

COUNTY OF ERIE

LOCAL LAW NO. 5 - 1980

A LOCAL LAW amending Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, by amending Section 306 thereof and by adding thereto a new Section 306.1, and by amending Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, by amending Sections 3.06 and 3.07 thereof, and repealing Section 3.08 thereof, and substituting a new Section 3.08 therefor, thereby separating the Division of Purchase from the Bureau of Central Services, and creating a Division of Central Services.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE, THAT:

Section 1. Section 306 of Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, is amended to read as follows:

Section 306. Division of purchase [and central services]; purchasing act repealed. There shall be in the office of the county executive a division of

purchase [and central services], headed by a purchasing director who shall be appointed by and serve at the pleasure of the county executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years of professional training in the area of purchasing, or shall possess a combination of said requirements totalling at least five years. The purchasing director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the county, except as otherwise provided in this charter or the administrative code. He shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to availability of funds. The Erie County purchasing [department] act, being chapter one hundred sixty-seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 2. There is added to Local Law No. 1 - 1959, as amended, constituting the Erie County Charter, a new section 306.1 to read as follows:

Section 306.1. Division of central services.

There shall be in the office of the county executive a division of central services, headed by a director of central services who shall be appointed by and serve at the pleasure of the county executive. The director shall provide such central services as provided for in the administrative code and shall operate such other central facilities as may be established by the county executive, within the appropriations provided therefor.

Section 3. Section 3.06 of Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, is amended to read as follows:

Section 3.06 Division of purchase. [and central services.] a. The purchasing director shall be the head of the division of purchase. [and central services.] Such division shall have [a bureau of purchase

purchase and a bureau of central services, each headed by] a deputy director.

b. The purchasing director and the deputy purchasing director shall each give a surety bond to the county in a sum fixed by the county legislature, conditioned for the faithful performance of his duties, which bond shall be approved as to form by the county attorney and as to the sufficiency of surety by the county executive and filed in the office of the county clerk.

c. The purchasing director shall
(1) establish and maintain [a bureau of purchase and] a central purchasing system; (2) establish and enforce standard specifications with respect to supplies, materials, equipment and services; (3) inspect or supervise the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance to [specific actions] specifications;
(4) maintain and have charge of such storerooms and warehouses of the county as may be provided by the county legislature; (5) disburse and transfer the supplies, materials and equipment in his custody among the administrative units upon requisitions signed by the respective administrative head or by such employees as the adminis-

trative head shall designate; (6) make transfers of supplies, materials and equipment between administrative units; (7) sell or lease any surplus, obsolete or unused supplies, materials and equipment under such rules and regulations as may be established by act of the county legislature; (8) prepare annually an inventory of all property, real or personal, in his custody, and submit the same to the comptroller, finance commissioner and budget director; (9) upon the request of any city, town, village, school district or other unit of local government in the county, act as purchasing agent for the same, either for all or for any part of its purchases, upon such conditions as may be prescribed by the county legislature; [(10) establish and maintain a bureau of central services;] (10) perform such other duties as may be required by the county executive; [(12)] (11) perform under the direction of the county executive all other duties of county purchasing agent under the laws of this state, not inconsistent with the provisions of this code.

Section 4. Section 3.07, paragraph a., of Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, is amended to read as follows:

Section 3.07 [Bureau] Division of purchase; purchasing procedure. a. The [bureau] division of purchase shall make all purchases of and contracts for supplies, materials, equipment, insurance and services for the county, the county legislature or any administrative unit, other than primary or election supplies or services for the board of elections, for the payment of which the county shall be liable. The county legislature shall fix a sum as the limit above which any such purchase or contract cannot be made without publishing an advertisement in a daily newspaper printed in the English language and published in the county of Erie and having a circulation of not less than fifty thousand (50,000) which advertisement shall invite sealed bids for the same, provided, however, that public advertisement shall not be required for purchase of perishable foodstuffs, drugs and medical supplies or purchases of primary or election supplies or services. By a resolution adopted by a two-thirds (2/3) vote of all its members, the county legislature may exclude the purchase of other

materials, supplies, equipment, insurance or services from the requirements of public advertisement. Such advertisement shall contain a statement of the time when and the place where all bids received pursuant to such notice will be publicly opened and read. At least five (5) days shall elapse between the first publication of such advertisement and the date specified therein for the opening and reading of bids. The purchasing director or the person designated by him to open the bids at the time and place specified shall make a record of such bids in such form and detail as the purchasing director shall prescribe. The contract shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided in this section unless the county legislature by a two-thirds vote shall determine that it will best promote the public interest that a bid other than that of the lowest bidder shall be accepted, and shall authorize, as hereinafter provided, the acceptance of such other bid. Where the bid of the lowest responsible bidder is in excess of \$100,000. and the bidder's product is not manufactured within the County, or the bidder's service is not performed by a contractor whose principal place of business is located

within the County, and where a difference of five percent (5%) or less exists between such low bid and the lowest bid submitted by a bidder residing or having a principal place of business in the County of Erie, the purchase director shall submit the bids to the legislature to determine whether or not it will best promote the public interest to award the bid to the lowest responsible bidder residing or having a principal place of business in the County of Erie. In the event the legislature does not adopt, at its first or second meeting after submission of said bids, a resolution determining that it will best promote the public interest that such a bid be accepted instead of the lowest responsible bid, the purchase director shall award the contract to the lowest responsible bidder. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the purchase director may award the contract to any of such bidders. The purchase director may in his discretion, reject all bids and re-advertise for new bids in the manner provided by this section.

Section 5. Section 3.07, paragraph e., of Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, is amended to read as follows:

e. No supplies shall be delivered except as specifically ordered by the [bureau] division of purchase. No supplies shall be delivered by the [bureau of] division to any administrative unit, office or employee except on a requisition in writing signed by an authorized person.

Section 6. Section 3.08 of Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, is repealed in its entirety.

Section 7. There is added to Local Law No. 1 - 1960, as amended, constituting the Erie County Administrative Code, a new section 3.08 to read as follows:

Section 3.08 Division of Central Services.
The Division of Central Services shall be headed by the

director of central services who shall have all the powers and duties lawfully conferred or imposed upon him by the county charter, by local law, by order or direction of the county executive, or by any applicable provision of any act of the legislature not in conflict with the county charter or this code. Such director shall be assisted by a deputy director, and his powers and duties shall include the following:

(1) the provision of micrographics, printing, copying, messenger and mailing services and the care and supervision of equipment in the division of central services related thereto, as well as the operation of such equipment, including the preparation, processing, delivery and storage of data input into or output from such equipment where appropriate; and the performance of all functions, including advice and assistance, related to the operation, installation of or modification of such equipment in all participating county departments and agencies; and the training of personnel in participating departments and agencies for the purpose of using such equipment or properly preparing data for using such equipment;

(2) the operation of a central records management system providing storage and retrieval services with respect to all records in any form, requiring either the retention of the contents or the actual preservation of such records. All county departments shall be required to avail themselves of said system;

(3) the care and supervision of all vehicles and vehicle maintenance equipment in the division and the operation of a central motor pool for county employee use, as well as the collection of data on maintenance and operating costs of all county vehicles and the preparation and distribution of vehicle cost and utilization reports to participating departments and agencies;

(4) the maintenance of records regarding total operating costs of the division of central services and charging back such costs to participating departments and agencies. The division of central services shall have the authority to require county departments to provide necessary data in usable format to compile its reports and statistics.

Section 8. Effective date. This local law shall be effective immediately.

Material in brackets [] is deleted.

Underlined material is new.

Acknowledged by Secretary of State 5/27/80