of the proposed amendments are general "house-keeping" changes, the amendment to Section 115:45(B) in the attached document attempts to address a recurring problem of licensed peddlers that bid on locations within the City for the sole purpose of preventing others from obtaining a license for the same location. These peddlers typically have no intention to ever operate at the location and the City has little recourse in trying to promote a level "playing field" for all vendors.

As the Clerk's Office deliberated on how to best address this issue, I believe we have come up with an alternative that may correct the problem without the need of an ordinance change. Since the problem originates from locations that are put out to bid by the Clerk's Office (i.e. City Hall Plaza), I believe that added language in the Bid Instructions would solve the problem without mandating the changes for all peddlers which may have unintended consequences later on. I have also attached a copy of the most recent bid documents used earlier this season which includes the proposed language (Item 7 bolded on page 3 of the bid documents) we would use next year if the Committee agrees to the alternative.

If you have any questions before the meeting, you may reach me at (603) 624-6473. Thank you.

PROPOSED ORDINANCE CHANGES

§ 115.01 DEFINITIONS.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent **or any criminal conviction involving a child or incompetent.**

§ 115.43 TRAFFIC REGULATIONS.

Peddling from a motor vehicle is subject to any and all restrictions contained in the traffic regulations of the city except that peddling from a motor vehicle is prohibited where parking is controlled by parking meters **or Pay & Display meters.**

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within **600** feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(D) Vend within 1,000 feet of the same street of any public assembly ~~building while such building is in use~~ unless his peddler's license specifies that peddling in such place is permitted thereunder.

§ 115.45 FRAUD; REVOCATION OF LICENSE.

(A) Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as peddler in the city, or who shall sell any goods, merchandise, service, or wares other than those specified in the application for a license shall be deemed guilty of a violation of this subchapter.

(B) **Annual licenses issued pursuant to Section 115.40 shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period.**

(C) Any person violating any provisions of this subchapter shall have his license revoked. Upon request of the City Clerk the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years unless permission is granted by the Committee on Administration.

(D) Any peddler having his license revoked may request ~~in writing~~ reconsideration by the Committee on Administration. **The request must be made in writing within ten days of the date of notice. The Committee on Administration shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a business license shall be final.**

OFFICE OF THE CITY CLERK

MANCHESTER, NH

STANDARD INSTRUCTIONS TO BIDDERS – VENDING LOCATION

These instructions are standard for all proposals issued by the City of Manchester, Office of the City Clerk, for the issuance of vending locations. The City of Manchester may delete, supersede, or modify any of these standard instructions for a particular proposal by indicating such change in the section headed (“Special Instructions to Bidders”).

1. The attached proposal is signed by the bidder with full knowledge of, and agreement with, the general specifications, conditions and requirements of this bid.
2. Return copy of proposal on the enclosed form. Only Bid Proposal forms obtained and signed for at the Office of the City Clerk will be accepted.
3. Submit proposal in an envelope marked with the bidder’s name and address on the upper left hand corner.
4. Bids to be addressed to Office of the City Clerk, One City Hall Plaza, Manchester, NH 03101, c/o Matt Normand, Acting City Clerk. Clearly mark envelope with the title of the bid and the date and time of opening as shown in the “Invitation to Bid.”
5. Bids received later than the time and date specified will not be considered. Amendment to or withdrawal of bids received later than the time and date set for the bid opening will not be considered.
6. Bidders may be present at opening of bids.

STANDARD INSTRUCTIONS TO BIDDERS

7. Bidders shall submit proposed payment amount in spaces provided on the bid proposal form.
8. The City reserves the right to reject any and all bids, to waive technical defects, and to make awards by item or total as may be in the best interest of the City. If a bidder desires to bid on an “all or nothing” basis, he shall so indicate on the bid schedule. When an “all or nothing” bid is submitted the bidder must bid on every item on the bid schedule.
9. The City of Manchester may withhold acceptance of or reject any merchandise that is found, upon examination, not to meet the specification requirements if indicated. When rejected, it shall be removed by the contractor (vendor) within ten (10) days after notification of rejection.
10. Bidder shall post the full amount of his bid as a bid bond, which will be retained by the City should a contract not be executed within ten (10) days after notification of bid award. Bidder(s) not awarded a contract will have their bond returned within ten (10) days of bid award.

CITY OF MANCHESTER
OFFICE OF THE CITY CLERK
ONE CITY HALL PLAZA
MANCHESTER, NH

CONTRACT PROPOSAL

for

CITY HALL PLAZA VENDING

Date of Bid Opening: **Wednesday, April 28, 2009**

Time: **1:30 P.M.**

INVITATION TO BID

Sealed bids will be received in the Office of the City Clerk no later than the date and time set forth above, for the issuance of the vending location listed herein.

Matt Normand, Acting City Clerk
Office of the City Clerk

STANDARD INSTRUCTIONS

See "Standard Instructions to Bidders" attached to the Contract Proposal.

SPECIAL INSTRUCTIONS TO BIDDERS

1. Questions on specifications may be referred to Kevin M. Kincaid, Business Licensing, Business Licensing & Enforcement Division, Office of the City Clerk.
2. Delivery to be made to Office of the City Clerk, One City Hall Plaza, Manchester, New Hampshire.

SPECIAL INSTRUCTIONS
City Hall Plaza Vending

Vendor has exclusive rights to vend their products at the assigned facility commencing May 1, 2009 through April 30, 2010.

Dates vary according to type of facility assigned.

Vendor must agree to the following:

1. Vendor must have in their possession all licenses and permits necessary as prescribed by the City Clerk and City Health Department.
2. Vendor must possess liability insurance in accordance to regulations set by City Risk Manager.
3. Vendor agrees to maintain all areas affected by his operations in a clean and responsible manner.
4. Vendor must operate from an area, at their designated facility, as specified by the Department.
5. Vendor will not create a safety hazard at any time during their operations.
6. Vendor must pay full amount stated in bid proposal prior to operating at awarded facility.
7. **The privilege to operate at a location that has been awarded in conjunction with this bid process shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period at that location. A licensee (hereinafter referred to as the "awardee") may submit notification in writing to the City Clerk that they wish to suspend their activities at this location (i.e. during the winter season) thirty (30) days prior to ceasing operations. The City Clerk reserves the right to issue a temporary license to another peddler during that period. Should the awardee wish to resume activities at the location, a notification of intent must be submitted in writing to the City Clerk fourteen (14) days prior to reinstatement of the privileges at the location.**
8. All necessary permits, payments and certificates must be presented to the Office of the City Clerk no later than April 30, 2009.
9. Vendor agrees to sell only items specified in contract so as not to conflict with wares of other designated vendors.
10. Vendor agrees to follow all applicable municipal rules, regulations and ordinances and applicable rules, regulations and statutes of the State of New Hampshire.
11. Failure to abide by any of the above preset conditions may result in loss of vending privilege.

PROPOSAL

SEALED PROPOSALS WILL BE RECEIVED AT THE OFFICE OF THE CITY CLERK,
ONE CITY HALL PLAZA, MANCHESTER, NH 03101 UNTIL
1:30 P.M. ON WEDNESDAY, APRIL 28, 2009.

Vendor Name _____

Street Address _____

City _____ State _____ Zip Code _____

Phone # _____ Cell # _____

Product(s) _____

Vending Location

Proposed Bid Amount

City Hall Plaza _____