

**RESOLUTION NO. 1018 -2015, AMENDING CHAPTERS 1001
AND 1065 OF THE SUFFOLK COUNTY CODE TO ASSIST
WITH THE IMPLEMENTATION OF THE SUFFOLK COUNTY
COMPREHENSIVE MASTER PLAN 2035**

WHEREAS, Legislative Resolution No. 659-2015 approved and adopted the Suffolk County Master Plan 2035 (the Plan); and

WHEREAS, it was adopted as a general guide for future development and resource protection in the County; and

WHEREAS, the Plan identified economic development, environmental protection, transportation, housing diversity, public safety and energy usage as interconnected priorities common to all residents of the County and stated that it is a guidebook to help the County take advantage of the opportunities and mitigate the challenges associated with all these issues; and

WHEREAS, the Plan talked about critical goals such as providing transportation choices to improve mobility, safety, air quality, public health, and economic development, expanding the variety of housing options and developing housing near transit to lower the combined costs of housing and transportation, enhancing economic competitiveness through improving access to employment centers, educational opportunities, and regional, national, and international markets, assisting existing communities by targeting funding for transit oriented development and wastewater infrastructure, and supporting downtowns and enhancing their unique characteristics by investing in healthy, safe, walkable neighborhoods; and

WHEREAS, in order to implement the goals and priorities outlined in the Plan and advance Projects of Regional Significance (as used in Article II of Suffolk County Code Chapter 1001), it is necessary to coordinate among numerous municipal governments in the region and to secure the services of professional planning firms to work with county staff and municipal partners in the region; and

WHEREAS, it is prudent and necessary to establish regional planning with local municipalities and to create an efficient process for securing the professional planning services needed to support the work of the County and these planning alliances in the implementation of the Plan; and

WHEREAS, NEW YORK GENERAL MUNICIPAL LAW § 104-b requires the governing body of every political subdivision in the State to adopt policies and procedures for the procurement of goods and services, which are not subject to typical bidding requirements so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption; and

WHEREAS, Chapter 1065 of the SUFFOLK COUNTY CODE sets forth the County's procedures for procuring consulting/personal services as one type of procurement that is not subject to typical bidding requirements; and

WHEREAS, NEW YORK GENERAL MUNICIPAL LAW § 104-b and Chapter 1065 require regular review of the procurement policies; and

WHEREAS, the trend in New York is to develop policies for prequalification of contract vendors as evidenced by amendments to section 103 of New York’s General Municipal Law in 2008 and the 2013 Grants Gateway reform; and

WHEREAS, implementation of the Plan and the projects of regional significance require the planning and design services of specialized planning and design professionals; and

WHEREAS, this Legislature finds that it is in the best interest of the County to amend the Chapters 1001 and 1065 of the County Code to add planning alliances and procurement procedures that will assist with implementation of the Plan and projects of regional significance, now therefore, be it

I.) **1st RESOLVED**, that Chapter 1001 of the Suffolk County Code is hereby amended by the addition of a new Article II which will read as follows:

Chapter 1001
Land Development

ARTICLE II
Suffolk County Regional Planning Alliance

§ 1001-8. Definitions.

As used in this Article “Project of Regional Significance” shall mean any development that, because of its character, magnitude, or location, will have a substantial effect upon the health, safety, welfare, economy, or environment of Suffolk County or upon more than one unit of local government and which has been so designated as a project of regional significance by the Long Island Regional Planning Council or the Suffolk County Planning Commission.

§ 1001-9. Suffolk County Regional Planning Alliance Program.

- A. There is hereby established the Suffolk County Regional Planning Alliance Program (“Alliance”). The public purpose of an Alliance is to engage in coordinated municipal, intermunicipal and regional planning on projects of regional significance.
- B. An Alliance may consist of the County and one or more municipalities and/or stakeholders (“Partners”) who have contracted together pursuant to General Municipal Law § 119-o to collaborate on planning and implementation measures to improve projects of regional significance.
- C. The agreement shall set forth, in addition to such other terms and conditions as may be agreed to, that:
 - 1. The Partners shall each select a representative to serve as their lead point of contact for the Alliance; and

2. The Alliance shall hold at least four (4) quarterly meetings per year between the Partners' planning teams working on a project to discuss and address objectives.
3. The Alliance will represent neither a fiscal nor funding obligation agreement. Any endeavor involving reimbursement or contribution of funds or other resources between the parties or other parties will be voluntary, and addressed in accordance with applicable laws, regulations, and procedures including those for government procurement.

§ 1001-10. Eligibility for County Resources.

Municipalities engaging in the planning and implementation of projects of regional significance must be a member of the Alliance in order to be eligible for designated County resources, available through or administered by, the Suffolk County Department of Economic Development and Planning or the Department of Public Works, for said projects.

and be it further

II.) **2nd RESOLVED**, that Chapter 1065 is hereby amended by the addition of a new Article IV which will read as follows:

Chapter 1065
Purchasing

Article IV
Implementation of the Suffolk County Comprehensive Master Plan 2035
and
Projects Of Regional Significance

§ 1065-13. Legislative intent.

- A. This Legislature finds and determines that land use, economic development, transportation, housing and environmental resource conditions and constraints are issues of great concern to the residents of Suffolk County. The Plan, as defined in this Chapter, addresses these issues. Projects of Regional Significance, as defined in this Chapter, are also of such unique character and magnitude as to have the potential to substantially impact the health, safety, welfare, economy, and environment for the residents of Suffolk County.
- B. This Legislature finds and determines that the procurement of the highly specialized planning and design professionals capable of assisting the County and Regional Planning Alliances with the planning and design of Projects of Regional Significance and to implement the Plan involves a class of services not subject to competitive bidding required by law. This warrants that a new policy and procedure of prequalification of Consultants be adopted by this Legislature pursuant to New York General Municipal Law § 104-b to efficiently engage these professionals so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political

subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

- C. This Legislature finds and determines that prequalification will result in a list of potential proposers who are technically and financially qualified to provide the type of Professional Services, as defined in this Chapter, required for Projects of Regional Significance.
- D. This Legislature finds and determines that it is in the best interest of the County and its residents to adopt a policy of prequalification of Consultants, as defined in this Chapter, for the Plan and Projects of Regional Significance and procurement procedures therefor in accordance with this Article.
- E. Therefore, there is hereby established and adopted a policy of prequalification of Consultants to perform Professional Services for the County for the Plan and Projects of Regional Significance.

§ 1065-14. Definitions.

“Commissioner” as used in this Article means the Commissioner of the Department of Economic Development and Planning.

“Consultant” as used in this Article means a firm or individual providing Professional Services on the Plan or Projects of Regional Significance which require the consistent exercise of judgment or specialized skills, generally professional in nature. Examples include, but are not limited to, medicine and the medical arts, counseling, architecture, engineering, surveying, accounting, law, financial advisory and underwriting services, management consulting services, feasibility studies of a scientific or technical nature, planning, urban design, and other services that require advanced education or professional licensing or certification.

“Department” as used in this Article means the Department of Economic Development and Planning.

“Plan” means the Suffolk County Comprehensive Master Plan 2035.

“Prequalify” as used in this Article means to establish a list of Consultants with specialized or technical skills to perform Professional Services for Projects of Regional Significance and the Plan pursuant to this Article.

“Projects of Regional Significance” shall have the same meaning as the term is defined in Article II of Suffolk County Code Chapter 1001 or any successor legislation.

“Professional Services” means, scoping/studying, planning, preliminary/final design, construction support or construction inspection services by Prequalified Consultants procured pursuant to this Article for Projects of Regional Significance and the Plan.

“Request for Qualification” or “RFQ” means a request for the credentials, licensing, expertise, experience, responsibility and background of Consultants issued by the Department to Prequalify Consultants to provide Professional Services on the Plan or Projects of Regional Significance pursuant to this Article.

“Regional Planning Alliance” means the County and one or more municipalities and/or stakeholders who have entered into a Memorandum of Understanding to collaborate on planning issues pursuant to Article II of Suffolk County Code Chapter 1001 or any successor legislation.

§ 1065-15. Department’s authority; prequalification selection procedure.

- A. Subject to the provisions of this Article, the Department is hereby authorized, directed and empowered to prequalify Consultants to provide Professional Services on the Plan and Projects of Regional Significance.
- B. In order to Prequalify Consultants for Professional Services for the Plan and Projects of Regional Significance, the Department shall issue a Request for Qualifications subject to the approval of the County Attorney. RFQs shall be advertised in the County’s official newspapers and be posted on the website of the Purchasing Office. At least 10 days shall elapse between the publication and posting of such advertisement and the date when proposals responding to the RFQ are required to be submitted to the County.
- C. An evaluation committee consisting of the Commissioner, the Commissioner of the Department of Public Works, the County Executive, and the Presiding Officer or their respective designees, shall utilize a scoring methodology substantially similar to the methodology described in paragraph 4 of section 5 of the County Procurement Policy Manual Applicable to Personal/Consultant Service Agreements to Prequalify Consultants pursuant to this section. The Committee must consider each responder’s:
 - 1. ability, financial capability, responsibility and reliability to render Professional Services;
 - 2. required licensing, education, knowledge, experience, and professional references of the prospective proposer;
 - 3. compliance with equal employment opportunity requirements and anti-discrimination laws, and demonstrated commitment to working with minority and women-owned businesses through joint ventures or subcontractor relationships; and
 - 4. current professional registration(s).
- C. After reviewing all responses the Committee shall establish a list of Consultants prequalified pursuant to this section. The Department shall promptly file the list with the Clerk of the Legislature. The Department shall review and update the list of Prequalified Consultants every two years by utilizing the selection process set forth in subdivision (B) of this section.

§ 1065-16. Project services; issuance, evaluation and award.

- A. At such time as the County requires Professional Services for the Plan or a Project of Regional Significance, the Department shall issue a solicitation for the specific services and price quotes to those Consultants that have been prequalified for such services sought.

- B. The Commissioner shall establish an interdisciplinary evaluation committee, consisting of County employees designated by the Commissioner to evaluate and award a contract for Professional Services for Projects of Regional Significance or to implement the Plan. The committee shall utilize a scoring methodology substantially similar to the methodology described in paragraph 4 of section 5 of the County Procurement Policy Manual Applicable to Personal/Consultant Service Agreements to award a contract for such services or to amend a contract that changes the scope of services of a previously awarded contract. Every evaluation committee shall be formed and convened so as to advance the intent of section 1065-13 of this Article and section 104-b(1) of the General Municipal Law. All County departments shall cooperate fully in implementing the provisions of this subdivision.
- C. All contracts for Professional Services awarded pursuant to this section shall be subject to final negotiation and within available appropriations. Upon the award of a contract, the County Executive shall issue a statement of need for the engagement of such prequalified Consultant, to be filed with the Clerk of the Legislature along with the fully executed contract.
- D. Procurement for Professional Services under this section which cost less than \$25,000.00, may be procured by obtaining written quotes from at least three prequalified consultants with the award made at the discretion of the County Executive or his/her duly authorized representative.

§ 1065-17. Rules and regulations.

The Commissioner is hereby authorized and empowered to perform such acts and adopt such rules and regulations consistent with section 104-b of the General Municipal Law after the adoption of this Article that are deemed by him or her to be reasonably necessary and proper to implement this Article. All such rules and regulations shall be promptly filed with the clerk of the Legislature after adoption.

§ 1065-18. Interpretation.

- A. Subject to the provisions of §§ 1065-15 and 16, the Department is authorized to offer multiple contracts for all or any part of the Professional Services being sought for the Plan and for Projects of Regional Significance provided that the RFQ or solicitation indicates single or multiple awards are possible.
- B. In the event of any conflict between this Article and Article II of this Chapter, or the rules established by the Commissioner under this Article and the rules and regulations for the procurement of personal services/personal consultant services adopted pursuant to § 1065-4 of this Chapter, this Article or the Commissioner's rules shall apply, as the case may be.
- C. Nothing contained herein shall be construed to supersede the requirements of section A4-13 of the Suffolk County Code.
- D. Any and all procedures not specifically covered in these policies shall be adhered to as covered in General Municipal Law § 103 et seq., or in any other applicable provisions of law.

§ 1065-19. Review.

Pursuant to section 104-b of the General Municipal Law, the Suffolk County Legislature shall review these policies and procedures annually.

§ 1065-20. Applicability.

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

§ 1065-21. Effective date.

This Article shall be effective immediately upon final approval.

and be it further

3rd **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) 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.

___ Underlining denotes addition of new language

DATED: December 1, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: December 7, 2015