

18-19

OFFICE OF THE
DEMOCRATIC MINORITY



PETER J. CLINES, ESQ.
MINORITY COUNSEL

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501
TELEPHONE: (516) 571-8232 - FAX: (516) 571-8125
email: PCLINES@NASSAUCOUNTYN.Y.GOV

Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: February 1, 2019

Re: A LOCAL LAW REQUIRING COUNTY CONTRACTS TO STATE THE MAXIMUM AMOUNT OF CONSIDERATION PAYABLE TO THE VENDOR

2019 FEB - 1 P 2: 2
PREPARED
NASSAU COUNTY
CLERK OF THE LEGISLATURE

Attached please find the above referenced proposed resolution which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

Introduced by: Legislator Delia DeRiggi-Whitton

Co-sponsored by: Minority Leader Kevan Abrahams and Legislators Ellen Birnbaum, Siela Bynoe, Arnold Drucker, Joshua Lafazan, Carrié Solages, and Debra Mulé

PROPOSED LOCAL LAW -2019

A LOCAL LAW REQUIRING COUNTY CONTRACTS TO STATE THE MAXIMUM AMOUNT OF CONSIDERATION PAYABLE TO THE VENDOR

APPROVED AS TO FORM

PETER J. CLINES MINORITY COUNSEL

2019 FEB - 1 P 2:25
NASSAU COUNTY
CLERK OF THE LEGISLATURE

WHEREAS, the Rules Committee of the County Legislature serves a vital function in reviewing and approving personal service contracts and purchase orders that are proposed to be entered into by the County Executive; and

WHEREAS, as part of the review and approval process it is essential that the Rules Committee of the County Legislature has the information necessary to make a decision concerning the financial impact of each contract and purchase order; and

WHEREAS, contracts and purchase orders that only recite the minimum amount of the consideration or cost or fail to specifically indicate the amount that shall not be exceeded are inadequate and counterproductive to the goals of promoting transparency, accountability, and fairness in the County contract process; and

WHEREAS, it is the judgment of the Legislature that the current provisions of the Charter relating to contracts and purchase orders should be clarified to make explicit that each contract and purchase order submitted to the Rules Committee of the County Legislature must clearly state the maximum amount of the consideration or cost or a sum certain; now, therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Article I, Section 103(8) constituting the Nassau County Charter, is hereby amended to add a new subsection as follows:

- c-1) **Every personal service contract that must be brought before the Rules Committee of the County Legislature shall recite the maximum amount of the consideration or cost or a sum certain.**

Section 2. Article VII, Section 702 entitled "Purchasing and Inventory Duties: Competitive Bids" constituting the Nassau County Charter, is hereby amended to add a new subsection as follows:

- e) **Any contract exceeding \$100,000 that is subject to the approval of the Rules Committee of the County Legislature pursuant to subsection (d) of this section shall recite the maximum amount of the consideration or cost or a sum certain, which shall be determined by the Department's Chief Contracting Officer or his or her designee.**

- [e)] **Without a resolution passed by the County Legislature, any open services contract executed by the Commissioner or his designee shall be limited to an expenditure of one hundred thousand (\$100,000) dollars and to a term of one (1) year. In addition, without a resolution passed by the County Legislature, no person, firm, entity, principal of any firm or entity or affiliated person, affiliated firm, affiliated entity or affiliated principal of any firm or entity shall, in any year, be awarded open services contracts by the Commissioner the aggregate amount of expenditures under which exceed three hundred thousand (\$300,000) dollars.**

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.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L, section 0101 at seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

Section 6. Effective Date.

This local law shall take effect sixty days after enactment and filing with the Secretary of State.

Introduced by: Legislator Delia DeRiggi-Whitton

Co-sponsored by: Minority Leader Kevan Abrahams and Legislators Ellen Birnbaum, Siela Bynoe, Arnold Drucker, Joshua Lafazan, Carrié Solages, and Debra Mulé

LOCAL LAW -2019

A LOCAL LAW REQUIRING COUNTY CONTRACTS TO STATE THE MAXIMUM AMOUNT OF CONSIDERATION PAYABLE TO THE VENDOR

APPROVED AS TO FORM

PETER J. CLINES MINORITY COUNSEL

2019 FEB -1 P 2:25
CLERK OF THE LEGISLATURE
NASSAU COUNTY

WHEREAS, the Rules Committee of the County Legislature serves a vital function in reviewing and approving personal service contracts and purchase orders that are proposed to be entered into by the County Executive; and

WHEREAS, as part of the review and approval process it is essential that the Rules Committee of the County Legislature has the information necessary to make a decision concerning the financial impact of each contract and purchase order; and

WHEREAS, contracts and purchase orders that only recite the minimum amount of the consideration or cost or fail to specifically indicate the amount that shall not be exceeded are inadequate and counterproductive to the goals of promoting transparency, accountability, and fairness in the County contract process; and

WHEREAS, it is the judgment of the Legislature that the current provisions of the Charter relating to contracts and purchase orders should be clarified to make explicit that each contract and purchase order submitted to the Rules Committee of the County Legislature must clearly state the maximum amount of the consideration or cost or a sum certain; now, therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Article I, Section 103(8) constituting the Nassau County Charter, is hereby amended to add a new subsection as follows:

- c-1) Every personal service contract that must be brought before the Rules Committee of the County Legislature shall recite the maximum amount of the consideration or cost or a sum certain.

Section 2. Article VII, Section 702 entitled “Purchasing and Inventory Duties: Competitive Bids” constituting the Nassau County Charter, is hereby amended to add a new subsection as follows:

- e) Any contract exceeding \$100,000 that is subject to the approval of the Rules Committee of the County Legislature pursuant to subsection (d) of this section shall recite the maximum amount of the consideration or cost or a sum certain, which shall be determined by the Department’s Chief Contracting Officer or his or her designee.
- f) Without a resolution passed by the County Legislature, any open services contract executed by the Commissioner or his designee shall be limited to an expenditure of one hundred thousand (\$100,000) dollars and to a term of one (1) year. In addition, without a resolution passed by the County Legislature, no person, firm, entity, principal of any firm or entity or affiliated person, affiliated firm, affiliated entity or affiliated principal of any firm or entity shall, in any year, be awarded open services contracts by the Commissioner the aggregate amount of expenditures under which exceed three hundred thousand (\$300,000) dollars.

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.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L, section 0101 at seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

Section 6. Effective Date.

This local law shall take effect sixty days after enactment and filing with the Secretary of State.