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TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

March 18, 2013

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Erie County Sheriff's Office – Waiver of Bidding Procedures
Immediate Consideration Requested

Honorable Members:

The attached resolution, in accordance with Article III Section 7.b of the Erie County Administrative Code is requesting the authorization of the Legislature to waive bidding procedures to facilitate the exchange of beds required for the opening of the newly renovated Reception Housing Unit of the Erie County Holding Center.

Please refer this matter for immediate consideration and approval at the March 21, 2013 meeting of your Honorable Body. Representatives of the Sheriff's Office will be available to answer any questions.

Very truly yours,

TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY

Attachments

TEN DELAWARE AVENUE, BUFFALO, NEW YORK 14202-3999
(716) 858-7608 FAX: (716) 858-7680 WEBSITE: http://www.erie.gov/sheriff

PROPOSED RESOLUTION

Re: Erie County Sheriff's Office – Waiver of Bidding Procedures
Immediate Consideration Requested

WHEREAS, Bid #213064-005 was awarded to the Norix Group, Inc. for the purchase of thirty six (36) Attenda Floor Mount Beds – Model #ATN 101 for inclusion in the newly renovated Reception Housing area of the Erie County Holding Center; and

WHEREAS, upon delivery of the beds it was found that proper measurements had not been taken and therefore the size of the beds did not allow for sufficient free space between the beds; and

WHEREAS, the Norix Group, Inc. does offer a smaller bed, Attenda Space Saver Bed - Model #ATN 120 and will allow the Erie County Sheriff's Office to return the original beds and waive the 25% restocking charges if we agree to purchase the smaller beds; and

WHEREAS, the waiver of the 25% restocking charges would provide a savings of $8,750 to the County; and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 7.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing are authorized to purchase thirty six (36) Attenda Space Saver Beds - Model #ATN 120 from the Norix Group, Inc. without competitive bidding; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, the Division of Purchase and the Office of the Sheriff.

ACCOMPANYING MEMORANDUM

RE: Erie County Sheriff's Office – Waiver of Bidding Procedures
Immediate Consideration Requested

I. Summary of Recommended Action

The attached resolution in accordance with Erie County Administrative Code requests approval from the Erie County Legislature to waive bidding procedures to allow for the exchange of beds from the awarded vendor of Bid #213064-005, the Norix Group, Inc.

II. Fiscal Implications of Proposal

The Erie County Sheriff's Office will return thirty six (36) wrong size beds that were purchased under Bid #213064-005 and purchase thirty six (36) smaller beds from the Norix Group, Inc. The County will realize $8,750 in savings due to the vendor waiving the customary 25% restocking charge.

III. Reasons for Recommendation

Approval of this resolution will allow The Sheriff's Office to acquire the proper sized beds required to open the newly renovated Reception Housing area of the Erie County Holding Center.

IV. Consequences of Negative Action

If the waiver of bidding procedures is not granted and a new bid is required, a new vendor may win the new bid. This will result in the County paying $8,750 in restocking charges to the vendor who was awarded the original bid. Additionally, the rebidding process will delay the opening of the reception area beyond the agreed to completion date.

V. Steps Following Approval of Measure

Certified copies of this resolution will be forwarded to the Division of Budget and Management, the Erie County Comptroller, the Division of Purchase and the Office of the Sheriff.