

**RESOLUTION NO. 479 -2010, CLARIFYING RFP WAIVER REQUIREMENTS FOR OUTSIDE COUNSEL**

**WHEREAS**, Chapter 708 of the SUFFOLK COUNTY CODE requires that a Request for Proposals (“RFP”) be issued when the County of Suffolk needs to procure consultant services and the cost of such services exceeds \$25,000; and

**WHEREAS**, pursuant to § 708-6 of the County Code, RFP’s may be waived by a waiver committee when the consultant services require special or technical skills, training or expertise and the nature of the services do not readily lend themselves to competitive procurement procedures; and

**WHEREAS**, Resolution No. 676-2009 added a representative of the County Legislature to the RFP Waiver Committee to create checks and balances and more transparency in the waiver process; and

**WHEREAS**, the County of Suffolk expends hundreds of thousands of dollars each year to hire outside legal counsel, usually without a competitive process; and

**WHEREAS**, all proposals to procure consultant services without a RFP, including legal services, should be presented to the RFP Waiver Committee for review to ensure openness and transparency; now, therefore be it

**1st RESOLVED**, that Chapter 708 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 708, PURCHASING**

\* \* \* \*

**ARTICLE III, Consultant/Personal Services Procurement**

\* \* \* \*

**§ 708-6. Exceptions.**

\* \* \* \*

- B. Formal bid solicitations or RFPs for the hiring of certain consultant services requiring special or technical skill, training or expertise in the \$25,000 and up range may be waived by a waiver committee made up of the County Executive or his/her duly authorized representative, the Presiding Officer of the County Legislature or his or her duly authorized representative and a member appointed by the County Executive, where it would be in the best interest of the County to do so.

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- (3) All proposals to hire outside counsel to provide legal services in the \$25,000.01 and up category, without the issuance of a RFP, shall be presented to the waiver committee for review.

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**2nd** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (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, and 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 resolution.

DATED: May 11, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 26, 2010