



CITY OF STAMFORD, CONNECTICUT 06901

February 3, 1977

Mr. Louis Clapes
Stamford, CT 06901

Dear Mr. Clapes:

At your request, the Board of Ethics considered the question of a possible conflict of interest should you award a contract to American Recycling for a bid submitted on January 4, 1977. Joseph Claps, a second cousin, is a principal of the firm.

The Board of Ethics unanimously decided, that, in this case, there would not be a conflict of interest.

Examination of documentary evidence, requested by the Board and supplied by the Purchasing Agent, disclosed that the bid submitted by American Recycling conformed with all requirements of the law and established practices and that American Recycling was not privy to any information giving it an unfair advantage.

It was attested that neither you, nor any member of your immediate family, has any financial interest, direct or indirect, in American Recycling.

It has been the practice for the Purchasing Agent to ascertain whether the contractor's performance fulfills the contract terms. In the event of unsatisfactory performance, the Law Department would then take suitable action. In neither case is the mayor's office involved making a possible future conflict unlikely with respect to such a contract with American Recycling.

For these reasons, the Board of Ethics reached the conclusion stated above.

In the course of its investigation, The Board of Ethics considered Ordinance 159 supplemental, concerning public disclosure on the part of successful bidders. As a result of this study, the Board offers the following comments and recommendations to you, the Board of Representatives, the Purchasing Agent and the Law Department.

Section 1d of the ordinance requires the listing of the names of city office holders or employees who are listed as principals of the firm as required by sections 1b and 1c. It is implied that, by so listing the names of city officials on the required form, they would not be in conflict of interest.

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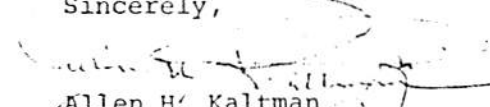
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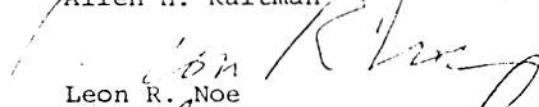
This, of course, is not so, as section 708 of the Charter explicitly states that no official or employee may enter into a contract with the city. Therefore, it is recommended that section 1d be eliminated and that, substituted for it, should be a statement attesting to the fact that none of the people listed in sections 1b and 1c are officials or employees of the city.

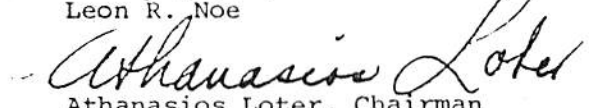
The Mayor's request for this review was prompted by a relationship with a principal of American Recycling. The Board of Ethics does not feel that a relationship with a city official, per se, precludes participation in a bidding procedure, and under the proper conditions, the awarding of a contract. The Board's opinion is that each case must be judged individually. To facilitate such judgments, it is recommended that Ordinance 159 be amended to require disclosure of any relationship between those listed in section 1b and 1c and any city official or employee.

It is current practice for the disclosure form to be sent to all prospective bidders, but it is required only for the successful bidder to file the form. The Board of Ethics feels it would be desirable for the Purchasing Agent to be in possession of information relating to possible conflicts at the earliest possible time. Therefore, it is recommended that it be required for the disclosure form to be filed by all bidders at the same time that bids are filed.

Sincerely,


Allen H. Kaltman


Leon R. Noe


Athanasios Loter, Chairman

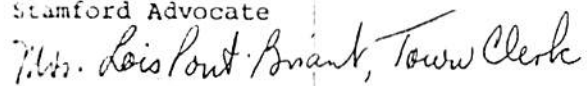
Board of Ethics

cc: Mr. Miller

cc: Frederick Miller, President,
Board of Representatives
Frank Benevelli, Purchasing
Agent

WSTC

Stamford Advocate


Mr. Louis Pont Briant, Town Clerk