

**STRICKEN AS OF 4/2/2019**

Intro. Res. No. 2005-2018  
Introduced by Legislator Cilmi

Laid on Table 10/2/2018

**RESOLUTION NO. -2019, IMPROVING TRANSPARENCY  
AND OVERSIGHT OF RFP WAIVERS**

**WHEREAS**, the County of Suffolk has procurement procedures to obtain consultant services; and

**WHEREAS**, while consultants are often hired after the issuance of a request for proposals ("RFP"), in many instances, consultants are hired without the benefit of a RFP; and

**WHEREAS**, § 1065-4 of the Suffolk County Code establishes a three person waiver committee and enumerates the requirements that the committee should consider before waiving a RFP; and

**WHEREAS**, some of the RFP waivers that come before the waiver committee are of substantial monetary value and controversial in nature, as most recently evidenced by the waiver granted for a multi-million dollar project to continue the County's red light camera program; and

**WHEREAS**, since the RFP waiver committee members are appointees of elected officials who have been granted the authority to waive the application of existing County laws, reasonable limits should be placed on the extent of that power; and

**WHEREAS**, RFP waiver committee members should also be provided with clear and concise information about the fiscal impact of the consultant contracts that come before them for consideration; and

**WHEREAS**, to ensure that the RFP waiver committee operates in a manner that protects of County taxpayers, § 1065-4 of the Suffolk County Code should be amended to limit the authority of the committee and ensure that committee members have relevant information they need to make informed decisions; now, therefore be it

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

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

\* \* \* \*

B. Formal bid solicitations or RFPs for the hiring of certain consultant services requiring special or technical skill, training or expertise [in the \$25,000 and up range] with a value of \$25,000 to \$100,000 may be waived by a waiver committee made up of the County Executive or his/her duly authorized representative, the Presiding Officer of the County Legislature or his or her duly authorized representative and a member appointed by the County Executive, where it would be in the best interest of the County to do so. Waiver of bid solicitations for consultant services in excess of \$100,000 shall be subject to approval by a majority of the County Legislature.

- (1) Such a waiver would be appropriate where the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth; these qualifications are not necessarily found in the individual or company that submits the lowest bid or proposal, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

\* \* \* \*

(6) Each waiver presented to the waiver committee or the County Legislature for approval shall be accompanied by a fiscal impact statement which establishes the total cost of the services procured by the County. The fiscal impact statement shall be prepared by the County Executive's Budget Office.

\* \* \* \*

and be it further

**2nd RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: