

**RESOLUTION NO. 684 -2016, ADOPTING LOCAL LAW
NO. 24 -2016, A LOCAL LAW TO AMEND THE COUNTY'S
PURCHASING AND CONTRACT ELIGIBILITY REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 1, 2016, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE COUNTY'S PURCHASING AND CONTRACT ELIGIBILITY REQUIREMENTS**"; now, therefore be it

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

LOCAL LAW NO. 24 -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND THE COUNTY'S PURCHASING AND CONTRACT
ELIGIBILITY REQUIREMENTS**

**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 some individual and business entities have called for and are actively boycotting nations allied with the United States.

This Legislature finds that Governor Cuomo has signed an Executive Order which disqualifies persons and businesses that boycott Israel from doing business with the State.

This Legislature supports Governor Cuomo's position on this issue and concludes that the County of Suffolk should amend its procurement law to reflect New York's policy.

Therefore, the purpose of this local law is to disqualify purchasing and contract bids submitted to the County by persons and businesses that boycott Israel.

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 Nonresponsible Bidders.

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§ 189-4. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

Awarding Agency – the agency authorized by law to amend the bid.

Boycott Israel – to engage in any activity, or to promote or encourage others to engage in any activity, that will result in any person abstaining from commercial, social, or political relations, with the State of Israel, or companies based in the State of Israel, with the intent to penalize, inflict, or cause harm to, or otherwise promote or cast disrepute on the State of Israel, its people or its commercial products.

Entity – Any individual, firm, association, partnership, institution, joint venture, joint-stock association or corporation, including an officer of a corporation, a shareholder owning over 5% of the outstanding shares of a corporation or a relative within the third degree of consanguinity of an officer or a shareholder owning over 5% of the outstanding shares of a corporation, participating in the municipal bidding process in the County of Suffolk.

Person - (i) A corporation, company, limited liability company, business, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group or (ii) Any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (i) of this paragraph.

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§ 189-5. Nonresponsible bidder; prohibited acts.

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

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D. An entity that is identified on a list established by the State of New York, pursuant to Executive Order No. 157-2016, as an institution or company that boycotts Israel.

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§ 189-7. Disclosure requirements.

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C. Any entity bidding on a County project or contract must disclose in writing, at the time of the bid, whether the entity is identified on the list developed and published by New York State, pursuant to Executive Order No. 157-2016.

Section 3. Applicability.

This law shall apply to all 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 on January 1, 2017.

___ Underlining denotes addition of new language

DATED: July 26, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 12, 2016

After a public hearing duly held on June 21, 2016
Filed with the Secretary of State on September 1, 2016