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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

10

11 RULES COMMITTEE

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13 LEGISLATOR RICHARD NICOLELLO

14 CHAIR

15

16

17 Theodore Roosevelt Building

18 1550 Franklin Avenue

19 Mineola, New York

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21

22 Wednesday, September 7, 2022

23 1:27 P.M.

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2 A P P E A R A N C E S :

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4 LEGISLATOR RICHARD NICOLELLO

5 Chair

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7 LEGISLATOR HOWARD KOPEL

8 Vice Chair

9

10 LEGISLATOR STEVEN RHOADS

11

12 LEGISLATOR LAURA SCHAEFER

13

14 LEGISLATOR KEVAN ABRAHAMS

15 Ranking member

16

17 LEGISLATOR DELIA DERIGGI-WHITTON

18

19 LEGISLATOR SIELA BYNOE

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2 LEGISLATOR NICOLELLO: Mike,
3 could you call the roll for the Rules
4 Committee please.

5 MR. PULITZER: Thank you
6 Presiding Officer. Roll call. Legislator
7 Siela Bynoe.

8 LEGISLATOR BYNOE: Here.

9 MR. PULITZER: Legislator Delia
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Here.

13 MR. PULITZER: Ranking member
14 Kevan Abrahams.

15 LEGISLATOR ABRAHAMS: Here.

16 MR. PULITZER: Legislator Laura
17 Schaefer.

18 LEGISLATOR SCHAEFER: Here.

19 MR. PULITZER: Legislator Steven
20 Rhoads.

21 LEGISLATOR RHOADS: Present.

22 MR. PULITZER: Vice Chairman
23 Howard Kopel.

24 LEGISLATOR KOPEL: Here.

25 MR. PULITZER: Chairman Richard

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2 Nicoletello.

3 LEGISLATOR NICOLELLO: Here.

4 MR. PULITZER: We have a quorum
5 sir.

6 LEGISLATOR NICOLELLO: Thank you
7 very much. We will be handling the contracts
8 portion of the committee at this time and I'm
9 going to call those contracts in bulk at
10 once. A-19, A-22, A-23, A-34 of 2022. These
11 are resolutions authorizing the commissioner
12 of shared services to execute a purchase order
13 or blanket purchase orders between the county
14 and Rockland Bakery, Inc., Syosset Truck
15 Sales, J and C Ice Tech, Intellitech
16 Corporation.

17 E-93, E-94, E-95, E-96, E-97, E-98,
18 E-99, E-100, E-101, E-103, E-104, E-105,
19 E-106. These are resolutions authorizing the
20 county executive to execute personal services
21 agreements or amendments to personal services
22 agreements between the county and the
23 Incorporated Village of Garden City, Village
24 of Old Westbury, Village of Rockville Centre,
25 Port Washington Police Department, City of

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2 Long Beach, City of Glen Cove, Swissport SA
3 L.L.C., Liro Engineers, Oracle America, H2M
4 Architects Engineers, BRNT Consulting,
5 Lockwood, Kessler and Bartlett and Insum
6 Solutions Corp.

7 Moved by Deputy Presiding Officer
8 Kopel. Seconded by Minority Leader Abrahams.
9 All those contracts are now before us. We'll
10 start off with the health department and
11 contract with Swissport, E-99.

12 MS. DISIMONE: Anne Disimone,
13 Health. This contract is for transportation
14 management services to provide New York State
15 mandated transportation services to
16 approximately 1400 children with developmental
17 delays who are in preschool programs, special
18 education and early intervention. This
19 services children who require transportation
20 from home to center-based programs approved by
21 New York State.

22 LEGISLATOR NICOLELLO: Any
23 questions? I think we're good. Thank you.

24 Next contract is with the district
25 attorney's office and BRNT Consulting.

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2 MR. MCDERMOTT: Good afternoon
3 Presiding Officer, legislators. Dennis
4 McDermott, assistant district attorney.

5 This is an amendment exercising the
6 second one-year renewal with BRNT Consulting
7 and increasing the maximum amount by \$40,000
8 for the maintenance and configuration upgrade
9 services for the district attorney's Justware
10 case management system.

11 LEGISLATOR NICOLELLO: What does
12 that case management system do?

13 MR. MCDERMOTT: That incorporates
14 every single discovery piece that goes into or
15 goes out to everyone. Information coming in
16 from the police department, from villages. As
17 a matter of fact, before we had Spam contract
18 which is going to help integrate everything
19 coming into the case management system and
20 BRNT does specific upgrades for the district
21 attorney's office.

22 LEGISLATOR NICOLELLO: Thank
23 you. Any questions?

24 LEGISLATOR DERIGGI-WHITTON: I
25 just have a question that's not directly

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2 related to this. I think it was you who came
3 up at the last meeting regarding a grant from
4 the state that was about \$300,000 for a
5 mandated program for those that were arrested
6 but not going to jail. Do you recall?

7 MR. MCDERMOTT: I recall. I've
8 been here for supplemental appropriations on
9 grants or budget transfers.

10 LEGISLATOR DERIGGI-WHITTON: Do
11 you recall any information about that?
12 Because I'm worried about the timing of that
13 one.

14 MR. MCDERMOTT: Offhand I do not
15 legislator. I can go back and look.

16 LEGISLATOR DERIGGI-WHITTON:
17 Could you just let us know because I don't
18 want to miss out on that funding. It was over
19 \$300,000 and for some reason --

20 MR. MCDERMOTT: It may be us.
21 Normally by the time I get here all of the
22 funding has been obtained as opposed to
23 applications going out. But I'll take a look
24 and let you know.

25 LEGISLATOR DERIGGI-WHITTON:

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2 Okay. Because I don't want to miss the date.

3 MR. MCDERMOTT: I understand.

4 LEGISLATOR NICOLELLO: Any other
5 questions? Thank you.

6 Next two contracts are with the
7 correctional center starting with A-19 with
8 Rockland Bakery.

9 MS. HALL: Good afternoon
10 legislators. Narda Hall, correctional
11 center.

12 Item A-19-22 is to authorize and
13 award a blanket order for fresh bread
14 products. Whole white, rye, French, hamburger
15 and frankfurter rolls, bagels to be awarded to
16 Rockland Bakery. It is for \$450,000 from the
17 general funds for a total term of three years
18 and two months from the effective date.

19 It was advertised in Newsday, New
20 York State Contract Reporter and posted to the
21 Nassau County bid solicitation board.
22 Minority Affairs and CSEA were notified of the
23 solicitation.

24 Two vendors bid. One is a small
25 business. The Department of Shared Services

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2 Office of Purchasing recommends an award be
3 given to Rockland Bakery as being the lowest
4 responsible bidder in meeting the
5 specifications.

6 LEGISLATOR NICOLELLO: Any
7 questions? Minority Leader Abrahams.

8 LEGISLATOR ABRAHAMS: Thank you
9 Presiding Officer. First, let me say good
10 afternoon. According to the backup, it's our
11 understanding I guess there were two
12 responsible bidders. The other bidder was
13 Dehall Hospitality; is that correct?

14 MS. HALL: Yes.

15 LEGISLATOR ABRAHAMS: And if I'm
16 understanding based on the bid sheet review
17 Dehall submitted I guess a bid and their
18 prices were actually higher. But we weren't
19 able to figure out how much higher and what
20 the difference was. Do you know that off the
21 top or maybe in your records?

22 MS. HALL: I can defer to
23 purchasing.

24 MS. COLASURDO: Claudia
25 Colasurdo, Office of Purchasing.

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2 Dehall Hospitality was the second
3 bidder. Per item they were almost 50 percent
4 higher than Rockland Bakery.

5 LEGISLATOR ABRAHAMS: They were,
6 I guess for our purposes, they submitted a bid
7 for \$900,000?

8 MS. COLASURDO: Well per unit
9 price, just give to you an example, first
10 item, Rockland Bakery was \$1.35 per unit.
11 They were \$4.10 per unit.

12 LEGISLATOR ABRAHAMS: The
13 Department of Purchasing is comfortable in
14 saying that Rockland hasn't underbidded their
15 numbers? You feel those numbers are -- we're
16 just concerned that sometimes what we see is
17 contracts are bidded much lower than what they
18 really are just so they can get the work and
19 then at some point during a given period of
20 time, I guess once the contract expires but we
21 are in the process of rebidding the contract
22 the prices go up dramatically. That's been my
23 experience in the county.

24 And I did see what you saw, the per
25 unit but I didn't know the rolled up number.

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2 I'm glad to hear that -- are you saying --

3 MS. COLASURDO: If we can split
4 bids we do it. In these particular cases with
5 commodities we look at unit not overall. So,
6 in many cases some of our contracts are split
7 between multiple vendors based on price per
8 unit. Here, overall, almost every single unit
9 Rockland Bakery was lower than Dehall
10 Hospitality.

11 LEGISLATOR ABRAHAMS: I get
12 that. And you feel comfortable in saying to
13 this body that those prices that they gave are
14 real and they just didn't underbid it to get
15 the work?

16 MS. COLASURDO: I would believe
17 to say that they are real, yes.

18 LEGISLATOR ABRAHAMS: I guess my
19 next set of questions is really tied to some
20 of the IG findings. So, thank you.

21 So, it has come to our attention I
22 guess the Nassau County Inspector General
23 discovered in her background that Rockland
24 Bakery had to pay \$850,000 to resolve a hiring
25 discrimination allegation. Were you aware of

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2 this particular situation that happened? It
3 occurred in 2017?

4 MR. CLEARY: Robert Cleary, chief
5 procurement and compliance officer.

6 Yes, we were aware of the fine. We
7 were aware of the issue with the Department of
8 Labor. The vendor has a consent agreement
9 with the department and per the department
10 they are up to date current in the
11 implementation of that agreement.

12 LEGISLATOR ABRAHAMS: I guess a
13 couple of questions come up because some of
14 the discrimination allegations and based off
15 of them agreeing to pay out \$850,000 they are
16 admitting some level of faulty was that they
17 discriminated against females, women, as well
18 as Black and Asian applicants. Are you aware
19 of that degree?

20 MR. CLEARY: I saw that in the
21 report, yes.

22 LEGISLATOR ABRAHAMS: And
23 obviously I guess one of the things that they
24 are indicating is that they have extended 52
25 jobs to female and Black, Asian applicants as

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2 a result of I guess as part of this settlement
3 or action against them.

4 MR. CLEARY: That's my
5 understanding.

6 LEGISLATOR ABRAHAMS: I just find
7 it a little bit troubling that we have one
8 vendor that is charging us per unit three
9 times the price of another vendor and another
10 vendor that admitted in court, as per the
11 New York Department of Labor, that they
12 discriminated against Black and Asian women.
13 I just find it hard to believe we can't find
14 anybody else that's a responsible bidder that
15 hasn't discriminated against any protected
16 classes.

17 MR. CLEARY: This is an area that
18 you don't get a lot of competition in
19 traditionally. I had the same issue in New
20 York City with Rikers Island. It will be
21 difficult to find more than two or three
22 bakeries in the region that are set up to
23 provide these services to a jail based on the
24 jail requirements. The requirements in New
25 York City were more strict than the ones here

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2 but it's still a limited pool of vendors that
3 you typically have.

4 Rockland is the current vendor and
5 has been the current vendor in the past.
6 There's no reason to believe that they are
7 underbidding themselves to win the business.
8 I imagine the prices are in line with what
9 they're charging now. Although I have not
10 confirmed that.

11 When this issue was brought to them
12 by all appearances they addressed it head on
13 and are doing everything that the Department
14 of Labor is requiring them to do to correct
15 their practices. And we have that from the
16 Department of Labor.

17 LEGISLATOR ABRAHAMS: Yes, it's
18 clear that they addressed their practices
19 after they got caught. Or after they got this
20 brought to them. But I guess what I'm trying
21 to say is that there has to be some level of,
22 I guess from our standpoint, I understand we
23 need rolls and obviously for the correction
24 center that's very important, but at some
25 point we have to draw the line. I mean, it's

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2 not just that this is an allegation. They've
3 admitted in court that they did this and they
4 actually have corrective actions I guess that
5 go in line with that as well.

6 I just think we have to do a better
7 job in the county of being better stewards of
8 taxpayer dollars. I think we shouldn't be
9 entering into contracts with entities -- there
10 has to be some level of professional -- we
11 shouldn't be entering into contracts with
12 entities that clearly have discriminated
13 against females, Black and Asian applicants.
14 We're a cohesive society. We embrace all
15 ethnicities. This county embraces everyone.

16 It just seems like here we are, and
17 I understand businesses make mistakes, but
18 they shouldn't be receiving taxpayer dollars
19 when they have a mistake that they're still
20 currently working through.

21 I guess that's not really worthy of
22 a response it's just more of a just citing the
23 facts. Just really discouraging that in 2022
24 we would actually have an applicant, actually
25 have a contract that we are considering of

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2 someone that has discriminated against people
3 that fall in the same backgrounds as they did
4 that live in this county. Disheartening to be
5 honest.

6 It would be one thing if it
7 happened in 1982 and you came here and told us
8 that they were under new management, new
9 people and the business has changed over.
10 It's same people, same folks as far as I can
11 tell.

12 Somehow we're supposed to believe
13 that because they hired 52 female, Black and
14 Asian applicants that it's all good. That
15 they corrected their ways. The only reason
16 they corrected their ways is like no different
17 then when my child does something different he
18 corrects his ways because he got caught.
19 That's what happened.

20 Is there any level of morality? Do
21 we exercise anything in these contracts where
22 we can simple say to someone that we're not
23 going to do this because -- I'm not saying
24 they're bad people but their entity made bad
25 decisions. Is there anything like that that

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2 can be resolved?

3 MR. CLEARY: Some of this is not
4 a technical procurement question. It's well
5 beyond my position and my judgement in this
6 regard.

7 LEGISLATOR ABRAHAMS: Who from
8 the county can answer that? I'm not going to
9 ask you to answer it because obviously I know
10 your background in terms of procurement. But
11 there has to be someone that thought
12 regardless of this let's send it down to the
13 legislature anyway.

14 MR. CLEARY: Let me speak to that
15 in terms of the procurement. None us, myself,
16 I'm certainly not defending what they did and
17 I'm not suggesting that it was okay what they
18 did. According to the documents that have
19 been provided.

20 The determination that a government
21 has to make is whether a vendor is responsible
22 or not and this is a responsibility issue.
23 It's capacity and integrity. They clearly
24 have the capacity. The question is whether
25 they have the integrity or not.

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2 When a vendor, whether
3 self-reported or identified in a search that
4 we've conducted or identified by another
5 government entity and then investigated, has
6 been found to do something wrong in whatever
7 way, whether it's immoral, illegal, whatever
8 wrong act they've conducted, generally
9 speaking, you want to know what they did, who
10 investigated it, what was found, what steps
11 were taken, what corrective actions were
12 implemented, what penalties were assessed and
13 what the status is. That's the information we
14 requested from the vendor when we found this.
15 And they disclosed this in their disclosure.
16 This was not something that was found by a
17 separate investigation. Although details came
18 to light after there was further questioning.

19 So, the vendor in terms of
20 corrective actions, has done everything that
21 you would expect them to do as far as we can
22 tell. We found no evidence that they have
23 not. We found no evidence that they delayed
24 the process. They appear to have cooperated
25 with the authorities, agreed to the terms that

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2 were given to them. And according to the
3 investigating authority, they are implementing
4 that agreement as required.

5 Generally speaking, when that is
6 the set of circumstances a vendor should not
7 be found nonresponsible for taking the
8 required corrective actions and be open about
9 it.

10 LEGISLATOR ABRAHAMS: But they
11 weren't opened about it.

12 MR. CLEARY: I don't know what
13 happened previously.

14 LEGISLATOR ABRAHAMS: What I mean
15 is they weren't open about it because the
16 didn't disclose it to the IG or to this body.

17 MR. CLEARY: They identified the
18 issue in the disclosure forms without any
19 further questioning. We had to follow-up and
20 request additional information.

21 LEGISLATOR ABRAHAMS: We can
22 debate that because we don't believe that was
23 the case. Is the IG on? From our
24 understanding the IG she found it. Her office
25 found it.

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2 MR. CLEARY: They may have found
3 it but there was an answer in the disclosure
4 forms if I'm remembering correctly. I could
5 be wrong but I don't believe I am.

6 LEGISLATOR ABRAHAMS: There was a
7 line that was indicated but we're going to
8 look up what it said exactly. But we don't
9 believe it mentioned to the volume of what the
10 IG discovered and unraveled to the tune of
11 \$850,000 discrimination allegation that was
12 resolved in 2017. Here's the line just to go
13 back.

14 This suit was because we hired
15 walk-ins as our hiring practice. We have
16 hired a consultant to help us modify our
17 hiring process and have started to implement a
18 more in depth hiring procedure that meets the
19 qualifications required by the federal
20 government.

21 That's a very bland statement.
22 When I read what the Department of Labor
23 indicated, the US Department of Labor contract
24 compliance reviewed and found that between
25 January 1, 2017 and December 31, 2017 Rockland

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2 Bakery discriminated against female, Black and
3 Asian applicants who applied for the work as
4 cashier, packers and bakers.

5 There's a big difference in what
6 they wrote and what the US Department of Labor
7 is indicating.

8 MR. CLEARY: That's true. It
9 would have been better if they had attached
10 the consent agreement to their disclosure
11 form. I agree with that.

12 LEGISLATOR ABRAHAMS: I
13 understand what you're saying that you feel
14 that they are complying with their I guess
15 consent decree or lack of a better term, I'm
16 not too sure what the term is in terms of what
17 they're complying with in terms of the payout
18 but like I said before, I just find it --
19 again, it's a little disheartening that we
20 came down to two vendors. One which I totally
21 understand has a very high price per unit and
22 obviously we're not encouraging the county to
23 engage with a vendor that is charging us three
24 times what the price should be.

25 And then the other has been found

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2 of stuff like this.

3 MS. FRANZESE: Legislator, if you
4 need to speak with me I'm online. This is
5 Jodi Franzese.

6 LEGISLATOR ABRAHAMS: How are
7 you?

8 MS. FRANZESE: I'm good Minority
9 Leader? How are you?

10 LEGISLATOR ABRAHAMS: Good,
11 good. We were just going through the backup.
12 I think we resolved it but I'm glad you're
13 here nonetheless. We were just going through
14 the backup to try to figure out what the
15 vendor for this particular contract -- I'm
16 sorry, just to catch you up to speed -- we're
17 talking about the Rockland Bakery contract.
18 It's item A-19-22. And we were taking a look
19 at what was provided in the backup by the
20 vendor versus in terms of their disclosure in
21 regards to some of their hiring practices in
22 year 2017 versus what they disclosed versus
23 what you uncovered.

24 From what we were able to resolve
25 or understand that what you uncovered was a

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2 tremendous amount more and it dived in a lot
3 deeper than what they actually disclosed.
4 Would that be your recollection as well?

5 MS. FRANZESE: Yes, Minority
6 Leader, that's correct. The vendor did
7 disclose the investigation but did not provide
8 any specific details and they didn't provide
9 the consent decree.

10 LEGISLATOR ABRAHAMS: And did not
11 provide the consent decree. Okay.

12 Mr. Cleary, is there a threshold of
13 when we're trying to do business with a
14 particular vendor or client of them I guess
15 getting around the fact that they technically
16 told us but didn't tell us everything to be
17 able to restart the process? Because -- I
18 guess let me put it this way. If you had
19 known, because obviously we're further along
20 in the process and what the IG has uncovered,
21 if we had known that or maybe you did know
22 that, I don't know, but if we had known that
23 would we have still gone forward with
24 presenting this contract to the legislature
25 today? Because that would kind of answer my

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2 questions in regards to before.

3 MR. CLEARY: I think the answer
4 is we're here today and we did present it.

5 LEGISLATOR ABRAHAMS: You don't
6 have to give me a political speech. Let me
7 say it again. I want to be very clear because
8 I don't want to mix words.

9 If this was disclosed to you at the
10 time that they were bidding on the contract --
11 I know that's not the way it's done -- if we
12 had known that we were getting ready to
13 potentially award a contract to an entity that
14 had discriminated against Black and Asian
15 women would this contract still find its way
16 today to the legislature?

17 MR. CLEARY: So, when we conduct
18 a solicitation, that's a bid, we're obligated
19 to -- if we're going to award the bid -- to
20 bid to the lowest responsive responsible
21 bidder. They were responsive. There was not
22 found to be a justification for finding them
23 nonresponsive. Which makes them the lowest
24 responsive responsible bidder. So, we either
25 would be awarding to this vendor or we would

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2 not be awarding to anybody. We would cancel
3 the solicitation and have to resolicit it.

4 Now, whenever, like in this case,
5 we get a vague response on an investigation
6 question or some other significant adverse
7 information we ask for details. We ask for
8 additional information before we make a
9 decision about whether we're moving it along.

10 We don't generally present forward
11 propose an award to a vendor that can't answer
12 the questions to a degree of sufficiency that
13 we understand where we are and there's some
14 evidence that they're doing the right thing
15 now.

16 LEGISLATOR ABRAHAMS: Yes, it's
17 doing the right thing now but at the same time
18 you got to keep in mind they got caught.
19 That's a very clear --

20 MR. CLEARY: I know. Look, every
21 procurement is a project. Every procurement
22 is unique and has its own specific issue and
23 this one has its specific issues. So, I can't
24 give you a general blanket statement about how
25 we handle these cases because every case is a

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2 little different and this one is different.

3 They should have given us more
4 information. I wish they didn't have this
5 issue in the first place. I wish none of our
6 vendors had any integrity issues but it
7 happens frequently enough as you know.

8 LEGISLATOR ABRAHAMS: So, it's
9 possible in the future entities that have
10 integrity issues, whether it's in regard to
11 discrimination or God knows what else, they
12 can find their way to the legislature?
13 There's no morality clause.

14 MR. CLEARY: The lines that we
15 look for are things like are they are hiding
16 it? And in this case they weren't as
17 disclosing they could have been but they did
18 not hide it. They stated there was this
19 issue. They didn't say there was some
20 investigation years ago by somebody. They
21 told us what the investigation was and we were
22 able to fill in those blanks pretty quickly.

23 LEGISLATOR ABRAHAMS: Mr. Cleary,
24 they are hiding it.

25 MR. CLEARY: They also obtained a

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2 letter from the investigating authority
3 stating that they're in good standing. That
4 matters. I will take the investigating
5 authority's statement much more quickly than
6 I'll take the vendor's word for it.

7 So, if a vendor has as an
8 investigation, we know that there are
9 penalties assessed and then they're just
10 saying take our word for it, we paid the fine,
11 we're all good, everything's on track, nothing
12 to see here, that we're not going to accept.

13 LEGISLATOR ABRAHAMS: But if they
14 had the good standing letter and they're doing
15 such a great job according to the US
16 Department of Labor, why wouldn't they mention
17 that they discriminated against certain people
18 when they wrote it in their backup. To me
19 that tells me they're hiding it. Wouldn't
20 that to you? All they said was that the suit
21 was because we hired walk-ins as our hiring
22 practice. They don't mention discrimination
23 in there. They don't mention anything about
24 discrimination in there. They said we're
25 hiring a consultant. That's almost like,

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2 okay, we hire people that walk in to our
3 bakery versus people that apply online.

4 MR. CLEARY: There was an
5 investigation. So you know that there was
6 something going on there. Whatever that
7 particular issue was. This is why we ask for
8 details. And this is why we review those
9 details before we present the contract.

10 LEGISLATOR ABRAHAMS: But this
11 statement it clearly hides the fact that it
12 doesn't mention anything about the US
13 Department of Labor investigating allegations
14 regarding Rockland. Doesn't mention anything
15 about them discriminating against female,
16 Black and Asian applicants. Doesn't mention
17 anything. It just says oh, we had a lawsuit
18 because we hired walk-ins. Guys that come
19 into the bakery or ladies that come into the
20 bakery we were hiring them before we were
21 hiring anyone else. That's what it sounds
22 like to me.

23 MR. CLEARY: There was an
24 investigation.

25 LEGISLATOR ABRAHAMS: What I'm

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2 trying to say is that doesn't pail into
3 comparison to what actually happened. I think
4 you have a right to throw this out just based
5 on that alone. Unless you want to do this
6 contract.

7 MR. CLEARY: I don't believe that
8 a finding of nonresponsibility in this case
9 would be upheld given the circumstances.

10 LEGISLATOR ABRAHAMS: How so?

11 MR. CLEARY: Because they have
12 documented evidence that they are correcting,
13 taking corrective action as obligated by the
14 authority.

15 LEGISLATOR ABRAHAMS: So then not
16 fully disclosing everything on their
17 disclosure does not eliminate them?

18 MR. CLEARY: If they had given us
19 a vague statement and then stonewalled and
20 refused to give us more information about the
21 circumstances and said there's nothing to see
22 here, that would be a reason to find them
23 nonresponsible. If we have a reasonable
24 interest in understanding those circumstances
25 there's a reason we ask the question in the

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2 first place. But, again, when a vendor --

3 LEGISLATOR ABRAHAMS: You keep
4 saying you ask the question. Your office did
5 the investigation to discover the stuff or
6 Ms. Franzese's office?

7 MR. CLEARY: We asked for
8 additional information from the vendor when we
9 saw their answer on the disclosure form.

10 LEGISLATOR ABRAHAMS: So you
11 uncovered the \$850,000 and the allegations?

12 MR. CLEARY: I don't recall the
13 timeline. I remember that we did ask
14 questions about it. I don't remember when the
15 answers were given. It may have been that the
16 vendor -- I don't know. I'm not sure exactly
17 what that timeline is. I'd have to look.

18 LEGISLATOR ABRAHAMS: I got it.
19 I'm spinning around here. I don't have
20 anything else. Thank you Mr. Cleary.

21 LEGISLATOR NICOLELLO: Legislator
22 Bynoe.

23 LEGISLATOR BYNOE: Thank you
24 Presiding Officer.

25 Mr. Cleary, so, I have a couple of

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2 questions. When did we start using Rockland
3 as a vendor?

4 MR. CLEARY: I'm not aware of
5 that. My understanding is it's been several
6 years.

7 LEGISLATOR BYNOE: So in 2017
8 they were our vendor?

9 MR. CLEARY: I believe so.
10 They're the current contract vendor.

11 LEGISLATOR BYNOE: So, when this
12 issue presented itself and required them to go
13 under corrective action they were our vendor?

14 MR. CLEARY: Again, I would have
15 check the timeline to see how that works.

16 LEGISLATOR BYNOE: Is there
17 anything in our contracts that requires
18 individuals who are under contract with the
19 county who engage -- who are then involved in
20 this type of action -- I'm sorry. That's my
21 ADH. I can't concentrate. I apologize.

22 So, is there anything in the
23 contract that requires a vendor to inform the
24 county when they are being investigated for
25 these types of allegations or when there is an

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2 actual resolve?

3 MR. CLEARY: I don't recall if
4 there's language in the contract itself.

5 LEGISLATOR BYNOE: I would think
6 there should be, right?

7 MR. CLEARY: It's a reasonable
8 obligation. Our policy advises that the
9 vendor should notify us when there are
10 material changes in the disclosure.

11 LEGISLATOR BYNOE: I would say we
12 seem to be celebrating them for indicating,
13 not necessary disclosing, indicating that
14 there may have been a problem. But I would
15 argue that they had a responsibility to inform
16 us of that well beyond this disclosure. Well
17 beyond even responding to this bid. When they
18 were under the current contract they had a
19 responsibility.

20 MR. CLEARY: I don't know what
21 happened in the past.

22 LEGISLATOR BYNOE: That's not the
23 past. So, it happened in 2017, right? Or
24 some timeline they're going into a corrective
25 action. Some time in that period. Were you

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2 here in 2017?

3 MR. CLEARY: I was.

4 LEGISLATOR BYNOE: Were you made
5 aware that there was a material change?

6 MR. CLEARY: I do not recall. I
7 don't know. This is the first time I recall
8 hearing of this issue.

9 LEGISLATOR BYNOE: Then I would
10 say they were in violation of their contract
11 in 2017 beyond the disclosure.

12 MR. CLEARY: I don't know that
13 the contract obligates that.

14 LEGISLATOR BYNOE: You said that
15 there is a responsibility for notifying us for
16 a material change in their disclosure.

17 MR. CLEARY: I said that our
18 current policy directs vendors to advise us.
19 I don't know when that was included in the
20 policy. I don't know how that timeline lines
21 up with this set of circumstances.

22 To your point, it would have been
23 better for the vendor to tell us at some point
24 between then and now.

25 LEGISLATOR BYNOE: So, it's lost

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2 on me why we're celebrating that they may have
3 indicated and not even fully disclosed they
4 just indicated there was a problem, didn't
5 fully disclose it, and they failed to do so at
6 really what would have been the appropriate
7 time was when they were in contract. Because
8 more likely than not, they took our taxpayer
9 dollars and utilized them to hire individuals
10 in violation of federal law. That's what I'm
11 hearing from where I'm sitting here.

12 So, we're going to reward them by
13 extending a contract to them yet a second time
14 or third time or fourth time? I don't know
15 how long we've been in contract with them but
16 it leaves me to ponder that question. So, I
17 don't know why we would be here again.

18 I don't know want to belabor the
19 point but I think the minority leader hit the
20 point dead on and leaves us to question
21 whether this is something that we should be
22 engaging in yet a second time or a third time
23 with them.

24 I'm going to ask you, are they
25 currently providing these breads and rolls at

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2 the current cost?

3 MR. CLEARY: I don't know what
4 the current contract cost is compared to this.

5 LEGISLATOR BYNOE: Can you define
6 what is -- let me ask you this. What are the
7 requirements under this contract in terms of
8 security for individuals that would work at
9 this plant?

10 MR. CLEARY: I'm not aware
11 there's programatic requirements. Perhaps the
12 department can answer that question.

13 LEGISLATOR BYNOE: Because you
14 mentioned that New York City's requirements
15 might be a little more stringent than what we
16 require here in this county.

17 MR. CLEARY: I'm sorry. I was
18 thinking New York City and Rikers Island. I'm
19 familiar with that particular specification.

20 LEGISLATOR BYNOE: I'm trying to
21 find out what our specifications are.

22 MR. CLEARY: This specification
23 does not, to my eye, appear to be as picayune
24 the one that New York City uses.

25 LEGISLATOR BYNOE: I'd love to

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2 know what that is because I'm wondering
3 whether hiring walk-ins is something that we
4 should be allowing this vendor to do
5 considering all of the security parameters
6 that should be in place regarding breads and
7 rolls coming into the correctional facility.
8 What does hiring walk-ins? What is that
9 definition? What is the process for that?

10 MR. CLEARY: So, the department
11 is going to have to review that. We have the
12 bid here. I don't see language in the bid.
13 The department has, as I understand it, a
14 policy of a background check but they would
15 have to advise. Confirm that and advise.

16 LEGISLATOR BYNOE: So, this
17 always leaves me a question as to like whether
18 we're even monitoring contracts periodically
19 throughout the year, throughout the years,
20 especially these multiyear contracts, to
21 determine if people are in compliance. And it
22 just behooves me that we have all of these
23 private vendors and in some cases outsourced
24 public services that go out to private
25 entities and I don't feel like we do enough

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2 contract monitoring. I really would like to
3 see the county turn the corner on that.
4 Perhaps we would have picked up on something
5 like this a lot earlier on.

6 It definitely saddens me to know
7 that county funds were used in a way to
8 discriminate against folks during a contract
9 and that we would even consider them at this
10 point. But the mere fact that perhaps most of
11 our county money was used in a real, unjust
12 way doesn't make me really confident in this
13 contract or convinced.

14 I'm going to let you know I can't
15 support it in the immediate. Especially since
16 I don't have an answer as to whether they're
17 even adhering to what are our security
18 requirements would be. Especially when we
19 don't know what they are. Thank you.

20 LEGISLATOR NICOLELLO: I have
21 some questions. Mr. Cleary, the term has been
22 used consent decree or consent agree. What is
23 it that they are operating under, do you
24 know?

25 MR. CLEARY: My recollection is a

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2 consent agreement. I would have to pull the
3 document to be able to read it to you
4 directly.

5 LEGISLATOR NICOLELLO: That means
6 charges were filed by the Department of Labor
7 but there was no adjudication? Was this
8 adjudicated and or was it resolved by means of
9 an agreement?

10 MR. CLEARY: I believe it was
11 resolved by an agreement. There are very
12 specific recommendations in the document.
13 Requirements, not recommendations,
14 requirements to revise their practices and
15 report on their progress and what have you.

16 LEGISLATOR NICOLELLO: Did you
17 yourself speak to Rockland Bakery or someone
18 else from the administration?

19 MR. CLEARY: There was some
20 discussion and some email.

21 LEGISLATOR NICOLELLO: Did they
22 respond to your emails? Were they resisting
23 providing information to you.

24 MR. CLEARY: They weren't
25 resisting. They at first didn't understand

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2 what I was asking. So there was a little bit
3 of back and forth. But when asked directly
4 for the consent agreement they provided the
5 consent agreement. Then I asked a follow-up
6 in that regard and they provided an additional
7 document. The statement from the Department
8 of Labor was provided with the consent
9 agreement. I hadn't asked for that
10 specifically but that was helpful. So I
11 didn't get the impression they were hiding
12 anything or trying to not to answer the
13 questions.

14 LEGISLATOR NICOLELLO: When the
15 Department of Labor's statement dated? Was
16 that something that they provided in relation
17 to this or was it something that the
18 Department of Labor had simply provided
19 Rockland Bakery for their business operation?

20 MR. CLEARY: It was recent but it
21 was implemented recently as well. The
22 agreement was earlier this year. It very well
23 may have been that they requested that letter
24 from them this summer but it had only I think
25 been implemented in the spring anyway.

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2 LEGISLATOR NICOLELLO: Do you
3 know if the prices are fixed in this contract
4 for the term? There was some concern about
5 them coming in and then later on boosting up
6 their prices.

7 MR. CLEARY: Prices are firm for
8 a year which is typically of the purchasing
9 blanket purchase contracts. Vendors may
10 request a price increase but any price
11 increase would have to be documented and
12 justified and found to be reasonable.

13 LEGISLATOR NICOLELLO: So, what
14 if the county doesn't agree with their price
15 increases, can the county --

16 MR. CLEARY: It's at our
17 discretion. Obviously if a vendor comes
18 forward and says we absolutely need a price
19 adjustment and here's the manufacturer's data
20 and we believe that we have the right to that
21 price adjustment and it's reasonably in line
22 with the produce price index and other
23 objective information and then we say no, then
24 we may have a contract dispute obviously to
25 deal with. But generally speaking, if it's

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2 fair and reasonable we'll work with them.

3 LEGISLATOR NICOLELLO: The term
4 was used before that the other bidder was a
5 small business. Is that accurate?

6 MR. CLEARY: They indicated they
7 were a small business.

8 LEGISLATOR NICOLELLO:
9 Ms. Colasurdo do you want to step up also?
10 Was there any concern that because they were a
11 small business and the type of goods that had
12 to be provided, specific requirements of the
13 jail, was there any concern about this small
14 business being able to meet the requirements.

15 MS. COLASURDO: They didn't take
16 any exceptions to the specifications. In that
17 case they can do all that's required that's in
18 our bid. Their pricing was just significantly
19 higher. As Robert stated, we award to the
20 lowest responsible bidder and pricing wise
21 they were not there.

22 LEGISLATOR NICOLELLO: Question
23 for the inspector general. In terms of your
24 communications with Rockland Bakery were they
25 responsive to your requests? Jodi, are you

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2 there?

3 MS. FRANZESE: I'm sorry
4 Presiding Officer. Could you repeat the
5 question please?

6 LEGISLATOR NICOLELLO: Earlier it
7 was said that your office uncovered the
8 information. Where did you get the
9 information about this history from? Did it
10 come directly from Rockland Bakery or
11 somewhere else?

12 MS. FRANZESE: No, no. We did
13 our own independent review and found that
14 information and provided it to the chief
15 procurement and compliance officer.

16 LEGISLATOR NICOLELLO: So, when
17 you did your own investigation did that
18 involve communications with Rockland Bakery or
19 something else?

20 MS. FRANZESE: No, no. We did an
21 external, we got from external sources. We
22 had information. We reached out -- actually,
23 I'm sorry. We reviewed the conciliation
24 agreement and found the press release.

25 LEGISLATOR NICOLELLO: Did you

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2 have communications with Rockland Bakery?

3 MS. FRANZESE: No, we did not
4 communicate with the vendor.

5 LEGISLATOR NICOLELLO: Now this
6 is obviously before us and usually when the
7 inspector general tells us to hold something
8 we hold it. Did you make any recommendation
9 with respect to this contract?

10 MS. FRANZESE: We did not make
11 any recommendation to hold this contract but
12 when we found the information regarding the
13 Department of Labor issue we felt that it was
14 significant enough to provide it to the
15 legislature so that the legislature can make
16 an informed decision regarding this contract.

17 LEGISLATOR NICOLELLO: All
18 right.

19 MS. FRANZESE: Thank you.

20 LEGISLATOR NICOLELLO: Thank
21 you. So Rockland Bakery is there now,
22 correct?

23 MR. CLEARY: Yes.

24 LEGISLATOR NICOLELLO: Providing
25 that service?

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2 MR. CLEARY: That's my
3 understanding.

4 LEGISLATOR NICOLELLO: I'm having
5 difficulty understanding what their options
6 are here. If we were going to stop this
7 contract from going forward do we throw them
8 out of the jail? Tell me what our options are
9 here.

10 MR. CLEARY: Well, whether we
11 cancel their contract, take action to cancel
12 their contract now is a separate question.
13 Whether we go forward with the new contract
14 obviously. In the event the contract were
15 declined we might have to rebid it. The jail
16 cannot be without a source. We do not have an
17 ability to immediately bring in another vendor
18 unless we declare an emergency.

19 Normally, if a bid was not awarded
20 and we had to rebid it we would extend the
21 existing contract at the agreement concurrence
22 of the vendor. That would not necessarily be
23 very logical in light of not awarding the
24 bid. Which puts us in a difficult position.
25 We would have to do a quick bid, as quick as

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2 possible, to get a new vendor in. I think we
3 would have to hold our nose and live with them
4 until we got a vendor in place whether for a
5 short period or a longer period.

6 LEGISLATOR NICOLELLO: You said
7 before there's not a good number of vendors
8 capable?

9 MR. CLEARY: We only got two bids
10 on this. In my experience it's usually two or
11 three. Something like that. There's just not
12 a lot of vendors out there that do this that
13 want to sell to jails.

14 Again, if there were in the normal
15 terms of how we conduct our procurements we
16 would not find them nonresponsible for this.
17 We would keep an eye on them. Obviously we're
18 going to monitor the situation now that it's
19 come to light. Again, we would not have
20 presented a contract if we felt that they were
21 a nonresponsible vendor.

22 LEGISLATOR NICOLELLO: Would
23 there be anything that would prevent them, if
24 you rebid it, from them bidding?

25 MR. CLEARY: No.

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2 LEGISLATOR NICOLELLO: They can
3 bid again?

4 MR. CLEARY: There would be no
5 prohibition on submitting a bid.

6 LEGISLATOR NICOLELLO: So the
7 other bidder you said was substantially more?

8 MR. CLEARY: That's right.

9 LEGISLATOR NICOLELLO: So, if you
10 were to somehow take Rockland Bakery out of
11 the equation then you'll pay more?

12 MR. CLEARY: That would be
13 likely.

14 LEGISLATOR NICOLELLO: Folks from
15 the jail who are here, is there any issue with
16 quality of Rockland Bakery's goods? The
17 quality of the bread they are providing, is up
18 to their standards?

19 MR. HAMEL: Ken Hamel, food
20 service director of the Nassau County jail.

21 No. We've had no problems, no
22 issues with Rockland. They always provide
23 product on time. There's never been any issue
24 with them at all. Like they said, we only had
25 two vendors that bid it. If we don't have

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2 Rockland we have the other vendor which is
3 three times, four times the amount of money we
4 would be spending right now.

5 LEGISLATOR NICOLELLO: Thank
6 you.

7 MR. CLEARY: I do want to mention
8 we haven't vetted the second vendor. We don't
9 know that they have the capacity and what have
10 you. They submitted a bid. The bid was
11 responsive but we haven't reviewed them.

12 LEGISLATOR NICOLELLO: Minority
13 Leader you had a question?

14 LEGISLATOR ABRAHAMS: Just one
15 follow-up for Mr. Cleary. Mr. Cleary you had
16 mentioned I guess some of the difficulties in
17 rebidding the contract. But I do remember a
18 couple of months ago it was something related
19 to Dover where we were able to rebid that
20 particular contract pretty quickly. Is my
21 memory failing me or were able to turn that
22 bid around in a three week time frame or a
23 month time frame?

24 MR. CLEARY: I think that was a
25 proposal solicitation. But yes, that was done

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2 on an expedited basis. It still took several
3 months.

4 LEGISLATOR ABRAHAMS: And this
5 couldn't be done on the same expedited basis?

6 MR. CLEARY: I would imagine that
7 a bid could be solicited, yes, in a matter
8 of a few months.

9 LEGISLATOR ABRAHAMS: Obviously
10 you did your due diligence in speaking to
11 Rockland but I also want to credit Jodi
12 Franzese and her group. Because I think a lot
13 of the information that, at least as we found
14 about it, we found out through the Nassau
15 County inspector general. I know she doesn't
16 do it for the acknowledgment but I want to
17 thank her for doing that and being able to
18 give the legislature what it needed to be able
19 to make a decision.

20 Mr. Cleary, I do want to ask you a
21 more direct question before I wrap up. In the
22 disclosure form, question 15, I'm sure you're
23 familiar with it, it says in the past five
24 years has this business or any of its owners
25 or officers or any other affiliated business

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2 had any sanction imposed as a result of
3 judicial or administrative proceedings with
4 respect to any professional license held.

5 This is directed towards Rockland.
6 Their response was no. Do you feel that is an
7 honest response in light of the fact that they
8 had to pay \$850,000 to the US Department of
9 Labor?

10 MR. CLEARY: That particular
11 question -- we had this on another contract
12 some time ago. That particular question
13 specifically relates to professional license
14 and I don't believe that this particular
15 violation relates to a professional license.

16 LEGISLATOR ABRAHAMS: But there
17 should be more clarity. Either way, I mean,
18 there is a box. They should clarify. The way
19 I interpret the question is if someone asked
20 me if any other affiliated business or any
21 sanction imposed they clearly had a sanction
22 imposed.

23 MR. CLEARY: They did have
24 sanctions imposed, yes, that's true.

25 LEGISLATOR ABRAHAMS: So, they

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2 just checked the box no and they didn't even
3 bother to mention anything about the \$850,000.

4 MR. CLEARY: Well, because that
5 \$850,000 fine wasn't related to a professional
6 license as I understand it. They did disclose
7 the investigation. Yes, we would have
8 preferred that they had provided additional
9 information with disclosure. We were able to
10 track down the rest of it pretty easily
11 obviously and we weren't going to move it
12 forward again with a vague answer without any
13 clarification of what we're getting into.

14 I don't see any problem with them
15 answering no on question 15 when the
16 investigation has been disclosed in the proper
17 question and obviously we're fully aware of
18 what the circumstances were.

19 LEGISLATOR ABRAHAMS: So, you
20 just chalk it up as they answered it honestly
21 based off the fact that it was with respect to
22 a professional license being held?

23 MR. CLEARY: Legally that's my
24 understanding of it. I'm not a lawyer. But
25 that is how that has been interpreted in the

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2 past in other cases.

3 LEGISLATOR ABRAHAMS: And we have
4 no concern in regards to their being
5 forthright with the county of never disclosing
6 \$850,000?

7 MR. CLEARY: I would have been
8 much more concerned if they had answered no on
9 question 13 on the investigation question and
10 then we had to find it. That is a much bigger
11 red flag for me. When a vendor sends in a
12 clean set of disclosures and then you search
13 them on Google and the first thing that pops
14 up is an investigation that's a flag for me.
15 In this case they disclosed it.

16 LEGISLATOR ABRAHAMS: Mr. Cleary,
17 I don't want to belabor this. I want to thank
18 my colleagues. They've been very patient
19 during this process.

20 But when it says in respect to
21 professional license being held, meaning with
22 the sanction the result of losing their
23 license because they do have a food processing
24 license. I had counsel look it up for me with
25 the New York State Department of Agriculture

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2 and Markets. So they do have a license.
3 You're saying the license wasn't suspended or
4 revoked that's the reason why they were able
5 to put no? Because they are an entity that
6 has a license.

7 MR. CLEARY: I'm sure they do.
8 The wording of the question relates to
9 sanctions specifically to the professional
10 license. That wasn't the issue here.

11 LEGISLATOR ABRAHAMS: No, it's
12 not. I agree with you on that. That's the
13 issue. I mean, I guess what I'm driving at
14 is -- I'm going to end with this. We need to
15 know if an entity had to pay any amount of
16 sanctions towards the US department. We would
17 want to know that. If our forms don't allow
18 that then we have to fix our forms. Because,
19 to me, the fact that they paid out \$850,000 to
20 a US department there's no way this -- in all
21 these questions they can skirt around it and
22 hope that nobody knows it. Thankfully the IG
23 uncovered it but we would have never have
24 known.

25 Okay. That's all I have. I would

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2 request, Presiding Officer, after all the
3 questions are done, that we table this matter.

4 LEGISLATOR NICOLELLO: We'll take
5 five minutes.

6 (Committee recessed at 2:24 p.m.)

7 (Committee reconvened at 2:29 p.m.)

8 LEGISLATOR NICOLELLO: The
9 committee is back in session.

10 You want to make a motion?

11 LEGISLATOR ABRAHAMS: Sure.

12 Thank you. At the present time based on what
13 was heard by the legislative body I'm going to
14 make a motion to table this matter.

15 LEGISLATOR NICOLELLO: Seconded
16 by Legislator Bynoe. All in favor of tabling
17 signify by saying aye. Those opposed? Motion
18 fails.

19 We received testimony that there's
20 no legal basis to declare Rockland Bakery not
21 a responsible bidder. We don't have much in
22 the way of options here and action that I
23 think is being suggested here is going to A,
24 cost more money, and B, could potentially
25 result in a lawsuit against this county.

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2 Because, going back to the beginning, there's
3 no legal basis to declare this vendor not a
4 responsible bidder. So, we are going to vote
5 to pass this along.

6 Thank you Narda.

7 Any other debate or discussion?

8 Hearing none, all in favor signify by saying
9 aye. Those opposed? Passes by a vote of four
10 to three on this item only.

11 So, now we'll go on to the next
12 correctional item which is A-34 with
13 Intellitech Corporation.

14 MR. JACOVINA: Joe Jacovina,
15 deputy commissioner information technology.

16 A-34-22 Intellitech jail
17 application. This is to authorize and award a
18 purchase order for the annual maintenance of
19 the Intellitech jail application referred to
20 Imax for the term of August 10, 2022 through
21 August 9, 2023. The maximum amount authorized
22 under this purchase order is \$194,500.

23 LEGISLATOR NICOLELLO: Any
24 questions? I think we're good. Thank you.

25 Next two are with Information

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2 Technology, Oracle America, Inc. is contract
3 E-101.

4 MR. JACOVINA: E-101-22 Oracle
5 America, Inc. This amendment will authorize
6 the increase of the contract ceiling by
7 \$557,781.05 to support the Enterprise Resource
8 Planning Solutions software, which we refer to
9 as Peoplesoft. This is the county's payroll,
10 time and leave application. They're replacing
11 in 2020. The ceiling increase will allow the
12 support of the software through May 31, 2024.
13 We are requesting to encumber \$145,000 at this
14 time. The new maximum ceiling is \$4,300,000.

15 LEGISLATOR NICOLELLO: The
16 question I had was, are you planning to do a
17 new RFP in 2024?

18 MR. JACOVINA: For the Peoplesoft
19 application?

20 LEGISLATOR NICOLELLO: Yes.

21 MR. JACOVINA: No. It's not in
22 our plans.

23 LEGISLATOR NICOLELLO: Any other
24 questions? Let's go on to the next contract
25 which is E-106 with Insum Solutions.

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2 MR. JACOVINA: E-106, 2022 Insum
3 Solutions Corporation. This amendment is to
4 authorize an increase of the maximum amount of
5 the contract with Insum Solutions Corporation
6 by \$750,000. The new maximum amount will be
7 \$2,250,000. The amendment will also encumber
8 \$500,000 upon execution.

9 Insum provides Oracle Apex
10 consulting services to Nassau County IT
11 department. Services include Apex
12 infrastructure upgrades, training IT staff,
13 building applications to reduce paper,
14 eliminate labor intensive processes.

15 Among the projects the Apex team is
16 currently working on with Insum is working on
17 the community revitalization project tracker,
18 as well as streamlining the production of 1099
19 income tax forms. Any questions?

20 LEGISLATOR NICOLELLO: That's my
21 line. Any questions? Hearing none, thank you
22 Joe.

23 Public works contracts. First one
24 is A-22 Syosset Truck Sales.

25 MR. ARNOLD: Ken Arnold, Public

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2 Works. A-22 is a contract for original
3 equipment manufactured parts for trucks. We
4 had six people view. Two bids. Syosset Truck
5 was selected as the vendor the contract cap is
6 \$720,000.

7 LEGISLATOR NICOLELLO: Any
8 questions? Let's go on to A-23, J and C Ice
9 Tech.

10 MR. ARNOLD: A-23 is the
11 replacement of the ice cutting machine for our
12 ice skating rinks. We had two bids. JC was
13 the selected vendor. The number one bidder
14 did not meet the bid specifications. Their
15 machine would not allow us to do an ice
16 surface without refilling the water tank which
17 would delay our openings of our rinks.

18 LEGISLATOR NICOLELLO: Is this a
19 Zamboni machine.

20 MR. ARNOLD: Zamboni is actually
21 a name of a company. That's why we don't use
22 that term.

23 LEGISLATOR NICOLELLO: So it's
24 resurfacing?

25 MR. ARNOLD: Zamboni machine.

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2 Just like Kleenex, right?

3 LEGISLATOR NICOLELLO: Any
4 questions?

5 LEGISLATOR ABRAHAMS: Ken, just a
6 quick question. We noticed in the backup that
7 the funding the project line -- you might have
8 had discussions with Michelle about this -- is
9 out of the road maintenance equipment
10 replacement. Why would a machine like this
11 come out of that budget line?

12 MR. ARNOLD: We're maintaining it
13 for them. So it's running through our
14 maintenance shop. It wasn't a huge expense
15 and it's under the same PPU, the same
16 criteria. So, we were able to fit it into our
17 program so we took it on for them.

18 LEGISLATOR ABRAHAMS: I just want
19 to make sure because I get constituents that
20 come here about road stuff all the time.

21 MR. ARNOLD: It's not impacting
22 what I need to provide for roads.

23 LEGISLATOR ABRAHAMS: Got you.
24 That's the most important thing.

25 LEGISLATOR NICOLELLO: Any other

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2 questions? Why don't we take the next several
3 together. They are all involving funding for
4 enforcement stop DWI. We have the
5 Incorporated Village of Garden City, Old
6 Westbury, Rockville Centre as well as the Port
7 Washington Police Department and the cities of
8 Long Beach and Glen Cove.

9 MR. ARNOLD: All these contracts,
10 E-93 through 97 are related to funding we
11 provide for enforcement of DWI to various
12 departments that you listed. The funding is a
13 pass-through from enforcement funding that we
14 received through New York State that the
15 traffic safety board gets and they're the
16 responsible party for allocating these funds.

17 LEGISLATOR NICOLELLO: So it
18 actually goes to E-98, which is Glen Cove?

19 MR. ARNOLD: E-98, yes. That was
20 the next page. Sorry.

21 LEGISLATOR NICOLELLO: Any
22 questions on this? Let's do E-100 Liro.

23 MR. ARNOLD: E-100 is a contract
24 amendment to increase the funding for our
25 civil site on call construction management

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2 contract. This is to add an additional \$1.5
3 million to a contract cap of \$5 million.

4 LEGISLATOR NICOLELLO: Any
5 questions? E-103 H2M.

6 MR. ARNOLD: E-103 is a contract
7 amendment to add funding and time for H2M, who
8 is the design consultant for work at the Glen
9 Cove sewage treatment plant. The construction
10 was delayed by COVID and we need to increase
11 funds of \$32,000 and one year of service time
12 for their support during construction
13 activities.

14 LEGISLATOR NICOLELLO: Any
15 questions? No. Last one we have for you is
16 E-105 Lockwood Kessler.

17 MR. ARNOLD: E-105 is similar to
18 E-100. It's an amendment for LKB for contract
19 CM services for civil site work. Again, it
20 adds an additional \$1.5 million.

21 LEGISLATOR NICOLELLO: Any
22 questions for Ken? We're good.

23 So, now we're going to call for a
24 vote on the remaining contracts including
25 E-99, E-104, A-34, E-101, E-106, A-22, A-23,

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2 E-93, 94, 95, 96, 97, 98. E-100, E-103 and
3 E-105.

4 Any further debate or discussion?
5 Any public comment? Hearing none, all in
6 favor signify by saying aye. Those opposed?
7 They carry unanimously and we will put the
8 Rules Committee in recess. Public Safety is
9 next.

10 (Committee recessed at 2:38 p.m.)

11 (Committee reconvened at 4:12 p.m)

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2 LEGISLATOR NICOLELLO: Call the
3 Rules Committee back into session. Need a
4 motion to suspend the rules. Moved by Deputy
5 Presiding Officer Kopel. Seconded by Minority
6 Leader Abrahams. All in favor of suspending
7 the rules signify by saying aye. Those
8 opposed? The rules are suspended. Rules have
9 been suspended.

10 I'm going to call the consent
11 calendar. These are the items that just went
12 through other committees a few moments ago.
13 They include the following. 228. These are
14 all 2022. 228, 256, 257, 258, 259, 260, 261,
15 262, 263, 264, 265, 266, 267, 268, 270, 271,
16 272, 273, 274, 275, 276, 277, 278, 279, 280,
17 282, 283, 284, 285. Then on the addendum,
18 288, 289, 290, 291, 292, 293, 296 and 302.

19 Motion by Legislator Schaefer.
20 Seconded by Legislator Rhoads. All in favor
21 of those items signify by saying aye. Those
22 opposed? They carry unanimously.

23 I will call the next two together.
24 Actually I'll call 229 first.

25 229 is a resolution to ceremonially

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2 designate a portion of the county road known
3 as West Main Street between Spring Street and
4 South Street in Oyster Bay as Marie Colvin Way
5 and directing the Department of Public Works
6 to install conspicuous signage along said
7 roadway.

8 Motion by Legislator

9 DeRiggi-Whitton. Seconded by Minority Leader
10 Abrahams. Any debate or discussion? Any
11 public comment? All in favor signify by
12 saying aye. Those opposed? Carries
13 unanimously.

14 230, a resolution to ceremonially
15 designate a portion of the county road known
16 as Maple Avenue between Linden and Post Avenue
17 in Westbury as Firemen's Way and directing the
18 Department of Public Works to install
19 conspicuous signage along said roadway.

20 Motion by Legislator Schaefer.

21 Seconded by Legislator Bynoe. Any debate or
22 discussion? Any public comment? All in favor
23 signify by saying aye. Those opposed?
24 Carries unanimously.

25 269 of 2022 is a resolution to

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2 confirm the county executive's appointment of
3 Stella Spanakos to the Nassau County Advisory
4 Counsel on People with Disabilities.

5 Moved by Legislator Rhoads.

6 Seconded by Deputy Presiding Officer Kopel.

7 Any debate or discussion? Any public
8 comment? All in favor signify by saying aye.
9 Those opposed? That carries unanimously.

10 The next one is 209. It's a
11 resolution confirming the appointment by the
12 county executive of Norman Sammut as judge of
13 the district court of the county of Nassau for
14 the Second Judicial District.

15 Moved by Legislator Rhoads.

16 Seconded by Legislator Schaefer. Any debate
17 or discussions? Any public comment? All
18 those in favor signify by saying aye. Those
19 opposed? Carries unanimously.

20 294 is a resolution authorizing the
21 county executive to execute an intermunicipal
22 agreement with the Incorporated Village of New
23 Hyde Park in relation to a project to demolish
24 and construct a new community center.

25 I'll move that. Seconded by Deputy

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2 Presiding Officer Kopel. This is actually a
3 CRP which replaces another CRP that they
4 decided not to proceed with.

5 Any debate or discussion? Any
6 public comment? All in favor signify by
7 saying aye. Those opposed? Carries
8 unanimously.

9 295, a resolution to authorize the
10 county assessor and/or the county treasurer
11 and/or the receiver of taxes of the Town of
12 North Hempstead to partially exempt certain
13 real properties situated in various school
14 districts assessed to designated owners
15 appearing on the assessment rolls for the
16 specified school and/or county years pursuant
17 to this resolution.

18 Motion by Deputy Presiding Officer
19 Kopel. Seconded by Legislator Schaefer.

20 LEGISLATOR ABRAHAMS: I have more
21 of a general question for anyone here from
22 assessment.

23 MR. ROSS: Good afternoon. Dan
24 Ross, Department of Assessment.

25 LEGISLATOR ABRAHAMS: It's more

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2 of a general question and it kind of
3 summarizes all of these. We're just trying to
4 figure out in the coming months in regards to
5 the disclosure notices that have been done in
6 the past, does the county plan to pursue
7 those? And is there any update on the actual
8 reassessment plan? Last time I think we
9 talked about this and we haven't had a chance
10 to talk since then. So, I just wanted to see
11 if there's any update on those two things.

12 MR. ROSS: As to policy of how
13 it's going to go there is no update at this
14 point in time. Any type of disclosure notice
15 will be in full compliance with state law as
16 well as the county charter.

17 LEGISLATOR ABRAHAMS: When do you
18 anticipate having an idea of a plan if it was
19 going to happen in regards to reassessment?

20 MR. ROSS: Truthfully, I'm not in
21 that position to answer that question at this
22 point in time.

23 LEGISLATOR ABRAHAMS: You don't
24 know when you'll be able to answer that?

25 MR. ROSS: No.

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2 LEGISLATOR ABRAHAMS: Thank you.

3 LEGISLATOR NICOLELLO: Any other
4 questions on that item? Hearing none, any
5 public comment? All in favor signify by
6 saying aye. Those opposed? Carries
7 unanimously.

8 Next three I'll call together.

9 These are 297, 298, 299. These are
10 resolutions to confirm the county executive's
11 appointment of Joel Ziev, Nadia Ortiz and Lora
12 Webster to the Nassau County Advisory Counsel
13 on People with Disabilities.

14 Motion by Minority Leader
15 Abrahams. Seconded by Legislator Bynoe. Any
16 debate or discussion? Hearing none, all in
17 favor signify by saying aye. Those opposed?
18 Carries unanimously.

19 300 is a resolution to confirm the
20 county executive's appointment of Monica
21 McGrath to the Nassau County Bridge
22 Authority.

23 Motion by Legislator Rhoads.
24 Seconded by Legislator Schaefer. Any debate
25 or discussion? Public comment? All in favor

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2 signify by saying aye.

3 Last is 301. A resolution to
4 authorize the transfer of appropriations
5 heretofore made within the budget for year
6 2022.

7 Moved by Deputy Presiding Officer
8 Kopel. Seconded by Legislator Schaefer.

9 LEGISLATOR ABRAHAMS: Thank you
10 Presiding Officer. We're glad to see that the
11 board transfer is moving forward to be able to
12 serve each of our constituent bodies in regard
13 to redistricting. One of the things that we
14 have heard is that there has been much
15 confusion in regard to the process in terms of
16 redistricting. I think what further adds to
17 that process, Presiding Officer, is the fact
18 that we have what we believe is conflicting
19 dates in terms of the deadline of when TDAC,
20 or the legislative commission, needs to be
21 able to provide a map to this body.

22 We put legislation in and we would
23 like to at least get the opportunity to have
24 the legislation heard whether through a
25 hearing or committee meeting and we want to

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2 continue to implore you to put the legislation
3 on. Not particularly for a vote but just for
4 a hearing because we truly believe because of
5 the deadline discrepancy it will lead to more
6 confusion with our constituents as well.
7 Because of the June primary cycle as well.

8 LEGISLATOR NICOLELLO: The
9 charter has end dates. Doesn't mean that you
10 have to go up to those end dates to approve a
11 map. We are obviously cognizant of the June
12 primary as well as the fact that petitions
13 will go out in late February. So we're
14 cognizant. When the Temporary Districting
15 Advisory Committee finishes its work we're
16 cognizant that our actions on the maps should
17 be taken in contemplation of those earlier
18 dates than in the past.

19 LEGISLATOR ABRAHAMS: You and I,
20 Rich, are in agreement. I agree that the
21 commission can definitely do their work
22 earlier than those dates. But without having
23 the redistricting committee abide to what we
24 had put in our resolution we don't know what
25 they may do. You and I are in agreement but

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2 are they in agreement with that understanding
3 as well? And maybe we should find out
4 together if they are.

5 LEGISLATOR NICOLELLO: I mean, I
6 believe they're going to -- my understanding
7 is that they're cognizant of those dates as
8 well and I think they're looking to complete
9 their part of the process in a timely fashion
10 as well. So, if it becomes their work
11 extending to a time period that we consider
12 possible to conflict with the schedule for
13 petitions then I think we would intervene.

14 At this point there's no indication
15 that they are. They have established a
16 schedule of meetings. They may add meetings.
17 But they are all relatively soon. At this
18 point it looks like those meetings will be
19 done sometime in October. There's every
20 appearance that they're going to get the map
21 to us in a very timely fashion. Their maps.

22 Any other debate or discussion?
23 Any public comments? All in favor signify by
24 saying aye. Those opposed? Carries
25 unanimously.

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2 Motion to adjourn by Legislator

3 Rhoads. Seconded by Minority Leader

4 Abrahams. All in favor of adjourning signify
5 by saying aye. Carries unanimously.

6 (Committee adjourned at 4:25 p.m.)

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CERTIFICATION

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I, FRANK GRAY, a Notary

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Public in and for the State of New

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York, do hereby certify:

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THAT the foregoing is a true and

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accurate transcript of my stenographic

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notes.

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IN WITNESS WHEREOF, I have

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hereunto set my hand this 11th day of

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September 2022

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FRANK GRAY

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