

WITHDRAWN AS OF 12/6/2010
AMENDED COPY AS OF 9/8/2010

Intro. Res. No. 1408-2010

Laid on Table 4/27/2010

Introduced by Legislators Romaine, Schneiderman and Browning

RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A CHARTER LAW TO INCREASE
LEGISLATIVE OVERSIGHT OF RFP PROCESS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010 a proposed local law entitled, "**A CHARTER LAW TO INCREASE LEGISLATIVE OVERSIGHT OF RFP PROCESS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO INCREASE LEGISLATIVE OVERSIGHT OF
RFP PROCESS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that County departments are, increasingly, issuing Requests for Proposals (RFP) and Requests for Expressions of Interest (RFEI) to procure consultant services.

This Legislature further finds that the issuance of a RFP or RFEI and the subsequent hiring of a consultant often has the effect of advancing policy objectives that have not been embraced or endorsed by the County Legislature.

This Legislature further finds that the County Legislature, as the policy making arm of Suffolk County Government, must exercise stronger control of the RFP and RFEI process.

This Legislature also determines that greater legislative scrutiny over the RFP and RFEI process is necessary to control expenditures not specifically enumerated in the operating budget.

Therefore, the purpose of this local law is to require legislative approval before any County department, office or agency advertises a RFP or RFEI.

Section 2. Amendment.

Article 38 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE XXXVIII RFP PROCESS

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C38-3. Legislative Approval.

A. No County department, office or agency shall advertise a Request for Proposals (RFP) or a Request for Expressions of Interest (RFEI) unless authorized to do so by a duly enacted resolution of the County of Suffolk. A resolution authorizing the advertisement of a RFP or RFEI shall, at a minimum, describe the services to be procured through the RFP or RFEI.

[A.]B. Any County contract, contract amendment, contract extension or contract modification in excess of \$20,000, resulting from the utilization of a[n] RFP or RFEI process in which only one person responds to the RFP or RFEI shall require the approval of at least two-thirds of the entire membership of the County Legislature by duly enacted resolution.

[B.]C. Any County contract, contract amendment, contract extension or contract modification that does not comply with Subsections A and B of this section shall be deemed null and void ab initio.

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Section 3. Applicability.

A. This law shall apply to Requests for Proposals and Requests for Expressions of Interest issued and advertised on or after the effective date of this law.

B. This law shall not be construed to limit or impair the procurement provisions set forth in Chapter 708 of the SUFFOLK COUNTY CODE.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: