

**RESOLUTION NO. 75 -2020, ASSERTING THE
LEGISLATURE'S EQUAL STATUS ON THE RFP WAIVER
COMMITTEE**

WHEREAS, New York General Municipal Law § 104-b requires the governing body of every political subdivision in the State to adopt policies and procedures for the procurement of goods and services, which are not subject to typical bidding requirements so as "to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption"; and

WHEREAS, Chapter 1065 of the SUFFOLK COUNTY CODE sets forth the County's procedures for procuring consulting and personal services; and

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

WHEREAS, Chapter 1065 authorizes a three (3) member committee, comprised of two (2) County Executive representatives and one (1) representative from the Legislature, to waive the RFP requirement; and

WHEREAS, as a separate and equal branch of County government vested with policymaking and budget oversight authority, this Legislature should have a representation equal to that of the Executive branch on this important committee; and

WHEREAS, the membership of the RFP waiver committee should be expanded to include one (1) additional representative from the minority party of the Legislature; and

WHEREAS, a supermajority vote of the committee should be required to approve an RFP waiver in order to ensure that any approval has both executive and legislative support; now, therefore be it

1st RESOLVED, that § 1065-33 of the SUFFOLK COUNTY CODE is hereby amended as follows:

§ 1065-33. Exceptions.

* * * *

D. Waivers. Formal bid Solicitations or RFP for the hiring of certain consultant or personal services requiring special or technical skill, training, or expertise in the \$25,000 and over range, may be waived by three-fourths vote of the entire membership of 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, the Minority Leader of the County Legislature or his or her duly appointed representative, and a member appointed by the County Executive, where it would be in the best interest of the County to do so.

* * * *

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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment, 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: February 11, 2020

****VETOED BY THE COUNTY EXECUTIVE ON FEBRUARY 28, 2020****

****VETO OVERRIDEN NOT ADOPTED ON MARCH 3, 2020****