

**RESOLUTION NO. 641 -2013, ADOPTING LOCAL LAW
NO. 35 -2013, A LOCAL LAW TO IMPROVE THE PROCESS
OF PROCURING, SURVEYING AND ENVIRONMENTAL
ASSESSMENT SERVICES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 4, 2013, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE PROCESS OF PROCURING, SURVEYING AND ENVIRONMENTAL ASSESSMENT SERVICES**"; now, therefore be it

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

LOCAL LAW NO. 35 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE THE PROCESS OF PROCURING,
SURVEYING AND ENVIRONMENTAL ASSESSMENT SERVICES**

**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 Division of Real Property Acquisition and Management is required to maintain pools of qualified title insurance companies and appraisers, which are subject to legislative approval on a periodic basis.

This Legislature also finds that a 2010 Audit Report of the Suffolk County Comptroller recommended that the Suffolk County Legislature review and approve other lists of vendors used by the Division of Real Property Acquisition and Management in the land acquisition process, specifically surveyors and environmental assessment firms.

This Legislature determines that the Comptroller also recommended that the Division utilize a Request for Qualifications ("RFQ") process every three years to identify qualified vendors to assist the County's land acquisition process.

This Legislature concludes that the Comptroller's recommendations, if implemented, would promote competition and ensure fairness and transparency in the awarding of contracts.

Therefore, the purpose of this law is to require the Division of Real Property Acquisition and Management to issue a Request for Qualifications on a regular basis to identify qualified vendors to utilize in the land acquisition process, and to further require the Division to submit their lists of surveyors and environmental assessment firms for review and approval by the County Legislature.

Section 2. Amendments.

Article XXXV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article XXXV. Department of Economic Development and Planning; Divisions of Planning and Environment and Real Property Acquisition and Management.

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A35-3. Division of Real Property Acquisition and Management established; Division head.

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E. There shall be within the Division of Real Property Acquisition and Management a pool of at least 10 qualified title insurance companies, which companies shall be designated by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may be reasonably necessary to evaluate the title insurance companies, including but not limited to certifications and licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified title insurance companies by the County Legislature shall occur no less frequently than every [two] three years.

(1) At a minimum, any title insurance company must be qualified as a New York licensed title insurance company and must maintain such license in good standing for so long as it is involved in County real estate transactions. Proof of such license and certifications shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. Further, any title insurance company in the pool must disclose to the Division of Real Property Acquisition and Management the organization of the company (i.e., sole proprietorship, partnership, corporation, limited-liability corporation, etc.), the identity of licensed agents who have the capacity to bind the company, and any other information relevant to the company or underwriter operations. No company utilizing the services of an agent or underwriter with a record of a felony conviction within the preceding 10 years shall be eligible to be enrolled in this pool.

(2) The Director of Real Estate of the Division of Real Property Acquisition and Management shall select on a rotating basis from the pool of title insurance companies to conduct County real estate transactions.

(3) The Division of Real Property Acquisition and Management shall issue a Request for Qualification at least once every three years to identify qualified title insurance companies.

F. There shall be within the Division of Real Property Acquisition and Management, or any successor thereto, a pool of at least [30] 20 qualified real property [or other] appraisers [and professional engineers, but not more than 50], whose members shall be designated

by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may reasonably be necessary to evaluate the appraisers or appraisal firms, including but not limited to curriculum vitae, certifications and other applicable licenses, shall be included with the resolution submitted for approval. Designation and legislative approval of the pool of qualified appraisers or appraisal firms shall occur no less frequently than every [two] three years. The Director of Real Estate of the Division of Real Property Acquisition and Management shall select from the pool as many outside appraisers as are necessary to conduct County appraisals. At a minimum, any real property appraisers must be qualified as New York certified general appraisers and must maintain such certification in good standing for so long as they conduct County appraisals. Appraisers[, other than real estate appraisers,] must maintain such professional licenses or other certifications or qualifications which, in the opinion of the Director of Real Estate of the Division of Real Property Acquisition and Management, are necessary to properly conduct County appraisals. Proof of such certification and licenses shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. The Director of Real Estate of the Division of Real Property Acquisition and Management shall promptly forward copies of all such proof to the County Executive and the Clerk of the County Legislature. The selection of appraisers to perform services for the County in connection with the acquisition or disposition of any interest in real estate, from the legislatively approved [biennial] list, shall be done in a manner that includes administratively established professional criteria. The Division of Real Property Acquisition and Management will issue a Request for Qualification at least once every three years to identify qualified appraisers.

G. There shall be within the Division of Real Property Acquisition and Management a pool of qualified surveyors. The pool of surveyors shall be designated by the Director of Real Estate with the approval of the County Legislature, which approval shall be required once every three years. Such information as may be necessary to reasonably evaluate the qualifications of the surveyors, including but not limited to, certifications and licenses, shall be included with the resolution submitted to the Legislature for approval. At a minimum, a surveyor must be licensed by the State of New York and must maintain such license in good standing in order to remain in the County's pool of approved surveyors. The Division of Real Property Acquisition and Management will issue a Request for Qualifications at least once every three years to identify qualified surveyors.

H. There shall be within the Division of Real Property Acquisition and Management a pool of qualified environmental assessment professionals, which shall be designated by the Director of Real Estate with the approval of the County Legislature, which approval shall be required once every three years. Such information as may be necessary to reasonably evaluate the qualifications of the environmental assessment firms, including but not limited to, curriculum vitae, certifications and applicable licenses, shall be submitted to the Legislature for approval. At a minimum, an environmental assessment professional must meet the minimum qualifications of an "environmental professional" as

defined at 40 CFR § 312.10 and be capable of providing Phase I and Phase II Environmental Site Assessments pursuant to the most current ASTM standards to remain in the County's pool of approved environmental assessment professionals. The Division of Real Property Acquisition and Management will issue a Request for Qualifications at least once every three years to identify qualified environmental assessment firms.

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: July 30, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 19, 2013
After a public hearing duly held on August 14, 2013
Filed with the Secretary of State on September 6, 2013