

Intro. Res. No. 1489-2010

Laid on Table 4/27/2010

Introduced by Legislators Montano, Romaine, Kennedy, Schneiderman and Browning

**RESOLUTION NO. 835 -2010, ADOPTING LOCAL LAW
NO. 49-2010, A LOCAL LAW TO ESTABLISH A NOTIFICATION
REQUIREMENT FOR CONSULTANT CONTRACTS**

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 LOCAL LAW TO ESTABLISH A NOTIFICATION REQUIREMENT FOR CONSULTANT CONTRACTS**"; now, therefore be it

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

LOCAL LAW NO. 49 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH A NOTIFICATION REQUIREMENT
FOR CONSULTANT CONTRACTS**

**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 **NEW YORK GENERAL MUNICIPAL LAW** requires that when goods and services are not procured by competitive bidding, they must be procured in a manner so as to ensure the prudent use of public money, the acquisition of goods and services of maximum quality at the lowest cost possible, and to guard against favoritism, extravagance, fraud and corruption.

This Legislature also finds that Chapter 708, Article 3 of the **SUFFOLK COUNTY CODE** governs procurement of consulting services by the County of Suffolk. While this section of the **SUFFOLK COUNTY CODE** generally requires advertised Request for Proposals ("RFP") for consultant contracts in excess of \$25,000, the County is permitted to waive RFP's for certain services "requiring special or technical skills".

This Legislature also finds that the legislative oversight of consultant hiring should be strengthened to ensure that consultants are not performing functions that would be better carried out by County employees. Further, strong oversight and scrutiny is required to ensure that RFP's are being utilized in all possible instances and that consultants are hired strictly on the basis of merit and that favoritism is not influencing the process.

Therefore, the purpose of this law is to require County department heads to notify the Legislature when they contract for consulting services.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

CONSULTING SERVICES - the expertise, advise, professional services or any other personal services provided by any individual, corporation, partnership or other entity to the County of

Suffolk, including, but not limited to, design work, planning work and medical, legal, engineering, computer, accounting, budgeting, lobbying or educational services.

DEPARTMENT HEAD – the Commissioner or Director of any duly established department, office or agency of Suffolk County Government.

Section 3. Notification Requirements.

- A) A department head shall notify the Clerk of the Suffolk County Legislature, in writing, when his or her department, office or agency hires and contracts for consulting services. Such notification shall be made whether or not the consulting services contract results from a Request for Proposals. Notification shall be made by a department head simultaneously upon the execution of a contract for consulting services. The Clerk of the County Legislature shall disseminate the notification to each member of the County Legislature.
- B) The notification provided by a department head pursuant to subsection (A) herein, shall include the following information:
 - 1. the name and business address of the consultant;
 - 2. the term of the agreement;
 - 3. the amount of the consulting services agreement;
 - 4. whether the contract for consulting services resulted from a Request for Proposals; and
 - 5. if no Request for Proposals was issued, an explanation why a Request for Proposals was not issued.
- C) A department head shall provide a copy of a consulting services contract to any member of the County Legislature who makes a request for said contract.

Section 4. Exceptions.

The provisions of this local law shall not apply to the Suffolk County District Attorney's Office, the Suffolk County Police Department and the Suffolk County Sheriff's Office.

Section 5. Applicability.

This law shall apply to contracts for consulting services entered into on or after the effective date of this law.

Section 6. 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 7. 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 8. Effective Date.

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

DATED: August 17, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED SEPTEMBER 17, 2010

After a public hearing duly held on August 31, 2010
Filed with the Secretary of State on October 4, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 17, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1489 Res. No. 835

August 17, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD | Legislator | Yes | No | Abs | NP | R |
|----|-------------------------------|-----|----|-----|----|---|
| 1 | Edward P. ROMAINE | | | | | |
| 2 | Jay H. SCHNEIDERMAN | | | | | |
| 3 | Kate M. BROWNING | | | | | |
| 4 | Thomas MURATORE | | | | | |
| 6 | Daniel P. LOSQUADRO | | | | | |
| 7 | Jack EDDINGTON | | | | | |
| 9 | Ricardo MONTANO | | | | | |
| 10 | Thomas CILMI | | | | | |
| 11 | Thomas F. BARRAGA | | | | | |
| 12 | John M. KENNEDY, JR. | | | | | |
| 13 | Lynne C. NOWICK | | | | | |
| 14 | Wayne R. HORSLEY | | | | | |
| 15 | DuWayne GREGORY | | | | | |
| 16 | Steven H. STERN | | | | | |
| 17 | Lou D'AMARO | | | | | |
| 18 | Jon COOPER | | | | | |
| 5 | Vivian VILORIA-FISHER, D.P.O. | | | | | |
| 8 | William J. LINDSAY, P.O. | | | | | |
| | Totals | 18 | | | | |

MOTION

Approve

___ Table: _____

___ Send To Committee

___ Table Subject To Call

___ Lay On The Table

___ Discharge

___ Take Out of Order

___ Reconsider

___ Waive Rule

___ Override Veto

___ Close

___ Recess

APPROVED FAILED ___

No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED

___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote