

**RESOLUTION NO. 552 -2014, ADOPTING LOCAL LAW
NO. 18 -2014, A LOCAL LAW TO BAR ENVIRONMENTAL
POLLUTERS FROM CONDUCTING BUSINESS WITH
SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 13, 2014, a proposed local law entitled, "**A LOCAL LAW TO BAR ENVIRONMENTAL POLLUTERS FROM CONDUCTING BUSINESS WITH SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 18 -2014, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO BAR ENVIRONMENTAL POLLUTERS FROM
CONDUCTING BUSINESS WITH SUFFOLK COUNTY**

**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 the County of Suffolk contracts with numerous vendors to acquire public works, goods and services.

This Legislature also finds that the County of Suffolk wishes to conduct business with law abiding persons and entities. Accordingly, the County has enacted a statute which disqualifies "non-responsible" bidders from seeking and obtaining County business.

This Legislature determines that persons and entities that commit certain enumerated crimes, or operate a business in Suffolk County without the required license or violate workers' safety laws are precluded from bidding on County contracts.

This Legislature also determines that the Suffolk County District Attorney is currently investigating the illegal dumping of tons of asbestos laden materials at the Roberto Clemente Town Park in Brentwood.

This Legislature further finds that unscrupulous individuals and businesses that commit environmental crimes in Suffolk County threaten the health and safety of County residents.

This Legislature concludes that the County of Suffolk should not conduct business with environmental polluters.

Therefore, the purpose of this law is to prohibit persons and entities convicted of environmental crimes from conducting business with the County of Suffolk.

Section 2. Amendments.

Chapter 189 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 189. PURCHASING AND CONTRACTS.

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ARTICLE II. Disqualification of Non-responsible Bidders.

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§ 189-5. Non-responsible bidder; Prohibited acts.

Any entity which has engaged in the following acts shall be determined by the awarding agency to be a non-responsible bidder and disqualified from the bidding process:

A. An entity which has been convicted of committing or attempting to commit one or more of the following crimes within the 10 years immediately prior to the date of submission of the bid:

- (1) Extortion;
- (2) Coercion;
- (3) Bribery;
- (4) Theft;
- (5) Fraud;
- (6) Any violent crime related to business, labor or commerce;
- (7) Sabotage;
- (8) Collusive bidding/bid-rigging;
- (9) Combination in restraint of trade;
- (10) Any environmental crime including, but not limited to, the illegal use or disposal of toxic/hazardous waste or chemicals;
- [(10)] (11) Conspiracy to commit one of the crimes listed above; and/or
- [(11)] (12) Criminal solicitation associated with one of the crimes listed above.

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Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

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 filing in the Office of the Secretary of State.

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

DATED: June 17, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 3, 2014

After a public hearing duly held on June 30, 2014
Filed with the Secretary of State on July 9, 2014