

**RESOLUTION NO. 594 -2013, FURTHER STRENGTHENING  
PROCEDURES FOR PROCURING CONSULTANT SERVICES**

**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, “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; and

**WHEREAS**, Chapter 1065 generally requires that a Request for Proposals (“RFP”) be issued and advertised for consultant contracts in excess of \$25,000; and

**WHEREAS**, Chapter 1065 authorizes a three (3) member committee to waive the RFP requirement; and

**WHEREAS**, RFPs should be waived in only limited circumstances; and

**WHEREAS**, this Legislature determines that there has been an unacceptable proliferation of RFP waivers; and

**WHEREAS**, this Legislature also determines that the waiver committee should operate in a more transparent and public manner; and

**WHEREAS**, NEW YORK GENERAL MUNICIPAL LAW § 104-b requires municipalities to regularly review their procurement policies; and

**WHEREAS**, this Legislature finds that mandating greater transparency in the waiver process will enhance the County’s procurement process and ensure that the waiver process is not abused; now, therefore be it

**1st RESOLVED**, that § 1065-4 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**§ 1065-4. Exceptions; contracts for client services.**

\* \* \* \*

- 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.

\* \* \* \*

3. Meetings of the waiver committee shall take place with at least three days notice to members of the committee and an agenda will be distributed to the committee's members no later than two days prior to a meeting. The committee will not consider any proposed waiver that does not appear on the agenda.
4. Public notice of waiver committee meetings shall be given in accordance with § 104 of NEW YORK PUBLIC OFFICERS LAW and all such meetings shall be open to the public.
5. The waiver committee shall issue a written statement when it approves a waiver. Such statement shall cite the facts and criteria the Committee relied upon in issuing the waiver.

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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.

\_\_\_ Underlining denotes addition of new language.

DATED: July 30, 2013

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: August 13, 2013